The American Legion stands solely as the architect of the rehabilitation program with its network of hospitals across the land which is monument enough for any group of founders, but what of the millions of hours spent in hospital visitations? What of the millions of dollars spent in child welfare? What of the original thinking that chartered the course of the country in ways of preparedness or national security? What of the GI bill, written by the American Legion and sponsored over the protest of professional educators? What of the development of a strong, authentic voice in the field of Americanism? What of the multifarious arts of charity that have become a legend in the land? What a heritage—what a perfect description of this heritage of charity was written by the immortal Shakespeare when he penned the lines which read: "How far that little candle throws its beams, so shines a good deed in a naughty world."

THE PURPOSE OF THE AMERICAN LEGION

I have said on previous occasions that the American Legion purpose in our day was the sustaining of the doctrine of belief upon which this Nation was founded and without which it must perish, and that is the belief in the existence of God and in the dignity of human personality. I need not point out to you that today it is those twin beliefs which are under the most relentless and the most powerful attack in the history of mankind.

CALLS FOR CONTINUED ATTENTION TO U.S. GRAVES ABROAD

The American Legion holds in high esteem the profession and the office of the soldier. If it were not for the soldier there would be no America and there would be no hope for men who love freedom. In man's ceaseless struggle to be free, he must be willing to pay the enormous costs of war. It is the melancholy record of fallen man, that his motivations conflict and collide. His will to do evil and his baseness must be reckoned with and the reckoning sometimes enslaves and it very frequently kills. I commend to your most reverent attention the thousands of graves abroad in cemeteries cared for by the American Government and I direct you to the fact that five new cemeteries are to be dedicated this year. Hardly a word is written, a picture published concerning this subject and I am informed that this is so because the present-day rationale of the American people is not to be reminded of the ugliness of the cost of freedom. Freedom and the cause of America we say to you, must never be computed in the terms of dollars and cents. The only item to be considered is the cost of men's lives. Reminiscence and reminders of this fact must be the No. 1 item on the agenda of our daily lives, depression, and sadness to the contrary notwithstanding.

"WE ARE EITHER FOR FREEDOM OR WE ARE AGAINST IT"

For we have an enemy, an enemy that opposes everything that we hold dear and that enemy makes our age one of tremendous risks. And in this age there is no neutrality, we are either for freedom or we are against it. Fear of atomic destruction does not provide us with the solution of the dilemma. There is a considerable body of intellectuals whom the fear of atomic war has obsessed. They have made their objective in life only the preserving of existence. One reads of their thinking with a certain horrifying fascination. Phillip Toynbee states as follows: "In the terrible contest of nuclear war even the vital differences between communism and western freedom become almost unimportant."

The West he declares should, "negotiate at once with the Russians and get the best terms that are available." Since Russia in his estimation is now and will continue to remain stronger there is nothing to do for the West "but to negotiate from comparative weakness." He admits that this may well set up the total domination of the world by Russia in a few years. The Soviets would impose on us a regime which most of us detest but this is better than allowing the human race to destroy itself. And one of Toynbee's confreres observes, "I might not much mind living under Soviet domination."

These men are not Communists but they have lost their will; they have lost it to fear and to despair, in the pursuit of existence. They have lost sight of the truth which is simple enough and that is that we in our day are faced with two destructive forces of incredible dimensions. The bomb represents material devastation, the Communist party political destruction.

THE SOLEMN DILEMMA OF OUR TIME

This is the solemn dilemma of our time and this is the foremost consideration of our people this afternoon. The administration in Washington has chosen by its continuation of nuclear testing, by the flight of the U–2 over the secret territory of the Soviets to pursue the ideal of political freedom. What kind of a nation with the holy mission of preserving its sovereignty, its people, and its freedom, would do less in the face of the gigantic dilemma? To sit by knowing what we know, facing what we face, and do nothing, would make the cemeteries of Europe where our honored dead are entombed, and the whole history of this Republic a gargantuan jest. The administration is charged through its intelligence service with the responsibility of providing for the safety of its people; its duty is plain and it is to gather the facts with which it may discharge that duty. Must we act as if its duty were less? Must we act as if the obtaining of information necessary to our own defense against a secretive and threatening power was to commit a sin? Are we to assume the abasing role of the boy caught with his hand in the cooky jar when we know the food there obtained is the only means of sustaining freedom and hope? I for one American, suffer no embarrassment and highly praise all those in authority who see clearly the bitter dilemma of these days. We of the American Legion do not seek to impose our views but we do propose to all that there is no flight from the serious business of our days and that is the survival of free man.

MEN OF COURAGE, FAITH, IDEALS NEEDED

The late Albert Camus tells us, "with every dawn an assassin slips into some cell, murder is the question before us." This is the solemn keynote of our time, the murder of men and the murder of ideals. As Americans, let us conduct ourselves as men. Men of courage, men of faith, and men of ideals. There is no other way open to us, for Americans may not be craven, they may not be pacifistic, they may not be men of despair.

In the world there is but one city in which we can dwell, it is the city of the halt, the blind, the maimed, but it is the city of charity, and it is the city of courage, the city of freedom. It is the City of God. Outside it is the night.

SENATE

WEDNESDAY, MAY 18, 1960

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

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

Lord God Omnipotent, Thou only art the help and hope of our distracted world in all the disasters in human relationships the wrath of men brings upon it.

Though people imagine a vain thing, Thou still art God, and Thy mercy endureth forever, in spite of all human denials and betrayals.

Make plain to our understanding that our legislative enactments and our economic adjustments in the realm of trade and commerce in themselves cannot bring social salvation, except as they clear the way for the spiritual undergirding without which we labor in vain and all our endeavors are as futile props against a decaying house that the Lord hath not made.

We ask it in the name of the One whose truth shall make us free. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 17, 1960, was dispensed with.

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 the following bills, in which it requested the concurrence of the Senate:

H.R. 6215. An act for the relief of Mrs. Cornelia Fales;

H.R. 8606. An act for the relief of Katherine O. Conover;

H.R. 9406. An act for the relief of William J. Huntsman;

H.R. 9711. An act for the relief of Robert L. Stoermer;

H.R. 11826. An act for the relief of Loren W. Willis; and

H.R. 11827. An act for the relief of Maj. Howard L. Clark.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 684. An act for the relief of Gerald Degnan, William C. Williams, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake;

S. 2317. An act for the relief of Mary Alice Clements;

S. 2523. An act for the relief of Harry L. Arkin;

S. 2779. An act relating to the election under section 1372 of the Internal Revenue Code of 1954 by the Augusta Furniture Co., Inc., of Staunton, Va.; and

S. J. Res. 166. Joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 6215. An act for the relief of Mrs. Cornelia Fales;

H.R. 8606. An act for the relief of Katherine O. Conover;

H.R. 9406. An act for the relief of William J. Huntsman;

H.R. 9711. An act for the relief of Robert L. Stoermer;

H.R. 11826. An act for the relief of Loren W. Willis; and

H.R. 11827. An act for the relief of Maj. Howard L. Clark.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Judiciary Subcommittee of the Committee on the District of Columbia and the Flood Control, Rivers, and Harbors Subcommittee of the Committee on Public Works were authorized to meet during the session of the Senate today.

THE UNITED STATES AND FREE WORLD UNITY

Mr. JOHNSON of Texas. Mr. President, the summit conference has collapsed, leaving in its wake confusion, discord, and a feeling of dismay in many quarters.

The fact that the conference accomplished nothing is not, in and of itself, the overriding factor which has left the people of the world with a deep feeling of anxiety. What is important is the manner in which an effort to negotiate was smashed before it had even started.

It is apparent that whatever the facts which were used to prevent discussion, there was a determination to prevent discussion. The spirit of Camp David has been replaced by a spirit of discord, and an uneasy world is groping its way into a future which, Mr. President, no one can see very clearly.

It goes without saying that the United States and the free world are going to have to reassess their position.

I do not believe there is any doubt as to the essential unity of this country. By that, I do not mean a generalized unity which covers everything, and therefore means nothing. I do mean unity on the specific points upon which all Americans—Republicans and Democrats alike—are in agreement. We earnestly hope that those who have openly proclaimed their opposition to freedom as a way of life now realize how deep that unity is.

The American people are determined to do whatever is necessary to preserve their freedom. They are not going to be panicked; they are not going to be divided; they are not going to be blackmailed.

The American people, I believe, are determined to maintain the strength that is necessary in order to survive in a world where a major power has set as its basic standard of right the issue of might.

The American people are determined that free men shall not be surrendered to the untender mercies of dictators. I hope no one will be deceived into premature actions on the assumption that America lacks the will or the determination to resist.

Mr. President, there is another point of that unity which I think should be made very clear. It is that unity does not imply that we ignore mistakes or that we smother differences. What it does imply is that we shall treat errors as mistakes to be corrected, not as leverage to separate our Nation. It also implies that whatever may be our differences, we are united on the fundamental necessity of preserving our way of life, and of opposing tyranny over the minds and souls of men and women.

Mr. President, there will, of course—as I stated yesterday—be a cool and objective assessment of whatever mistakes have been made. That assessment will take place under conditions and circumstances which will contribute to the information of the American people and to the strengthening of our country. Under our system, Congress is a body which has great responsibilities; and I am convinced that the Members of Congress will continue to discharge their responsibility.

We shall have to determine whether there are changed conditions which affect the adequacy of our defenses. We shall have to determine whether we have provided adequately for the integrity of our executive agencies. We shall have to determine whether we have provided adequately for the coordination of our vast governmental structure.

There is no need to search for scapegoats, because we do not have time to indulge in partisanship. All of us, Republicans and Democrats alike, must be conscious of the fact that the only time we can afford is that whose utilization will contribute to the strength, the determination, and the prestige of these United States of America and the free world.

Mr. President, we are not going to be panicked by threats over Berlin or threats against our allies.

We are going to continue to operate through our established institutions, recognizing fully that only one man can speak for our country, and that he must have behind him the united strength of a determined people.

Mr. President, I wish to read into the RECORD a cablegram which late yesterday afternoon was dispatched to President Dwight D. Eisenhower. The cablegram was signed by the illustrious Speaker of the House of Representatives, Mr. Rayburn; the majority leader of the Senate, Mr. Johnson of Texas; the Democratic presidential nominee in 1956, the titular head of the Democratic Party, the Honorable Adlai E. Stevenson, former Governor of Illinois; and the very able and distinguished chairman of the Senate Committee on Foreign Relations, the Senator from Arkansas, Mr. Fulbright. The cablegram reads as follows:

The Honorable DWIGHT D. EISENHOWER,
Embassy of the United States of America,
Paris, France:

As leaders of the Democratic Party of the United States we earnestly urge you to convey to Premier Khrushchev the views of the opposition party in your country that he reconsider his suggestion for postponement of the summit meeting until after the national elections in this country.

We feel that total failure of the conference and increasing mistrust on both sides will be serious and deeply disturbing to the whole world.

All of the American people earnestly desire peace, an end to the arms race, and ever better relations between our countries. We ask you, as the leader of this Nation, to see that these views are conveyed to Mr. Khrushchev.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished majority leader for the speech he has just made, and also for his part in the sending, on yesterday, of the cablegram signed by himself, Speaker Rayburn, Mr. Adlai Stevenson, and Senator J. William Fulbright, before the summit conference collapsed. I look upon it as an answer to the time proposal made by Mr. Khrushchev, to the effect that he would be willing to consider another summit meeting 6 or 8 months hence. As these leaders of the opposition party—that is to say, the party in opposition to the present administration—made abundantly clear, in this country there will be no division based on what has happened at the summit; but there will be unity, because it is needed and because it is voluntarily given and asserted.

Mr. President, speaking of the summit meeting, the breakdown of the meeting at Paris calls for a reassessment in the field of diplomacy. Perhaps what has happened at Paris is, in a sense a blessing in disguise.

It may well bring about an end to summit meetings, which are mostly ceremonial, and have a tendency to provide a propaganda field day for the press, the radio, TV, and even for some of the countries concerned. It would be far better if we returned to quiet diplomacy based on conferences in private, good faith on the part of the negotiators, and real authority vested in our accredited Ambassadors by those constitutionally responsible. In this way the hard, dogged, and determined work which must be shown on any question leading up to a solution can be performed by those most knowledgeable in the affairs of the country or countries concerned. It can be done on a mutual basis, a give-and-take basis, and perhaps in this way marginal differences in the beginning can be accommodated, and, as time goes on, even larger problems discussed, and perhaps settled.

Summit meetings at best are too short on diplomacy, too long on pageantry, and too limited in time. If they are to be

held, they should be held for the purpose of allowing the chiefs of state to put their final stamp of approval on agreements which had already been reached at lower levels; and certainly not, as in this most recent summit meeting, for the purpose of downgrading and humiliating the chiefs of staff of the Western Powers, and most especially President Eisenhower.

Mr. President, the invitation to visit the Soviet Union extended by Mr. Khrushchev to the President of the United States has been withdrawn. I understand from the press, though, that President Eisenhower intends to visit Japan and Korea. I would hope that, in addition to those two countries, at that time he will find it possible to visit the Republic of the Philippines and the Republic of South Vietnam as well.

I would hope also that what has happened at the summit, the breakdown, will not be duplicated at Geneva, because there at the present time there are at least technically three conferences in being: first, a conference on banning nuclear tests; second, a conference on disarmament; and third, a conference on surprise attack, which I understand has been in suspension since December 1958.

I would hope devoutly that these three conferences would continue to the end that at least in these fields a modicum of peace and stability could be achieved for the people of the world.

Mr. DIRKSEN. Mr. President, for the last few days I have given particular attention to the headlines and to the captions on the various columns expressing individual opinions as to what has been taking place in Paris. It constitutes something of a fantasy when one writes them all in a column, taking a good many pages, to see what a myriad viewpoint is expressed.

The comment of the majority leader comes as a refreshing note indeed in all this confusing complex, because it reasserts from the opposition party the unity of this country and its determination to stand behind the man who is endowed by the Constitution and charged by the Constitution with the conduct of our foreign policy. As he goes abroad to diplomatic battle, it may be a cheering happenstance that the ancient alphabet makers put the letter "U" ahead of the letter "V." I have always thought that "U" for unity must necessarily come ahead of "V" for victory, whether it be in battle or in diplomatic interchange. And so this note of unity is the kind of thing that energizes a national leader when he is thousands of miles from home, and it makes him feel that all of his troops, regardless of their political affiliations, are behind him; and I think I can say, for the President, to the majority leader and his associates, "Thanks for a refreshing message."

Mr. KUCHEL. Mr. President, that is a splendid thing for the minority leader to say, and it was also fine for the majority leader and for the assistant majority leader to have said what they did.

What has happened in Paris is no real disaster for our beloved country. It has perhaps more than ever knit more closely together the people of the United States. We do not intend to lose our liberty. We will continue to work for a just peace. I think, too, it is fair to say that Khrushchev's imprecations have knit together more closely the peoples of the free world.

What has been said here today has been echoed in parliaments all around the globe. I read with the greatest of interest the moving comments of the Prime Minister of the Flemish people to the Holland Parliament, in which he went on to say that so long as free people stand together, freedom can well be secured.

I congratulate my colleague on the other side of the aisle, and my Republican leader, as well.

RESOLUTION OF BOARD OF SUPERVISORS OF ERIE COUNTY, N.Y.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Board of Supervisors of Erie County, N.Y., favoring the enactment of legislation to provide medical care for elderly citizens.

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

Whereas the agricultural productivity of America has resulted in an abundance of healthful and nutritious foods; and

Whereas medical science has made tremendous progress in the development of surgical methods and drugs which strengthen and prolong life; and

Whereas as a result we can all look forward to a healthier and longer life; and

Whereas since life expectancy has increased, we have in our midst a large number of senior citizens without whose efforts our recent situation would not be possible; and

Whereas the cost and frequency of medical care increases as a person reaches the age of 65 which is the mandatory retirement age for most persons; and

Whereas medical aid to senior citizens could be financed in a manner similar to or in conjunction with social security by spreading the cost over the productive years in which a person is gainfully employed; and

Whereas the benefits of medical aid to senior citizens would far outweigh the very small cost to each individual: Now, therefore, be it

Resolved, That this honorable board go on record as strongly in favor of medical aid to senior citizens.

Attest:

LEON J. HINKLEY,
Deputy Clerk of the Board of Supervisors of Erie County.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on the Judiciary, with an amendment:

S. 2770. A bill for the relief of Borinquen Home Corporation (Rept. No. 1388).

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

S. 3429. A bill to amend section 216(b) of the Merchant Marine Act, 1936, as amended, to permit the appointment of U.S. nationals to the Merchant Marine Academy (Rept. No. 1391).

By Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, with an amendment:

S. 3018. A bill to authorize the Maritime Administration to make advances on Government insured ship mortgages (Rept. No. 1389).

REPORT ENTITLED "TRADING WITH THE ENEMY ACT"—INDIVIDUAL VIEWS (S. REPT. NO. 1390)

Mr. JOHNSTON of South Carolina. Mr. President, pursuant to Senate Resolution 56, as extended, from the Committee on the Judiciary, I submit a report entitled "Trading with the Enemy Act," together with individual views of the Senator from Illinois [Mr. DIRKSEN] and the Senator from New York [Mr. KEATING].

Mr. President, I ask unanimous consent that the report, together with the individual views, be printed.

The PRESIDENT pro tempore. Without objection, the report will be received and printed, as requested by the Senator from South Carolina.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce:

Ray M. Sundean, and sundry other persons, for permanent appointment in the Coast and Geodetic Survey.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. MURRAY (by request):

S. 3561. A bill to permit the Secretary of the Interior to revoke in whole or in part the school and agency farm reserve on the Lac du Flambeau Reservation; to the Committee on Interior and Insular Affairs.

By Mr. LAUSCHE:

S. 3562. A bill to amend the act entitled "An act to incorporate the Hungarian Reformed Federation of America," approved March 2, 1907, and for other purposes; to the Committee on the District of Columbia.

By Mr. ENGLE:

S. 3563. A bill to amend the Federal Aviation Act of 1958 to give the Civil Aeronautics Board certain review authority over the Administrator of the Federal Aviation Agency; and

S. 3564. A bill to amend the Federal Aviation Act of 1958 with respect to the authority of the Administrator of the Federal Aviation Agency over airmen's certificates; to the Committee on Interstate and Foreign Commerce.

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

By Mr. HOLLAND:

S. 3565. A bill for the relief of Alpo Fransila Crane; to the Committee on the Judiciary.

By Mr. FONG:

S. 3566. A bill for the relief of Yun Fun Cheng Chan; to the Committee on the Judiciary.

By Mr. CURTIS:

S. 3567. A bill providing for the disposition of judgment funds of the Omaha Tribe

of Indians; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 3568. A bill to establish a program of financial and technical assistance designed to alleviate conditions of substantial and persistent unemployment in economically depressed areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. DIRKSEN (for himself, Mr. BUSH, Mr. BEALL, Mr. KEATING, Mr. MORTON, and Mr. JAVITS):

S. 3569. A bill to assist areas to develop and maintain stable and diversified economies by a program of financial and technical assistance and otherwise, and for other purposes; to the Committee on Banking and Currency.

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

By Mr. COOPER (for himself, Mr. MANSFIELD, Mr. BARTLETT, Mr. BYRD of West Virginia, Mr. KEFAUVER, Mr. MORSE, Mr. PROXMIRE, Mr. RANDOLPH, Mr. GRUENING, Mr. MCNAMARA, and Mr. CLARK):

S. 3570. A bill to provide for the humane treatment of animals used in experiment and tests by recipients of grants from the United States and by agencies and instrumentalities of the U.S. Government, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. HUMPHREY:

S.J. Res. 195. Joint resolution providing for the designation of 1960 as Sinclair Lewis Year; to the Committee on the Judiciary.

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

TREATMENT OF LICENSED PILOTS BY FEDERAL AVIATION AGENCY

Mr. ENGLE. Mr. President, I continue to be distressed at what I feel to be arbitrary actions by the Federal Aviation Agency in the matter of treatment of licensed civil pilots under the authority granted to the FAA Administrator by the Congress in the Federal Aviation Act of 1958. Senators may recall the tragic series of midair collisions that prompted a review of the then existing Civil Air Regulations and resulted in enactment by the 85th Congress of the Federal Aviation Act, which placed extraordinary powers in the hands of a single man—the Administrator of the Federal Aviation Agency. At that time, I expressed concern with regard to the vast power that would be lodged in one individual, but the act was passed most expeditiously in the overall interests of safety. It may be recalled that testimony before the Senate Interstate and Foreign Commerce Committee indicated the desire of the aviation industry to cooperate in the legislative overhaul of our Civil Air Regulations. Misgivings were voiced by aviation leaders concerning certain aspects of the appeal provisions of the Federal Aviation Act and the thought was expressed that recourse to the Congress would be utilized if a reasonable period of operation indicated that some modification or amendment of the act was required.

When the act of 1958 was put in final form and passed by the Congress, a provision was included in section 609 for appeal to the Civil Aeronautics Board with regard to rulings by the FAA Administrator concerning airman and aircraft certificates. Time and experience now have indicated that this provision does not provide for an adequate review of decisions of the Administrator. Under the provisions of the Federal Aviation Act, the Civil Aeronautics Board has the authority to hear an appeal from a civil airman with respect to whether or not the action against the individual was correct and proper under the terms of the rule established by the Administrator of the Federal Aviation Agency. The Civil Aeronautics Board does not have the authority to take any decisive action with regard to correction of a faulty or unsound rule.

In practical operation, we have discovered that the rights of an individual pilot receive less consideration under the administration of the Federal Aviation Act than would be accorded the most common criminal in a court of law. Substantial and upright citizens of this country, who are active civil pilots, 380,000 by the last official count of the Federal Aviation Agency, are subject to being charged with a violation of the regulations under the present enforcement program of the Agency and thereafter stand guilty until they can prove their innocence. If a civil penalty compromise is offered by the Administrator when the pilot is accused, his only appeal is to the same Administrator who has made the charge against him. Thus, we find that the FAA Administrator who made the rule and who charged the pilot with violating the rule also acts as the judge, jury, and prosecutor. Under these proceedings, the pilot stands guilty until he can prove his innocence. These proceedings violate every basic concept of Anglo-Saxon law and justice. The only alternative open to a pilot in these cases is to take his case to the Federal courts, wherein the legal costs may well exceed more than 10 times the cost of the compromise penalty offered by the FAA. Usually, the pilot will accept the charge of guilty for economic reasons, if no other. There is no assurance that even the Federal courts can afford the individual pilot relief, regardless of the costs.

The PRESIDENT pro tempore. The time of the Senator from California [Mr. ENGLE] has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator be given 3 additional minutes.

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

Mr. ENGLE. Judicial determinations to date indicate that the courts rely upon the expertise of the Administrator and their findings are based upon whether or not this Administrator, who has been given the power to make the rule and then act as judge, jury, and prosecutor—has acted within the law—Aviation Act of 1958—and the Administrative Procedure Act.

The pilot does have an avenue of appeal in cases where the FAA Administrator suspends or revokes his pilot's certificate. This appeal may be made to the Civil Aeronautics Board in accordance with the present act. However, we have found that this appeal, which was granted by the Congress to protect the rights of individuals, can be circumvented by the FAA Administrator by the simple expedient of revising or amending any rule under which the Agency may receive adverse rulings from the Civil Aeronautics Board on actions against individual pilot certificates. The CAB is helpless in such cases.

The Federal Aviation Agency has been in existence for about a year and a half and in that time the Administrator has promulgated numerous rulings regulating flying and the conduct of pilots in the air. Some of these regulations have deprived pilots of their livelihood, even though the pilots may have had many years of experience and a good safety record. These regulations have been passed over a multitude of objections, with little factual evidence that they would contribute to safety in the air, and in the main, without a public hearing.

I do not believe that it was the intent of the Congress to authorize or encourage the Administrator to act in such an arbitrary manner, and I share the alarm of my colleagues who have had this matter brought to their attention by their constituents in the aviation industry. I have no quarrel with the need for immediate action by the Administrator of FAA on matters wherein there is a clear-cut and factual need for corrective action in the interest of safety in the air and to protect the public, but unfortunately, many of the arbitrary rulings that have been handed down by the Administrator under this power that we have given him, are not in areas where there is factual or clear-cut evidence to support his action in the interest of safety. In fact, there is very little evidence to indicate that many of his so-called safety rulings would have prevented any of the unfortunate accidents that have occurred in the past, or will make any significant contribution to safety in the future.

It is quite clear to me that the Administrator must be required to hold hearings on proposed rulings which do not require emergency exercise of his authority in the interest of safety. Only by following such procedure and obtaining full information from all of the valuable sources both within and outside of Government, can the Administrator arrive at reasonable and just rules which are necessary in the public interest. Failure to obtain full information through the medium of public hearings has resulted in actions by the Administrator which I consider arbitrary and unwarranted, and which have resulted in grave injustices whereby many capable and experienced pilots have been deprived of their flying privileges and their livelihood.

Aviation has become one of the great industries of the United States and I feel strongly that the Administrator of the Federal Aviation Agency must exercise his responsibilities in this great and growing industry in a reasonable and just manner. To do otherwise would be contrary to the declaration of policy stated in section 103 of the act wherein

the Administrator was charged by the Congress with "the promotion, encouragement, and development of civil aeronautics." Unless this matter is corrected and the Administrator discharges these responsibilities in a reasonable and just manner, we will see our very valuable national asset—our aviation industry—wither on the vine under the burden of Government oppression. We have heard on many occasions that the Federal Aviation Agency program is being carried on with utmost vigor in the interest of public safety. I wish to commend the Agency for its forthright interest in safety, but I also wish to remark that the individual who is most concerned with the safety of an aircraft is the pilot who is in the front of that aircraft and may pay with his life for any major violation of basic safety concepts. These pilots are vitally interested in flight safety and have contributed much to develop this great national asset. Unfortunately, these people are operating under a severe handicap in the form of procedures imposed upon them by the Administrator of FAA and grave injustice is being done in many cases wherein the individual is denied the same due process of law that is the very foundation of our American way of life.

No one human being is infallible, yet we have vested in one man this vast authority over an entire industry. In a field so vital, progressive, and complex as the aviation industry, a safeguard must be provided to insure reasonable and proper exercise of this all-powerful authority. For this reason, I consider it of utmost importance that the Federal Aviation Act of 1958 be amended so as to grant the Civil Aeronautics Board certain review authority over the actions of the Administrator of the Federal Aviation Agency. It is quite clear now that we have placed too much power in the hands of a single individual and that a safeguard must be provided by the Congress to protect the rights of our citizens in this vital business. Without this safeguard, many grave injustices will be imposed upon law abiding and upright citizens and this dynamic economic resource will not continue to develop as it should with the proper encouragement of the Federal Government.

So, Mr. President, I offer for introduction and appropriate reference two bills, first a bill to amend the Federal Aviation Act of 1958 to give the Civil Aeronautics Board certain review authority over the Administrator of the Federal Aviation Agency, and second, a bill to amend the Federal Aviation Act of 1958 with respect to the authority of the Administrator of the Federal Aviation Agency over airmen's certificates.

I ask unanimous consent that the text of these bills—and they are short—be printed in the RECORD immediately following my remarks.

The PRESIDENT pro tempore. The bills will be appropriately referred, and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. ENGLE, were received, read twice by their titles, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

S. 3563. A bill to amend the Federal Aviation Act of 1958 to give the Civil Aeronautics Board certain review authority over the Administrator of the Federal Aviation Agency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601 of the Federal Aviation Act of 1958 (49 U.S.C. sec. 1421) is amended by inserting at the end thereof a new subsection as follows:

"(d) The Board, by its own act or upon the application of any affected person, may review any rule, regulation, standard, or order issued or made by the Administrator under this title. The Board, insofar as practicable, shall give such review priority over other proceedings under this Act. Upon such review the Board shall have authority in the public interest to revoke or modify any such rule, regulation, standard, or order. Pending such review and determination thereon, the Board, by its own act, or upon the application of any interested person for good cause shown, may suspend the effect or operation of any such rule, regulation, standard, or order. Nothing in this subsection shall be construed as amending, modifying, or repealing any portion of the Administrative Procedures Act."

S. 3564. A bill to amend the Federal Aviation Act of 1958 with respect to the authority of the Administrator of the Federal Aviation Agency over airmen's certificates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. sec. 1354(a)) is amended by inserting at the end thereof the following: "Nothing in this Act shall be construed to authorize the Administrator to promulgate or make any rule, regulation, standard, or order which shall have the effect of amending, modifying, suspending, limiting, or revoking airmen's certificates or an airman's certificate, or of depriving or limiting any airman in the use of such certificate or of disqualifying any airman from operation pursuant to such certificate, except after a hearing and compliance with the procedures provided under section 609 of this Act."

Mr. ENGLE. Mr. President, I call attention to the fact that hearings have been announced by the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce with respect to some of these problems for the early part of June, and I hope the proposed legislation can be considered by the committee at that time.

AREA ASSISTANCE ACT OF 1960

Mr. DIRKSEN. Mr. President, in his disapproval message on the area redevelopment bill, the President, among other things, said:

Again, I strongly urge the Congress to enact new legislation at this session—but without those features of S. 722 that I find objectionable. I would, however, accept the eligibility criteria set forth in the bill that first passed the Senate even though these criteria are broader than those contained in the Administration bill.

Moreover, during the process of developing a new bill, I would hope that in other areas of past differences solutions could be found satisfactory to both the Congress and the Executive.

My profound hope is that sound, new legislation will be promptly enacted. If it is, our communities of chronic unemployment will be only the immediate beneficiaries. A tone will have been set that would hold forth, for the remainder of the session, the hope of sound and rewarding legislation in other vital areas—mutual security, wheat, sugar, minimum wage, interest rates, revenue measures, medical care for the aged, and aid to education to mention but a few.

Only this result can truly serve the finest and best interests of all our people.

Consonant with that request and that entreaty by the President, I am introducing another bill dealing with the matter of area redevelopment. As a part of my remarks, I ask unanimous consent to have printed in the RECORD an outline of the bill.

I introduce the bill for appropriate reference.

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

The bill (S. 3569) to assist areas to develop and maintain stable and diversified economies by a program of financial and technical assistance and otherwise, and for other purposes, introduced by Mr. DIRKSEN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

The outline presented by Mr. DIRKSEN is as follows:

OUTLINE OF THE NEW AREA ASSISTANCE BILL

1. Incorporates eligibility criteria from first Senate bill.

(a) President, in veto message, said he would accept these criteria.

(b) Includes 1 more major area and 11 more smaller areas than would criteria in original administration bill.

2. Authorizes $75 million in loan assistance for the construction or refurbishing of industrial plants.

(a) The vetoed bill also provided $75 million for this purpose.

(b) No such loan authority is provided for rural areas.

3. Limits Federal loan assistance to 35 percent of aggregate cost, as in original administration bill.

(a) State or local participation must not be less than 15 percent, as in original administration bill.

4. Doubles existing HHFA public facilities loan authorization from $100 million to $200 million.

(a) This additional authorization had already been requested.

5. Requires HHFA to give a first priority to applications for public facilities that will directly serve an industrial plant construction or refurbishing project authorized by the act.

(a) Requires HHFA to accord next and equal priority to applications from (1) areas of substantial and persistent unemployment designated under the act and (2) smaller municipalities (which hold the only priority under existing law).

6. Authorizes $1.5 million annually for vocational education assistance in areas eligible under the act.

(a) Original administration bill contained no specific dollar authorization.

7. Authorizes $1.5 million annually for technical assistance, including studies of economic growth potential, to areas eligible under the act.

8. Authorizes $2 million annually for technical assistance to low-income rural areas and one-industry small towns to help them develop manufacturing activities and to diversify so that their economic vulnerability may be reduced.

NOTE.—7 and 8 in the original administration bill carried authorizations totaling $3 million for both; the vetoed bill authorized $4.5 million for these purposes.

NOTE.—Not included in this bill is the provision in the vetoed bill for retraining subsistence payments ($10 million annually was authorized) to unemployment persons, in eligible areas, not receiving unemployment compensation (because exhausted or not covered) and who are undergoing vocational training authorized by the bill—such payments to continue for not more than 13 weeks.

9. Provides for presidential appointment and Senate confirmation of an Area Assistance Administrator in the Department of Commerce.

Other provisions of the bill are of minor significance and are drawn mainly from the original administration bill.

The total of the authorization provided in the new bill is $180 million.

HUMANE TREATMENT FOR CERTAIN ANIMALS

Mr. COOPER. Mr. President, on behalf of myself, and Senators MANSFIELD, BARTLETT, BYRD of West Virginia, KEFAUVER, MORSE, PROXMIRE, RANDOLPH, GRUENING, MCNAMARA, and CLARK, I introduce, for appropriate reference, a bill which would provide for the humane treatment of animals used in experiments by recipients of grants from the United States, and by departments and agencies of the Government.

I am aware that there are those who have raised objection to this proposal. Yet it seems to me that the objectives of the bill are such that they are entitled to be considered by the appropriate committees of the Congress. I do not say that the language is perfect or that every approach is necessarily the proper one. Certainly, the objectives of the bill are worth while, and it merits earnest attention.

I am informed that this bill would not inhibit or prevent experimental research. Nor is it my intention or that of the cosponsors of this bill to do so. Its basic goal is to insure that in experiments requiring the use of animals, precautions will be taken and every effort will be made to conduct such experiments in a manner that is as humane as possible.

I ask unanimous consent that the bill lie on the table for 5 days so that other Senators who wish to join in sponsoring the bill may have the opportunity to do so.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Kentucky.

The bill (S. 3570) to provide for the humane treatment of animals used in experiments and tests by recipients of grants from the United States and by agencies and instrumentalities of the U.S. Government, and for other purposes, introduced by Mr. COOPER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

DESIGNATION OF 1960 AS SINCLAIR LEWIS YEAR

Mr. HUMPHREY. Mr. President, our great Middle West has always contributed vigorously and distinctively to the mainstream of intellectual life in our Nation.

Novelist Sinclair Lewis who immortalized the Main Streets of America in his novel of "Main Street," Sauk Centre, Minn., is an excellent example of the spirit of free inquiry and honest self-criticism which has marked the thought of America's heartland.

Sinclair Lewis is being honored in 1960 in Sauk Centre and in Minnesota because this is the 75th anniversary of the birth of Sinclair Lewis, the 40th anniversary of the publication of "Main Street," and the 30th anniversary of the author's acceptance of the Nobel Prize for literature.

The Governor of our State has proclaimed 1960 as Sinclair Lewis Main Street Year in Minnesota, and civic and cultural observances are being planned in the State and in Sauk Centre throughout the year.

Sinclair Lewis was a focus of controversy in his time because he sought to hold a mirror up to his own society and to reflect not only its good points but its faults and vices. It is this spirit of free and honest self-criticism and self-evaluation that Sinclair Lewis practiced that we must strive to preserve so that our Nation will not allow itself to be lulled into a mood of self-satisfaction.

We cannot do better than we did yesterday and we certainly cannot do our best unless we are willing to admit honestly to ourselves that we are not perfect and that there is more that we must do.

Because of Sinclair Lewis' contribution to American literature and his effective social commentary, as well as the fact that he was the first American author to be honored with a Nobel Prize for literature, I urge prompt favorable action on my proposal to designate 1960 as Sinclair Lewis Year.

I ask unanimous consent that the joint resolution be appropriately referred, and that it be printed in the RECORD.

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

The joint resolution (S.J. Res. 195) providing for the designation of 1960 as Sinclair Lewis Year, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas Sinclair Lewis in 1930 was the first American to be honored with the Nobel Prize for literature; and

Whereas this native son of Sauk Centre in the State of Minnesota, location of the Main Street he immortalized, was devoted to the ideal of an American literature reflecting fully and honestly human dignity, freedom and individual talents; and

Whereas he encouraged younger authors in pursuit of this ideal to reflect not only America's "mountains and endless prairies, enormous cities, farm cabins, billions of money and tons of faith" of her past but also her intellectual and spiritual achievements in meeting new opportunities and challenges; and

Whereas he opposed in American literature "a doctrine of death" and "escape from complexities and angers of living * * * in a land where one would expect only boldness and intellectual adventure"; and

Whereas with novels such as "Main Street" and "Babbitt," Sinclair Lewis demanded of America a spirit of objective self-evaluation and criticism to match her past achievements and the demands of a swiftly changing world; and

Whereas 1960 is the 75th anniversary of the birth of Sinclair Lewis, the 40th anniversary of the publication of "Main Street" and the 30th anniversary of Sinclair Lewis' acceptance of the Nobel Prize for literature: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) 1960 is hereby designated as Sinclair Lewis Year in recognition of the contributions of this great novelist of the Midwest to American life.

(b) The President is authorized and required to issue a proclamation inviting the people of the United States to observe this year with suitable ceremonies.

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. SCOTT:

Speech by Senator KENNETH B. KEATING delivered before the Americans for the Competitive Enterprise System, Inc., at Philadelphia, Pa., on May 13, 1960.

By Mr. HUMPHREY:

Address entitled "The Quest for Safeguarded Disarmament Must Be at the Heart of the U.S. Foreign Policy," delivered by him in Washington, D.C., April 27, 1960.

MEDICAL CARE FOR THE AGED

Mr. PROXMIRE. Mr. President, I was in Wisconsin all last fall while the Senate was out of session, and, again and again, in cities, towns, and villages, our senior citizens, men and women in their late sixties and older, came to me with one insistent need—some way to take care of the enormous increase in the cost of medical care. This is not a synthetic, political, election-year issue. There is a deep, urgent, very widespread need.

I ask unanimous consent to have printed in the RECORD a letter typical of those I receive from elder residents of Wisconsin describing their plight.

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

DEAR SENATOR: I am one of the oldsters, age 69 and drawing social security. I retired in 1957 and am not, of course, drawing the maximum benefit.

I have a health and accident policy which I have carried for about 8 years. It gave me good coverage then. Today it will cover only about 50 percent to 75 percent of present doctor fees.

I wrote to the insurance company about this, and they offered to attach a rider for hospital benefits only. The two contracts would give me a credit of $13 per day and the new premium cost would be increased over 100 percent and my income will not allow for this.

A prolonged sickness or surgical confinement for either my wife or myself would be impossible to meet.

I believe the bill H.R. 4700, if passed, would give us much needed security, and respectfully ask that you give it earnest consideration.

Sincerely yours,

——— ———.

PROPOSED NATIONAL MILK SANITATION ACT

Mr. PROXMIRE. Mr. President, yesterday I appeared before the Subcommittee on Health of the Committee on Labor and Public Welfare in support of a bill, of which I am a cosponsor, S. 988, to provide for a National Milk Sanitation Act.

At the present time there is a real anachronism in this country; a series of State and local sanitation provisions which prevent the transportation of milk from areas which produce it most efficiently and inexpensively into other areas of the country which urgently need it. The consumer therefore has to pay higher prices, and the Wisconsin farmers who produce far more milk than those of any other State have lower incomes because of the restriction. And Mr. President, the facts are very clear. These sanitation provisions are, to be blunt, phony. They do not protect consumer health at all.

Mr. President, I ask unanimous consent that my testimony, together with a table I received from the Department of Agriculture, setting forth in detail exactly how Wisconsin milk does flow into other States, be printed in the RECORD at this point.

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

STATEMENT OF HON. WILLIAM PROXMIRE, A MEMBER OF THE U.S. SENATE FROM THE STATE OF WISCONSIN

Senator PROXMIRE. Mr. Chairman, I want to thank you very much for this opportunity to appear.

As a cosponsor of S. 988, I appreciate this opportunity to testify in favor of a National Milk Sanitation Act. Such legislation would benefit consumers, farmers, and processors, and in my firm opinion is long overdue.

Let me take this opportunity to thank the subcommittee for holding these hearings. You are providing the means by which the attention of Congress and the general public can be focused on an important and much misunderstood problem. I feel certain that the testimony which you are hearing from the many competent witnesses appearing before you will help clear up this situation of doubt and confusion. By making this possible, you are performing a signal public service.

Enactment of a national milk sanitation law would have many beneficial consequences. At present so-called sanitation regulations are used as economic trade barriers, as Senator HUMPHREY so eloquently said. They exclude milk as effectively as a skyscraping tariff or a zero import quota in international trade. They distort trade patterns in the same way that a maze of national regulations made a patchwork quilt of European trade in the 1930's, and have helped create a similar "balkanization" of milk markets in the United States, thus violating the principle of free interstate commerce.

This fragmentization of markets came about because large quantities of milk were desired in each major metropolitan area, at a time when the technology of portable refrigeration had not advanced to its present high level. Until quite recently moving fresh whole milk more than a few miles was virtually impossible; it was difficult enough for the rural dairy farmer to rush his milk, in individual containers, to a nearby town, in time to be pasteurized and sold before it began to sour. The sight of a small pickup truck bouncing along a country road with milk cans jiggling behind is a familiar memory to many.

But it is no more than that, a memory. Today, fresh milk moves through pipes, hoses, and tanks, to a gleaming glass-lined ice-cold hermatically sealed tank on a refrigerated truck, which rolls smoothly from farm to city, and from city to city. The milk can be delivered a thousand and more miles from its source with absolutely no impairment of quality or purity.

The sanitation codes of many localities date from the time in the past when efficient refrigerated conveyance of milk was unknown. Today the codes remain as monuments to the obsolete requirements of a vanished era, anachronisms in a new world of reliable refrigeration and rapid transportation.

Though historic in origin, the problems caused by fragmented milk markets are very current in their effects. The American marketplace for milk as for nearly every product is potentially national in character. The benefits of free trade which accrue to all parties in a transaction, and to all citizens of a country, are well known. In the present case, the consumer in particular would gain if trade in milk could follow the road map delineated by the forces of supply and demand, undistorted by a proliferation of obsolete sanitation and inspection requirements.

I would like to state some facts about our dairy economy which may not be known to the committee. My State of Wisconsin produces about one-seventh of the total national milk output. Receipts from the sale of milk count for about one-half of Wisconsin's total annual farm income. In 1959, more than a third of the State's milk qualified as the top grade specified by the U.S. Public Health Service code.

However, only half of this top quality grade A milk was marketed for class I, fluid use. The rest was used to make cheese, butter, and milk powder, much less remunerative outlets. Besides the large portion which is grade A, a very substantial share of the milk which gets labeled grade B in Wisconsin is in fact practically equal to the top grade. Many Wisconsin dairymen could easily qualify their milk as grade A if they thought there was a market for it as fresh whole milk. But as it is, all this high quality grade B must go for manufacturing purposes, where it brings a significantly lower return.

I have asked the Department of Agriculture to prepare a table which I would like to send up to the desk for the chairman to see. I only have one copy of it unfortunately, but I have references to it in my text.

Senator YARBOROUGH. Senator PROXMIRE, do you desire this be filed and printed in the record of the hearings?

Senator PROXMIRE. I would appreciate that very much, Mr. Chairman, if it could be put in the hearings.

Senator YARBOROUGH. Or do you want this printed in the record?

Senator PROXMIRE. I appreciate if it could be printed in the record after my statement.

Senator YARBOROUGH. Fine. Do you need it there to refer to?

Senator PROXMIRE. I do not need it at the present time.

Senator YARBOROUGH. Fine, thank you. This table will be ordered printed in the record immediately following Senator PROXMIRE's statement.

Senator PROXMIRE. I am going to refer to this table, Mr. Chairman. The first column of it shows the total receipts of milk from pool plants. The second column shows the gross sales of grade A, fluid milk, in each Federal order market. This figure is usually somewhat lower than the total receipts, because in most Federal order markets some milk is surplus and moves into manufacturing purposes.

The third column shows the number of pounds of milk (or milk equivalent of cream) received from Wisconsin handlers in each Federal order market. The last two columns show the milk received from Wisconsin as a percent of column 1, the total receipts of each market, and as a percent of column 2, the gross sales of fluid milk in each market.

Overall, the table shows that 40 out of the 77 Federal order markets took in no milk at all from Wisconsin in 1959. In another 18 the Wisconsin share of total receipts or gross class I sales was less than 1 percent. Only 10 markets, all of them in the Midwest, accepted more than 5 percent of their total receipts of class I sales from Wisconsin.

The costs of transportation play a large role in causing milk from the country's most efficient dairy producing area not to move into some markets. But in a number of markets, the price for class I milk is significantly above the Wisconsin price even when transportation costs are added on.

Arbitrary and superfluous sanitation requirements help prevent Wisconsin milk from moving according to the promptings of supply and demand. For example, some municipalities require a 2-inch outlet valve on bulk milk coolers. Elsewhere the 1½ inch is standard. Some areas require that milk-handling machinery be sterilized by steam and heat, while others demand chemical sterilization. The poor dairyman is caught in a crossfire of conflicting regulations. With the best will in the world, he is unable to satisfy flatly contradictory requirements.

In the crazy quilt of milk regulations which blankets the country, inspection requirements are among the most whimsical and discriminatory in their effect. Many cities insist on sending their own public health officials to inspect any dairy facility which handles milk consumed in their area. This may entail a trip of several hundred miles each way, frequently at the expense of the dairy farmer. Obviously when a dairy farmer in Wisconsin has to pay the expenses of an inspector coming from a State several hundred miles away, it simply makes it impossible for him to compete. If he ships to several areas, he may be inspected as often as 100 times each year, as the sanitation officials from various communities fulfill their varying requirements. This puts an unnecessary and irritating burden on the dairyman, and because the inspections are redundant they do not in any way heighten the sanitary level of the final product.

Capricious administration of local codes is another way to discriminate against and exclude out-of-State milk. A municipality may waive its discriminatory health ordinance from time to time, when it needs Wisconsin milk. When it has enough, it clamps the restrictions back on, with no warning, forcing the trucker to sell the milk at the class II price or cart the milk back home again.

As other witnesses have pointed out or will point out, we already have a fine model U.S. Public Health Service milk code. Thus the present bill would not require a study of the dairy industry to determine standards of quality and purity. There is no need for prolonged technical arguments about what constitutes a permissible bacteria count, or how to measure butterfat content. These questions have already been examined and settled by Government scientists.

Local sanitary codes could continue to contain standards and provisions which differ from the national code. This bill will not force a municipality to bring its own milk purity standards in line with the Federal level. If a particular municipality wishes to allow milk which does not conform to the Federal code, it may continue to do so.

However, and this is the crux of the matter, the municipality may not exclude milk which meets the U.S. standards of purity and wholesomeness. Passage of this bill would prevent the misuse of sanitation regulations as barriers against free trade.

At the same time it would establish in law a very useful quality code. Inspection and grading is a service to consumer and producer alike, which is well handled by the Federal Government. Uniform standards are the bedrock of quality and purity and they should not vary from place to place.

Because the sanitation standards enunciated by the proposed law are high, it is plain that a defense of the existing system must be a defense of trade barriers, actual or potential. These barriers restrain interstate trade, and thus give effect to a practice which article 8 of our Constitution was intended to prohibit.

Legal action has been one method by which such trade barriers have been broken down.

Mr. Chairman, in the concluding comments, I would like to point out what I think is a very dramatic demonstration of how it has taken action by the courts because we face up to this situation. It is a very tough political problem in some areas and it can be blown up into a much tougher political problem than what it really should be. I think what happens in my own State of Wisconsin demonstrates this quite well.

One of the best known cases stems from an action in my own State of Wisconsin. It is not many years since an ordinance of the city of Madison still prohibited the sale of milk not pasteurized within 5 miles of the city. When that ordinance was first enacted, the 5-mile designation was not important because it was not possible for dairies in other cities to ship milk into Madison and maintain its quality. When because of technological developments, it became feasible to ship milk from hundreds of miles away to Madison, the interest of the local dairies in preserving the local market for themselves, was so strong that it was politically impossible to secure a repeal of this ordinance. I well recall the fight we had in Madison.

Senator YARBOROUGH. That was an intrastate matter?

Senator PROXMIRE. That is absolutely correct, Mr. Chairman.

Thus, a part of a health ordinance became an economic barrier, an intrastate barrier, as the chairman pointed out, and it took a decision of the U.S. Supreme Court to clear it away. That was the *Dean Milk Company* v. *City of Madison* ((1931) 340 U.S. 349).

However, the high cost of court action and the small size of many markets frequently make it impractical to bring such suits. It would be economically wise and simpler to enact a specific statute defining the legality of restrictive sanitation ordinances. Such a standard would settle the question clearly, once and for all, eliminating the need for prolonged and expensive litigation.

It seems plain to me, Mr. Chairman, that the bill currently before the committee must strike any unprejudiced observer as an eminently sane and desirable piece of legislation. I think, therefore, that it may clarify the subject if we face up to the fact that the opposition to this bill is mainly motivated by a fear that milk from the most efficient producing areas, like Wisconsin, will flood markets, depress prices, and take established business away from local dairy farmers. An examination of the facts shows that this is not a sound prediction. The high cost of transportation, which averages $2.18 per hundredweight per 1,000 miles (based on Wisconsin experience) will permanently give local producers an enormous cost advantage. Because they are already established near the ultimate consumer, they will continue to be able to provide milk to their traditional market.

The main benefit that will accrue to the Nation and to the dairy industry from the passage of this bill lies in the future development of new markets. We don't expect to break into the old markets and we would not. This will enable us to open up some of the new markets as they develop. The present pattern of marketing areas satisfies the milk needs of our present population, as presently distributed. Some sections, particularly in the West and Far West, are spurting ahead. Western cities are mushrooming, and whole new metropolitan centers are being created.

It would be silly if these new population centers of the jet age enacted sanitation and inspection codes suited to a model T generation. Passage of national milk sanitation legislation would give these communities the assurance that their milk is pure and wholesome, while sparing them the need to create and administer codes of their own. There would be no excuse for building up a high-cost, inefficient dairy industry, on lands far better suited to truck farming, citrus fruits, livestock, and timber. It is in the national interest that the section of our country which has a comparative advantage in dairying should provide milk to these new markets.

My own State of Wisconsin recently passed a grade A law which accomplished on a State basis what passage of a National Milk Sanitation Act would achieve nationally. This statewide quality and sanitation law has cut redtape, helped the dairy farmer, and assured reliable and unvarying top-quality milk to all consumers, including those not protected by any previous local regulations. Passage of a National Milk Sanitation Act would bring similar benefits to the entire country.

Once again, Mr. Chairman, I want to thank you very much for permitting me to appear and for accommodating us from Minnesota and Wisconsin, who feel very deeply and strongly about this legislation.

We feel it is not only in the interest of our own State but we feel—and I say this with complete sincerity—it is in the very great interest of all Americans everywhere.

Senator YARBOROUGH. That is a very forceful statement, Senator PROXMIRE.

Receipts from producers, gross class I and milk receipts from Wisconsin in specified Federal milk markets, 1959

	Producer receipts [1]	Gross class I [2]	Milk received from Wisconsin plants and producers [3]	Milk received from Wisconsin as percent of—	
				Producer receipts	Gross class I
NEW ENGLAND	*Thousand pounds*	*Thousand pounds*	*Pounds*	*Percent*	*Percent*
Boston	1,883,924	1,161,240			
Springfield	208,160	166,744			
Worcester	151,719	139,384			
Southeastern New England	584,540	485,367			
Connecticut [4]	719,977	611,458			
MIDDLE ATLANTIC					
New York-New Jersey	10,082,333	[5] 5,558,577			
Philadelphia	1,587,695	1,184,396	22,855,340	1.44	1.93
SOUTH ATLANTIC					
Wilmington	90,530	94,976			
Upper Chesapeake Bay [6]					
Washington, D.C. [4]	433,050	316,502			
Wheeling	159,624	143,627			
Clarksburg	69,499	59,021			
Tri-State	235,357	212,915	2,604,850	1.11	1.22
Bluefield	51,552	48,087			
Appalachian	150,383	136,617	2,849,100	1.89	2.10
Southeastern Florida	438,151	387,610	108,370	.02	.03
EAST NORTH CENTRAL					
Eastern group					
Upstate Michigan	125,012	98,506			
Muskegon	99,606	80,547			
Southern Michigan	2,044,421	1,303,065			
Toledo	294,287	253,652	5,334,789	1.81	2.10
Northeastern Ohio	1,558,267	1,110,480	178,750	.01	.02
North Central Ohio	221,964	195,424			
Columbus	315,491	262,847	108,300	.03	.04
Dayton-Springfield	380,117	306,713			
Cincinnati	495,513	344,249			
Western group	*Thousand pounds*	*Thousand pounds*	*Pounds*	*Percent*	*Percent*
Michigan Upper Peninsula [7]	132,661	88,861	37,150,012	28.00	41.81
Northeastern Wisconsin [7]	369,899	285,005	418,178,000	113.05	146.73
Milwaukee [7]	592,424	470,691	605,637,000	102.23	128.67
Rockford-Freeport	53,350	48,857	2,981,279	5.59	6.10
Chicago [8]	5,254,107	2,402,557	3,635,743,000	69.20	151.33
South Bend-La Porte-Elkhart	258,854	199,434	40,980	.02	.02
Fort Wayne	104,739	76,704	135,900	.13	.18
Ohio Valley [6]					
WEST NORTH CENTRAL					
Northern group					
Duluth-Superior [7]	176,410	84,663	89,889,000	50.95	106.17
Minneapolis-St Paul	851,908	585,922	240,683,524	28.30	41.10
Eastern South Dakota	40,026	29,241			
Sioux Falls-Mitchell	99,621	67,053			
Black Hills	42,653	33,848			
North Central Iowa	211,648	188,815			
Dubuque	49,989	29,250	10,398,992	20.80	35.55
Cedar Rapids-Iowa City	189,457	160,067	20,156,736	10.64	12.59
Quad Cities	193,851	116,258	12,861,790	6.63	11.06
Des Moines	271,064	226,391	18,920	(9)	(9)
Sioux City	63,284	53,727	1,198,340	1.89	2.23
Omaha-Lincoln-Council Bluffs	294,284	272,670	643,460	.22	.24
Platte Valley	88,566	60,366			
Southern group					
St. Louis	692,729	573,158	8,659,483	1.55	1.51
Ozarks	180,004	130,308			
Kansas City	634,961	460,404	86,800	.01	.02
Neosho Valley	141,350	99,542	31,200	.02	.03
Wichita	231,988	159,954	127,400	.05	.08
Southwest Kansas	59,516	45,317			

See footnotes at end of table.

Receipts from producers, gross class I and milk receipts from Wisconsin in specified Federal milk markets, 1959—Continued

	Producer receipts [1]	Gross class I [2]	Milk received from Wisconsin plants and producers [3]	Milk received from Wisconsin as percent of—	
				Producer receipts	Gross class I
EAST SOUTH CENTRAL	*Thousand pounds*	*Thousand pounds*	*Pounds*	*Percent*	*Percent*
Louisville	380,352	281,434	808,760	0.21	0.29
Paducah	52,273	52,135	1,179,705	2.26	2.26
Nashville	251,049	205,884	73,700	.03	.04
Memphis	197,468	177,965	281,320	.14	.16
Knoxville	176,268	150,618			
Chattanooga	149,781	121,578			
Mississippi Delta	83,275	70,871	507,719	.61	.72
Central Mississippi	185,056	145,589	219,690	.12	.15
Mississippi gulf coast	61,575	54,419	38,530	.06	.07
WEST SOUTH CENTRAL					
Northern group					
Central Arkansas	200,371	176,045			
Fort Smith	45,740	36,688			
Oklahoma Metropolitan	500,786	370,013	261,300	.05	.07
Red River Valley	154,322	141,633			
Texas Panhandle	136,731	125,677			
Southern group					
Northern Louisiana	149,048	146,460			
New Orleans	353,743	260,502			
North Texas	898,221	691,172	5,984,850	0.67	0.87
Central West Texas	179,965	155,420			
Austin-Waco	136,866	131,162			
San Antonio	226,795	238,515	115,000	.05	.05
Corpus Christi	155,007	149,292			
MOUNTAIN					
Great Basin [4]	64,814	42,433	113,400	.17	.27
Western Colorado	36,279	32,312			
Colorado Springs-Pueblo [4]	101,232	85,351			
Central Arizona	430,324	335,284			
PACIFIC					
Puget Sound	1,014,582	549,876			
Inland Empire	161,165	116,674			

[1] Receipts from producers at pool plants.
[2] Includes sales by regulated and partially regulated handlers, sales by other order handlers, and sales by unregulated handlers.
[3] Includes receipts of milk and milk equivalent of cream which originated from Wisconsin plants or producers and receipts from Order 41 (Chicago) all, or most of which, originated in Wisconsin.
[4] Order in effect only part of 1959.
[5] Producer class I sales only.
[6] Not in effect in 1959.
[7] All or part of marketing area and supply area is in the State of Wisconsin.
[8] All or substantial portion of supply area is located in Wisconsin.
[9] Less than 0.01 percent.

CONTRACT OF UNIVERSITY OF WYOMING IN AFGHANISTAN

Mr. McGEE. Mr. President, I am in receipt of a letter from the president of the University of Wyoming. The letter deals with the question of the university's participation in some of our foreign programs in other parts of the world.

The University of Wyoming has had a very active foreign contract under the ICA involving the Government of Afghanistan. Afghanistan, as we well know, is one of the critical frontier fringe areas in the cold war.

In view of the participation by the University of Wyoming in that critical area, we have reason to believe useful, helpful and constructive inroads have been made in that area in favor of the free world.

The battle is by no means won; but in Washington, D.C., at the present time, hearings are being held on this phase of our oversea program. There have been those who have called into question the role of universities in the oversea undertakings. Because of that I should like to have printed in the RECORD this morning the record of the University of Wyoming in this program.

The university's participation has been on four fronts; in vocational agriculture, in the Afghan Institute of Technology, in agricultural research, and in the faculty of agriculture and engineering.

Mr. President, when I was touring in that part of the world last fall, although I was not able to go into Afghanistan myself, because that was not my particular assignment, I learned in the surrounding countries, particularly Iran and Pakistan, of the very notable service being rendered by my colleagues of the University of Wyoming, who have offered their services in order to help the cause in this very remote part of the world, a portion of the world which borders directly on the Soviet Union.

Mr. President, I ask unanimous consent that the letter from the President of the University of Wyoming, Mr. G. D. Humphrey, to me, summarizing what has been done, be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection to the request of the Senator from Wyoming?

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

THE UNIVERSITY OF WYOMING,
Laramie, Wyo., May 16, 1960.

Senator GALE W. McGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McGEE: It has come to my attention that hearings of the House Appropriations Subcommittee on Foreign Operations are presently in process and that the practice of using U.S. institutions of higher learning in the educational activities of ICA has been seriously questioned.

As you are no doubt aware, the University of Wyoming has had an active foreign contract under ICA and predecessor agencies since September 1952, and we do not consider it either unreasonable or wasteful, as the subcommittee has suggested.

I should like to point out that our contract is a nonprofit type, with the only questionable revenue being a provisional overhead charge used to defray administrative and logistic costs on our campus involved solely in the prosecution of this work. Following is a brief résumé of our contract program, presented as a matter of information for you.

This contract is in the country of Afghanistan, and during the course of years since its inception it has been enlarged until it now consists of four separate, though related, fields of endeavor working in conjunction with the Royal Afghan Ministries of Agriculture and Education. These four specific projects are:

1. Vocational agriculture: This is high school level training, preparing students for either college work or terminal training, enabling them to act as aids for agricultural technicians.

2. Afghan Institute of Technology: This is high school level training in trades, again with the option of terminal or college preparatory curriculums.

3. Agricultural research: This project is an attempt to gain sufficient information in order that firm recommendations may be given to the Afghan farmers, enabling them to increase their production by various means.

4. Faculty of agriculture and engineering: This is college level training in the two listed fields, with the project being run in conjunction with Kabul University. Graduates from this faculty ordinarily go into Government service or, in some instances, are sent abroad for advanced technological education.

In all cases, Afghan personnel work side by side with their American counterparts, and it is hoped that in due course these projects may be phased out in their present form and turned over to the Afghans completely without loss of effectiveness to the project.

Over the years of this operation approximately 75 staff members have been assigned to this project, of whom about 40 percent have been directly from our campus. During this same period of time, approximately 80 Afghan participants have come to the United States for higher learning, most of them having matriculated at the University of Wyoming.

It is our concerted opinion that we, as an institution of higher learning, are aiding materially in the cold war fight against communism by virtue of our participation in this type of program. Further, we feel that we are assisting the country of Afghanistan in upgrading its agricultural and engineering techniques. I would be remiss not to men-

tion that, in so doing, our own institution is benefiting by foreign experience of our staff. Again I should like to mention that, in our opinion, this program has been neither unreasonable nor wasteful in its execution.

Sincerely yours,

G. D. HUMPHREY,
President.

DEPARTMENT OF DEFENSE APPROPRIATIONS

Mr. JOHNSON of Texas. Mr. President, one of the most significant hearings of the year was held this morning before a Senate Appropriations Subcommittee. I am referring to the appearance of the Defense Department to present its appeals from House action on the Department's bill.

There is no thought in my mind of discussing the specific items. These will be handled adequately by the committee under the able and experienced chairmanship of the Senator from New Mexico [Mr. CHAVEZ]. But I think that there is one general point which is worthy of comment. It is the clear indication that budgetary ceilings rather than military needs are still controlling the Department's affairs.

The facts are simple:

First. The original budget request for the Defense Department—aside from military construction—amounted to $39,335,000,000.

Second. On April 6, the Secretary of Defense endorsed a series of changes in the budget which amounted to a net decrease of $119,100,000, but for some reason these changes have never been formally transmitted to Congress.

Third. In this connection, the Air Force Chief of Staff has testified that program adjustments the Air Force was permitted to submit were limited by the requirement to stay within the spending levels of the President's budget, and additional amounts for programs could not be requested officially.

Fourth. The House made a number of changes in individual programs totaling almost $4 billion, but the changes offset each other and the net effect was a $3 million increase in the total appropriation.

Fifth. The Defense Department now asks the Senate to appropriate exactly $39,334,500,000—$500,000, or one-thousandth of 1 percent, below the original budget request.

The inference is clear. Once a budget amount is set, no one in the executive branch is permitted to present military needs that may call for budget increases. The whole world situation may be changed by the summit conference and the events of the next few weeks—but the preparedness program is still held to a magic ceiling established by the Budget Director.

The Senate Appropriations Committee is in a position to get the facts. I hope that the Defense Department representatives will testify as to their real military requirements.

I know that the Senate, once it has the facts, will rise to the occasion, and I am confident will be supported by the American people.

BIRTHDAY OF SENATOR JAVITS AND SENATOR KEATING

Mr. JOHNSON of Texas. Mr. President, I am informed that today is the birthday of both distinguished Senators from New York [Mr. JAVITS and Mr. KEATING]. I have served for many years in the Senate with these fine gentlemen with great pleasure. I was associated with both of them in the House of Representatives, and now we are all in the Senate. I know them to be diligent public servants and very competent advocates. I am pleased to call them my personal friends.

It is somewhat unusual for a State to have two Republican Senators in this body, but I am speaking this morning of two unusual men. I am not surprised that they have been able to convince the people of New York of their outstanding effectiveness and their great ability. I wish them many happy returns of the day, and again express to them my friendship and my willingness to join with them on any matter of moment which is in the national interest.

Mr. KEATING. Mr. President, I wish to express my very deep gratitude to the distinguished majority leader both on my own behalf and on behalf of my colleague [Mr. JAVITS], who is absent from the Chamber at the moment. It is a great pleasure for us to work in the Senate under the leadership on both sides of the aisle.

I know my colleague shares my view when I say that the distinguished majority leader has at all times been helpful to us and most courteous and kind in his treatment of us. We, of course, have differences of opinion with the majority leader on legislation from time to time, but perhaps less frequently than some throughout the country might think. Here in the Senate, as we all know, we often see eye to eye with entire disregard of the center aisle separating the Members of the two parties.

I deeply appreciate what the distinguished majority leader has said. The statement coming from him means a great deal to me, and I know it will to my colleague.

I do want to pay a special tribute to Senator JAVITS, who is my senior in this body and who has been most helpful and cooperative to me as I learned the whys and wherefores of the Senate. He has been a tower of strength in a great many fields, in behalf of our State and our Nation, and I am delighted to be associated with him both in serving the Empire State and in observing our common natal day.

We have labored together so often in common causes that there is, perhaps, a certain poetic justice in our sharing, as well, the one date in history most significant to us both.

Mr. President, I have reached the point in life when I am not entirely happy about having attention called to the event, although I am very happy to say that 100 years ago today Abraham Lincoln was nominated for President of the United States. Since, therefore, the majority leader has called attention to our republicanism, I am very happy that we happen to have our birthday on such a momentous anniversary as the centennial of Abraham Lincoln's nomination.

NATIONAL REPRESENTATION FOR CITIZENS OF THE DISTRICT OF COLUMBIA

Mr. KEATING. Mr. President, the House Committee on the Judiciary yesterday ordered favorably reported to the House a drastically amended version of Senate Joint Resolution 39.

Under the committee's amendments, the provisions of the Senate resolution dealing with the abolition of the poll tax and the appointment of members to the House of Representatives in the event of a disaster were completely eliminated. The remaining provision, with regard to national representation for the citizens of the District of Columbia, was restricted beyond anything justifiable.

About the only affirmative significance of the House committee's action is that it served to move the resolution out of committee.

The committee has gone entirely too far in cutting the voters of the District down to size. They have said the voter here shall enjoy two-thirds or three-fifths as much voice as voters anywhere else in the United States.

This is a new concept of fractional citizenship. They propose to lift the citizens of the District out of second-class citizenship, but not to elevate them to first-class citizenship. So we shall have to coin a new phrase. Shall we call it "first-class citizenship once removed," or "second-class citizenship once removed"?

I hope that the committee's recommendations will not be presented on a take it or leave it basis.

Every effort should be made to bring the House resolution more in line with the Senate resolution during its consideration in the House and in conference. There certainly should be no inclination on the part of the Senate to accept House language which scuttles two-thirds of the Senate resolution and emasculates the remaining third.

There is some disposition to regard the District of Columbia amendment as a matter of local interest only. This is not the fact. There have been editorials in newspapers all over the country criticizing Congress' failure to restore democracy to the Nation's Capital and I have heard from many New York residents on this subject. It does not do our Nation any good in world councils either to retain this blot on representative government at home.

I recognize that compromise sometimes is necessary to get results. But the Senate resolution was itself a compromise and nothing was presented at the House hearings on the District of Columbia vote amendment which remotely suggested that it should be further watered down.

QUALITY OF GOVERNMENT PERSONNEL—STATEMENT BY MARION B. FOLSOM

Mr. KEATING. Mr. President, one of America's most distinguished public servants, former Secretary of Health, Education, and Welfare, Marion B. Folsom, recently presented most thought-provoking testimony to the Senate Subcommittee on National Policy Machinery. Drawing on his extensive experience in Government service as well as his knowledge of business and personnel problems, he presented a series of important proposals to help attract topnotch people into Federal work.

Among his suggestions is the creation of a central bureau in the White House which would maintain lists of openings in Federal positions, recruit qualified people, and take charge of instructing new officials in the unique features of Government administration, and pertinent rules and regulations.

I noted with particular interest Mr. Folsom's support for the conflict of interest proposals embodied in S. 3080, which I am cosponsoring in the Senate. This bill grew out of recommendations of a special committee of the Bar Association of the City of New York, and they represent an monumental effort to codify and clarify the present statutes on this vital subject.

Mr. President, I hope Mr. Folsom's thoughtful ideas and constructive proposals will receive the careful attention of all who are concerned about the quality of Federal personnel and the performance of our Federal Government. It is vital that we leave no stone unturned in our quest for the best qualified people to help run the world's most important Government.

In order that this significant testimony may receive wide attention, I ask unanimous consent that it be printed at this point in the RECORD.

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

STATEMENT BY MARION B. FOLSOM BEFORE THE U.S. SENATE SUBCOMMITTEE ON NATIONAL POLICY MACHINERY, MAY 12, 1960

My name is Marion B. Folsom. I am a director and management adviser of the Eastman Kodak Co. in the fields of finance, public relations, and employee benefits. I joined Eastman Kodak in 1914 and became treasurer in 1935 and a director in 1947. I resigned these positions in 1953 to become Under Secretary of the Treasury of the United States. At that time I also resigned as chairman of the Committee for Economic Development and as a director of the Federal Reserve Bank of New York. In 1955 I became Secretary of Health, Education, and Welfare. I resigned from that office in 1958 and rejoined Kodak a month later in my present capacity.

Prior to 1953 I served the Federal Government in a number of different capacities. I was a member of the President's Advisory Council on Economic Security, which assisted in the development of the Social Security System in 1934–35, and I served on the several subsequent councils. Since 1936 I have been a member of the Business Advisory Council for the Department of Commerce. In 1944–46 I served as staff director of the House of Representatives Special Committee on Postwar Economic Policy and Planning and in 1940–41 as a division executive of the National Defense Advisory Commission. I have also served as vice chairman of the President's Advisory Committee on the Merchant Marine in 1947–48 and as a member of the National Advisory Board on Mobilization Policy in 1951–52.

I fully realize the importance of attracting able people into Government service and am pleased to present my views on the problem.

As far as my own experience is concerned, I found it satisfactory—in the administrative positions, in working for the congressional committee, and in the various advisory committees. I know many other businessmen who have also found Government service satisfying and rewarding. I do not feel that the difficulties faced by businessmen in the Government are as serious as often depicted. The situation has been exaggerated by the headlines arising from a few specific cases. Nevertheless, the fact that this impression exists among business people does create a problem in regard to recruiting men for these executive positions.

I have found that the factors involved in attracting men into Government positions vary widely, not only as to individuals but as to occupational groups. I will discuss four main categories: (1) businessmen; (2) lawyers; (3) college professors; and (4) miscellaneous professional men and State and local governmental officials.

BUSINESSMEN

It is true that businessmen will find working for the Government different in many respects from their experience in business. Much of the difficulty is due to the lack of appreciation of the fact that officials must operate in public view, and that Congress and the public have a right to know what is going on.

It is also hard for businessmen to become adjusted to the unique processes of governmental administration as compared with business administration. For instance, civil service rules make it difficult to reward good service of employees by prompt promotions and pay increases and to remove inefficient workers. Unless a person has had previous experience in government, it generally takes some months for him to adjust to the different surroundings and conditions, and the limitations of the numerous laws which reduce the flexibility of administration.

It is unfortunate that in most cases the business executive stays in Government positions less than 2 years. He generally leaves just about the time he reaches the peak of his usefulness. A study recently made by the Harvard Business School showed that in the past 16 years, of the businessmen who had been in Government service and left, 48 percent served only 1 year or less and only 33 percent served over 2 years.

DIFFICULTIES IN RECRUITING

While my experience was satisfactory to me personally, I did have difficulty in recruiting businessmen for top administrative positions, both in the Treasury and in the Department of Health, Education, and Welfare. Recruiting was especially difficult for such positions as Under Secretary, Assistant Secretary, and Assistants—the appointive positions between the top civil service and the Secretary. I know also that other departments have had the same difficulty, not only in this administration but in previous ones.

Businessmen with experience in handling people in large organizations are uniquely fitted for many executive positions in government. I have found that businessmen are available in two groups—the older men who are recently retired or who are approaching retirement age, and the very young men. Some very able men have been recruited from the older group in this and previous administrations and many of them have done outstanding jobs. It is often difficult, however, for one who has had a top position in industry to accept a secondary position as an assistant. Furthermore, the men in this age group often cannot stand the pressure and the long hours required in most of these positions. It is also more difficult for them to adjust to the differences between Government and business. The businessmen in the younger group who are available have generally not had adequate experience, although there are some outstanding exceptions.

The persons really needed for many of these positions are men in their late 30's or 40's, with 10 or 15 years of business experience and with several years in important administrative positions, especially in large organizations. Great difficulty is experienced in obtaining businessmen in this category.

The difference in salary is a factor, but I found this was not the main reason. The able men in this age group would benefit considerably from the Government experience. They would have a number of years after their return to business to make up for any monetary losses which might have been experienced during their stay in Government.

Difficulty is also experienced in regard to pensions and other employee benefits, stock options, etc., but these difficulties generally can be ironed out. Family reasons, such as the maintenance of two homes, change in schools for the children, and the difficulties in moving, also are factors.

FEAR OF MISSING OPPORTUNITIES FOR PROMOTION

What I found as the principal reason, however, was the fear on the part of the younger executive that, regardless of promises by the company, he would find upon his return that he might have lost an opportunity for advancement. While I would contend that the executive should benefit from the experience and thus might be able to advance faster, my arguments were not generally convincing. Because of this factor, it probably will be necessary in many cases to agree to a service of 2 years. An able person with the right experience can make a real contribution during that period, although it would be much better if he would stay longer.

All of the factors I've mentioned tend to make it difficult to attract the able executive, but I feel that good progress could be made in overcoming some of them if certain measures were taken by Government and industry.

While, as I've said, I do not think the climate for business executives in Government is as bad as it's generally depicted, it would help if congressional leaders would find occasion to say that they consider it important that businessmen be obtained for some of these key administrative positions. It would also help if congressional leaders could find occasion from time to time to praise the work of businessmen who have performed an outstanding service. The press naturally plays up the cases where businessmen are criticized. A better climate would result if Senators and Congressmen were a little more careful in criticizing officials, and if—when they did criticize certain individuals—they were more careful not to give the impression that they were criticizing businessmen in general.

I found that the top officials of the large business organizations were quite favorably inclined to let their young executives do a tour of duty in Government, but the difficulty arises with the attitude of the young executive in question. He quite often has the wrong opinion about the position of the businessman in Government.

COMPANY BENEFIT PLANS

Of course, there are steps which industry could take to make Government service more attractive.

Employee benefit plans now are an important part of an employee's remuneration and many businessmen would naturally hesitate to accept a Government position if it should adversely affect their rights to group insurance, group health, or company pension plans. A company should continue the employee in the group life and group health plans while he is in Government service, with the employee being considered as away on a leave-of-absence basis, and with the same premiums being paid by the company and employee as when he was with the company.

Ordinarily the status of the executive as to pension rights would be frozen as of the date of his leaving the company, with no credit being given for service while in the Government. The company should also give credit to the employee when he returns to the company for the time served in the Government. This practice was frequently followed for men returning from military service.

The Government can help in the situation by making it clear in the regulations regarding employment of businessmen that such arrangements regarding benefit plans are permissible to men on leave of absence from their company.

It should also be understood that it would be permissible for a company to make a reasonable grant to the executive at the time of leaving, as was done in the case of those leaving for military service.

If arrangements of this type can be made, several of the obstacles can be overcome. The company should also make it clear to the executive that a position will be available to him when he returns and that every effort will be made to locate him in a position at least as good as the one he previously had. The company also should agree that in case a general salary increase were made during his absence, his salary upon return would reflect such increases.

Of course, a company in most cases cannot promise to hold an exact position open and the executive will have to take that chance.

I feel quite confident that if measures along the lines I have suggested and will suggest later are adopted, there will be enough men who are willing to devote 2 or 3 years of their career to Government service. A capable man at the age I was talking about—35 to 45—would gain considerable benefit from this experience and should actually increase his earning power. But he should not go into the service with this in view.

The businessman who will probably succeed in Government work is one who not only has ability as demonstrated by his progress with his company, but has shown an interest in Government policies. He should have been active in affairs in his local community and his local, State, and National trade organizations, and thus become familiar with problems faced by Government. It would also be very helpful if he has had some previous experience with the Federal Government, either in service on advisory committees or parttime work.

LAWYERS

Lawyers with corporate law experience are well fitted by training and experience for many of these appointive positions, not just as general counsels in the departments, but also as assistants and under secretaries. This is especially true for the positions which call for contacts with Members of Congress and the preparation and analysis of bills. Lawyers also are very helpful in planning programs and analyzing problems. Due to the nature of their experience, they are accustomed to adapting themselves to new situations. While not many lawyers have had much experience in administrative or executive positions, this is not always necessary. On the other hand, some of these young lawyers have turned out to be very able executives.

It is generally easier to obtain able young lawyers than businessmen. Their income, in most cases, has not reached the point where the salary of a Government position would mean much monetary sacrifice. There seldom is any problem of employee benefits. The experience gained, moreover, in many cases would be more in line with their career.

There is one handicap in the rule that lawyers or their firms cannot participate in any case in which the lawyer was involved in his Government work until 2 years after he has left the Government. While such a rule is reasonable for lawyers in the Department of Justice, Internal Revenue, and certain other positions, it would seem that there should be more liberal interpretation in the usual appointive position. A clarification of this rule would make it easier to obtain able young men.

EDUCATORS

For many of these positions college professors, especially those in the fields of political science, economics, and business administration, are good prospects. Most of them have had little executive experience and desire advisory positions rather than administrative positions. They can be valuable additions for most departments, and are especially helpful in formulating programs. There is little difficulty experienced in professors' obtaining leaves of absence for a reasonable time and, as a rule, the Government salaries are higher than in the educational institution. Educators in administrative positions in their institutions are particularly good prospects, but they are not so readily available.

OTHER PROFESSIONS AND GOVERNMENT OFFICIALS

Good men are available also in other professions, such as hospital, health, and welfare administrators, and men with experience in State and local governments. These government officials, however, would probably prefer civil service positions so that they would not be subject to loss of position when administrations change.

A CENTRAL RECRUITING AGENCY NEEDED

With so many able men available, the problem resolves itself into one of recruitment and proper placement. At present there is no central agency in Government service for recruiting these men. This is left up to each individual department. It would seem highly desirable to have a central recruiting office established in the White House which would maintain a list of the various positions to be filled by political appointees and the qualifications required for the positions. One reason the service of so many businessmen is short is that they were not properly placed in the first place. The present system is too much hit or miss. The Secretary or agency head generally is limited to suggestions received from friends or acquaintances and there is little system to it.

Such an office, comparable to executive personnel offices in large companies, could obtain lists of qualified men from various trade associations, management consulting firms, and executive employment agencies, and let it be known that key businessmen interested in Government service should contact this office. Similar lists could be obtained for the other groups.

Such an office could also conduct a training program for the new executive, mainly to cover such things as conflict-of-interest rules, the mechanism of civil service, and the differences between Government and business. The attitude with which the executive approaches a Government job is most important, and such a training course should be very helpful in developing the right attitudes and approaches in dealing with other executive departments and with Congress.

A start has recently been made in giving the new executives a course of indoctrination but it is not uniform throughout the departments and the present program can be considerably enlarged. Such an office, to which the executive could come for help and advice, might help to increase the length of time which the businessman spends in Government.

It would be very helpful if more promising young businessmen or men from other professions at an early age could obtain experience in Government at a level below the level of Presidential appointments. A promising plan is now being tried out on a pilot basis in a program recently organized by Brookings Institution called the public affairs fellowship program. This plan calls for a number of Government agencies' taking promising businessmen into their organizations for periods of 6 to 9 months. A number of businesses have indicated interest in this procedure and it is hoped that the institution can demonstrate through this pilot program the feasibility of such an arrangement and encourage it to develop on a much broader scale. It may be necessary for the Government to authorize a special category of training positions in the intermediate class usually made by appointment, without regard to civil service, for periods up to 2 years.

CONFLICT OF INTEREST

Questions regarding conflict of interest undoubtedly prevent many executives from serving in Government positions. The publicity given to a few outstanding cases has greatly exaggerated the actual situation, however, as far as the effect on businessmen is concerned.

In the great majority of cases there is no conflict of interest, as the executive would not be dealing with his former company and there is no need for him to divest himself of his savings. Except in the case of men in the very top positions, if a case should arise where the executive would be dealing with his former company, he could arrange to turn this specific job over to an associate. In the few positions where a conflict of interest can be foreseen, the executive should not be forced to sell his assets, but should be given the option of turning them over to a trustee who would have complete control as to investment, voting rights, etc. Such an arrangement could be worked out with the assistance of the Department of Justice and with the approval of the Senate committee which confirms the appointment.

This whole question of conflict of interest is in a great state of confusion and complexity due to the large number of statutes relating to various phases of the problem. Some of these statutes go back many years, when conditions were quite different than they are now. The situation would be alleviated to a great extent if these statutes could be consolidated and a reasonable statute adopted to meet present conditions.

Fortunately, a committee of very able lawyers from the New York City Bar Association has recently completed an exhaustive study of this whole problem of conflict of interest. Their report contains specific recommendations regarding divestment, employee benefit plans, payment for outside services, gifts, post-Government employment activities, etc. Their report also makes recommendations about what phases of the problem should be covered by statute and which by regulations, and includes the draft of a proposed consolidated statute. I understand that the chairman of the committee, Roswell B. Perkins (a very able lawyer, who formerly served with me as Assistant Secretary of Health, Education, and Welfare) will present the report to your committee.

I have read the summary and the recommendations, and they seem to me to be very reasonable and provide adequate protection for the public interest. The enactment of

a consolidated statute and the adoption of other recommendations along the lines recommended by this committee would, in my opinion, greatly improve the present situation.

The conflict of interest statutes and regulations now cover part-time employment, as well as full time. Government departments find it quite helpful to bring in, from time to time, consultants or experts to help in specific problems, generally for short periods of time. These people are now often considered as Government employees, the same as full-time employees. This sometimes prevents these experts from serving. I recall a case where a person declined to serve on one of the advisory councils of the National Institutes of Health because of this provision. It would seem to me that the usual rules should not apply in the case of these part-time temporary consultants, and that they should also be permitted to maintain their usual connections and income. The New York City Bar Committee also covers this point in its recommendations.

Most of the business executives who come into Government service have only a vague idea regarding the conflict of interest statutes and regulations, and there is very little systematic effort to acquaint them with these rules. I would strongly endorse the recommendation of this New York City Bar Committee that a member of the White House staff be designated to see that uniform regulations are adopted in all the departments and agencies, and that instructions developed by the Department of Justice be given to each businessman when he enters Government service. Such an official could be associated with the recruiting office recommended earlier.

SALARY REVISIONS FOR APPOINTED POSITIONS

In regard to the salary level of executive positions in Government, the fact that it is lower than in industry undoubtedly discourages business executives from accepting positions in Government. As far as the top positions are concerned, such as Cabinet Secretaries and agency heads, I doubt if any increase in salary which would be practicable would make much difference. The people generally considered for these positions are in most cases earning salaries considerably above the Government level and a small increase would have little effect. These men know that a sacrifice in income is necessary and accept only because of an overriding desire to serve the Government.

On the other hand, an increase in the salaries in the second-line positions—that is, Under Secretaries, Assistant Secretaries, assistants to the Secretary, and assistant agency heads—would make a considerable difference in my opinion. It is more difficult for the younger men being considered for these positions to make the sacrifice in income.

A careful study which preceded the latest salary adjustments about 3 years ago recommended increasing salaries of Cabinet officers to $35,000, Under Secretaries to $30,000, Assistant Secretaries to $25,000. This schedule was revised downward, however, by Congress and the salaries fixed between $20,000 and $25,000. The schedule, as recommended, would have an appreciable effect in obtaining able men and the cost would be very little as altogether only about 300 positions would be affected.

CIVIL SERVICE SALARY REVISIONS

If the salary level of these political appointees were raised, it would also be highly desirable to raise the maximum salaries in the top grades of civil service employees. I feel that these maximum salaries are now distinctly out of line with comparable positions in industry, and the Government is losing too many of those who reach the top grades.

The salaries of Government employees in the lower and medium grades now compare favorably with those for similar work in industry. With the liberal sickness leave, vacation, pension, and now the group life and group health benefit plans which the Government employees have, the employee benefits in Government also compare quite favorably with those of progressive companies in industry.

A change, such as that suggested in the top Civil Service grades, could be made without much cost because there are relatively few employees in these grades (approximately 1,500 in the three top grades). I know of no one thing that would be as effective in improving Government administration as an increase in the maximum salary for these key workers. Not only would more of the able employees be kept in Government service, but the Government could attract abler young people in the first place.

During the 1930's, governmental careers and salaries were attractive enough that Government received its full share of able college graduates. In the postwar years this has not been the case. It has become increasingly difficult to compete with industry and the professions. It is important that steps be taken to make these careers more attractive.

Higher maximum salaries in the top grades would help. The Government should also do more in introducing executive and management development programs as is done in many industries today. In the Department of Health, Education, and Welfare, we started a program a few years ago under which the entire Department is screened periodically to identify the young people with the greatest potentials for development. These people, along with some directly from college, are given a series of rotating assignments which will insure a breadth of experience and opportunities for growth. I understand that the program is working very well and also that the White House is encouraging a program of identifying key individuals throughout the Government for such development. This is an important step for preparing individuals for these top civil service positions to replace the older persons who retire or leave.

SUMMARY

It is clear that Presidential appointees and the top-grade civil service employees determine to a very large extent the efficiency and effectiveness of Government operations. It is important, therefore, that every effort be exerted to obtain able men for these positions.

For these appointive positions men well fitted by experience in business, law, education, and other fields are available for service in Government. The following measures would help to attract able men to these positions and hold them for longer periods:

1. A central agency in the White House should maintain lists of positions and the necessary qualifications, recruit people, place them properly, and instruct them in the unique features of Government administration.

2. Certain obstacles could be overcome if the various conflict-of-interest statutes were consolidated and a reasonable statute adopted to meet present conditions.

3. Business concerns could make it easier for executives to serve in Government for 2 years or more if they would grant leaves of absence and continue coverage under group life, group health, and other employee benefit plans. The company also should assure the executive of at least a comparable position when he returns and should assure him that recognition will be given for his Government service. In addition, credit should be given him under the pension plan for his service in Government as was done for those going into military service.

4. The status of lawyers as to clients during the first 2 years out of Government service should be clarified.

5. Salaries should be increased moderately to reduce the monetary sacrifice often involved for those taking these positions.

6. A program for giving young men work in Government for a period of 6 to 9 months would be helpful in stimulating interest in Government service and in equipping young men for positions in Government later.

7. The maximum salaries of the three top grades of civil service should be increased. This would serve to hold more able civil service employees and to attract more young men into Government service.

8. A more extensive management development program should be adopted throughout Government to identify and develop the most promising younger people.

RETIREMENT OF SENATOR JAMES E. MURRAY—A GREAT SENATOR'S RECORD

Mr. HUMPHREY. Mr. President, I was not in Washington on the day the distinguished senior Senator from Montana announced that he would not run for reelection to the Senate.

Senator JAMES E. MURRAY has written a record of achievement in the Senate without peer in its dedication to the public good. He combined a genuine concern for the good of every American with a deep loyalty to the West—responsible regionalism at its best.

Senator MURRAY knew that the West had much to give to this Nation in the past two decades and in the future but he know that there were two major needs for assistance for fullest development in the West—water resources and public power. To both these causes Senator MURRAY gave imaginative and tenacious leadership.

This great Montanan and great American steered through the Committee on Interior and Insular Affairs which he so ably chaired the extension of our Western frontiers to Hawaii and Alaska.

The same bold planning and constant prodding he devoted to measures designed to maintain a strong mining industry essential to our national security.

Expanding both our geographic and our resource frontiers in the great West, Senator MURRAY served all of us in every corner of the Nation.

But beside his leadership in resources development, Senator MURRAY 25 years ago came to the Senate intent on writing a legislative record in the full sense of a new deal for all.

He wrote that record in education, welfare, and labor relations legislation. In the record are his votes and leadership for aid to education and higher teachers' salaries, improved and expanded social security coverage, civil rights, fair employment, health insurance and public housing. It is a record which exemplifies his faith that good government is concerned with the public good, the good which means the best possible life for all our citizens, not just a privileged few.

The senior Senator from Montana is himself a millionaire—the son of an immigrant railroad man. But he has recognized, as his record proves, the responsibility of the Federal Government for a

fully prosperous and continually growing national economy. To this end, he led the fight for the Wagner Act—American labor's charter of justice—in the early days of the Franklin Roosevelt administration, and in 1946 led the fight for the achievement of which he is said to be proudest—the Full Employment Act.

Senator MURRAY has earned his retirement, but we will surely miss his strong and enlightened leadership. It will not be so great a loss to us here and to the Nation as a whole if after his extraordinary Senate career comes to a close he will continue to share his vision, imagination, and devotion to our Nation's good with his fellow Americans.

I have considered it a rare privilege and a precious gift to share in the friendship of this remarkable man, who represents with such dignity and such forcefulness, and yet with such basic integrity and honor, the highest ideals of this Nation and faith in the future of the American Republic.

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

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. I should like to join with the distinguished senior Senator from Minnesota in what he said about my colleague the senior Senator from Montana [Mr. MURRAY]. I ask unanimous consent to insert in the RECORD at this point an editorial which appeared in the Great Falls Tribune of Thursday, May 12, 1960, entitled "As JIM MURRAY Retires."

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

AS JIM MURRAY RETIRES

Senator JAMES E. MURRAY'S retirement as senior Senator from Montana sparked spontaneous laudatory comment from those who knew him and his works best, his colleagues in the United States Senate. This fulsome praise went beyond the perfunctory, provided clear evidence of the solid respect and warm affection in which he is held by the critical top echelon of the Nation's lawmakers.

Out of their chairs to voice tribute rose the Senate leaders and whips of both parties. Perhaps our own Senator MIKE MANSFIELD summed sentiment best in saying: "He will leave the Senate with the dignity, prestige, and humanity which have been his hallmarks in his 25 years of outstanding service to the people of Montana, the United States, and the free world."

All this is highly gratifying to many thousands of Montanans who in five consecutive elections have voted their confidence in MURRAY as their choice to represent them in Washington. They, too, knew him well, and liked what they saw. Oldtimers knew him when he was a struggling, impecunious lawyer in rough-and-tumble Butte in the early years of the century, raising a flourishing brood of six sons with appetites to put a crimp in any family budget.

For, contrary to latter-day public misconceptions, JIM wasn't born with any silver spoon in his mouth. It was considerably later before he became possessed of means to afford entry into politics without economic strain.

As JIM MURRAY relinquishes the Senate seat he has filled so well, he takes high place among those distinguished Senators who have represented our Land of the Shining Mountains in its nearly three-quarters of a century of statehood. His successors will have large shoes to fill.

Mr. BRIDGES. Mr. President, the passing scene of American life always carries with it moments of joy or sadness, and I am sure that all of us look for joy. But there are occasions when sadness hits us, and one of these periods came recently with the announcement by our distinguished colleague from Montana, the Honorable JAMES E. MURRAY, that he will retire from public life upon completion of his present term.

There are those among us who feel the sadness deeper than others because certain Members of this body have served with him for many years. I am one of those Members and I dislike to think of JIM MURRAY leaving our midst.

Much has been said in recent years of the ability and influence of Senator MURRAY, and I have been pleased to note it in the public press and in the pages of our CONGRESSIONAL RECORD.

JIM MURRAY has had tremendous influence on the American scene during his more than 25 years of service as a U.S. Senator. This is as it should be, because JIM MURRAY is a man of great wisdom. He has gained during his public life a vast knowledge of our national and international problems, and he has applied his knowledge effectively in reaching solutions for the betterment of our American way of life.

When I came to the Senate 24 years ago, JIM MURRAY had been on the scene only a brief period, but he was helpful in many matters affecting the Nation. He has benefited many other Members of this body during the succeeding years, and he has been a highly respected and beloved Member.

The people of Montana and the rest of our Nation will sorely miss his services. His devotion to his State and Nation has been of the highest degree, and he will leave for others in future generations a record for them to attempt to attain.

Although Senator MURRAY and I are of different political faiths, I am happy to say that we have been friends through the years and I have constantly enjoyed the privilege of working with him.

HEALTH PROBLEMS OF THE AGED

Mr. HUMPHREY. Mr. President, it was my honor and my privilege to join the senior Senator from Michigan [Mr. MCNAMARA] in sponsoring the Retired Persons Medical Insurance Act, S. 3503, and I hope my colleagues will give this important legislation very careful and sympathetic attention.

In today's New York Times appears a letter to the editor from Senator MCNAMARA about this bill. I ask unanimous consent that this letter be printed at this point in the CONGRESSIONAL RECORD.

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

HEALTH PROBLEMS OF AGED—SPONSOR OF SENATE BILL DISCUSSES OBJECTIVES OF PROPOSAL

To the EDITOR OF THE NEW YORK TIMES:

Your editorial of May 10 on "Health Aid for the Elderly" is to be highly commended for its positive outlook and succinct definition of the issue involved—namely, the use of the social security mechanism versus Federal-State subsidies. Quite correctly, the argument in behalf of the former mechanism is overwhelming. Equally correct is the claim that the administration's solution is no less compulsory than those proposals made by various Democratic legislators, including myself.

Concerning the administration's proposal, it is only on the surface that substantially more benefits are offered. The practical effect of the administration's proposal (it is not yet a bill as of this date), when applied to typical illness experiences of the aged, such as carcinoma, heart failure, arthritis, fractures, etc., would be such as to cost the individual more than under S. 3503, the retired persons medical insurance bill, introduced on May 6 by myself and cosponsored by 19 Senators. This advantage also applies to catastrophic illnesses.

In addition, the retired persons medical insurance bill covers the approximately 4 million retired aged not included in the Forand bill, thus meeting the criticism expressed in your editorial.

Finally, and ultimately more significant, S. 3503 is based on first dollar medical costs and would thus encourage the practice of preventive medical philosophy and low-cost restorative medicine through outpatient diagnostic services, home health programs, etc.

The retired persons medical insurance bill was prepared on the basis of over a year's study, consultation and analysis by the staff and members of the Senate Subcommittee on Problems of the Aged and Aging. It represents the best thought and advice of practical authorities in the fields of health services and medical economics. Therefore, I believe that ample time does remain in the present session of Congress to work out a solution to meet the need and the public demand for effective action.

PAT MCNAMARA,
U.S. Senator.

WASHINGTON, *May 12, 1960.*

FEDERAL PROGRAMS OF MEDICAL CARE FOR THE AGED

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a resolution adopted at the 43d annual meeting of Central Cooperatives, Inc., held in Superior, Wis., on March 28 and 29, 1960.

At the meeting, delegates representing 75,000 cooperative members in Minnesota, Michigan, Wisconsin, North Dakota, and South Dakota reaffirmed their support of the Forand bill and Federal programs of medical care for the aged.

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

RESOLUTION NO. 6—THE FORAND BILL

Whereas there is a lack of medical and hospital care provided for the aging through existing agencies of insurance; and

Whereas life expectancy and longevity is rapidly increasing each year and it is generally agreed that the problem of providing medical care for people on social security is an ever increasing one; and

Whereas there is no apparent hope of progress without national action: Be it

Resolved, That the delegates assembled at this 43d annual meeting of Central Cooperatives, Inc., go on record reaffirming our support of H.R. 4700, known as the Forand bill, representing to us either Federal action, or forcing suitable action by such existing agencies of insurance.

STUDENT LOYALTY OATHS

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a resolution adopted by the Community Council of Macalester College, St. Paul, Minn. It was once my privilege to be a member of the faculty of that college.

The resolution adopted by the community council relates to the National Defense Education Act, and protests as discriminatory and as an infringement upon freedom of thought the loyalty oath and the disclaimer affidavit provisions of the act.

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

"Whereas section 1001(F) of the National Defense Education Act of 1959 constitutes an infringement upon freedom of thought; and

"Whereas the above-named section manifests a discriminatory treatment toward higher education: Be it

"Resolved, That the Community Council of Macalester College for 1960–61 hereby condemn the imposition of the above-named section upon institutions of higher learning and earnestly request its repeal."

The council feels strongly that forcing upon students who are not financially in a position to resist the discriminatory loyalty oath and affidavit is not in keeping with the respect which higher education deserves from the U.S. Congress. We respectfully urge you to work and vote for the deletion of clause 1001(F) of the National Defense Education Act.

DEATH OF DR. VICTOR E. LAWSON

Mr. HUMPHREY. Mr. President, one of Minnesota's great men passed away last month. He was Dr. Victor E. Lawson, founder and publisher of the West Central Daily Tribune in Willmar, Minn. Nothing that I could say about Dr. Lawson would be more eloquent than the tributes that poured into Willmar upon the news of his passing on March 19.

In testimony, therefore, to a wonderful man, a man who gave me valuable guidance and counsel during my service as mayor of the city of Minneapolis and as a U.S. Senator, I ask unanimous consent that a series of articles and editorials published in the West Central Daily Tribune, Willmar, Minn., and including a tribute delivered by Dr. Edgar Carlson, president of Gustavus Adolphus College, at the funeral services for Dr. Lawson, be printed at this point in the RECORD.

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

[From the West Central Daily Tribune, Willmar, Minn.]

STATESMAN, HISTORIAN, JOURNALIST, CHURCHMAN—UNUSUAL LIFE COMES TO A PEACEFUL CLOSE ON EVE OF 89TH BIRTHDAY—FUNERAL WEDNESDAY—EDITOR AT 17, HIS LIFE WAS ONE OF GREAT PUBLIC SERVICE

Dr. Victor E. Lawson, founder and publisher of the West Central Daily Tribune, passed away quietly Saturday evening at his home in Willmar, after a lingering illness from maladies attendant to old age. He would have observed his 89th birthday on Thursday of this week, March 24.

With his passing has gone an outstanding citizen of Willmar who in 1958—Minnesota's centennial year—was honored as being one of the leading personalities in our State's history. Statesman-journalist-historian and churchman, his life's work and influence touched many fields and made their great contributions. The story of his days almost read like Alger tales of having done so much with so modest beginnings.

Out of an humble carpenter's home with a rural school education, so paltry in those days of a few early grades, he became educated through his own sheer efforts so that a great college, Gustavus Adolphus College, conferred upon him the degree of doctor of humane letters. Of Swedish ancestry, he was recognized as a leading Swedish-American of our country when the late King Gustaf of Sweden decorated him as a Knight of the Order of Vasa. A founder of political parties and a State senator from this legislative district for a long number of years and at one time candidate for Governor of Minnesota. In the field of his chosen vocation—journalism—he was at one time president of the Associated Press of Minnesota and prominent in editorial associations. In his passing has gone the last of the pioneer editors of the Seventh Congressional District.

In his church he was a president of the Augustana Church Brotherhood of Minnesota and served on the board of directors of the Augustana book concern at Rock Island, Ill. In education, president of the Willmar Board of Education and a member of the board of directors of Gustavus Adolphus College. In history—the author of the Illustrated History of Kandiyohi County, a volume rated as the top county history in Minnesota, a work which led him to a presidency and life membership in the Minnesota Historical Society.

In his home community he served several terms as mayor and his influence felt in this community throughout his lifetime when as a public-spirited citizen and as an editor he championed and fought for worthwhile causes for community and civil betterment. As a self-educated man, the Victor Lawson Library now found on the second floor of the Tribune building testifies to the inexhaustible thirst for knowledge which was his.

Such in brief is the history of the man who will be laid to rest at services to be held on Wednesday of this week. Services will be held at 2 p.m. at the Bethel Lutheran Church in Willmar with the Reverend Robert N. Pearson officiating. Following this service the remains will be taken to the Lebanon Lutheran Church at New London where another service will be held at 3:15 with the Reverend Carl H. Gronquist officiating. Interment will be made in the Lebanon churchyard where the remains will be laid to rest with those of other members of the Lawson family who have preceded him.

Friends may call at the Harvey Anderson funeral home in Willmar until 12 o'clock noon on Wednesday.

Victor Lawson was the last member of the C. M. Lawson family. In addition to the parents who both passed away at New London, the sisters and brothers who preceded him in death were Carrie (Mrs. W. O. Swanson), Esther, Theodora, Thomas Lawson and Eben E. Lawson.

Immediate nephews and nieces who survive are Enock Swenson of New London, Lawrence Swenson of Olympia, Wash., Mrs. Frank Burns of New London, Verson Lawson of Helena, Mont.; Louis Lawson of Atwater, Mrs. A. D. Hall of St. Cloud, and through kin of Mr. Lawson's wife—Oscar B., Ann, and Gordon Augustson of Willmar, and Rudolph Augustson of Detroit, Mich.

VICTOR E. LAWSON, COUNTRY EDITOR, 1871–1960—"30"

"Thirty" is a symbol used in journalism to denote the end of a story written by a reporter. It also has become a mark symbolizing the end of a newspaperman's life and career. Truly that "30" personifies Victor E. Lawson whose hobby as a boy was printing, who became an editor at the age of only 17 years, and who was active for a period of over 60 years as a printer, editor and publisher. In his passing, journalism and the fourth estate has lost one of its greatest sons, one of honest and fearless conviction and one who also lived a life of great service to his community, his State, his church, and his fellow men. Peace to the memory of this unusual personality—statesman, journalist, historian, churchman—the founder of this newspaper and its beloved publisher over its life span thus far of 65 years.

LIFE SKETCH

Dr. Victor E. Lawson was born on March 24, 1871, at Paxton, Ill. He was the son of Carl Magnus Lawson and Maria Lindstrom Lawrence, devout Christian parents whose hospitable home in the very cradle of the Augustana Lutheran Church was thrown open to many of the early leaders and founders of the church.

When he was a mere lad the family moved to New London, Minn., in 1880 where the father continued as a carpenter, built churches just as he helped build the original Augustana College.

As a boy on the home farm his hobby was printing. No surprise then that at the age of 17 years he became editor of the New London Times and some years later was the founder of the Willmar Tribune, the forerunner of the present West Central Daily Tribune. As an editor he was the champion of the common man, was of liberal political philosophy, was a crusader for temperance and good morals, and an unholder of the Christian faith.

With a meager country schooling of a few early years he, through self-study and his personal library which today is monumental, was some years ago recognized by a great college when Gustavus Adolphus College bestowed upon him the degree of doctor of humane letters.

As an American of Swedish extraction, his contribution to the culture of both nations was notably recognized when the late King Gustaf of Sweden conferred upon him knighthood in the Order of Vasa.

Educationally he rose to places of eminence as president of the Willmar Board of Education and a member of the board of directors of Gustavus Adolphus College.

He served his home city of Willmar as mayor for several terms and many of the forward-looking programs of a civic nature were credited to him.

In the political realm he was one of the builders of the liberal movement in Minnesota, served as State senator from 1927 to 1939, was a candidate for Governor and the choice of the late Gov. Floyd B. Olson for U.S. Senator.

Great he was also as a churchman. In the Bethel Lutheran congregation he held positions as deacon and trustee, was president of the Minnesota brotherhood, served on the board of directors of the Augustana Book Concern. To his own bethel and in memory of his wife he gave a complete installation of carillon bells.

As a journalist he became president of the Associated Press of Minnesota and was the last of the pioneer editors of this West Central area.

A born historian he was. Note his authorship of the Illustrated History of Kandiyohi County, the outstanding county history in Minnesota, his presidency and life membership in the Minnesota Historical Society and the one credited with acquiring the State Society Building at the capital.

He was a great lover of nature and the outdoors. Note his leadership in acquiring Sibley State Park, Monson Lake State Park, Robbins Island and the establishment of

his own Ekeberg Conservation Foundation, 22 acres of which he finally gave to his church as the site of the present Shores of St. Andrew Bible Camp.

The above are merely the highlights of his public service and efforts in behalf of his community, his State and his church.

Mr. Lawson wedded Minnie Nelson of New London in 1894 but the young wife passed away 7 years later. In 1908 he married Julia Shellstrom who was his great helpmate until her demise in 1947. There were no children by either marriage.

He retired as head of the Tribune in 1947, assuming the position of the chairman of the board of the Tribune Co. but continuing his interest in the affairs of the newspaper he founded 65 years ago. Ill health came to him during the past decade but such maladies never dimmed the latent interests that were always his.

He passed away quietly at his home in Willmar Saturday evening March 19, 1960, on practically the eve of his 89th birthday.

Victor Lawson was the last member of the C. M. Lawson family. In addition to the parents who both passed away at New London, the sisters and brothers who preceded him in death were Carrie (Mrs. F. O. Swanson), Esther, Theodora, Thomas Lawson, and Eben E. Lawson.

Immediate nephews and nieces who survive are Enock Swenson, of New London; Lawrence Swenson, of Olympia, Wash.; Mrs. Frank Burns, of New London; Vernon Lawson, of Helena, Mont.; Louis Lawson, of Atwater; Mrs. A. D. Hall, of St. Cloud; and through kin of Mr. Lawson's wife—Oscar B., Ann and Gordon Augustson, of Willmar; and Rudolph Augustson, of Detroit, Mich.

[From the West Central Daily Tribune, Willmar, Minn.]

ALONG THE WAY
(By O. B. A.)

For just today we would revert back to our very personal column of some years past.

For during the decades of that column the writer took occasion to pay tribute to good and worthy people he had learned to know and esteem.

Today gives us the one and greater occasion to again pay honor—if we can find the words—to properly express our thoughts.

Pay deeply felt tribute to a great man who will be laid to rest tomorrow.

They say a truly great man is also great to his valet—he who is so close to the life of a man. In such a situation we found ourself during these past 44 years.

And we would seek to say so much that is on our hearts and call him great, not just because he was our employer, not because he was near of kin, not because he was our benefactor.

No—all those things aside, we pay deepest honor to the man—Victor E. Lawson himself—as we learned to know and almost worship him.

It was said of the Royal Air Force of Britain when they turned back the Luftwaffe these words by Churchill—"They did so much with so little."

How true that was of Victor Lawson—one who accomplished so much with so little, from such humble beginnings. Rose to such heights that he was termed illustrious as a statesman, historian, journalist, and a churchman.

As a country boy with a few grades of a rural school he became a doctor of humane letters. As a village newspaperman to become an editor of State and National stature.

As an historian whose work won him widespread fame, a legislator and political champion who stood so high in the halls of government, a churchman, who made such great contributions to the faith.

These are merely broad brackets of his life of achievements and service, service so unselfish, little thoughts of reward—the good done was his goals.

How can one but stand in awe and profound admiration—most especially we who were so close to observe it all.

Yet despite his gifts and the honors he attained, he was always the commoner, the one militant for those needing help, the crusader for causes, the upholder of noble principle and conviction cost what they would.

What more can one say in mere words found to be so futile in an hour like this?

And how best can one close this earnest comment but with the blessed benediction which we feel he will so well merit—"Well done, thou good and faithful servant."

Peace to the memory of Victor Emmanuel Lawson—seldom in our estimation do such personalities flash across the horizon of time or walk the terrestrial stage.

Great and yet humble, one for whom service was an ideal, one who was strong as a lion and yet with the abiding faith of a child—faith in his God and in his fellowmen.

Farewell Victor E. Lawson, our lives and the bit of world which surrounds us was made better by your having been in our midst.

We would live on in the aura and glow of inspiration which enveloped your days of sojourn here on earth.

DESK, THOUGH VACANT, THE SPIRIT LIVES

Yesterday's editorial comment was material that had been written previous to the recent bereavement which befell this newspaper. It was run as a fill-in. Today we resume the editorial pen. And we cannot write without notice of the one vacant desk in our editorial room which was graced so long by his presence. Yes, it is vacant but we will ever sense his presence, his spirit—for he will continue to live here in an atmosphere made up of memories of this man, his personality, and his principles. As this newspaper was founded and grew under his guidance so may we continue to carry on through the inspiration he bequeathed to us all. Victor Lawson has departed to far happier climes but we who remain cannot but be dedicated to the ideals which he personified throughout his life. Victor Lawson founded this newspaper as an independent voice and under his leadership it has so remained. Look back, ye who do know, and recall with us the causes that he championed and at times when it was both costly and grievous to himself. But he was an editor—every inch of him—born as such. For him the principles he defended with his pen were more precious than the peace or the purse. To him journalism was a calling, a consecrated profession, something which had nothing to do with material gain—it was a thing of the spirit—convictions held stanchly when others about him may have faltered—beliefs that could not be swayed or bought. We who follow, know his life and how he lived up to his role as the humble country editor, yes humble but fearless, having at heart at all times what he thought was for the best and good for his fellowmen. Journalism and the fourth estate has lost one of its greatest sons—one of its pioneers—one who laid foundation stones of what journalism should be if it is to be deemed worthy of being called a profession.

The present editor who has inherited his mantle and has stood by his side all these years to both observe and learn could write both an impressive and interesting narrative of the editorial side of this man Lawson, a side just as illustrous as the roles he achieved as a historian, statesman, and churchman. Perhaps the future may give occasion to do this.

But now we must close this editorial tribute—it could say no more if it were thrice its length. But, as we gaze at his vacant desk we will always have indelibly imprinted on our very souls the editorial gospel and creed which shone through his life and which words we often heard him express—"Be true to your convictions." And this he was, so gloriously that he won the admiration and esteem of even his severest critics in public and political life.

His editorial desk is vacant but the spirit of Victor E. Lawson lives on.

COMMUNITY, CHURCH, STATE PAID TRIBUTE AT VICTOR E. LAWSON RITES—CHURCH AUDIENCE THRILLS AT VICTORY OF FAITH SERVICE

In a thronged church auditorium, in the assemblage of a community which came to do him last honors, in the presence of distinguished representatives of church, State, the Fourth Estate, and of recorded history, last rites were held Wednesday afternoon for the late Dr. Victor E. Lawson, beloved founder and publisher of the West Central Daily Tribune. It was not a moment of only mourning, it was not an occasion of only bereavement and loss—it proved to be a service of triumph and victory as a man of the faith returned to his Maker. This was all revealed in the tributes paid by the representatives mentioned, by the hymns that spoke of that faith, by the stirring message from the pulpit, all closing with the dramatic rendition, by the choir, of "The Hallelujah Chorus" from "The Messiah" as the audience stood and shared the inspiration. Such were the rites at the Bethel Lutheran Church for the man who from such humble origin had attained distinctions but bore with so much modesty, as a statesman, historian, journalist, and churchman.

Seated in the audience were various groups in reserved pews including some 21 honorary pallbearers, men who had been close to the career of this departed citizen and friend in so many public, business, and personal walks of life. These were Dr. R. E. Anderson, Willmar; M. W. Blomquist, Willmar; Judge Harold Baker, Renville; A. W. Chalberg, Kandiyohi; Carl Dahlheim, Willmar; W. J. DeVries, Raymond; Edward M. Elkjer, Willmar; H. C. Feig, Willmar; C. J. Freeberg, Willmar; Dr. C. E. Gerretson, Willmar; O. N. Gravgaard, Hawick; Judge Sam Gandrud, Litchfield; Charles Hedlund, Willmar; Harry Hallberg, Kandiyohi; Dr. J. C. Jacobs, Willmar; Martin Leaf, Willmar; C. J. Nelson, Kandiyohi; Victor Olson, Benson; Paul E. Peterson, Willmar; J. Albert Peterson, Willmar; Senator H. L. Wahlstrand, Willmar.

The active pallbearers were associates and employees of the Tribune—R. C. Bengtson, Ernest Strom, Anton Okerman, Emil Aspaas, Sigurd Pederson, Lowell Lundquist, Stanley Haldorson, and Olaf Hovseth. Other Tribune employees and their families were seated as a group.

The processional was led by Rev. Robert N. Pearson, of Bethel Lutheran, Willmar; Rev. Carl Gronquist, of Lebanon Lutheran, New London; Rev. Carl Sandgren, of Minneapolis; Rev. Thomas Wersell, Minneapolis; and the distinguished representatives.

After the opening hymn "He Leadeth Me," there was the order of service and reading of the Scripture and prayer. Then followed the tributes by the distinguished representatives from the area of church, state, press, and historical.

Dr. Edgar Carlson, president of Gustavus Adolphus College, paid an eloquent tribute to Dr. Lawson in which he called attention to the many years the deceased had served on the board of directors of the college and his interest in education. His highest tribute came when he noted that though the departed had only a few grades of a rural schooling he rose to such eminence as a scholar that Gustavus conferred upon him the degree of doctor of humane letters.

"Without the benefit of higher education" said Dr. Carlson, "he became a recognized scholar, to whom the best trained scholars were proud and happy to pay tribute."

Representing Gov. Orville Freeman was his personal secretary, Thomas Hughes, who spoke of the years when Senator Lawson served in the State legislature and the contributions he had made as a statesman of Minnesota. Ralph Keller, Secretary of the Minnesota Newspaper Association cited Dr. Lawson as a journalist of the highest order—"one who held high his profession as an editor without fear or favor. Though one may have disagreed with his views you never doubted his honesty and integrity" said Mr. Keller. Arch Grahn of the Minnesota Historical Society pointed out the contributions which Dr. Lawson had made to both local and State history and informed that the acquiring of the historical building at the capitol was largely through his leadership. Rev. Thomas Wersell of Minneapolis represented Dr. Leonard Kendall, president of the Lutheran Minnesota Conference of the Augustana Church whose statement cited Dr. Lawson's services to the church, his gift of the Bible camp site and generally his Christian life and labors.

The second hymn sung was "Faith of Our Fathers" after which the Rev. Robert N. Pearson delivered a very impressive sermon. He informed the audience that for years Dr. Lawson had a motto on his desk. It read "Prepare to meet thy God." This quotation is from the book of Amos and was made the basis for the fine Pearson sermon. He declared that a true Christian always lives with the thought of being prepared to meet his God. And this is realized said Reverend Pearson through humility, through honesty, and through harmony with God. This done, said the pastor, death has no sorrow—it is an occasion for triumph and victory and he applied it all to the passing of Dr. Lawson. It was at this point that the entire audience arose as the choir, directed by Julian Framstad rendered "The Hallelujah Chorus" from "The Messiah"—a thrill to everyone who was in the edifice at that moment.

The benediction was pronounced and the recessional began while hymns were played on the carillon bells in the church tower, the gift of Dr. Lawson. The organist at the service was Mrs. Harold Dale. The bells were also played during the processional. Pastor Pearson acknowledged the many floral tributes and likewise many in memoriam gifts for such causes as benevolences, the Bible camp, the chapel at Gustavus, etc.

The funeral cortege now set off for New London where brief services were held at the Lebanon Lutheran church, the old family church of the Lawsons. Here the Reverend Carl Gronquist officiated and delivered an effective sermon stressing the truth that our entire Christian faith is based on the Resurrected Christ and because He lives, we too, shall live. Special music at this service was a duet, "Children of the Heavenly Father" sung in the Swedish by Mrs. Herbert Holm and Mrs. Harry Dokkesven. The organist was Mrs. Harold Olson.

With the two services now having been completed the remains were borne to the Lebanon churchyard where they were laid to rest in the family plot. Here both Rev. Pearson and Rev. Gronquist officiated at the rites.

The thronged Bethel church reflected friends from throughout this part of the State and from a distance. They had come to pay their last respects to a man whom they had learned to both love and admire—a country lad who had risen to prominence but never lost his common touch and humility.

Among those from a distance, the following have come to our attention: State Treasurer Val Bjornson, former State Senator Simonson of Litchfield, the Honorable Odean Enestvedt of Renville, former Representative H. W. Rundquist of Dawson, former Willmar school superintendent, George O. Brohaugh of St. Cloud, former Governor Elmer Benson of Appleton Lud Roe of St. Paul and former publisher at Montevideo, Russell Fridley, secretary, Minnesota Historical Society, Hon. O. G. Nordlie of Litchfield, former State Senator Ansgar Almen of St. Peter, William Macklin, managing editor of the New Ulm Daily Journal.

After the Bethel service and the Lebanon services groups of ladies in both congregations served refreshments. The choir, which in Bethel church sang the Hallelujah Chorus was made up largely from singers in the Messiah Chorus which will render this famous oratorio in Willmar on Palm Sunday. The Lawson Library in the Tribune Building was open to visitors after the church service.

TRIBUTE TO DR. LAWSON DELIVERED BY DR. EDGAR CARLSON, PRESIDENT, GUSTAVUS ADOLPHUS COLLEGE

"Dr. Victor Lawson was one of those rare persons who can be accounted for only by their unusual inner resources. Many people are shaped by the circumstances of their lives and reflect the communities in which they live and labor and the influences that have acted upon them. About Victor Lawson one has to say that the community reflects him to an even larger degree than he reflected the community. He was one of the major influences in the life of this city and of this State, of this congregation, and of the whole church.

"Without the benefit of higher education he became a recognized scholar, to whom the best trained scholars were proud and happy to pay tribute. I recall that when Gustavus Adolphus College conferred upon him the honorary degree, doctor of humane letters, in 1945, no less a historical scholar than Dean Theodore C. Blegen, dean of the Graduate School at the University of Minnesota, expressed his personal appreciation to the institution for this deserved recognition that had been given to one of Minnesota's great historical scholars.

"There was in him a remarkable combination of kindliness and humility on the one hand, and a sure confidence and almost regal bearing on the other. There was an independence of thought and action which was sure of its ground, while always inquiring and curious about new fields and new points of view. There was devotion to the old, the desire to conserve the best in the tradition, and an alertness to the new situation and new conditions which made him everyone's contemporary, and especially the contemporary of the young.

"Indeed, his interest in the young must be regarded as one of his outstanding qualities. For 25 years, from 1914 to 1939, he served as a member of the board of Gustavus Adolphus College. I am sure that the board has never had a more devoted or interested member than he, nor one who more fully embodied the best in its educational heritage. Always he knew what was going on at the college and was eager to learn more about it. In these recent years he gave concrete and dramatic evidence of his concern for youth and his faith in them by giving his beloved Ekeberg Farm to the youth of the church as a site for the Bible Camp, 'The Shores of St. Andrew.'

"In behalf of Gustavus Adolphus College, its board of trustees, faculty and staff and student body, and countless students and teachers of other years who owed a debt beyond that which they may have known to Dr. Lawson, I wish to pay him tribute and give public acknowledgment of our indebtedness to him. To those who stood closest to him by ties of blood and continuous association, we extend our deepest sympathies and assure you that we also stand in that community of gratitude and grief to which all who knew him now belong.

"The passing of another of these 'giants in the earth' makes us realize again how great is our debt to these men of vision and of faith, of whom there seem to have been so many in an earlier generation. They believed greatly in the God we have known in Jesus Christ, in America and its great possibilities, in the men and women with whom they associated, and most especially in the young. We may well pause to wonder whether they are being replaced by others in our generation. We honor men like Dr. Victor Lawson most by dedicating ourselves in what often appears to be the diminishing tribute of the great servants of mankind."

TRIBUTE TO SENATOR HUMPHREY

Mr. GORE. Mr. President, although I neither expressed nor experienced any joy when the able senior Senator from Minnesota laid aside his sword in another endeavor, I feel, and wish now to express, joy at seeing him back in harness on the floor of the Senate, where we need his intellect, his vision, his pleasant personality, and his articulate voice.

Mr. HUMPHREY. I thank the Senator from Tennessee for those words. I should like to share with him an intimate personal thought. I have never been happier in my life. I love the U.S. Senate. Having had the opportunity to experience some of the other delights of public life, I have come back home, and I hope to be able to remain here for some time.

I shall endeavor in the next few months to renew my contract, if the people of Minnesota are willing to be so gracious as to consider it.

Mr. MANSFIELD. Mr. President, I have already made known my feelings about the return of the distinguished senior Senator from Minnesota to the Senate, and how happy and glad I am for personal reasons.

I simply wish to say that, now that HUBERT HUMPHREY has returned, the sun is shining.

Mr. HUMPHREY. I thank the Senator from Montana.

THE DANGER OF SUSPENSION OF NUCLEAR TESTS

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GOLDWATER. Mr. President, for many years our policymakers have paid lip service to the idea of disarmament. This seems to be one of the ways, in modern diplomacy, of proving one's virtue. Recently, however, under strong Communist propaganda pressure, we have acted as though we mean this talk to be taken seriously. I cite our Government's momentous decision to suspend nuclear tests.

To the impending physical parity in nuclear weapons must be added a psychological factor assiduously cultivated by Communist propaganda. The horrors of all-out warfare are said so be so great that no nation would consider resorting to nuclear weapons unless under direct

attack by those same weapons. Now the moment our leaders really accept this, strategic nuclear weapons will be neutralized and Communist armies will be able to launch limited wars without fear of retaliation by our Strategic Air Command. I fear they are coming to accept it, and thus that a military and psychological situation is fast developing in which aggressive Communist forces will be free to maneuver under the umbrella of nuclear terror.

It is in this context that we must view the Communist propaganda drive for a permanent ban on the testing of nuclear weapons, and the inclination of our own leaders to go along with the proposal. There are two preliminary reasons why such proposals ought to be firmly rejected. First, there is no reliable means of preventing the Communists from secretly breaking such an agreement. Our most recent tests demonstrated that underground atomic explosions can be set off without detection. Secondly, we cannot hope to maintain even an effective strategic deterrent unless we keep our present nuclear arsenal up to date; this requires testing.

The moratorium on testing of nuclear devices prevents the exploitation of the full theoretical potential of some of our planned ballistic missile systems. Concurrently with the development of new missile systems, scientists had planned to develop new warheads for which the weight involved would have given vastly greater explosive forces than those now available in the relatively lightweight warheads used by missiles. Each day the moratorium continues will further delay the development, fabrication, and testing of warheads which would have significantly increased the striking power of new missile systems. Hence, Mr. President, we may be confronted with utilizing weapons far less potent than those originally contemplated or, as an alternative, equipping them with untested warheads. In manned bombers, however, weapon weight is not such a restrictive factor; and they are, and will continue to be, able to carry the very large yield by the comparatively heavy fully tested weapons now available.

This fact serves to highlight the danger of relying on any one particular system as an ultimate weapon. We must continue to develop our manned aircraft, to assure our continued capability to place adequate warheads on appropriate targets.

Scientists have a rightful place in our planning; but it is wrong, in my opinion, to depend entirely upon them for the development of military weapons for military strategy. I recall, Mr. President, that during World War II a scientific study showed that the B–17 would not survive in Europe. This decision came out after the B–17 had not only survived, but had enabled us to deliver such a strategic attack on Germany that we won the war.

What we must constantly remember is that we are the dominant country in the world today in air transportation; and, holding that dominance, we should utilize it, as England did her mastery of the seas, to maintain a situation without world wars for 200 years. If we are to be able to utilize that power, it cannot be tied up with red buttons. In other words, if we place all of our strategic and offensive hopes in missiles, once the red button is pushed the offensive strength is on its way and cannot be recalled. On the other hand, if our strategic forces are made up of the combination of missiles and manned bombers, then we shall have the flexibility and the maneuverability to show to the world our air power, as England did her sea power.

Nothing would delight Russia more than to have us agree to a disarmament program which would include the abandoning of our manned aircraft, for then she would, in effect, have taken from us the one weapon which we have to keep her from bullying the world as she desires.

Continued modernization of our manned force will be required, in order to maintain effectiveness. Both the growing obsolescence of the force and the significant increases being made in Soviet air defenses contribute to this requirement.

The mach 3 B–70 is the weapon system which best fulfills the vital requirement for a manned follow-on aircraft to the B–52.

It is the only manned aircraft system now under development by the Air Force. Its introduction into the strategic bomber force is essential to the continued effectiveness of the manned bomber force.

An effective offensive strategic capability requires a flexible force using manned aircraft and missiles.

Properly employed, manned aircraft and missiles can complement each other, by attacking the targets for which, individually, they are best suited. Both are essential, and neither can completely replace the other. The ratio of bombers to missiles may decrease, but we cannot abandon the manned bomber.

In addition, a diversified attack forces the enemy to dilute his defenses, so as to try to cover all speeds and altitudes.

Manned systems possess certain unique capabilities, not characteristic of missiles, which are considered mandatory to the strategic posture.

One is the capability which allows launching on less than certain information, because an airplane can be recalled. Launched in this situation, the manned system could be recalled or could proceed on to enemy targets; and, being airborne, it would be safe from the attack.

Also, manned aircraft can be used over and over on repeated strikes, whereas a missile cannot be used a second time.

In addition, the manned system fulfills the important role of obtaining intelligence and damage assessment information vital to planning subsequent strikes. It also provides a means of bringing mobile targets under attack.

Another unique capability of the manned system, now and for some time to come, is the ability to carry larger and greater yield weapons, as well as multiple weapons; whereas in the present state of the art, the ICBM can carry but one warhead, and it is of relatively small yield when compared with the yield of what the bomber can carry.

This capability enables the airplane to bring large-yield weapons to bear against such hardened targets as military and government control centers, or to attack several targets on the same mission.

We should also note that this large and variable load-carrying capability takes on additional significance when we consider the possibility that nuclear weapons conceivably would be banned at some time in the future, and only TNT weapons could be used.

In such a situation, missiles become a very expensive means of delivering TNT against the enemy, when compared to the cost of the bomber, with its capability of carrying many conventional bombs, and returning to carry more.

Furthermore, there exists the possibility that the moratorium on nuclear weapons tests will continue for at least the immediate future. If so, we shall be denied the means to develop and improve the ratio of warhead yield to weight, a factor of great importance when related to missiles. Consequently, reliable missile warhead yield growth, without testing, and within reasonable weight limitations, becomes most doubtful. Reliable, extremely large yield nuclear bombs are now in the inventory. When considered in conjunction with possible cessation of further flight testing of long-range missiles, this factor lends weight to the continued need for the manned bomber.

The manned aircraft can seek out, discriminate, and attack targets, with no sacrifice in accuracy and effectiveness. In short, it can achieve high accuracy using less accurate target data.

Moreover, the manned aircraft offer a much greater range of flexibility in choice of tactics. For example, they could use auy portion of the enemy perimeter to pentrate, with variance in both altitudes and speeds.

The man in the aircraft provides distinct advantages. He can use his judgment when confronted with unexpected conditions. He can disregard targets already destroyed, and can use his weapons on alternate targets. He has the ability to observe, think, and make unrehearsed decisions.

Of great significance is the increasing emphasis on arms control. Although complete and general disarmament is probably not attainable within the prevailing or foreseeable political environment, partial arms control is conceivable, and may eventually include space weapons, ICBM's, IRBM's, and nuclear weapons. Assuming this possibility, the future security of the Nation will, as today, be primarily dependent on the manned bomber force. The continuation of this force must be planned for and programed now. It cannot be a stop-and-go proposition, since many years are needed to develop and produce modern bombers and train personnel to use and maintain them.

Finally, manned systems offer cold-war application, not visualized in connection with large missiles.

In this regard, the flexibility of manned systems eases the decisionmaking process by providing an instrument

which may be employed on a graduated scale without an irrevocable commitment to combat.

The options provided the decisionmakers may vary from an increased ground alert posture to launching of the force subject to recall.

For instance, in times of stress it is difficult to let the world know, particularly potential enemies, that the readiness of the ballistic missile force has been stepped up. Nothing happens that anyone can see, whereas stepping up the readiness of the manned aircraft force on alert or initiation of an airborne alert is visible to friend and foe alike.

Furthermore, to display response in a tense situation, manned vehicles could be sent to where they would be seen by allies, or even picked up on radar screens of an enemy.

The aging B–47's are planned to be phased out of the Air Force inventory by the midsixties. Also, during the midsixties the earlier model B–52's will begin to be phased out.

This condition, coupled with an ever increasing Soviet defensive posture, requires modernization of our manned strategic capability.

An analysis of payload, range, speed, and penetration capabilities shows the B–70 to be the weapon system best suited to fulfill that requirement.

The B–70 would provide the Air Force with the most advanced, manned strategic system that the state of art now permits. It is unique, in that it has been designed expressly for continued operation in the supersonic environment.

It will travel the entire distance of its very great range at Mach 3, which is roughly 2,100 miles an hour. This represents a major aeronautical breakthrough, since it transcends the heat barrier, and conceivably opens the door to much greater speeds and further major advances in aeronautical science.

The principal technical factor which now permits attainment of a supersonic transport is the radical improvement in flight efficiency, which results in adequate range at acceptable fuel costs. Flight efficiency is the product of aerodynamic efficiency and propulsive efficiency. In considering aerodynamic efficiency, we find that a drastic decrease in lift-to-drag ratio occurs when sonic speed is reached and passed. However, recent developments and design refinements, such as the compression-lift principle, have substantially raised lift-drag ratios in the Mach 3 region. In compression-lift design, the aircraft wing is positioned on the supersonic shock wave, so that it derives additional lift from the increased air pressure behind the wave. It may be said that, in effect, the airplane "rides" its own shock wave. Thus, we see that by proper design we can translate increased speed into improved aerodynamic efficiency.

Furthermore, the attainable propulsive efficiency increases with increasing flight speed. The combination of the two factors produces flight efficiencies approaching those of present-day, high-subsonic aircraft. Still further improvement is anticipated in this area.

This speed means, for example, that in times of stress, if B–70's were on alert over the polar regions, and it was decided to attack, they would be over Moscow before an ICBM launched from this country could reach Moscow.

Penetration studies show that the B–70 will have excellent penetration capabilities. This capability is derived primarily from the airplane's speed and altitude; and this capability would be further enhanced by countermeasures, decoys, and air-to-surface missiles—all used under the monitorship of a human brain.

The B–70 is designed to carry a variable internal payload. It can carry several large bombs or a great many very small ones.

One of the problems in space research and military space work is the boost required to propel payloads through the lower dense atmosphere into space. It may be possible to realize substantial savings by launching space vehicles from the B–70 using it as a recoverable, first-stage booster instead of launching from the ground.

Of growing importance is the possible need for a defense against satellites. In this regard, the maneuvering ability, speed, and large load-carrying capacity of the B–70 offers great potential as an antisatellite weapons carrier, and possibly as a long-range platform for air defense missiles.

Additionally, the B–70's design, with the crew far removed from the engines, may be, with certain types of nuclear reactors, adaptable for nuclear propulsion.

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

Mr. GOLDWATER. I am speaking on limited time.

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

Mr. GOLDWATER. Mr. President, may I have 6 more minutes?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Arizona may have 10 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GOLDWATER. I do not expect to use the 10 minutes, but now I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, is the Senator from Arizona at liberty to disclose the planned cruising altitude of the B–70?

Mr. GOLDWATER. The planned cruising altitude is 70,000 feet, but I believe it will be higher than that.

Mr. AIKEN. Would the utilization of the B–70 necessitate the remaking of airports or airfields?

Mr. GOLDWATER. No.

Mr. AIKEN. What length of strips would be required for takeoff or landing?

Mr. GOLDWATER. The lengths and thicknesses of present runways for B–52's would suffice for the B–70's. In the construction of new runways, it would be desirable to make them longer, but it is not necessary.

Mr. AIKEN. A 10,000-foot runway would accommodate a B–70, then?

Mr. GOLDWATER. Yes.

Mr. AIKEN. Of course, the weight would depend on whether the plane was loaded or not, and the required ballast of the runway would depend on the weight of the plane.

Mr. GOLDWATER. I may say to the Senator from Vermont that, in my opinion, any modern B–52 or B–47 runway would handle a B–70.

Mr. AIKEN. I thank the Senator.

Mr. GOLDWATER. Mr. President, the B–70 offers the potential for assuming the role of rapid strategic airlift or paving the way for mach 3 transport aircraft.

Just as the B–52/KC–135 developments paved the way for jet transportation, so the B–70 would initiate mach 3 transportation, freight, and passenger.

Under conditions of total weapons control a mach 3 transport utilizing the B–70 design features would provide the United States the flexibility of rapidly transitioning from transport aircraft to weapon system should such a need arise.

The recent disclosure by the CIA and the State Department and the President on a successful penetration of Russia's heartland by the U–2 should be added reason for quickly going ahead with full development of the B–70 program. The reason that the U–2 was able to operate, and is still able to operate with immunity in the skies over Russia, is that it can fly at an altitude higher than any of Russia's interceptors can reach and higher than the effective range of any of its ground-to-air missiles. Russia abandoned her supersonic program in aircraft, and for that reason she has not developed a fighter capable of effectively reaching the altitudes at which this reconnaissance plane flies. If a reconnaissance version of the B–70 could come off the lines in a short time from now, we would have started an arm of our Air Force that could revolutionize the entire field of reconnaissance. This craft flying at mach 3, at altitudes above 80,000 feet, could with immunity give surveillance to any part of the world and keep us constantly posted on the actions and progress of any potential enemy, wherever he might be.

A manned airplane is required as an essential and integral element of the strategic posture.

The B–70 is the weapon system which best fulfills the requirement for a manned follow-on aircraft to the B–52.

The B–70 offers the potential of additional required roles, including nuclear-powered airplanes, first-stage boosters to space launchings, and mach 3 transportation.

The B–70 offers a reconnaissance type aircraft that could fly above the effective range of any enemy aircraft or missile, and at speeds over three times of any known enemy interceptor.

Our Government could then go to the United Nations with a statement that it was clearly obvious that to help insure the peace of the world, a constant surveillance should be made of the entire globe and that this surveillance would

be, so to speak, "posted on the bulletin board" for every member of the United Nations to see. Daily, yes, even hourly, observations of all the world from these altitudes could result in information which could certainly prevent any massive surprise attack being launched by one nation against another. Now, the United Nations would probably turn this down so we would then go to NATO and make the same proposal that we, with our B–70's, would provide a flying watchdog for the world, and that gathered information would be the property of the world. It is reasonable to expect that NATO would reject this, so then, as a last resort, the United States could say to the world that we know if the world could be kept posted as to the activities of all nations on a real basis, the dangers of any overt attack could be virtually removed, and that, desiring peace as strongly as we do, we would provide this surveillance at our own expense.

If an enemy power is bent on conquering a nation, and proposes to turn all of its resources to that end, that power is at war with the nation; and the latter—unless it contemplates surrender—is at war with him.

"These are the times that try men's souls," said Thomas Paine when we were struggling through the war that brought us independence. If he were alive today, he could well repeat that, or say, "Now is the time that tries men's courage."

TWENTY-FIFTH ANNIVERSARY OF REA

Mr. McCARTHY. Mr. President, rural electrification has been one of the most important developments in the progress of America and of American agriculture. It has revolutionized the workload on the farm and it has immensely benefited the family farm. Beyond this, it has enabled farm families to enjoy cultural values and a standard of living previously not possible. Perhaps no group can express more appreciative thanks than the farm wives of America who have seen the values brought to their homes and their families by rural electrification.

This great change has been accomplished in the past 25 years, and largely through the processes set in motion by President Franklin Roosevelt. The Rural Electrification Administration began with his Executive order in May 1935. Since then the percentage of farms in the United States with electricity has increased from less than 11 percent to more than 96 percent. In Minnesota only 6.8 percent of the farms were electrified in 1935, as compared to 98.6 percent today.

On the 25th anniversary of the establishment of REA, it is appropriate to commend the foresight of President Roosevelt and of the congressional leaders who supported and expanded the program. At the same time, the success of the rural electrification program is also the achievement of rural citizens. Rural electrification has been accomplished, not by government ownership or operation, but essentially as a private venture. The role of Government has been to provide funds for loans, just as it did for industry under the Reconstruction Finance Corporation. Although several forms of private enterprise were eligible to borrow for rural electrical expansion, most of the initiative came from rural cooperatives formed for this purpose. Of the 1,085 firms which have borrowed through REA, 984 have been rural co-ops. Special recognition is due on this occasion to the thousands of farm leaders who had both the determination and the skill to create their own institutions.

Nearly 16 million rural people are now served by locally owned and managed rural electric systems. and more than half of the Nation's farms get their electricity through an REA borrower. Over 83 percent of the Minnesota farms are served by REA. Only North and South Dakota have a higher percentage of farmers belonging to REA. The unusual success of REA co-ops in Minnesota is a reflection of the long and successful experience of Minnesota farmers with cooperatives. Given a means to finance their own electrification system, Minnesota farmers went ahead with confidence and skill to serve all the farmers of the State. Over 80,000 miles of powerlines have been constructed under REA in Minnesota, giving the State the third highest REA mileage of any State in the Nation.

The record of REA borrowers is not only one of success in giving service to the entire community. It has also been one of fiscal success. Approximately $3.5 billion has been loaned by REA in the past 25 years, and over $1 billion has been repaid by borrowers in principal and interest. The REA loans in Minnesota have totaled about $156 million, of which $37 million has been repaid on the principal, and another $20 million in interest. Repayments on loans are far ahead of schedule.

Today, the great majority of Members of Congress and citizens nationally agree on the value of the REA. It is an example of how Government can be used to extend freedom and independence for people.

Rural electrification was inevitable in the United States. Once started, it was simply a question of how fast it would come, of what form it would take, and of how many farmers would benefit. The Nation made its choice in democratic fashion and along lines consistent with democratic principles.

HE WHO WOULD BE SECURE AT HOME MUST BE SUPREME AT SEA

Mr. BUTLER. Adm. Arleigh A. Burke, Chief of Naval Operations, has repeatedly and emphatically defined seapower in this way:

> Seapower is not just men-of-war. It includes freighters, tramp steamers, passenger liners, tankers, and the many other ships which make up the merchant marine.
>
> But seapower is even more than this. It is the sum total of weapons, ships, shipbuilding capacity, and geography which enable a nation to use the sea advantageously during peace and war.

The free world desperately needs the sea. The free world will not long remain free unless it controls the sea. The community of free nations, who together compose a mighty strength, draws power from the sea, and is tied together by the arteries of the sea. Obviously, seapower will play a major, if not a predominant, role in any future emergency which can now be visualized.

Yet, it is increasingly remarkable that the United States—the cornerstone of the free world—would permit elements of its seapower to be deficient from a qualitative or quantitative standpoint. But that is exactly what is happening in terms of our merchant marine.

My colleagues, I am sure, will be alarmed, as I have been, by a recent appraisal of our ocean shipping resources and capabilities to support the defense of the United States, which has been prepared by the Office of the Chief of Naval Operations. I therefore ask unanimous consent to have printed in the body of the RECORD at this point a letter, and attachments, dated March 11, 1960, received from Vice Adm. Ralph E. Wilson, Deputy Chief of Naval Operations—Logistics.

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

DEPARTMENT OF THE NAVY,
OFFICE OF THE CHIEF
OF NAVAL OPERATIONS,
Washington, D.C., March 11, 1960.

Hon. JOHN MARSHALL BUTLER,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR BUTLER: In your letter of February 17, 1960, you expressed interest in receiving a current appraisal of our maritime needs along the lines of the document dated February 21, 1959, and entitled "Ocean Shipping to Support the Defense of the United States." This paper has been revised to the present date, and a copy is enclosed for your information.

There has been little change in the substance of this appraisal since its last revision in February 1959. The bulk of our sea transportation resources have undergone another year's depreciation, and little has been accomplished in the way of either modernization or renewal.

The subsidized segment of the U.S.-flag merchant fleet remains at a few over 300 ships. The number of subsidized voyages authorized in the past year was a few more than in the year previous. There are a number of applications for subsidy pending. Although most of the subsidized shipping companies have entered into long-range ship replacement contracts, funding shortages have prevented actual replacement construction from being adequate. The rate of progress in the replacement of subsidized shipping depends on the future of construction differential subsidies. Our domestic shipbuilding industry is also largely dependent on this subsidy. In addition, the construction of the two superliner passenger ships authorized by the 85th Congress has not started due to financing difficulties.

Unsubsidized operators currently have about 700 ships active under U.S. flag. About 70 percent of this tonnage is in ships of World War II design or older. These ships will come to roughly the end of their competitive economic lifespans over the next few years. There is no orderly or comprehensive plan for their replacement, and the present state of the shipping market provides little incentive to the nonsubsidized owners to initiate replacement programs.

Our coastwise and intercoastal fleets which prior to World War II comprised the largest segment of the merchant marine, have declined nearly to extinction. The disappearance of this deepwater domestic fleet would be a more significant loss to our defense shipping capability than the small amount of tonnage involved would indicate. In their operations, these ships are never far from major U.S. ports and, as a group, are the most readily available for emergency usage of all ships under U.S. control.

The National Defense Reserve Fleet has undergone a decrease in numbers due to the scrapping of about 200 Liberty type vessels. Five hundred such vessels have been approved for scrapping. Some ships have been traded into the Reserve Fleet as partial payment on new construction to be financed through the Maritime Administration. In general, it may be said that the National Defense Reserve Fleet is gradually deteriorating, both in size and in qualitative usefulness.

Over the past few years, the American-owned merchant fleet registered under "flags of convenience" has come to be more and more important to defense logistic planning. Modern war concepts put a high premium on the active and operating ship, over the ship in reserve. The American-owned foreign flag merchant vessels under effective U.S. control constitute an active operating fleet of roughly 500 ships. About half the tonnage of this fleet was built in the last 5 years, and consists in great part of very large tankers. Half of the tanker capacity available to the United States is under flags of convenience. Thus from the standpoint of national defense we would be well justified in referring to these ships as the flag of necessity fleet.

The operation of these ships by American owners under flags of convenience has for some time been the target, along with our subsidy policies, of strong opposition by European governments and shipping owners who resent effective American competition in the carriage of ocean trade. More recently, opposition by maritime labor groups has increased to the point that operation under the usual flags of convenience (Liberia, Panama, and Honduras) is becoming increasingly untenable for some ship operators, principally those who deal mainly in presenting ships for charter (as contrasted to ships operated as proprietary carriers for oil or metal companies). These shipowners are attempting to escape this pressure by moving their ships to registry under the traditional maritime flags of Europe. Under present policies and conditions, such transfer results in the loss of effective control of these ships for emergency purposes.

The American owners of flag-of-convenience ships contend that they cannot pay American wage scales and operate in competition with European shipping without governmental subsidy.

American maritime labor contends that if the United States considers a strong merchant marine necessary to our position as a maritime power, then the Nation should be willing to pay the wage scales obtainable by American unions.

To bring the American-owned flag-of-convenience fleet of about 500 ships under U.S. flag with operating subsidies would entail large and continuing expenditures.

It would not be appropriate for either the Navy or the Department of Defense to become involved in a dispute between maritime labor and management. Our interest in the matter relates to the impact of this problem in our defense posture. It is imperative that U.S. control of this shipping be retained.

Your position and your interest in our maritime industry make it particularly important that you be fully informed on the above matters. I am, of course, at your service for any additional information that you may desire.

Sincerely yours,

RALPH E. WILSON,
Vice Admiral, U.S. Navy, Deputy Chief of Naval Operations (Logistics).

OCEAN SHIPPING TO SUPPORT THE DEFENSE OF THE UNITED STATES

INTRODUCTION

The United States must be prepared today—and throughout the foreseeable future—to deal immediately and effectively with any emergency that may be forced upon us. We must be ready at all times to fight a limited war, or a general war, or to support our foreign policies under tense conditions short of actual conflict.

The prosecution of war utilizes all the resources of our Nation. Our entire industrial potential is intermeshed into our overall national defense posture. To project our military power overseas and support sustained combat operations, our Armed Forces must rely heavily upon American industry—and our maritime industry, as in the past, must play a key role.

The prosecution of war utilizes all the reportation in wartime dictates that the United States must have effective control over sufficient active merchant type, shipping to promptly meet our initial emergency requirements—for the redevelopment of military forces and the rapid transportation of noncombatant evacuees from danger areas.

Several years ago we possessed a marginal, but gradually deteriorating capability to carry out the transportation task outlined above. More recently the Department of Defense has observed with concern the continued slow rate of progress made in the replacement of aging vessels. Greater emphasis must be placed on the need for orderly shipbuilding programs.

We cannot rely on NATO pooling to solve our merchant shipping problems, as it appears most probable that the combined requirements of all NATO nations will exceed the total capabilities of the pool. Moreover, considerable delay in the implementation of NATO pooling procedures is anticipated. Our global interests require that the United States be prepared for emergencies other than a NATO war.

BACKGROUND

At the outbreak of World War I, shipping available for charter to American interests suddenly became extremely scarce. Charter rates skyrocketed. We were forced to hastily improvise a shipbuilding program which was both costly and inefficient. Peak production was reached after the war ended. We learned in World War I that the law of supply and demand is real. We were subjected to the same lesson again in World War II.

The primary mission of the American merchant marine is the normal task of transporting our domestic waterborne commerce and a substantial portion of our foreign export and import ocean trade. The health of our industrial economy is dependent on sea transportation for the import and export of numerous raw materials and finished products. No other type of transportation can meet this requirement. It is imperative that the world's foremost trader control sufficient merchant shipping to transport what we need when we need it.

A collateral and extremely important mission of the American merchant marine is the maintenance of a posture of strength and readiness that will contribute the maximum to our national security. In the event of war we will require the services of a large number of merchant-type ships to meet our military, industrial, and civilian demands.

It is important that our anticipated wartime needs be insured to the maximum practicable degree in peacetime by the ready availability of privately owned merchant ships employed in gainful ocean commerce. The magnitude and quality of active commercial tonnage under U.S. control in peacetime will determine, in the event of a future war, whether or not we will be required to initiate a crash building program.

REQUIREMENTS AND AVAILABILITIES

Periodic evaluations of merchant shipping requirements and availabilities are made jointly by the Department of Defense, the Department of Commerce, and the Office of Civil and Defense Mobilization. A similar joint appraisal is made annually by the Maritime Administration and the Navy Department.

The determinations of merchant shipping requirements are based on approved mobilization plans for general war. Civilian and military requirements are combined to represent our total minimum shipping needs for the early phases of a general war.

Our joint evaluations of shipping availabilities consistently show that the United States does not have sufficient active U.S.-owned and controlled shipping to meet our initial wartime needs. Consequently, our estimated total capabilities must include planned early activations from the national defense reserve fleet—under optimum assumed conditions which make no allowances for possible damage to shore facilities. Some allowance is made for cumulative losses of shipping from enemy action.

The latest joint review of merchant shipping requirements and availabilities made by the Maritime Administration and the Navy Department indicates that during the initial phases of a general war:

(a) There would be a numerical deficit in excess of 200 dry-cargo ships equivalent to the C–2 class, approximately 30 refrigerated cargo ships equivalent to the Rs–S–BV1 class, and 4 heavy lift ships (150 tons booms) equivalent to the converted C–4 class.

(b) There would be small deficits in tanker availabilities.

(c) The small initial numerical deficits in passenger transport capacity are considered manageable. It is strongly emphasized, however, that there are serious qualitative deficiencies, particularly as to speed, in the available transports.

Our sea transportation resources for limited war are presently considered to be quantitatively adequate. However, the degree of promptness with which sealift responds in an emergency will have an important impact on the eventual outcome. A limited war crisis could well become a race against time to evacuate nationals, to redeploy troops and equipment, or to augment and resupply existing forces overseas. To be prepared for such situations, we must rely on the ready availability of active modern merchant ships of all types.

PRESENT CAPABILITIES

Existing inventories of sealift resources under U.S. control, as of January 1, 1960, are summarized below:

(a) Dry cargo ships

	Number	Deadweight tonnage
Operational	915	10,563,200
Reserve fleet	[1] 1,493	15,274,600
Total	2,408	25,837,800

(b) Tankers

	Number	Deadweight tonnage
Operational	677	14,903,500
Reserve fleet	80	1,094,800
Total	757	15,998,300

(c) *Passenger ships/transports*

	Number	Passengers (emergency capacity)
Operational, active, total	58	102,001
Reserve fleet	101	236,423
Total	159	338,424

[1] Includes about a thousand Liberty ships of little or no wartime value, recommended for scrapping.

The active U.S.-controlled sealift capability is comprised of merchant ships under U.S. flag, certain foreign registered merchant ships under effective U.S. control, and merchant-type ships operated by the Military Sea Transportation Service (MSTS).

The term "effective U.S. control," applies to selected American-owned ships which have been registered by their owners under the so-called flags of convenience (Panama, Liberia, and Honduras), in order to reduce operating costs. In such cases, the Maritime Administration has effected agreements with the present shipping companies in the United States to make these ships available to the U.S. Government in the event of a national emergency. These agreements can be fulfilled without restraint, because the laws of Panama, Liberia, and Honduras do not impose restrictions on the control of merchant ships that fly their flags. These countries have little or no shipping requirements of their own. In view of these circumstances, the Department of Defense and the Maritime Administration consider such ships to be under effective U.S. control.

The vast proportion of our U.S.-flag merchant tonnage was constructed during the years 1942 to 1945. These ships were mass produced for specific wartime purposes. Many of their design features were matters of expediency rather than choice. Ships built during World War II are now 15 to 18 years old and have long been outmoded from the standpoint of modern design.

The capabilities shown as comprising the national defense reserve fleet may be misleading. It should be pointed out that about 1,000 of the dry cargo ships are slow-speed Liberty types of extremely limited usefulness. Over 200 Libertys have already been scrapped under previous approvals to select and scrap 500 of the poorest quality ships. Their marginal value did not warrant the cost of further preservation efforts. Of the 102 transport-passenger ships, 51 are 17-knot C–4 austerity transports and 23 are 15.5-knot Victory troopships.

We can look forward to further depreciation of the overall potential of the reserve fleet—from the standpoints of both quantity and quality. Consequently, there is an obvious need that the reserve fleet be purified on a cyclic basis by the trade-in of aging ships under orderly replacement programs. This requirement goes hand in hand with the need to modernize our active merchant fleet.

DRY CARGO SHIPS

The only fully modern dry cargo ships in commercial operation today under U.S. flag are the Mariner class ships, that were built by the U.S. Government, plus a few modern container ship conversions. The 20-knot C–4 Mariners, which can do 23 knots if required, represent an impressive step forward in cargo ship design. Their performance has been highly praised by several private operators, to whom 29 of the ships were sold. Three of these ships have been converted into passenger ships.

With regard to future construction of dry cargo ships, the Department of Defense recommends that the design characteristics listed below be incorporated to the maximum degree that is commercially practicable.

(a) Speed: When built under construction-differential subsidy contracts and certified as being suitable for economical and speedy conversion into naval auxiliaries, dry cargo ships should have a sustained sea speed of 20 knots or better. Dry cargo ships certified as otherwise suitable for the use of the U.S. Government in time of war or national emergency, should have the maximum sustained sea speed possible consistent with the commercial utilization of the ship. Where construction subsidies and/or national defense allowances are not involved, the owners are encouraged to build into the ships, the highest commercially economical speeds.

(b) Other characteristics: The most practical and useful types of general-cargo vessels, from a military point of view, appear to be those having the capacity and characteristics of the C–3's and C–4's (particularly Mariners), of Maritime Administration design. However, much is to be desired in the matter of modernization with respect to cargo handling equipment and methods. Cargo vessels should be designed and equipped to load and discharge, using their own gear, in one-half the time now required by the existing C–3's and C–4's.

At least one hatch of each vessel should be served by a "jumbo" boom of 60 tons capacity and all hatches should be equipped with 10-ton booms. There is a definite need for a limited number of heavy lift ships equipped with oversized hatches and cargo booms capable of lifting up to 150 tons.

(c) Special type cargo ships: Roll-on/roll-off ships on the order of the USNS *Comet* as well as ships with partial roll-on/roll-off capability offer advantages in meeting requirements for the overseas movement of mobile military equipment such as wheeled and tracked vehicles. Additionally, we encourage the continued development of container cargo ships, which are designed to carry containerized and prepalletized cargoes. Further construction of such ships in peacetime would increase active capabilities and afford operating experience. U.S. shipyards would also gain construction experience which would enable them to commence early production under an emergency situation.

TANKERS

American shipowners have built a good number of modern tankers in the past few years—some constructed in the United States for registry under U.S. flag but most built abroad for registry under foreign flag. These new ships range in speed from 16 to 18 knots. Consequently, the overall quality of our total tanker capability is much better than the dry cargo category. This improvement has been due to various incentives directly related to the law of supply and demand.

The tanker building program should continue in order to provide orderly replacement of aging ships. It is recommended that future tanker construction incorporate design features as indicated below:

(a) Speed: Where national defense allowances are made, and the ships are certified as suitable for speedy and economical conversion into naval auxiliaries, tankers should be capable of a sustained speed of 20 knots or more. Where no certification by the Secretary of the Navy is sought, then the maximum commercially economical speed is acceptable.

(b) Other characteristics: Although tankers of large deadweight tons capacity can be utilized to a limited extent, the recommended general characteristics of commercial tankers most suitable for military purposes are 25,000/38,000 deadweight tons, capable of carrying several types of petroleum products. At the same time, there is still a requirement for small tankers of about 17,000 deadweight tons to handle products to and from limited facilities.

PASSENGER SHIPS/TRANSPORTS

Seven new passenger ships have been built since World War II and three have been converted from Mariner class cargo ships. The seven new ships are the 25-knot *Constitution* and *Independence*, the 33-knot *United States*, the 20-knot *Santa Paula* and *Santa Rosa*, and the 21-knot *Brasil* and *Argentina*. The Mariner conversions are the 20-knot *Mariposa*, *Monterey*, and *Atlantic*. These ships have contributed significantly to our maritime prestige and to our defense readiness.

Additionally, the 19-knot *President Cleveland* and *President Wilson* were converted from troopships. These ships, however, are basically World War II types. They form a part of the older and major segment of our total trooplift capability, which is not fully suitable for possible future emergencies. The majority of our ships are old, deficient in speed, and lacking in other features that are important in minimizing the hazards of moving troops by sea.

There is an urgent need to improve the quality of our trooplift potential. For ships that will be employed in wartime to transport personnel through areas in which hostile modern submarines may be operating, it is necessary to set much higher standards of performance and safety than would be required for ships carrying dry cargo and fuel.

(a) Speed: Speed is the best defense that merchant ships can employ against an enemy. The faster the target, the more difficult it is to hit with submarine torpedoes—or to pinpoint with missiles. Fast ships can be operated independently over more devious routes than is possible in convoy operations. This complicates the search and attack problems of enemy aircraft and submarines. Recent studies confirm that vulnerability to submarine attack is significantly and progressively reduced as speeds of 25 knots and greater are attained.

Troopships constructed in the future, and passenger ships suitable for conversion into troopships, should be capable of a sustained speed of 25 knots or greater. In no case should their maximum sustained speed be less than 20 knots.

The Department of Defense has consistently urged that all new merchant-type shipbuilding incorporate the maximum speed that is economically practicable. In this regard, it is important that our merchant ships be commercially successful. To be of immediate use to the Department of Defense in an emergency, they must be operating commercially at the time they are first needed.

(b) Other features: Emphasis on added speed should not obscure the significance of other national defense features which can be built into a merchant ship. High standards of compartmentation reduce vulnerability to enemy hazards by localizing damage. Various preventive measures increase a ship's resistance to the spread of fire. Special mountings minimize breakdowns of essential machinery under shock.

Endurance adequate for round-trip voyages at maximum sustained speed is a vital factor in wartime. Additional fuel capacity, the size of distilling plants, the storage space for provisions, and many other design aspects have an important bearing on endurance. Many of the foregoing factors, aside from improving the wartime utility of a ship, also assure safer, more versatile, and reliable performance in peacetime commercial operations.

FUTURE OUTLOOK

The subsidized segment of the U.S.-flag merchant fleet amounts to 310 berth line ships. They operate over essential trade routes under mandatory voyage scheduling procedures dictated by the Maritime Administration. Several unsubsidized shipping companies have applied for governmental subsidy. Their applications are still pending.

The rate of replacement of subsidized ships is much slower than that considered necessary to avoid future obsolescence "in block."

Most of the subsidized shipping companies have entered into long-range contracts with the Maritime Administration for the orderly replacement of their aging ships. However, curtailment of construction funds have prevented actual building from being started on schedule for most of the ships.

The 85th Congress authorized but did not appropriate funds for the construction of two large high-speed passenger ships—one of 33 knots and one of 30 knots speed. Financing difficulties have so far prevented their construction from being started. Construction of these two ships would significantly improve our trooplift potential. They would almost double our capability in the important speed range of 25 knots and above.

The rate of progress of the building programs will depend on actions taken in the future with respect to construction-differential subsidies. It is hoped that it will be practicable for future governmental subsidy funding to keep pace with the contractual schedules for replacement.

Our unsubsidized shipping companies operate approximately 700 ships under U.S. flag. Further, they own and operate about 500 additional ships under flags of convenience which are subject to effective U.S. control. While they have built considerable tonnage in recent years, few unsubsidized operators, if any, have either a comprehensive or a long-range plan for the replacement of aging ships on an orderly time schedule. Their planning is influenced from day to day by various incentives or discouragements. Their enthusiasm for shipbuilding has been dampened recently by renewed attacks against flags of convenience.

Over the past several months, increasing pressure has been exerted against flags of convenience by foreign shipping interests, maritime labor organizations and Western European governments. Combined opposition from these sources threatens to make it economically impracticable for American owners to operate their ships under flags of convenience. This raises the immediate question as to what steps should be taken to insure the continued availability of these ships for purposes of national defense. It is important to note that well over half of the U.S.-controlled tanker tonnage is registered under the flags of Liberia and Panama.

Prior to the outbreak of World War II, the part of our shipping that was engaged in the coastal and intercoastal trade was the largest segment of the U.S. merchant marine. At that time nearly 700 ships took part in the carriage of our deepwater domestic trade. Shortly after our entry into the war, practically the entire coastal and intercoastal merchant fleet, which at that time represented about 60 percent of our total ocean-carrying capability, was put into service, usually transocean, directly supporting the war.

With the domestic deepwater fleet engaged, worldwide, in supplying the Allied Armed Forces, the domestic trade which they formerly carried was absorbed by other modes of transportation. The domestic deepwater carriers have never regained this trade.

Ships engaged in coastal and intercoastal trade occupy a particularly significant position relative to the emergency use of transportation. Ships in the coastwise trades are the most readily available for emergency usage of any ships in the U.S. merchant fleet. In their normal operations they are always close to U.S. ports, ready immediately to handle such high-priority movements as may be necessary. Of course, to be available for immediate use, these ships must be active and operating commercially at the time they are first needed.

At the onset of a major, nuclear war, the domestic deepwater fleet would be uniquely fitted to act as a link between our coastal cities during the period of likely disruption of systems of land transportation. A large percentage of the ships in domestic trade would be at sea at any given time and would therefore be most likely to escape damage. Their ability to provide communications and transportation between coastal cities during the period just after an attack could be highly important. Systems of land transportation in the United States are especially vulnerable at many focal points. The ability of the domestic deepwater fleet to provide essential coastal and intercoastal movements of priority material might well be crucial. A number of the ships of this fleet are especially adapted for rapid cargo handling, giving them an increased value at such a critical time.

EMERGENCY EXPANSION

One basic factor to be considered in the development of specific construction programs is the necessity for the maintenance of a sufficient number of private shipyards in operation to form the base for expansion in time of war to meet mass-ship construction programs. The Department of Defense desires to emphasize that the existence of these active privately owned shipyards, together with the skills of the shipyard workers and the capabilities of the tools, equipment, and facilities, is essential to the national defense.

SUMMARY

Under the most optimistic assumptions, and on a quantitative basis only, the United States still possesses a marginal capability to carry out the sea transportation tasks of a general war.

There are serious qualitative deficiencies in our overall sealift capability, particularly in the dry cargo ship and the transport-passenger ship categories. The further aging of outmoded ships will aggravate this situation.

The present rate of new shipbuilding will not offset the rapidly approaching block obsolescence of the vast proportion of U.S.-controlled merchant-type tonnage—both active and reserve. There is an urgent need for increased emphasis on orderly ship construction.

The continued depreciation of ships in the national defense reserve fleet without cyclic purification will soon generate serious quantitative deficiencies in our total sealift capability.

Crash building programs in wartime can only be avoided by maintaining a modern and adequate maritime posture in peacetime.

CONCLUSION

In order for the United States to maintain adequate merchant shipping to meet our initial wartime needs, it is important that the ships of both subsidized and nonsubsidized operators be periodically replaced under orderly and progressive programs. In so doing, every advantage should be taken of recent and future technological developments. Cargo handling equipment and propulsion plants should be further improved—with a view to reducing the transit and turnaround times of commercial shipping.

Our shipbuilding programs should be farsighted in order that ships contracted for in coming years will be actually competitive throughout their economic lifespan. Further, ships built with foresight will be more readily adaptable to speedy and economical conversion into naval auxiliaries, or otherwise suitable for naval use in the event of war.

U.S. SENATE,
February 17, 1960.

Vice Adm. RALPH E. WILSON,
Deputy Chief of Naval Operations, Department of the Navy, Washington, D.C.

DEAR ADMIRAL WILSON: On February 21, 1959, you provided me with an excellent document entitled "Ocean Shipping To Support the Defense of the United States," reflecting the views of the Department of Defense with respect to the American merchant marine.

I wonder whether or not the Department has made a current appraisal of our maritime needs along similar lines and will appreciate any comments you might be able to share with me.

With all good wishes and kind regards, I am,

Sincerely yours,

JOHN MARSHALL BUTLER,
U.S. Senator.

AFTERMATH OF PARIS MEETING

Mr. WILEY. Mr. President, the so-called summit—which was not really a conference at all—is now ended.

Prior to the meeting, there had been no great hopes for panacea-type solutions of East-West differences. Perhaps the maximum accomplishments could have been a reaffirmation among the four great powers of a continuation of a willingness to meet, discuss, and attempt to resolve—on a reasonable, rational basis—the East-West difficulties as well as perhaps establishing a pattern for successive meetings with the same objectives.

At the minimum, the world and the involved nations had a right to expect of their representatives at the Paris meeting reasonable standards of conduct and common courtesy.

The leaders of the Western Powers, I believe, acquitted themselves most commendably, in view of the circumstances.

Particularly President Eisenhower, I believe, recognizing the conditions that existed, conducted himself in accordance with the high esteem, good sense, adherence to principle which we have come to expect from the lifetime of service to our country of our great President.

Particularly, his composure, reasoned, patient and constructive conduct, in the face of irresponsible, flagrant, unmannerly insults by the representative of the Soviet Union merit commendation. In effect, the splendid way in which the President handled the situation resulted in Khrushchev's propaganda blast boomeranging upon himself and communism.

After the anticlimatic end of the session of the conference, which never really started, the world is now asking itself, "Where do we go from here?"

Realistically, world hopes have been jarred somewhat. Even though no overall solution was expected from the conference, there was some feeling that a continuation of the willingness of East and West to speak rationally to each other would be a contribution to lessening of tensions.

At this time, people are also asking, "Does this mean war?" Frankly, I do not think so. Generally, I believe it does represent, however, a toughening of the Communist line in dealing with Western Powers.

At the Paris meeting, sabotaged by Mr. Khrushchev, however, we witnessed a renewal of the hard Communist brinkmanship that, since 1946, has imperiled peace on the globe.

In the light of these factors, it becomes increasingly important that we stay alert, on guard, and adequate—econom-

ically, militarily, and spiritually. Despite the scope of the challenge, however, I am not a painter of doom and gloom. It is true, we face serious problems in the world. But what civilization has not? And think for a moment of the so wonderful tools we have to fight the battle with—

The greatest economy in world history;

A mighty arsenal of jet planes, nuclear bombs, and an ever-growing arsenal of missiles capable of carrying nuclear warheads;

A dedicated, devoted, ingenious people—selflessly dedicated to preserve freedom;

A mightly chain of free world nations supplemented by millions of people, vast resources, and thousands of additional military weapons to augment our own arsenal of peace;

And above all, we have freedom—for which all men yearn—the allies, in the uncommitted countries and, yes, even those under Communist tyranny.

Never before in history has a nation been so well equipped, blessed by a great people, and such a rich reservoir of resources, to carry out a role of world leadership, as well as support to carry forward programs in the interest of its own citizens.

We must, of course, be realists. The Communists are strong, tough, and dedicated—fanatically so—to their cause. Consequently, the battle will not be easy.

In the face of such a rugged enemy, obviously still intent upon world conquest, we will need to first, further shore up our defenses, as needed; second, assure maintenance of a strong alliance with the other free nations; and third, encourage bipartisan support of the programs and policies essential to provide for national security.

In effect, the free world now finds itself in the position that it was in long before the planned conference—that is, faced with the task of continuing to deal as effectively as possible with a powerful Communist bloc, dedicated to objectives of world conquest.

IN THE BEGINNING GOD

Mr. BYRD of West Virginia. Mr. President, in 1798 Napoleon set out on his expedition to Egypt. Much to the disgust of his soldiers and officers, he took with him a considerable company of scientists and philosophers. On a warm summer night these men were gathered together on the deck of the flagship. The heavens were brilliant, and these scientists were discussing whether or not the planets were inhabited. Some thought they were, and others that they were not. Then they began to discuss the origin of the universe, most of them taking the position that natural law and phenomena were sufficient to account for the origin of the world without a divine creator. Then Napoleon, who had been standing near them and silently listening to their conversation, introduced himself into the debate and, pointing with his hand to the brilliant host of the stars in the heavens, said, "Gentlemen, who made these?" A simple question, and one which went to the very heart of the matter.

Who made the world? The world is a great effect, and common sense tells us it must have a sufficiently great cause. The world is not only a great effect but it is also an intelligent effect, and it must have had a sufficiently intelligent cause. Back of all nebular hypotheses, primordial germs, and stardust, there lies some great secret; and the only key to it is the opening word of the Bible: "In the beginning God."

All things bright and beautiful,
All creatures great and small,
All things wise and wonderful,
Lord, God made them all.

Each little flower that opens,
Each little bird that sings,
He made their glowing colors,
He made their tiny wings.

The rich man in his castle,
The poor man at his gate,
God made them, high or lowly,
And ordered their estate.

The purple-headed mountain,
The river running by;
The morning and the sunset
That lighteth up the sky.

The cold wind in the winter,
The pleasant summer sun,
The ripe fruits in the garden,
He made them every one.

The tall trees in the greenwood,
The meadows where we play,
The rushes by the water,
We gather every day.

He gave us eyes to see them,
And lips that we might tell
How great is God Almighty,
Who hath made all things well.

LIBERTY IN LAW

Mr. ALLOTT. Mr. President, I ask unanimous consent that a wonderful article, written by our Chaplain, Dr. Frederick Brown Harris, entitled "Liberty in Law," which was published in last Sunday's Washington Star, be printed in the RECORD at this point in my remarks.

It is one of the most challenging statements that I have ever read. I am certain we can all be proud that we have a chaplain of the quality and leadership which this article portrays.

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

LIBERTY IN LAW

(By Dr. Frederick Brown Harris, Chaplain of the U.S. Senate)

In the midst of his great ministry, one of the most outstanding preachers of the 20th century made a significant discovery and confession. The Nation was then passing through what was being called by responsible citizens "an orgy of lawlessness." This nationally known preacher who was listened to eagerly by great crowds, in examining his own message, said: "I could not recall ever having preached a sermon on obedience; I could not recall ever having heard a sermon on obedience. I have searched volume after volume of modern addresses and sermons and I have not run upon any that dealt with respect for and obedience to authority. There were plenty on freedom, on the emancipation of the individual, on the outgrowing of old restraints, but few, if any, upon the necessity and glory of being mastered by what rightfully masters us."

Immediately after having been made conscious of that gap in the message to his generation, this prophet of God stood in the pulpit, which was his throne, and preached a sermon on "Obedience."

Certainly now, years later, the pulpits of the land need to thunder the same message. One does not have to be an alarmist or a pessimist to declare that one of the ominous symptoms, as we enter this decade of destiny, is that authority has broken down in the State, in the family, in the individual.

In the movies and television, upon which the eyes of millions are glued for hours every day, obedience to law is taken lightly. The representatives of the law are habitually at a disadvantage on the silver screen. The judge, the detective, the policeman, usually comes off badly in the plot, and the mere husband is often in ill repute with the audience. Those who are thus entertained are regaled with the story of attractive murderers, high-minded robbers, and noble crooks. Even in cases of heinousness involving law we witness often a veritable debauch of public sentimentality expressing itself in specious explanations of why a criminal does what he does. It is all a silly exaltation of crime.

In May, by Presidential decree, the Nation observes Law Day. In such an emphasis there is lifted before the gaze of all our people the fundamental conception on which all else in a democracy rests. Law Day floodlights the vital truth engraved on the facade of the noble edifice of the U.S. Supreme Court—equal justice under law—and of that sentence inscribed over the portal of the courthouse in Worcester, Mass.—"Obedience to Law Is Liberty."

Democracy is the faith that laws should be made and enforced, not by an all-powerful monarch or by a dictator whose rule is tyranny, but by the whole body of "We, the people," and that laws thus made should be gladly obeyed by all the people.

Any willful violation of law thus enacted is a blow at liberty itself. In just laws there is registered the conscience of God-fearing people.

Much is being said and written these perilous days about freedom and emancipation from compulsion. More, much more, needs to be said about discipline and law. The demand "don't fence me in" must be interpreted, if life is to be worth while and reach its highest possibilities, in the light of the larger truth mirrored in a great hymn—"Make Me a Captive, Lord, and Then I Shall Be Free." Says a U.S. Senator, as with deep anxiety he sees what so many of his contemporaries are doing with their boasted "liberty": "Unless discipline and obedience can be brought back to America we are on our way to the junk heap."

There is no way by which the democratic experiment can be saved if mad insistence on individual freedom to do as one pleases crowds out sober recognition of social obligations.

Often we hear of a "back to God movement." It is true that we need to get back to a conception of a God who is not, as some moderns have pictured Him, very amiable, even maternal, but to a God who stands for moral order—God who is all love, but also all law.

Too often we have confined our ideas of the Christ who revealed such a God as the "gentle Jesus." We think of the Man of Galilee only in terms of pity and compassion and kindness. But in these qualities we do not really touch the fundamental thing in His character. It was the thing that sent Him to the cross—"Thy will be done, as in heaven so on earth"—"Not my will, but Thine be done"—"Whosoever shall do the will of God, the same is my brother, my sister, my mother." To follow that Christ means to heed the injunction—"Confirm thy soul in self-control, thy liberty in law."

TRIBUTE TO JAMES W. MURPHY

Mr. HUMPHREY. Mr. President, I desire to pay tribute to the late James W. Murphy, the senior Official Reporter of Debates, who at the time of his death was in his 64th year of service to the U.S. Senate.

The Bible reminds us that a man diligent in his business "shall stand before kings." Certainly James Murphy excelled in the virtue of diligence.

He began reporting back in 1896; served 32 Congresses, and at the time of his death was still devoting meticulous attention and long, long hours to the complex and arduous task of recording this body's debates.

The CONGRESSIONAL RECORD, we must remember, demands the utmost in accuracy so that it will be a fully reliable historical record. The calm of our friend, James Murphy, in the fire of vigorous, emotional debate assured this accuracy.

But James Murphy's service was not just to the archives of U.S. history, it was to each of us in this body, who prized his friendship.

How can any of us really measure the value of James Murphy's careful editing which on more than one occasion saved us from a dangling participle, split infinitive, or misplaced literary allusion?

Our friend, James Murphy, and the capable staff with whom he worked, were always cooperative and generous with their skills and time. He was always ready with a kind word and a smile for each member of this body.

In honoring our late associate and friend, James W. Murphy, for his diligence, competence, and devotion to duty, we are actually honoring the entire Murphy clan for their tradition of service to the U.S. Senate. In 1848, his uncle, Dennis F. Murphy, was the first Murphy to come from Philadelphia to the Senate, by appointment of Senator John C. Calhoun. For 112 years the Murphys gave uninterrupted service as Senate reporters as a second uncle, James J., our dear friend James W.'s father, Edward V., Sr., and his brother, Edward V., Jr., and finally our late friend James W. himself, carried on the Murphy family tradition.

COMMUNITY ANTENNA SYSTEMS

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate for consideration.

The PRESIDING OFFICER. It is the understanding of the Chair that the unfinished business comes before the Senate automatically at the conclusion of morning business. The time limitation is in effect.

The Senate resumed the consideration of the bill (S. 2653) to amend the Communications Act of 1934 to establish jurisdiction in the Federal Communications Commission over community antenna systems.

Mr. McCARTHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate is under controlled time. Does the Senator ask unanimous consent that the time consumed in the quorum call not be charged to either side?

Mr. McCARTHY. Mr. President, I ask unanimous consent that the time necessary for the call of the roll not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 7, line 11, it is proposed to strike out "in order" and insert in lieu thereof "as may be required in the public interest".

Mr. CHURCH. Mr. President, in the course of the debate yesterday on the bill I had occasion to express my own misgivings concerning paragraph (g), and several other Senators also questioned the scope and application of this particular provision.

The distinguished Senator from Rhode Island [Mr. PASTORE] at the time made clear, in response to the inquiries put to him, the language was not intended to operate to preclude community antenna television systems from broadcasting programs which partake of the nature of a newscast or a sportscast which is of interest only if it is broadcast at the time the event occurs. Nevertheless, despite the reassurances which have been given us by the distinguished Senator from Rhode Island, it seems to me that the language in the bill is not sufficiently precise; and so the purpose of the amendment, which was originally drafted by the distinguished Senator from Arkansas [Mr. FULBRIGHT], who I understand is absent and will not be able to offer the amendment, is to make it perfectly clear that the Commission, in carrying out the provisions of the act, shall prescribe appropriate rules and regulations—and then my amendment would strike out the words "in order" and insert in lieu thereof the words "as may be required in the public interest"—to avoid duplication of programs.

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

Mr. CHURCH. I am glad to yield.

Mr. PASTORE. Senators will recall that yesterday I mentioned the conference held with the Senator from Arkansas [Mr. FULBRIGHT] which was attended by me, by the chairman of the full committee, by members of the staff, by representatives of the CATV association and their attorneys and legislative counsel. We went over several amendments. As a matter of fact, we agreed at that time that they would propose four amendments requested by CATV representatives.

The Senator has had stated two of the four amendments to which I referred. This particular amendment I say is superfluous, and I say that as kindly as I can. I believe the language of the section as written is absolutely clear. But, as I said at the meeting to which I referred, and as I shall repeat now on the floor of the Senate, if the section needs clarification in the minds of some, I am willing to accept the amendment on the basis of the explanation, for the advancement of the proposal of the particular amendment.

Amendment No. 5, which is the amendment before the Senate, would modify section 330(g) on page 7, line 11, by inserting after the words "regulations" the following: "as may be required in the public interest," and delete the words "in order." Section 330(g) is the so-called duplicating section. As presently written it requires the FCC to prescribe appropriate rules and regulations to avoid the duplication of programs broadcast or scheduled to be broadcast by a TV station which is assigned to a community in which the licensed community antenna serves subscribers. This is a very important section of the bill.

It is my understanding that all Commission rules are required to be made consistent with the public interest. It was my belief that the language as presently contained in section (g) authorized the FCC to adopt appropriate rules and regulations and had included therein the requirement that such appropriate rules would be reasonable and in the public interest. However, to eliminate any misunderstanding that might be in the mind of any Senator, I am willing to accept the amendment. I suggest it is only a clarifying amendment and therefore the explanation contained in the report remains intact, because it should remain intact.

Mr. CHURCH. I thank the distinguished Senator from Rhode Island.

Mr. PASTORE. I am perfectly willing to yield back the remainder of my time if the Senator from Idaho is willing to do likewise.

Mr. CHURCH. I wish to make only one further remark. I believe the adoption of the amendment would make perfectly clear as a matter of law that certain types of duplication which the Commission finds to be in the public interest would not be subject to the application of this provision in the bill. I therefore hope that the Senate will concur in the amendment.

Mr. PASTORE. I also urge the Senate to adopt the amendment.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho [Mr. CHURCH].

The amendment was agreed to.

Mr. CHURCH. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Idaho will be stated.

The LEGISLATIVE CLERK. On page 3, line 19, before the period, it is proposed to insert a colon and the following:

Provided, That the Commission may by rule waive the application of any section or subsection where it shall find that the public interest, convenience, and necessity will be served thereby.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 15 minutes.

Mr. CHURCH. Mr. President, the purpose of the amendment which I have submitted is very simple. If the Senate will turn its attention to subsection (b) of section 330 on page 3 of the pending bill, beginning at line 14, it will be seen that it provides:

(b) (1) The provisions of sections 303, 304, 307, 308, 310, 311, 312, 313, 315, and 316 relating to stations, radio stations, broadcasting stations, licenses therefor, licensees thereof, and station operators shall apply also to community antenna television systems, licenses therefor, licensees thereof and operators thereof.

It is my understanding that some of the provisions of law to be found in these sections would not be suitable for or properly applicable to the kind of business conducted by a community antenna television system. Therefore, in order to make it perfectly clear that the section does not make it mandatory upon the Commission to apply all of these provisions to the community antenna television system, my amendment would add the following proviso:

Provided, That the Commission may by rule waive the application of any section or subsection where it shall find that the public interest, convenience, and necessity will be served thereby.

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

Mr. CHURCH. I am glad to yield.

Mr. PASTORE. This is the second of the four amendments which were discussed with the Senator from Arkansas [Mr. FULBRIGHT]. I repeat that the objective of this amendment is inherent in the tone and meaning of the section as it is now written, because obviously sections cannot be added which do not apply, and only those portions of sections which would apply to this particular situation would be applicable to the cause and would be useful in the determination of the meaning of the section.

If there is any belief in the mind of anyone that the amendment might be necessary for clarification, I shall accept it on that premise, for that reason I said to the group when we were in the office that we would be perfectly willing to accept such an amendment if it was intended to clarify the section. Again I repeat, however, that we do not have to change the report, because the meaning is clear. The objective the amendment desires to accomplish is the objective we sought to accomplish when we reported the bill from the committee.

Section 330(b)(1) of the bill is intended to make certain provisions of the Communications Act applicable to CATV operations. The specific sections enumerated in the bill were prepared after full and complete consideration and consultation with the FCC staff to take into account the present and potential developments as currently foreseen in the community antenna business. It has been suggested that a rigid application of some of these provisions to CATV operations might be impracticable or work hardships in certain cases. Generally speaking the Commission has sufficient discretion so as to avoid arbitrary action and it would be fair to assume that the Commission in applying any of these provisions would act in a practical manner. However, in order to remove any doubt and to assure the Commission adequate flexibility, the following amendment would provide the Commission with the discretion to waive any of the sections where it finds that the public interest, convenience, and necessity will be served thereby. For that reason I am perfectly willing to accept the amendment.

Mr. COTTON. Mr. President, will the Senator yield 2 minutes to me?

Mr. PASTORE. I yield 2 minutes to the Senator from New Hampshire.

Mr. COTTON. I shall not oppose the amendment offered by the Senator from Idaho. I am sure it is offered in an attempt to improve the bill, but I wish to make it crystal clear that so far as the Senator from New Hampshire is concerned, he objects to legislation which encourages litigation, which unnecessarily burdens an administrative agency, and which compels operators to come in and justify themselves when it is unnecessary. In the opinion of the Senator from New Hampshire, the amendment offered by the distinguished Senator from Idaho does not in any way cure any defect, but it does not make the bill any worse, and therefore the Senator from New Hampshire will not oppose it.

Mr. PASTORE. Mr. President, I do not wish to labor this subject, because I do not think it merits laboring, but to clarify the point let me say to the Senator from New Hampshire that after all we are inserting in title III of the Communications Act a new category for supervision. Naturally there are many sections in the Communications Act to which reference must be made in the proposed legislation which would be applicable to programs which would come over the air through CATV.

Let me explain that this particular amendment has been brought up for this reason. In our conference, the question was raised what would be done under section 315, which is the equal-time section of the Communications Act. Let us assume that these people take a signal out of the air and then transmit it to their subscribers, and let us assume that there is a candidate for public office who makes a speech in Spokane, where he is a candidate for U.S. Senate or for the Presidency of the United States, and that picture comes over. Let us assume, then, that there is a political candidate who has had time assigned to him. Naturally, the CATV has nothing to do with the origination of the broadcast, because they merely take the signal out of the air.

In this particular case, we are saying that only that part of section 315 shall apply that would be practical and reasonable to carry out the intent of the act. If the opponent of that candidate went before the FCC, which obliges the originating broadcasting station to give equal time to the opponent, under section 315, then, if the opponent talked, it would be obligatory upon CATV to show the opponent as well as the original speaker.

If we do not do that, we are permitting an exemption so far as section 315 is concerned with respect to equal time, and we are dealing here in a way which is inimical to the intent of Congress, because Congress wants equal time given to opposing candidates.

That is the only reason for the amendment. It is inherent in the law. There will be no question about it, as it is presently written in the bill—if the bill shall be passed. All we are doing is clarifying it by saying that should the Spokane station, whose signal is being taken out of the air by a CATV in Helena, Mont., show a speech being made, let us assume, by Mr. NIXON, who has a qualified opponent against him, and if the Spokane station were obliged—not CATV, but the Spokane station—to show Mr. NIXON'S opponent, then the CATV in Helena would be obliged, under this bill, if enacted into law, to also show Mr. NIXON'S opponent, as the CATV had shown Mr. NIXON originally.

In the event that anything arises which makes it impractical or infeasible, because CATV is not a programing system, then it would not apply. That is all it means. It applies where "public necessity and convenience" are involved. Those are the important words.

I repeat that insofar as the contention of the distinguished Senator from New Hampshire is concerned, we have always by reference referred to the pertinent sections of the law that would apply. To do otherwise, I might say—and I say this considerately—would be a demonstration of inepitude in legislative craftsmanship.

Mr. COTTON. In view of the fact that I did not use my 2 minutes, may I have one-half minute more?

Mr. CHURCH. I yield time to the Senator.

Mr. PASTORE. I shall be glad to yield the Senator 5 minutes if he wishes.

Mr. COTTON. I merely wish a half minute. I do not need 5 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island has 7 minutes remaining.

Mr. PASTORE. I will yield all the time the Senator from New Hampshire desires to use.

The PRESIDING OFFICER. The Senator from Idaho has 10 minutes remaining.

Mr. COTTON. I wish to have only half a minute.

Mr. MANSFIELD. I will yield half a minute to the Senator on the bill.

Mr. COTTON. I wish to say to the distinguished chairman of the subcommittee—and I do not do so flippantly—that his statement so well and so eloquently points up all the difficulties of the regulations and the complexities of this proposed legislation that if before he made that statement I had been moved to vote for the bill, I could not vote for it now, because I never heard so clearly and eloquently exposed the maze of difficulties which we would be walking into if we were to enact this bill extending FCC regulation over this entire field, with all of its applications.

Mr. PASTORE. I shall not labor the point. I merely wish to repeat that the committee has been working on this bill for 2 years with the lawyers of CATV, who are expensive lawyers, and very well-paid lawyers. The provisions now being considered are what were finally agreed upon after days and weeks of work. I say frankly that the amendments we are working on now are the agreements that were then reached. Those agreements, insofar as I am concerned, will be kept. I yield back the remainder of my time.

Mr. CHURCH. Mr. President, as the distinguished Senator from Rhode Island has already pointed out, this amendment was originally submitted by the Senator from Arkansas [Mr. FULBRIGHT], who is not presently available. He should have full credit for it. I am grateful to the Senator from Rhode Island for his remarks, and for the fact that he is willing to accept the amendment. I believe that the acceptance of the amendment will definitely improve the bill, in that it will make expressly clear the fact that none of the provisions of the present law which would constitute an undue harassment of the community antenna system should apply, and that the Commission may waive the application of any section or subsection when it shall believe that the public interest and convenience will be served thereby. That is the intent of Congress. This merely writes it expressly into the law. I hope the Senate will approve the amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. CHURCH].

The amendment was agreed to.

Mr. PASTORE. Mr. President, by inadvertence, when the official copy of S. 2653 was printed, after being reported by the Senate Committee on Interstate and Foreign Commerce, the following phrase "The Commission may require that" was omitted from subsection (f) (1) appearing on page 6, line 20, following the words "local subscribers."

In fact, the bill which is printed in full in the committee report that accompanied S. 2653 contains this phrase.

I therefore move that S. 2653, page 6, line 20, following the words "local subscriber," be amended so as to include the following: "The Commission may require that".

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

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

Mr. PASTORE. I yield.

Mr. MONRONEY. I wish to say, in behalf of those of us who oppose any legislation in this field, that the adoption of these committee amendments and other amendments which will be offered does not put the bill in the condition where we could possibly support it. This should be understood. We are not opposing the adoption of these amendments, but we do not believe that the bill, even by the adoption of the amendments, can be made acceptable to the CATV industry.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

The amendment was agreed to.

Mr. BUSH. Mr. President, I send to the desk an amendment, and I invite the attention of the Senator from Rhode Island to it.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 6, line 2, after the period, insert the following:

> Nothing in this section shall be construed to authorize any such condition requiring any delay in redistributing any news, current event, or other program where any such delay would be contrary to the public interest.

Mr. BUSH. I yield myself 5 minutes. I offer the amendment as a result of the colloquy had between myself and the distinguished Senator from Rhode Island [Mr. PASTORE], in which he agreed, I think in general, to the purposes of my amendment. I think it is necessary that amendment be adopted in order to make it very clear that such broadcasts as regular newscasts, or current events, or special news bulletins on any current events, and events of international and national importance, like Princess Margaret's wedding or the summit conference—if we can mention those events in the same breath—or the Kentucky Derby, or the World's Series, or other events of national interest, would be excluded, as provided in the amendment if the bill were enacted into law.

I desire to have this explanation of the amendment appear in the RECORD as a part of the legislative history of the bill, in case the bill shall be passed.

Mr. PASTORE. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield.

Mr. PASTORE. It is true that we had a colloquy on this subject yesterday afternoon. I reiterate now what I said then. There is no question in my mind that this practice is permissible, and is provided for within the context of the section already referred to. But if it is felt that it must be enumerated specifically, that is perfectly agreeable to me.

I merely say that this is a clarifying amendment. Some Senators may feel that this activity should be provided for in the language of the bill. Therefore, I am perfectly willing to accept the amendment.

I think the amendment is redundant; but even redundancy is pardonable if we can capture a vote for the bill.

Mr. BUSH. I think the issue concerning this matter is so important that redundancy is worthwhile.

Mr. PASTORE. I thank the Senator from Connecticut. I yield back the remainder of my time.

Mr. BUSH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. COTTON. Mr. President, I call up my amendment which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, line 21, it is proposed to strike out "assigned to" and insert in lieu thereof "operating in."

Mr. COTTON. Mr. President, I yield myself 4 minutes.

In the colloquy which took place on the floor yesterday afternoon, I called attention to an apparent inconsistency between the words in subsection (1) (d), at the bottom of page 4, and the words which follow, beginning on line 25 and continuing at the top of page 5.

In the first instance, the indication is that anyone who has been assigned a channel or the privilege of erecting and installing a local TV station may petition the Federal Communications Commission to restrict the operations of the CATV.

The words which follow a few lines later seem to indicate that the language was intended to refer only to communities in which a local TV station was already operating.

I must in honesty add that the Senator from Rhode Island should not believe that he will be capturing a vote if the amendment shall be agreed to, because I do not promise that I shall vote for the bill if the amendment is adopted.

To clarify the matter, I simply propose that the words "assigned to" be changed to "operating in," so as to make it clear that the reference is to stations in being, and not simply to stations for which, perhaps, many years ago a license or a channel was assigned.

Mr. PASTORE. Mr. President, merely as further proof of solicitude on the part of the subcommittee and a desire to meet all reasonable objections, even though sometimes we might consider them to be without added value, and even though it again involves redundancy, I am willing to accept the amendment of the Senator from New Hampshire.

I am not so optimistic of a gain for the bill in this case, as I was in the case of the amendment of the Senator from Connecticut [Mr. BUSH], because I know it is hard for me to capture the vote of the distinguished Senator from New Hampshire, whose position on the bill I understand.

Again, I believe the amendment is superfluous. I think the language of the bill is clear. I made an explanation of this language in my discussion of the bill yesterday. I said as emphatically as I knew how that it applies to an existing station which is providing service, and is intended to enable it to continue to operate its facilities.

I believe the section is well written. However, if it will make the distinguished Senator from New Hampshire happy to have adopted the language he proposes, I am perfectly willing to accept the amendment. I hope that it will clarify any misunderstanding on that point, and even will cause him to support the bill.

Mr. COTTON. I thank the Senator from Rhode Island. He is characteristically considerate. However, if the Senator from New Hampshire is guilty of redundancy, he is not the first Senator in the history of this body who has been redundant.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. COTTON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. PASTORE. Mr. President, there are two other amendments which were agreed upon in the conference which was held. One had to do with the leaving of the word "continued" in section (d), to which the Senator from New Hampshire has just referred. I should like to have the attention of the Senator from New Hampshire, because he is the one who raised the issue on this particular section.

I feel certain that the amendment would in fact weaken the case of the CATV. I hope the Senator from New Hampshire will agree to that, because I would not want to press any amendment which would put CATV at a disadvantage because of any agreement they might make.

If the Senator from New Hampshire agrees with me, I want it clearly understood that that is the only reason why the subcommittee is not sponsoring that particular amendment. I think it would weaken the case of the CATV's rather than strengthen it.

Mr. COTTON. The Senator from New Hampshire is in complete agreement with the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the distinguished Senator from Arkansas [Mr. FULBRIGHT] is not here, and I have not heard of anyone else offering the remaining amendment; but we gave our word to the representatives of CATV, and discussed the matter with them. After they had studied the proposed legislation for weeks upon weeks, they objected to the use of the word "programs" and wanted the word "signals" substituted. I do not know why. There was an impression on the part of some of us that because litigation was pending, it might be somewhat of a commitment of the legislative function to insist on certain words.

We are perfectly willing to accept the word "signals" in place of the word "programs," but with the explanation that this is not being done to prejudge any pending litigation. We are accepting it only as a characterization of a system, and are using "signals" in place of "programs" only to clarify the section because the nomenclature may have been misunderstood by the representatives of CATV.

The PRESIDING OFFICER. Does the Senator from Rhode Island wish to submit the amendment at this time?

Mr. PASTORE. Yes. I offer the amendment, which is designated as "5-10-60—A," and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On the first page, line 8, it is proposed to strike out "programs" and insert in lieu thereof "signals".

On the first page, line 9, strike out "programs" and insert in lieu thereof "signals".

On page 4, line 12, strike out "program services" and insert in lieu thereof "signals".

On page 6, line 20, strike out "programs" and insert in lieu thereof "signals".

On page 6, line 21, strike out "programs" and insert in lieu thereof "signals".

On page 6, line 25, strike out "programs" and insert in lieu thereof "signals".

On page 7, line 3, strike out "programs" and insert in lieu thereof "signals".

On page 7, line 8, strike out "programs" and insert in lieu thereof "signals".

Mr. PASTORE. Mr. President, I ask unanimous consent that an explanation of this amendment be printed at this point in the RECORD.

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

EXPLANATION OF AMENDMENT

AMENDMENT NO. 1

Page 1, line 8, change "programs" to "signals."

STATEMENT

With reference to the amendment which would substitute the word "signals" for the word "programs", it should be pointed out that the definition of a community antenna television system with the use of the word "program" was originally prepared and submitted by the FCC as its definition of a community television system and was contained in one of the bills considered by the committee when the community antenna problem was being heard by the Subcommittee on Communications. The committee adopted this definition as an accurate description of community antenna operations. The amendment offered by the Senator from Arkansas would substitute the word "signals" for "programs" in the definition and wherever the word "program" appears in the legislation. Such an amendment of itself does not appear to be significant because as I construe the word, it means the same thing. That is, the transmission and reception of the intelligence which becomes the picture on the television set in the home of the viewer.

I want to make it perfectly clear that in accepting the amendment which would substitute the word "signals" for "programs" that such a change is merely for clarification and that the committee's attitude with regard to the property rights, and possible copyrights, that may be involved in litigation now or later is not being affected by this legislation. In fact, in order to avoid any possible misunderstanding, I want to repeat once again the language of the committee's report as follows:

"One basic issue between the community antenna operators and the broadcasters and their program suppliers has never been resolved, and that is the question whether the former are appropriating the latter's programs in violation of their property rights therein. The community antenna industry insists that the broadcasters have released their programs for the enjoyment of the public, whether within or without the service areas of the originating stations. Since an individual viewer could erect a high and expensive antenna to receive the signal at a point where reception is not possible by ordinary means, it is argued that this can be done for the benefit of an entire community through the master antenna of a CATV system. There are a number of private lawsuits pending on this question.

"Your committee desires, therefore, to make it crystal clear that in recommending this legislation it is not affecting in any way the private rights which may have existed prior to the enactment of this bill. No such inference should be drawn because of the failure to apply section 325(a) which would require the community antenna system to obtain the consent of the originating station nor should any such inference be drawn which may have an effect on any private lawsuit by the inclusion or exclusion of any language in this legislation."

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

Mr. PASTORE. I yield.

Mr. COTTON. Does not the Senator understand that the purpose of the amendment, whether it be necessary or justified or not, was the desire not to have the CATV operators involved in the question of copyright royalties in the reproducing of signals?

Mr. PASTORE. That is the argument they made; but the subcommittee does not believe the argument really is relevant to the provisions of the bill as written. However, and again for the purpose of clarification, if there is any misunderstanding, we are perfectly willing to accept the amendment. It is a matter of fact that the reason why I sponsored it was so that no one could say we had not carried out our agreement to the full.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back the remainder of his time?

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

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

Mr. PASTORE. Mr. President, I yield myself 2 minutes on the bill.

Mr. McCLELLAN. Mr. President, I wish to make an inquiry. I have not been able to keep up with all the debate on the bill. Do the words "significantly facilitate" still appear in the bill, on page 4, in line 25; or have they been stricken out of the bill?

Mr. PASTORE. Those words are still in the bill.

Mr. McCLELLAN. Is that also true of the word "facilitating" on page 6, in line 11, and also on page 7, in line 20?

Mr. PASTORE. That is true.

Mr. McCLELLAN. What is the significance of the word "facilitating," as thus used in the bill?

Mr. PASTORE. We discussed that point with the junior Senator from Arkansas [Mr. FULBRIGHT].

Mr. McCLELLAN. But at that time I was not present.

Mr. PASTORE. I realize that. I wish to say that I am perfectly willing to accept, as an amendment, the striking out of the word "significantly." I do not think it would add very much, one way or the other. The phrase "significantly facilitate" means facilitate. In fact, I think there is a little bit of redundancy there; it is like saying "no smoking, and positively no smoking." What is the difference?

The word "significantly" was used in the bill and was agreed upon by the staff of Federal Communications Commission when the bill was drafted. My opinion is that it makes little difference whether the word "significantly" is left in the bill at that point or is deleted.

Mr. McCLELLAN. I simply asked whether it remains in the bill. We are trying to make some legislative history here. As I read the language, I am trying to ascertain whether there must be a showing, or whether the Communications Commission must find, that the operation of the community antenna system is calculated to facilitate the continued operation of a local station. If that is one of the conditions required before a license will be issued to an antenna system, then the bill will put out of business practically all the antenna systems. I think there should be some explanation as to that portion of the bill.

Mr. PASTORE. No. We discussed this in great detail. This part of the bill means that in granting a license to a CATV, the Commission must make sure that the granting of the license will in no way hamper the facilitation of these operations. That is what that part of the bill is intended to mean, and I think that is what it says.

I wish to say to the Senator from Arkansas that if he feels that the word "significantly" should be deleted, I am perfectly willing to accept such an amendment.

Mr. McCLELLAN. But that language will have to be read in connection with some other language in the bill.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes on the bill.

Mr. MANSFIELD. I should like to ask the Senator from Rhode Island some questions.

Does he feel that he has kept faith with the representatives of the CATV systems, on the basis of the negotiations conducted over the past 2 years, by means of the bill which was reported by the committee and by means of the acceptance of the Fulbright amendments?

Mr. PASTORE. Of course I do. As a matter of fact, let me now read a letter addressed to me, and dated February 19:

> DEAR JOHN: I thought I would see you today on the floor, but failed to do so.
>
> I enclose the proposed amendments to S. 2653. I assume it will take a little time to look them over, but I am sending them to you because I will be away for part of next week, and I want you to have them as early as possible.

And these are the amendments he sent, and the amendments we talked about and agreed upon and voted on today, with the exception of the one mentioned by the senior Senator from Arkansas [Mr. McCLELLAN], which I am perfectly willing to accept if any Senator sponsors it.

Mr. McCLELLAN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. I was not offering an amendment. I asked about the meaning of the words "significantly facilitate." I am not so much concerned about the word "significantly" as I am about the word "facilitate." Will that be a condition with which a CATV applicant must comply in order to be granted a license, if the local station petitions for consideration as to whether that will facilitate its business? Must that be one of the conditions precedent to the issuing of a license to the CATV? That is the way those words read to me.

Mr. PASTORE. But the whole section must be read in that connection. As regards an application for a license for a community antenna television system—

> The licensee of a television station assigned to a community in which such community antenna television system serves subscribers may petition the Commission to include in such license such conditions on the community antenna television system's operation as will significantly facilitate the continued operation of a television station which is providing the only available locally originated television broadcast program service.

The PRESIDING OFFICER. The time available to the Senator from Montana has expired.

Mr. PASTORE. Mr. President, I yield myself 5 minutes on the bill, for I think this point is of importance.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes on the bill.

Mr. PASTORE. Mr. President, nothing in the bill is intended to guarantee the economic security of any station. That was not the purpose of the committee in reporting the bill.

We are trying to facilitate the continued operation of a station which is the only available facility that is providing free television to people who will lose it if that station goes out of business. That is the concern of the Commission—the public interest.

The question here is whether the activities of the CATV will bring darkness to the free viewers who have only one station in the locality. That is where the public interest is involved.

But whether the station makes $1 million a year or 20 cents a year will be of no concern to the Commission. If there is bad management of the station, the Commission will take that into consideration.

But if there is an inequity in competition which will destroy the only existing station which is providing the only free television in a community, and this free service will be lost to viewers who cannot afford to buy the service of the CATV, the Commission must take that into account when it grants a license to the CATV.

Otherwise, if that were allowed to happen, free television would be changed to paid television. We are trying to guarantee an opportunity to the viewers—and that is where the public interest is involved—not guarantee the economic welfare of any station. That is our position, and I hope it is the position of the entire Senate.

Mr. McCLELLAN. Let me ask a question, please. If in a locality a CATV is in operation, and if it applies for a license—as it must do, following the enactment of this measure—could the local station petition the Commission to take into consideration this situation? In such a situation, only one could survive; and the question would be which one would survive?

Mr. PASTORE. I do not think that is the question.

Mr. McCLELLAN. I think that is the question. The bill says it must facilitate the local station.

Mr. PASTORE. If the local station is under good management and is providing free television, then, in the situation to which we have referred, the issuance of a license to a CATV would mean that those viewers of free television would be deprived of their opportunity to view free television. In that situation, I will say that, in my humble opinion, as between the two, I think the Commission would have to favor the free viewers, not the paying viewers.

Mr. McCLELLAN. But I think this language of the bill will do exactly what the Senator says the Commission would have to do; and I think it should be clarified.

Mr. PASTORE. Yes, if the matter ever came that close. In that event, I would say the philosophy of the Communications Act is that we must preserve free television, as opposed to paid television. So if that question arises, that is the law.

Mr. McCLELLAN. Is that what the bill means?

Mr. PASTORE. If it gets that close, that would have to be the decision.

Mr. McCLELLAN. I simply want that point clarified.

Mr. PASTORE. But let us assume that the owner of a station embezzled $50,000, and therefore the station became insolvent and would have to go off the air. Such a situation would not be a reason for the Federal Communications Commission to do anything, or everything, to hurt the CATV—merely in order to keep that station going. The bill only means that where the type of competition which siphons off the cream of the locality, through the process of paid television, leaves the free television viewers in a position where they might

lose their opportunity to see the one free signal, then the Commission must take that into account, in order to guarantee the opportunity of free TV to operate. The matter is as simple as that.

The PRESIDING OFFICER. The time the Senator from Rhode Island has yielded to himself has expired.

Mr. MAGNUSON. Mr. President, will the Senator from Rhode Island yield to me 3 minutes on the bill?

Mr. PASTORE. Yes, Mr. President; I yield 3 minutes on the bill to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. MAGNUSON. Mr. President, I wish only to make a statement on the bill, because I think there has been a great deal of misunderstanding. There was some confusion on yesterday, I understand, regarding the position of the Federal Communications Commission. I am sure the distinguished Senator from Rhode Island has tried to clarify the matter; but I wish to add whatever I can.

The latest report from the Federal Communications Commission appears on page 10431 of the CONGRESSIONAL RECORD, from which I shall read one paragraph:

> The Commission's continuing study of the CATV local station problem leads it to favor what it understands to be the basic underlying objectives of the proposed legislation. The bill would encourage local television broadcast station operation by extending some protection against inequitable competition by unlicensed television services and, at the same time, recognizes the public benefit in the provision of multiple program services by CATV systems. It may be noted that these objectives form the basis of two of the priorities set forth by the Commission in its sixth report and order for the assignment of television channels.

Thus, we see that the Federal Communications Commission—as is true of all the commissions with which I have had to do in the committee—favors the principles incorporated in the bill. I wanted to mention this because I understand there was some confusion yesterday on that point.

I wish to call the attention of the Senate briefly to the record and the history of this legislation. This matter has been before the committee for a long time. The committee has discussed the bill pro and con, and when the bill was reported no minority views were filed. No minority views have been suggested, although much time has elapsed since the bill was reported, and any Senator who wished to do so had the opportunity.

I wish to call attention to the fact that the bill was scheduled for action last August. At the request of the National CATV Association, we held it over until January, in order to give an opportunity to have worked out a proposal which would be agreeable to everyone. I personally asked the minority leader, the assistant majority leader, and the majority leader that it be made the pending order of business when we recessed. If the record will be examined, that statement will be found to be accurate. All this time has elapsed since then.

Late in January representatives of the national association, who I assume they were the ones who came before the Senator from Rhode Island, myself, and my seat mate, the Senator from Arkansas [Mr. FULBRIGHT], who had some concern about this matter, said their board was meeting some time in February and wondered if we could postpone action a little longer, so an effort could be made to further reconcile some differences in points of view. We agreed to such a postponement, and consideration of the bill was postponed. Finally, in a meeting in my office in late March or early April——

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

Mr. PASTORE. Mr. President, I yield myself 5 minutes, and yield to the Senator from Washington such time as he may require.

Mr. MAGNUSON. In late March or early April, the Senator from Arkansas, the Senator from Rhode Island, and representatives of the National CATV Association, met for a long time, for 2 or 3 hours, in our office, and we reached an agreement, I thought, on what procedure would be followed.

The Senator from Rhode Island has letters confirming this understanding. I assume they have been referred to in the debate. To this hour we have had no official communication whatsoever from the National CATV Association reversing their stand.

It was mentioned yesterday that there are certain persons going around to the offices of different Senators, talking about the bill, which they have a right to do, making statements to the effect that some of the association officials—probably those who met with us; or who else they were, I do not know—do not properly represent their point of view.

I say to the Senate that all we can go by, and all we could go by, is what the association, after official action by its board, transmitted to us by what I thought were its official representatives at that meeting.

Several of these TV facilities exist out in my part of the country. Some of the people are here from Montana and other places in the Pacific Northwest. There is also involved in our part of the country a booster problem, because of the terrain.

I am authorized to say for these people that they recognize what the FCC recognizes, and what the Senator from Rhode Island recognizes, and what everybody else interested in this question recognizes, that some type of regulation is called for. They say, and I say, the question is: Shall this matter be under the jurisdiction of a series of State public service commissions, or under Federal regulation?

All of these people are here, and every communication, or contact, or meeting, or testimony we have had has been to the effect that not only do they prefer Federal regulation of some kind, but that Federal regulation is dictated under the circumstances. The FCC has told me the same thing. They have told me, as late as this morning, they prefer Federal regulation. I do not mean to imply that everybody is satisfied with every part of the bill, but they recognize that the legislative process is such that some of the rough corners in the bill probably can be taken care of in House hearings.

In light of all these facts, I think the Senate should proceed to act on the bill, and Senators should perhaps proceed by suggesting amendments to be adopted in the House committee.

I wish to say to the Senator from Oklahoma [Mr. MONRONEY], who is a member of our committee, I think the Senator from Rhode Island has been more than patient, fair, and equitable in this matter.

Mr. MONRONEY. I think so, too.

Mr. MAGNUSON. I think the Senator from Rhode Island has gone out of his way to try to resolve some of the differences which have arisen. I think I have, too, in a small way. We are trying to get free television throughout the country, to the greatest extent possible. We appreciate that these CATV systems are also important and belong in the communications system of the United States. However, they can serve only those places where there are enough subscribers to make such facilities economically feasible. I think in some places free television is particularly limited, especially in areas west of the Mississippi. The people there are willing to pay, where there are enough customers and where a CATV system is adaptable. I do not think this bill will hurt any of those people.

I think in the last few days there has been an attempt to build a few strawmen to be knocked down. The attempt is made to let us believe that the FCC is going completely out of its way to hurt the community antenna systems, which I know the FCC does not want to do. Those systems serve a purpose in the spread of this great medium of communication. There are many farm people who have only one signal available. I am sure the Federal Communications Commission will not hamper those people at all when merely an application for a license is made.

I feel as the Senator from Rhode Island feels. We have other things to do than merely to consider this bill. If these people want State regulation, they ought to say so. If they think it is better for the whole communications system, then they ought to go along with what they agreed to accept. We are going to be fair and helpful—and the Senator from Rhode Island has been—and be willing to have amendments adopted to clarify the whole matter as best we know how. That is our intention.

I hope the Senate will not agree to send the bill back to the committee, which has spent much time and effort on it. I do not know of a bill on which the committee has spent more time in trying to resolve differences, and some of the bills before the committee have been quite important. We have tried our best. The matter has been fully heard before the committee, and the subcommittee of the Senator from Rhode Island, whose patience could have

been sorely tried, but he has labored long and patiently in his effort to frame a bill which the Senate could consider and pass.

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

Mr. MONRONEY. Mr. President, I rise in opposition to the bill.

May I ask who is in control of the time in opposition?

The PRESIDING OFFICER. The minority leader is in control of the time in opposition. The Senator from New Hampshire [Mr. COTTON] is the acting minority leader.

Mr. MONRONEY. Will the Senator yield me 3 minutes?

Mr. COTTON. I yield the Senator such time as he may need.

Mr. MONRONEY. After the very eloquent and informative statement made by the distinguished chairman of the Interstate and Foreign Commerce Committee [Mr. MAGNUSON] and my distinguished colleague, the chairman of the Communications Subcommittee [Mr. PASTORE], I wonder if I could clear the air just a bit.

I know of no one who sat through the hearings or who has been present at any meeting at which the bill was being considered who has had anything but praise for the job which has been done by the distinguished chairman of the subcommittee and by the distinguished chairman of the full committee. Every view was received graciously and given serious consideration.

I attended practically all of the hearings which were held in 1959, some of which, in order to take care of witnesses from all over the country, continued as late as 7:30 at night. The distinguished junior Senator from Rhode Island did likewise. I have no complaint to make with regard to the patience of the Senators or the fairness of hearings.

If a license is to be required of every member of this industry, if we are to regulate so many in order to benefit so few, then the Senator from Rhode Island has done the very best possible job.

I introduced a bill as a working draft, for the benefit of the committee, so that if regulation had to come it could come in a manner which would not be crippling to the CATV units, of which there are so many.

After we had heard all the testimony, I had serious doubts as to the necessity for such broad regulation. Certainly there were doubts in the minds of dozens of CATV operators in Oklahoma, Texas, Kansas, and many other places, in regard to their being asked to give up so much freedom to obtain so little, under licensing.

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

Mr. MONRONEY. Mr. President, will the Senator yield me 3 more minutes?

Mr. COTTON. Mr. President, I yield 3 more minutes to the Senator from Oklahoma. I do not want to yield too much time to the Senator, until the minority leader returns to the Chamber. The time is being taken from the time on the bill. There is no amendment pending. That is why I do not want to yield too much of the time of the minority leader.

I yield 3 minutes to the Senator from Oklahoma at this time.

Mr. MONRONEY. I thank the Senator. I will be careful with the time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. MONRONEY. Mr. President, so far as I could tell during the time I was supporting a bill to regulate this industry, in the belief that it was needed for its protection, I had the greatest help and service from the Washington representatives for the association.

The minute my own local operators, who I believe knew their business, told me they would rather not have any regulation, and that they felt they could survive and continue their operations without damaging anyone in our State, I never heard from or saw these representatives again.

Who has been bargaining? Who has been talking? Who has been taking up the time of the committee? I did not take part in these negotiations, and I do not know who purported to represent the 768 members of the CATV industry. The results did not represent the views of the members in Oklahoma. The results did not represent the views of dozens with whom I have talked, who have been in this city. Certainly I think it was high time that these men came to the Congress in person to tell the story to the Congress, particularly if the story was different from the position taken by their representatives.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has again expired.

Mr. MONRONEY. Mr. President, will the Senator please yield me 1 more minute?

Mr. COTTON. I yield 1 more minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 minute.

Mr. MONRONEY. Certainly the people who oppose licensing have not been heard in the councils which were considering amendments to the bill. Mr. President and Members of the Senate, that is the issue before us today. It is not a question of how the industry will be licensed, but whether licensing is necessary.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator from Rhode Island yield 2 minutes to me, during which time I may propound to the Senator some questions, in order to clarify the provisions in the bill?

Mr. PASTORE. Will the Senator defer a minute?

Mr. President, how much time do the proponents of the bill have remaining on the bill itself?

The PRESIDING OFFICER. Eight minutes remain for the proponents on the bill.

Mr. PASTORE. Eight minutes?

The PRESIDING OFFICER. Eight minutes.

Mr. PASTORE. And we shall have 1 hour on the motion to recomit. I understand that motion has not been made yet.

The PRESIDING OFFICER. If and when the motion to recommit is made, the Senator from Rhode Island will have 1 hour on the motion.

Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. PASTORE. I yield 2 minutes to the Senator from Texas.

Mr. COTTON. Mr. President, will the Senator wait a minute?

How much time does the opposition have remaining on the bill?

The PRESIDING OFFICER. The opposition has 23 minutes remaining on the bill. How much time does the Senator from Rhode Island yield to the Senator from Texas?

Mr. PASTORE. Two minutes.

Mr. YARBOROUGH. Mr. President, the purpose in asking the Senator from Rhode Island to yield is that I may clarify the provisions of the bill.

Mr. COTTON. Mr. President, I yield 2 minutes to the Senator from Texas from the time in opposition, so as not to use the remaining few minutes of the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. YARBOROUGH. Mr. President, I thank the Senator from New Hampshire for yielding 2 minutes to me.

Mr. President, I address these questions for the purpose of clarification.

Mr. PASTORE. Mr. President, may we have order in the Chamber, please?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Texas may proceed.

Mr. YARBOROUGH. My State has more of these community antenna television systems than any other State in the Union, and I can state that they play a very important part in the lives of tens of thousands of people. Due to the geographical extent of the systems and the population base, it is quite likely, therefore, that Texas will have more community antenna television systems than any other State in the Union for a long time to come. It is a very fast growing industry in our State. Many people have homes in what are known as fringe areas, and can receive television programs only over the community antenna television systems.

We did not hear answers to these questions before the committee, simply because nobody was objecting, though the bill has been pending for a couple of years. Questions have been raised. I know the distinguished Senator from Rhode Island can answer them. I think, Mr. President and distinguished Senators, these matters ought to be clarified in the RECORD before we vote.

First, where there is a local television broadcaster competing with a community antenna television system, what control, if any, would the bill give to the broadcaster over the community antenna television system?

Mr. PASTORE. The bill would not give the broadcaster any control at all, outside of the fact that he could file a petition with the Federal Communica-

tions Commission, and attempt to prove that unless the picture is shown as one of the three or four signals being serviced by the community antenna television system, in all probability it would cause him economic distress, which might lead to a closing down of the station.

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

Mr. YARBOROUGH. Mr. President, will the Senator yield 2 more minutes? This is for the purpose of clarification of the bill.

Mr. PASTORE. Mr. President, so that we may avoid all of this seesaw of time, yielding a minute or a minute and a half to different Senators, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 4, line 25, it is proposed to strike out "significantly facilitate the continued" and insert in lieu thereof "facilitate the".

On page 5, line 7, strike out "continued".

On page 6, line 11, strike out "continued".

Mr. PASTORE. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. YARBOROUGH. Mr. President, I ask these questions of the distinguished Senator from Rhode Island, since the questions have been raised and I think the matter can be clarified in a very few minutes.

Under the provisions of the bill could there possibly be a limitation on the variety of programs received by community antenna television subscribers?

Mr. PASTORE. Will the Senator repeat the question?

Mr. YARBOROUGH. Could there possibly be a limitation on the variety of programs received by community antenna television subscribers under the provisions of the bill?

The charge has been made, Mr. President, that the people will not be able to get TV reception over the community antenna systems if the bill is passed.

Mr. PASTORE. In order to answer the question of my distinguished friend from Texas, I think we should get this matter in a proper context.

First of all, Senators must understand that the community antenna television system operates with some three or four or five signals.

Mr. YARBOROUGH. I understand.

Mr. PASTORE. The one of the impositions upon the communuity antenna system, which might affect it in some way, is the fact that the local broadcasting station, which has a contract, let us say, with the network, to show "I Love Lucy" or "Gunsmoke" in the middle of the week, might, if the community antenna system is taking that same program from some large city on a Sunday night, and broadcasting it before the showing by the local broadcasting station, let us say, anticipating it by three or four nights, protest to the FCC. If the local broadcasting station can show that is being done and can show it will injure the station financially, in such a way that if the action continues it might be necessary to go off the air, the FCC could take appropriate action. That is about the only encumbrance upon the CATV systems.

Mr. YARBOROUGH. In other words, if there were no local broadcasting station broadcasting in the same town or city in which the community antenna system operated, then there would be no possible limitation on the variety of programs of the community antenna television system?

Mr. PASTORE. Practically none at all aside from the fact that they would have to apply for a license and, as I said yesterday, if there were no objections—and in this case there would be no objections because there is no local station—it would be a perfunctory procedure and the license would be granted.

Mr. YARBOROUGH. Is there a provision in the bill which would allow broadcasting stations to charge the community antenna television system for the use of the broadcasting station signals or change the present legal relationship between the broadcaster and the community antenna television system?

Mr. PASTORE. Such a provision was contained in the legislation originally proposed. It is contained in the recommendation of the Federal Communications Commission, but we deleted it because we considered it unfair.

Mr. YARBOROUGH. It is not in the bill?

Mr. PASTORE. It is not in this bill.

Mr. YARBOROUGH. It has been so charged. My statement is intended to clear the air of many of the charges in regard to the bill. I hope the distinguished Senator from Rhode Island, who is chairman of the Communications Subcommittee and knows more about this subject than any other Senator, will be patient with me for a minute until we clear up some of these points on the floor.

Mr. PASTORE. I welcome the opportunity to do so.

Mr. YARBOROUGH. Would the bill increase the overall cost of the community antenna television system operation and subscription in any appreciable amount, and increase the cost to the subscriber who pays so much per month?

Mr. PASTORE. I would not say so. We heard the argument today that no one in Oklahoma was consulted about the proposed legislation. The CATV people of Oklahoma certainly knew of this measure. A prominent CATV operator, Mr. Griffing, of Oklahoma testified at the hearing a year ago. He must be fully aware of the progress of the bill and so, too, the CATV industry of Oklahoma.

Mr. YARBOROUGH. Is there any validity to the contention that under the provisions of section (d), page 4, beginning at line 17, the licensee of a television station assigned to a community in which there was a community antenna system could prescribe what the community antenna system carried, and how it operated, other than that the community antenna television system would have to carry the local broadcaster's signal also? Is that the only modification?

Mr. PASTORE. And to avoid duplication; that is correct. That is about all.

Mr. YARBOROUGH. There would be no other control whatsoever?

Mr. PASTORE. I do not see what other control there would be.

Mr. YARBOROUGH. I refer to the language beginning on page 4, line 20:

> The licensee of a television station assigned to a community in which such community antenna television system serves subscribers may petition the Commission to include in such license such conditions on the community antenna television system's operation as will significantly facilitate the continued operation of a television station which is providing the only available locally originated television broadcast program service.

It is contended that such provision would give the local broadcaster the power to require such a downgrading of programs of the community antenna system as not to take too many customers away from the broadcaster himself.

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

Mr. PASTORE. I yield myself 5 additional minutes.

That is precisely the point that was raised by the distinguished Senator from Arkansas. Let me give a graphic example of how this operation would work.

Suppose in a community like Helena, Mont., there were a local broadcasting station which was the only facility providing service in that community. At the same time CATV was also servicing people in Helena, Mont. Suppose the local station should apply to the FCC and spell out the fact that there was unfair competition and that it felt that the CATV should show the signal that was being shown by the Helena broadcasting station, and at the same time included it with the other signals. Next let us assume that the Federal Communications Commission should grant that petition. Let us assume again that after the petition is granted and the CATV does show the signal of the local station at the same time and without duplication, and other action the FCC may take, but in spite of all that, the local station is in a bad financial position and is likely to go out of business, then that TV station is simply out of luck.

The implication was left here that in order to save the local station CATV would have to be wiped out. That is not true at all. If after this grant was made to the local station it still could not make headway that would be its misfortune, and it would have to close shop. But CATV would not be closed down because, after all, it is not CATV that put the local station out of business. They were both there at the same time. There is a limitation as to how far CATV can go to help the local stations. But once it has exercised equity, that is the end of the road. Beyond that is an abyss.

Mr. YARBOROUGH. In conclusion, is the grandfather clause of S. 2653 broad enough to assure absolutely that each existing community antenna system will get a permit or a certificate to continue operations under the grandfather clause?

Mr. PASTORE. Yes, except, of course, it might wish to expand its facilities or bring in more signals. It would then have to appear before the FCC, and in that case the FCC would decide the case in the public interest.

Mr. YARBOROUGH. Then as to the overwhelming majority of the CATV stations, where there is no local broadcaster, is their broadcasting affected in any way whatsoever other than in the matter of getting its license?

Mr. PASTORE. No, of course not, aside from the fact that it would have to come under regulation. Every time that subject is mentioned we are told that expensive lawyers must be hired. Everybody who has been reading the front pages of the newspapers for the past 2 weeks has observed that impressive argument: "Everyone has to hire a big lawyer in Washington." Most of these CATV operators are represented by attorneys. They know that. We are told about little people being in this business. They are small businessmen, but they are not destitute. Some of them operate million-dollar systems, and I find no fault with that. The fact is that when they have to submit an application and have it considered by the FCC, it will be granted if there is no objection. It is said that every small operator will have to hire a big lawyer and pay him big fees. It sounds like a good argument to make here, but it is not true.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from Rhode Island for his clarification of the points that have been raised with me by many of the operators of community antenna systems in my State. Texas is the largest State in the Union, and it has more of these systems.

Mr. MONRONEY. Mr. President, I believe the implication was left that the grandfather clause gives these operators the right to continue. I know the distinguished Senator from Rhode Island did not mean to leave the implication that they would be covered by grandfather clauses from now on. He knows, as we know, that a license is good for only 3 years, and then if the license covered by the grandfather clause is renewed, it is good for an additional 3 years; but it is a 3-cycle, is it not?

Mr. PASTORE. Of course. The FCC does not issue a license for longer than 3 years.

Mr. MONRONEY. That is the issue. The FCC would license them for 3 years, and they would then return with another application. Is it necessary to require this of little business in order to protect the very few who would be affected by the bill, and who are in the so-called minority?

Mr. PASTORE. The operator of the little broadcasting station——

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

Mr. PASTORE. I yield myself 5 minutes additional.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. PASTORE. I yield myself the 5 minutes. A small broadcaster in the town of Helena or in some little town in Colorado must apply every 3 years for renewal of his license. What does he have to do? He cannot take a picture out of the air and sell it to someone else, as some other operators are doing. He must pay for it. He must go to NBC, CBS, or ABC, and put the money on the line for everything he wishes to obtain. He is a small-business man, too. He must employ a lawyer. He must file an application. He must get a license every 3 years. Why does the Senator want preferential treatment for certain operators? All those operators are doing is taking a picture out of the air which belongs to someone else, which someone else paid to put on the air. They take it without compensation, and they sell it for a price. That is what the Senator is talking about, and he is saying that these people are being unfair to the few who are getting a little picture in their homes free.

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

Mr. PASTORE. I yield.

Mr. KERR. Did the Senator say that the little station in Montana or Colorado which transmitted an NBC, CBS, or ABC broadcast had to pay for it?

Mr. PASTORE. It must pay for the privilege of showing the broadcast.

Mr. KERR. I thought it received pay from the network for showing it.

Mr. PASTORE. It must pay for the program. They have to pay for the privilege of showing the picture.

Mr. KERR. The Senator ought to review the facts.

Mr. PASTORE. The Senator has reviewed them, and he extends the same invitation to the distinguished Senator from Oklahoma. I hope the Senator from Oklahoma has read the Communications Act. I make that statement unequivocally.

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

Mr. PASTORE. I yield.

Mr. KERR. The Senator from Oklahoma makes the statement that when a television station is operating with one of the national networks, CBS, NBC, or ABC, the network pays the local TV station for the time that is consumed in broadcasting a network program. I say to my good friend, who knows more, he thinks, than anybody else on earth, that if he will read a little, or find out a little, he will know more even than he now thinks he knows.

Mr. PASTORE. Is the Senator through?

Mr. KERR. I do not know whether I am.

Mr. PASTORE. Will the Senator harken for a moment?

Mr. KERR. I do not know what that means.

Mr. PASTORE. It means to listen.

Mr. KERR. Yes.

Mr. PASTORE. When we listen, we learn.

Mr. KERR. I do not know about both of us.

Mr. PASTORE. I know listening helps me. Let me say to the distinguished Senator that through the arrangement with the network the local station gets 30 percent of its rate card and what amounts to 70 percent is retained by the network. There is a difference between local rates and national rates. If that is not paying, I do not know what is paying.

Mr. KERR. The Senator does not know what he is talking about.

Mr. PASTORE. The Senator said that yesterday. I do know what I am talking about. The difficulty with the Senator from Oklahoma is whenever he cannot run anyone into the ground he gets a little intemperate. I have read the Communications Act, and I know it. I challenge the Senator from Oklahoma to do the same.

Mr. KERR. The Senator believes, in other words, that the Communications Act governs the contractual relationship between the broadcasting network and the local affiliate?

Mr. PASTORE. Yes. The contracts are filed with the FCC. If the Senator does not believe it, he can call up on the telephone and check it.

Mr. KERR. I do not have to do that.

Mr. PASTORE. That is the trouble with the Senator. He does not have to do anything. He knows everything.

Mr. KERR. No, no; but I know that much.

Mr. PASTORE. I withdraw my amendment. We have exhausted the time—I hope intelligently.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ALLOTT. Mr. President, I send an amendment to the desk and ask that it be stated. It is identified as "5–17–60—A."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, between lines 9 and 10, insert the following:

(b) (4) Effective after ninety days following the effective date of this section the provisions of subsection (a) of section 325 relating to rebroadcasting by broadcasting stations shall apply to community antenna television systems as if they were broadcasting stations.

The PRESIDING OFFICER. The Senator has 15 minutes on the amendment.

Mr. ALLOTT. I yield myself 5 minutes. The amendment I have offered gets down to the nub of this situation. I do not care how the facts are distorted here. The plain fact is that the bill is not going to hurt anyone except those who compete unfairly with other people.

Section 325(a) of the Communications Act provides:

No person within the jurisdiction of the United States shall knowingly utter or transmit or cause to be uttered or transmitted any false or fraudulent signal of distress or communication relating thereto—

Now I come to the pertinent part—

nor shall any broadcasting station rebroadcast a program or any part thereof of another broadcasting station without express authority of the originating station.

The amendment which I have offered provides that, effective after 90 days following the date of this section, the provisions of subsection (a) of section 325, which is the one I have read, relating to broadcasting by broadcasting stations, shall apply to community antenna television systems as if they were broadcasting stations. That provision would be inserted on page 4, between lines 9 and 10.

I am not unmindful of what the committee has said on this particular point. I should like to read it. On page 11 of the report the committee says:

> One basic issue between the community antenna operators and the broadcasters and their program suppliers has never been resolved, and that is the question whether the former are appropriating the latter's programs in violation of their property rights therein. The community antenna industry insists that the broadcasters have released their programs for the enjoyment of the public, whether within or without the service areas of the originating stations. Since an individual viewer could erect a high and expensive antenna to receive the signal at a point where reception is not possible by ordinary means, it is argued that this can be done for the benefit of an entire community through the master antenna of a CATV system. There are a number of private lawsuits pending on this question.
>
> Your committee desires, therefore, to make it crystal clear that in recommending this legislation it is not affecting in any way the private rights which may have existed prior to the enactment of this bill. No such inference should be drawn because of the failure to apply section 325(a) which would require the community antenna system to obtain the consent of the originating station nor should any such inference be drawn which may have an effect on any private lawsuit by the inclusion or exclusion of any language in this legislation.

Yesterday afternoon I tried to explain to the Senate in my own words the effect which I believe the uninhibited growth of CATV is going to have on many States, particularly upon my State. Unless CATV is brought within some regulatory control, it is going to run out the small TV stations in my State, particularly one that I have in mind at this time. That particular station, in Grand Junction, serves a great area of some 55,000 or perhaps 60,000 people in western Colorado and eastern Utah. If CATV comes into Grand Junction and competes, not upon a fair, but an unfair basis, CATV can pick programs from the three main broadcasters out of the air and distribute them in Grand Junction in unfair competition with the local station.

The whole matter of what has been unfair has been gone into fully by the chairman of the subcommittee. I paid my respects to him yesterday afternoon, and I do it again today.

Here we have the situation of people taking a free signal out of the air. It is true that I have the right to pick it out of the air, but I do not have the right to pick it out of the air for a profit. Yet this is what these people want to do. They want to pick the signal out of the air without the consent of the person who puts it on the air, and they want to put it into the local community and convert it to a profit, and eventually bring in two or three networks, and then run the small one signal TV station out of business.

How will this work? In this particular instance, they will serve one little town. They cannot serve the suburbs because the expense of installation is too great. They cannot serve all the surrounding area, because the expense of installation is too great.

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

Mr. ALLOTT. I yield myself another 5 minutes.

There are now in this area 36 booster stations. They serve the people of western Colorado and eastern Utah, which are tuned in on this one station. If we do not by this bill bring in those people; if we do not provide some kind of regulation; there will be light in the communities, but there will be darkness in the suburbs and darkness throughout all of western Colorado and a part of eastern Utah.

I do not think anyone has the right to say that he can pluck a free signal out of the air, convert it to his own use and his own business, and make a profit from it, while he darkens the skies to the people who have an opportunity to get a free service.

I desire to make perfectly clear what I am trying to do by this amendment. There is nothing tricky about it. There is nothing new about it. The language has been in the Communications Act for a long time. It simply takes a part of the Communications Act, which is now in effect—section 325—and applies it within 90 days to the CATV system, so that CATV, like any other person, would have to get the consent of the person who broadcasts the signal before CATV could broadcast it.

There are cases which are now pending in the courts, but they have not yet been decided. Nevertheless, it is my opinion that this language should be a part of the bill.

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

Mr. ALLOTT. I yield.

Mr. PASTORE. I must admit and concede that the Senator from Colorado has made a very powerful argument. As a matter of fact, many persons, particularly those who have been damaged by this condition, feel that they are compelled to get permission before they can rebroadcast a signal. However, everyone else who uses the signal for profit should do likewise. This is provided for in the Communications Act, section 325. That is the section which the Senator from Colorado would like to incorporate in the bill by his amendment.

I realize that the FCC, which was rather lukewarm to the proposed legislation, but is now supporting most of its provisions, has gone the full distance and is itself advocating that Congress compel consent to be obtained before CATV can take a signal and then sell it by the use of its cables.

I realize the reason for the Senator's position. I realize how he feels about this matter, because he is living with the problem. He lives among people who are enjoying both CATV and free television through one existing television station in a particular locality, as he has already explained. But the Senator from Colorado must realize that if his amendment is adopted today, irreparable harm will be done to the bill itself.

I am afraid we may be getting ourselves into a situation which may be rather delicate and serious. So, as seriously as I can say it, even though I am a proponent of the bill, and even though I realize that the Senator's amendment rubs pretty hard and roughly those who are opposed to the bill, I hope he might see it within his heart and in his good, fair mind to withdraw the amendment, and not press it.

Mr. ALLOTT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Colorado has 6 minutes remaining on the amendment.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the distinguished Senator from New Hampshire.

Mr. ALLOTT. Mr. President——

Mr. COTTON. I asked for this time.

Mr. ALLOTT. I have not yielded the floor.

Mr. COTTON. I beg the Senator's pardon.

Mr. ALLOTT. I yielded myself 5 minutes initially and then asked for 5 additional minutes subsequently. The Chair has advised me that I have 6 minutes remaining.

The arguments and the discourse of the Senator from Rhode Island are very persuasive. I cannot help thinking that more dead cats have been dragged to the Senate floor in the last 24 hours than I have ever seen in a similar period. I have seen more misinformation scattered in connection with this bill than I have seen in a long, long time.

I cannot accept the theory that the bill will place a great burden on these people. It does not put a great burden on the CATV operators. It does not put a burden on them which the small broadcasters—the small TV broadcasters—do not have to carry all the time. They manage to handle the situation, though; and in most instances, I believe, they do it without the employment of attorneys.

The question is whether we shall give one group an opportunity to compete with and run out of business another group who are supplying free broadcasting, and do it with free signals which they pluck out of the air.

I offered the amendment in all sincerity, as I am certain the Senator from Rhode Island believes—he did not imply otherwise—because I do not think anyone should have a right to pluck a signal out of the air and then make somebody else pay him a profit in order to get the signal and utilize it.

Nevertheless, I cannot help realizing that if the amendment were adopted, it would perhaps make it more difficult, even, to pass the bill, about which we have heard so much static and misinformation. For that reason, and that reason alone, and not because I believe

for a moment that the principle I have espoused is not the correct principle, I intend in a moment to withdraw the amendment.

But I say to the visitors who are sitting in the galleries, and are breathing so hotly down the necks of the Senate today, that if the Supreme Court decides one of the pending cases against CATV, it will be you who will be coming here on your knees, begging and praying for the kind of legislation which we are trying to give you this afternoon.

Mr. President, I withdraw the amendment.

Mr. COTTON. Mr. President, I had hoped the Senator from Colorado would not take us off our feet after he had offered the amendment, by withdrawing it. That is why I asked for 3 minutes in opposition to it.

Mr. ALLOTT. Mr. President, I have the floor, and I presume I have the right to do as I please concerning my use of it.

Mr. COTTON. Certainly.

Mr. ALLOTT. If the Senator from New Hampshire wishes to question me on the amendment, I shall be happy to yield to him.

Mr. MANSFIELD. Mr. President, if the Senator from Colorado wishes to withdraw his amendment, he has the right to do so.

Mr. COTTON. He certainly has.

Mr. President, will the distinguished minority leader yield me 3 minutes?

Mr. DIRKSEN. I yield 3 minutes to the Senator from New Hampshire.

Mr. COTTON. Before we cease discussing the amendment which was offered by the distinguished Senator from Colorado, and which he then withdrew, I should like to say for the benefit of the Senate and also for those outside the Senate that some of us who oppose the bill do not oppose it, as has been intimated, because we are carrying the flag for CATV.

I happen to come from a section of the country, and from a city—a county seat town—in the mountains; from a location where the people would never get TV unless they got it by this medium. My interest, and I am confident it is the interest of a good many other Senators, is for the consumer, the viewing public. I, for one, rather resent all the talk about pressure, telegrams, and all the rest. I am interested, as I think other Senators are interested, in protecting the means by which we who live in mountainous areas can get good TV service.

Furthermore, if the Supreme Court of the United States should suddenly decide, in its infinite wisdom, that CATV cannot take the signals from TV stations without the permission of those stations, I should like to have someone tell me, a simple country lawyer, how the FCC would be able to overcome the decision of the Supreme Court of the United States. It is a new theory for me to believe that a Government agency could do that.

If such a principle should become the law of the land by a decision of the highest tribunal of the Nation, the FCC would have no power to change it. The only way it could be altered would be to have Congress enact new legislation, a practice which is always frowned upon.

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

Mr. COTTON. If time permits, I yield.

Mr. PASTORE. If the Supreme Court should decide that a proprietary right exists, and that the privilege of using property which belongs to someone else must be paid for—I hope it would not do so—the fact that both mediums would be under the aegis of the FCC would certainly mean that the FCC could say that the rates charged must be reasonable, and that one segment of the population, such as the good people of New Hampshire, should not be deprived of the service. That would all depend on the FCC.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. COTTON. Mr. President, may I have 2 minutes more?

Mr. DIRKSEN. I yield an additional 2 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 additional minutes.

Mr. COTTON. Mr. President, I am absolutely sure that neither my good friend, the Senator from Colorado, nor my esteemed friend, the Senator from Rhode Island, nor any other Member of the Senate has any real idea that the courts are going to deprive the people who are receiving television shows by this means. I question it very much.

Mr. PASTORE. A court case is pending, and it could be decided one way or the other.

Mr. COTTON. I know a case is pending in court, and of course no one knows what the court will decide.

But let us remember some of the fundamental ethics and basic principles that are involved in this case. One thing is certain, namely, that every one in this country wants to have the privilege of receiving television programs. But because of the problems caused by technical difficulties in TV the economics of the broadcast industry, and the limited number of TV channel assignments there are many persons in parts of the country who could not get any TV reception or who, at best, could get only a single channel.

It is one of the glories of American ingenuity that when difficulties like these develop, ways to overcome them are soon found. As a result, we have booster stations, translators, satellites, and CATV's all contributing to the TV reception of the American people. Some of my friends from the West are interested in boosters; and as a member of the subcommittee, I want to help them.

I do not want to see any group in any valley in the country—whether in Wyoming or in New Hampshire, and whether receiving such programs by CATV or by booster or by some other means—not to have a full and fair chance to receive television.

Many of the parts of the pending bill are good.

The PRESIDING OFFICER. The additional time yielded to the Senator from New Hampshire has expired.

Mr. COTTON. Mr. President, may I have 1 more minute?

Mr. DIRKSEN. Mr. President, I yield 1 additional minute to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 1 more minute.

Mr. COTTON. Mr. President, many of the parts of the pending bill are good. In any city or town where a struggling local TV station is endeavoring to survive, I am perfectly willing to see the CATV there come under some regulation.

But I object to the pending bill, in that it would bring under regulation by far the largest proportion of CATV stations which are not in any way in competition with any local station.

The bill goes too far; it provides too much regulation. The bill would encourage litigation. The bill would cause expense and harassment. That is why I shall vote to recommit.

The PRESIDING OFFICER. The additional time yielded to the Senator from New Hampshire has expired.

Mr. MONRONEY. Mr. President——

Mr. MANSFIELD. Mr. President, I assume that the Senator from Oklahoma has in mind a motion to recommit.

Mr. MONRONEY. I desire to call up my motion to recommit. But I shall be happy to withhold that, if the Senator from Montana wishes to speak. We have 1 hour on each side, and I hope we shall not use too great a proportion of it.

Mr. MANSFIELD. But it will have to be used on the motion to recommit.

The Senator from Florida [Mr. HOLLAND] has suggested that he would like to offer an amendment.

Mr. President, on behalf of the Senator from Florida [Mr. HOLLAND], I offer the following amendment: On page 7 of the bill, strike out the last sentence.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Montana wish to ask unanimous consent that the time required for the quorum call not be charged to the time available to either side?

Mr. MANSFIELD. Yes, Mr. President; I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The absence of a quorum has been suggested; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I ask that the pending amendment be read.

The PRESIDING OFFICER. The pending amendment, submitted by the Senator from Montana [Mr. MANSFIELD], on behalf of the Senator from Florida [Mr. HOLLAND] will be read.

The CHIEF CLERK. On page 7, it is proposed to strike out the last sentence.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. HOLLAND. Mr. President, I yield myself 5 minutes.

Let me say that the purpose of the amendment is to enable me to ask some questions of my friend, the Senator from Rhode Island.

I may say that I have not recently read the Communications Act, but I read it last year when we considered the equal-time provision.

Mr. PASTORE. As a matter of fact, the Senator from Florida and I have read section 15 of the Communications Act a number of times.

Mr. HOLLAND. I thank the Senator.

I wish to make clear that I am not an expert in this field; and therefore I shall have to rely largely on the replies I receive from the Senator from Rhode Island in response to my questions in regard to a matter which disturbs me.

I note that the bill is largely for the protection of what are termed local television stations.

Mr. PASTORE. No, just one.

Mr. HOLLAND. A single station?

Mr. PASTORE. Yes, it must be a single station; otherwise, the bill will really have no effect.

Mr. HOLLAND. I thank the Senator from Rhode Island.

That brings me to the following point: As Senators know, in the State of Florida the terrain is rather flat. The question of whether there is a single station generally depends on the height of the receiving tower at the point of reception.

For instance, in the city of Tallahassee, which until recent years has had very poor reception—though it is our capital city—there was located, several years ago, a so-called local station, and a good one, between Tallahassee and Thomasville, which I am sure would be termed a local station; but before and since that time, by putting up a higher tower, there may be received various stations in Jacksonville, which are about 150 or 160 miles away, a station in Panama City, which is only 100 miles away, and a station in Dothan, Ala., which is perhaps the same distance.

In the opinion of the Senator from Rhode Island, what is the standard as to what constitutes a single local station available for reception in a community?

Mr. PASTORE. It would be governed by the rule of reason, as I look at it. After all, the Commission is presumed to be proficient in this particular field. One could not say that a station in Providence does not go into Pawtucket or East Providence. It is difficult to state exactly; but I would say, within the area described by the FCC in granting a license to a station as to how far it can go, that would more or less control the matter.

Mr. HOLLAND. Looking at the bill, I notice several partial descriptions in this field, none of which, it seems to me, make it clear as to just how this question should be resolved. For instance, on line 21, page 4, of the bill, a local station is described as "a television station assigned to a community."

In lines 1 to 3, at the top of the next page, it is described as "a television station which is providing the only available locally originated television broadcast program service."

On lines 11 to 13 of page 6, it is described in the same words just read by me, "a television station which is providing the only available locally originating television broadcast program service."

Then four lines below that, on lines 16 to 18, it is described as "a television broadcast station which is assigned to a community."

Then a little bit later, in line 22, it is simply referred to as "local television broadcast station."

Similarly, on page 7, in lines 12 to 14, it is described again as "a television station which is assigned to a community."

There is yet a third concept that may or may not be applicable, which is shown on lines 9 and 10 of page 2, where appear these words "within the direct range of television broadcast stations."

All of those, at least to the Senator from Florida, do not add up to give a clear description of the area of application of this bill to stations which are to be considered as local stations. I am disturbed by that fact. I therefore ask for the clarification by my distinguished friend from Rhode Island. Also, I think the RECORD should be clear on this, because this is not wholly an engineering fact. This has to do with economic questions of great importance, not only to the so-called local stations, but also to the local customers or viewers, and to the communities generally. So I would appreciate any clarification of this question which the distinguished Senator might give.

Mr. PASTORE. In order to give a perfect explanation, of course, the language must be read in context, as we go from sentence to sentence.

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

Mr. HOLLAND. I yield myself 5 additional minutes.

Mr. PASTORE. There are certain standards by which the FCC operates, and it has adopted what more or less are termed trade terms as to the kind of facility to which they are granting a license. The Commission might say it is an A service or a B service, for this city or that city.

The intent of the bill, and the way we have interchanged these words, is always with the understanding that where there is an imposition of a duty to public authority is actually provided in the bill, it is intended to protect the only existing TV station giving the only available service in a particular community on a free basis.

If the Senator wants to take up the wording of the bill step by step, I think we can get along much better. For instance, I think the Senator pointed out the first example of the language on page 4. Is that correct?

Mr. HOLLAND. That is correct.

Mr. PASTORE. I think the Senator referred to the language which reads:

> The licensee of a television station assigned to a community in which such community antenna television system serves subscribers may petition the Commission to include in such license such conditions on the community antenna television system's operation as will significantly facilitate the continued operation of a television station which is providing the only available locally originated television broadcast program service.

May I ask this question, as respectfully as I can? What is bothering the Senator about that, so I can answer the question?

Mr. HOLLAND. I referred to the station in Tallahassee. It is a local station, and it is an excellent station. It is owned by splendid, civic-minded people. I would like to do anything that is proper to protect them, along with their interested viewers. But before that station was there and since, as I have just stated, broadcasts or telecasts from other stations, with a little extra expense, were receivable, and viewed by many people, from the Jacksonville, Dothan, and Panama City stations.

My question is directed to that situation, and to a similar situation in Fort Myers, which has a single locally originating station, but which is in comparable distance from other stations as Tallahassee is from the outlying stations there. It is a similar distance from Tampa, St. Petersburg, Miami, and West Palm Beach. I have viewed telecasts from some of the stations in these other locations while in the Fort Myers area. Yet I notice at Naples, which is only 40 miles from Fort Myers, they have spent $350,000 of local money to put in a 700-foot tower back of that town, about 7 miles, which will open next week and receive for distribution the pictures from the three Miami stations and from the one station in Fort Myers.

Mr. PASTORE. May I ask a question?

Mr. HOLLAND. The Senator certainly may.

Mr. PASTORE. This is how the bill would operate in the particular instance of Florida. There is already a CATV system installed. Then a station comes in and, at the time the bill is passed, they are both operating. Let us assume the CATV has siphoned off the viewers in the congested areas; and stops there because it would be uneconomical to extend their lines to the outskirts because the cost would be prohibitive. Then let us assume that section began to build up and more people entered the CATV system. In other words, if the CATV system filed a petition to extend their facilities, a question might arise as to whether a public convenience and necessity were being served. It might well be the television broadcasting station would have to depend upon those people for free television viewers——

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

Mr. PASTORE. I have 15 minutes. I think we can share the time together.

Mr. HOLLAND. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. About the only thing that the broadcaster can do is to object to a further expansion and to rules which might interfere with his operation and might compel him to go off the air. Otherwise he could only say, "I petition to have my signal shown." That is the signal which is shown at a different time.

I do not think there would be that problem as much in Florida as there might be in the Midwest, because there is not the differential in time from the point where the large broadcasting station is sending out the signal which is captured by the CATV system, as against the broadcasting station which has an arrangement with the affiliate. Where one does not have that time differential element or bringing the programs in from a distant point, I do not think one would have the question of duplication, running more or less simultaneously.

In that particular case the local broadcasting station could as one step petition the FCC and ask for an order that the CATV system show, among the multiple signals to be provided, the signal which emanates from the local broadcasting station, which lives upon advertising in that locality. Unless the local station can service those people, the local station may lose its advertising, and if it loses its advertising the station may have to go out of business.

In that particular case, if the station would show cause, the Commission could order the CATV system to duplicate the signal of the local broadcasting station on one of the various signals which are provided.

Mr. HOLLAND. Would it be necessary to pay for that?

Mr. PASTORE. No.

Mr. HOLLAND. In other words, the CATV system in question would receive the signal from the so-called local station free, and would simply have to include it among the three or four or five signals handled through its wires?

Mr. PASTORE. This is local government at its best, because actually it would say, "I am taking nothing away from you. Let the people who pipe into you and who have four stations see this program."

If the people want to turn the programs off they can do so, because they can turn to three more programs. If the people want to see that program, they must pay for it.

There has been a big argument this afternoon as to whether it is necessary for a TV station to pay for its programs or not. The Senator knows how this works. The network sells time. For the local broadcasting station the local rate or the national rate may be $100 an hour. If someone is going a carry a network program, the local station generally has an arrangement where he gets 30 percent and the network retains 70 percent of the rate. It would be a payment to the network of 70 percent of the cost for the 1 hour of time of television. That is what I mean by the local station paying for it. We know in contracts of the affiliates that arrangements are made for so many free hours which are given to the networks.

In this particular case all of this would be done on a voluntary basis between the two parties, the local TV and the CATV, or it would be ordered to be done by the Commission, and there would be no charge insofar as this bill is concerned. The property rights in a program is something between the two parties.

Mr. HOLLAND. The order of the Commission would have to include as one term that there would be no charge, no cost for the displaying of the picture.

Mr. PASTORE. They would not even mention it, because the other party would be coming in and begging that the CATV system use the picture.

Mr. HOLLAND. Mr. President, I have two more instances to cite. I shall try to cover them in the time I have remaining.

In the case of Naples, I think we understand the situation. I will say that I have had no complaint from the so-called local station at Fort Myers. Apparently that station is not adversely affected. Apparently the Naples people intend to have the local program shown along with the three programs from Miami.

The next instance relates to the Fort Pierce, Eau Gallie, Vero Beach, Melbourne group. By the investment of citizens there an amount of $280,000 has been provided. A franchise has been obtained from the four cities affected, and the organization is now putting in the wiring distribution system.

As I read the letter, this group is not as far advanced as is the group at Naples, and they do not have, so far as I know, any local station. I believe the closest station would probably be at Orlando in one direction and perhaps at West Palm Beach in another direction.

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

If there is no local station, there is no problem. There would simply be the filing of a petition for a license, and this group would come under the umbrella of supervision and protection by the Federal Communications Commission.

This action would preclude, in some instances, having the States move in with the chance of characterizing these groups as common carriers. To a certain extent there is a certain amount of protection even for the CATV people.

In the case the Senator cites and illustrates, I would say definitely that would be my clear understanding, from the provisions of the bill, from the hearings and from the history we developed. It is our understanding with the members of the Commission who appeared before the committee that in a situation of that kind this procedure would be a perfunctory procedure.

Mr. HOLLAND. The Senator is probably referring, as I was in my question, to a local station as one located in the immediate community.

Mr. PASTORE. That is correct.

Mr. HOLLAND. I doubt if that is the correct description, from all of the things we have heard, and those appearing in the text. I think the description more likely would be any station the signal of which can be received by viewers with clarity and with sufficient convenience to be available at practically all times. It would not have to be in the local town.

In fact, the station I referred to at Tallahassee is out on the line between Florida and Georgia, lying between the cities of Thomasville, Ga., and Tallahassee, Fla., and not actually located within the city of Tallahassee.

Mr. PASTORE. If the Senator will permit, I shall read from the report, for I think this is rather pertinent.

It should be pointed out that under this subsection the local television station has the burden of setting forth the operating conditions desired and of establishing that the imposition of such conditions would significantly facilitate its continued operation. Further, the necessity for making such determination would be limited to a comparable small number of situations wherein existing community antenna television systems serve subscribers in a community to which a local station has been assigned.

In other words, this is not punitive on the CATV systems. The whole burden of proof will be on the local station. The local station will have to be the moving party.

At best, what could the TV station win? It would simply be permitted to have its picture shown on CATV, together with other signals.

We are making it abundantly clear that there is no attempt to put the CATV systems out of business. No one wants to do that.

It has been said this afternoon, with dramatic force, great fervor and emotion that the only service for people in some of the localities, such as there are in the State of Kansas, comes from the CATV systems. I am not criticizing the CATV systems. As I said yesterday, they have rendered a noble service.

There are many localities in this country in which the people would not have an opportunity to view three or four signals, unless there were CATV systems.

I do not want to leave any impression with anybody that we are trying to oppress these people or trying to put these people under supervision, in order to find out what their profits are. I did not ask one CATV representative who came before our committee, "How much money are you making? What is your return on your investment?" I was not interested in financial arrangements. I do not want to do anything to hurt these people. We realize that this whole industry must be placed under the aegis of the FCC, if the FCC is to carry out its mandate, that it must, under the spirit of the law, bring free television to as many viewers of this country as possible, under a competitive system. That is the purpose, and it carries out the philosophy, of the law. If we cannot trust the Federal Communications Commission to assume that responsibility and to make sure that in some instances we protect those free viewers, who may be in

complete darkness unless something such as this mild bill is passed, we will be remiss in our obligation.

The argument is made, "Why should these people be put under regulation?" The answer is that this is the only way we can do this equitably. Why are the broadcasters put under regulation? These people are dealing in television.

Their argument is, "I am no different from the person who puts an antenna on his roof and takes the picture out of the air. The fact that I take the picture and sell it to somebody else for $9 a month is nobody's business but my own."

Can the Senator follow that reasoning? I cannot. I cannot follow that logic.

Mr. HOLLAND. I can follow it.

Mr. PASTORE. These people are in the television business.

Mr. HOLLAND. I can follow it at least to a certain extent. It seems to me this presents a question as to whether the State or the Federal Government ought to come into the picture as the regulating agency.

Mr. PASTORE. I shall say something further to the Senator in that regard.

Mr. HOLLAND. The distributing facilities are wholly within the control of the State public utilities commission.

Mr. PASTORE. The Senator is quite correct.

Mr. HOLLAND. All of this is on a wire, on the telephone circuit.

Mr. PASTORE. There is a serious question in this area.

Let me tell the Senator what happened in one of the States. In Montana the legislature passed a bill, which was vetoed by the Governor, under which they would have put these CATV systems under State control, under the public utilities commissioner. I suppose that would have made them common carriers, and they would have been limited to a 6-percent return on their investment.

These people fought that. They do not want that. As a matter of fact, if the Senate desires to pass a resolution that it is the sense of the Congress we should put this responsibility under the sovereignty of each individual State, and that it is not a matter for Federal control or Federal concern, I tell the Senator very frankly that I think that the representatives of the CATV systems who are in the galleries now will fall out of the galleries.

They do not want that. If the State of Florida wishes to take the operation over, if the State of Montana wishes to take it over, or if the State of Oklahoma wishes to take it over, that is satisfactory to me. I do not think they wish to do that, and I do not think we should require that of them, for the simple reason that this picture does come through the ether. The ether has no bounds, and the picture perhaps could emanate from the State of Washington. Perhaps it traverses Oregon. It happens to go to Montana in some form or other, and they have a system of antennas. They have a system of amplification of microwaves. Then they put it on a cable which rests on a pole, and the cable enters a man's house, and he sits in his home and looks at television. It is wonderful. I still think the system should be under Federal control and I believe it should be controlled in the modest way proposed.

Mr. HOLLAND. Does the Senator think the system should be under Federal control even in the many cases where the signal had to originate in the same State where it was received—as, for example, in the case of Key West?

Mr. PASTORE. The Senator raises a nice legal question. I would assume in a case of that kind that while it may be a favor to the State to allow the system to come under the aegis of the Federal Communications Commission, I still think the State could control it.

Mr. HOLLAND. I thank the Senator.

Mr. PASTORE. The State could control it.

Mr. HOLLAND. There is one additional point I wish to raise with respect to the operation of the service in Key West, a city with which the Senator is familiar.

Mr. PASTORE. Yes, I am familiar with it. As a matter of fact, I went to Key West to look at the operation.

Mr. HOLLAND. There is a receiving tower on one of the islands within easy receiving distance of the Miami stations, and the programs are piped by wire or otherwise 100 miles, or whatever the distance between those two points is, from the receiving station to Key West, along the Keys, and they are shown to the people on the Keys and in the city of Key West.

The city of Key West is perhaps the only place in Florida—certainly the only one I know about—which is far enough away from any transmitting station to cause great difficulty in receiving signals directly through the ether—even through the balmy Florida ether—signals from the station which originated the broadcast. So in that area there could not be a local station either?

Mr. PASTORE. No, because there are three television stations in Miami and I believe there is none in Key West.

Mr. HOLLAND. And they are all beyond the distance for direct service to Key West.

Mr. PASTORE. The Senator is correct. The provision would not apply. I assume the people who own this particular station would make their application. There would be nothing to it. I do not see that a hardship would arise. Much has been said about expensive lawyers which would have to be hired. I do not see the necessity of that exorbitant expense at all.

Mr. HOLLAND. There is another comment I should like to make and then I should like to ask a question.

I have not received any communication from any so-called local television station in Florida. Perhaps there is none such in Florida because of the facts which we have recited heretofore. Am I to understand from the arguments that have been made by the distinguished Senator from Rhode Island and others that there are local stations elsewhere throughout the Nation which are requesting this legislation?

Mr. PASTORE. As a matter of fact, the stations have presented their requests in such a way as to make it appear to be a matter of life and death. That is how serious the situation is. In States such as Idaho, Wyoming, and Montana, because of the nature of the terrain, it is almost impossible for a local station to exist unless it operates in a congested area. What happens? It is put in a congested area, and the operators feel that is their security. It is their bread and butter. The advertising supports the station. Then the CATV comes in. It may take its signals from Spokane. Perhaps it brings in three signals instead of one.

Mr. HOLLAND. Does it refuse to take the signal of the local station?

Mr. PASTORE. In many instances that has occurred.

Mr. HOLLAND. If that is so, I see ground for complaint, but if it did take the signal of the local station, as has been indicated——

Mr. PASTORE. Had that happened in the beginning we would not be here now. That is the point. That is all we are dealing with. When the bill was first introduced we were asked to write a bill which would compel the CATV to show the signal of the local broadcasting station upon request.

I said, "That is unfair. There must be an umpire. You must show reasons. What we will do is to allow you to file a petition, but the decision must be made by the FCC. We cannot allow you at your request to impose upon someone else's privileges and prerogatives. If the CATV people are brought under control and they petition the Federal Communications Commission, if it is decided that it is in the public interest, convenience, and necessity that your picture be shown, that will be ordered."

We could not be any fairer than we have been. As a matter of fact, the bill appeared to be absolutely acceptable. We sat down, as I said yesterday, and agreed that certain amendments should be made. The proposal to recommit is a last-minute move.

Mr. HOLLAND. Of course, the Senator means it was acceptable to the people with whom he was dealing.

Mr. PASTORE. The Senator is correct.

Mr. HOLLAND. Unfortunately the industry is spread out so broadly that he could not have heard from everyone or have them all in the committee room.

Mr. PASTORE. I realize that, and I hope I did not leave the impression that I talked to every one of the 700 operators. However, the operators of these stations have an organization through which they deal with the Government on such questions as we have before us. Some have problems different from others. I suppose the CATV operators in the State of Florida would not be as excited about this measure as perhaps the CATV operators in a State where there is a real problem, such as the States of Wyoming and Idaho.

Mr. HOLLAND. The Senator means the Mountain States.

Mr. PASTORE. The Mountain States.

Mr. HOLLAND. And the sparsely settled States.

Mr. PASTORE. That is correct. It is fair to assume that when one speaks with the president of an organization

or with members of its board of directors or its executive director or its lawyers, they more or less speak on behalf of the members of the organization, although I know they do not commit each and every one of them. I realize that. It would be impossible for me to talk to them all. However, many delegations have visited me in the intervening days, and whenever I could do so, I have talked with them. I have sat and talked with many CATV people. I have made it clear that we do not want to hurt any one, or put him out of business. This is a step in the right direction for all.

A measure of the kind before us must finally be passed—whether it be next month or the month after. It is inevitable. It must come because somewhere along the line someone will become indignant and say, "Such stations should be classified as common carriers."

We have provided specifically in the bill that such stations shall not be common carriers. Others think as does the Senator from Colorado, that they should get consent before taking a picture out of the air and selling it to someone else. We have provided specifically in the bill that that consent must not be required. We have taken care of that contingency in those situations.

Mr. HOLLAND. Let me ask two questions to bring into the RECORD what I believe is a résumé of this question. Do I correctly understand that where there is no single local station, and only one which can be viewed with facility and with relative ease from a certain locality, this question does not apply as to any station's being in a position to file an application and to be given an order requiring its signal to be carried?

Mr. PASTORE. The Senator is correct. Anyone could object to anything, but I do not think such an objector would be entitled to an order.

Mr. HOLLAND. Do I correctly understand that when there is no local station in the sense that there is no station which can be heard directly or viewed directly from the receiving area, the criterion likewise cannot apply in an injurious way?

Mr. PASTORE. This criterion does not apply.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. President, I withdraw my amendment and I yield back such time as I may have remaining. I trust the Senator from Rhode Island will do likewise.

Mr. PASTORE. I yield whatever time I have, if I have any. If the amendment is withdrawn, all time is withdrawn.

Mr. MONRONEY. Mr. President, on behalf of the senior Senator from Oklahoma [Mr. KERR] and myself, I move to recommit the bill to the Committee on Interstate and Foreign Commerce.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, but I do so with the condition that the Senator from Oklahoma does not lose his right to the floor.

The PRESIDING OFFICER. Does the Senator from Rhode Island request that the time for the quorum call not come out of the time of either side?

Mr. PASTORE. I so request.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

Mr. MONRONEY. Mr. President, I rise to support the motion of my colleague from Oklahoma and myself to recommit the bill S. 2653 to amend the Communications Act of 1934 to establish jurisdiction in the Federal Communications Commission over community antenna systems. The bill would extend the long arm of Federal regulation to all the community antenna systems which exist throughout the country and which have been responsible for expanding television service to about 2 million people who otherwise would not have it.

I believe Senators would be interested to know that out of the 768 CATV systems which are listed, the average system has 530 subscribers. We are talking about what I consider to be little business. We are talking about organizations which were founded by free enterprise, many by TV repairmen or dealers in television sets at the local level, or sometimes by an electrician. Many of the systems were built and many of the lines strung by the men who founded them.

It is interesting to note also, as the effort is made to extend Federal control to these systems, that CATV was born during the television freeze which existed from September 1948, until July 1952. It was because of the failure and inability of FCC to act and allocate any new television stations that CATV was born. It was born as a result of the initiative of the free enterprise system. It has grown as a part of the free enterprise system. It is television which serves more than 2 million people throughout the gray or snow areas, or areas where no television could be received.

We talk about people in the mountain areas. A few people may be hurt, it is true, by the existence of the competitive CATV system, but certainly let us not forget about the 2 million who have been served without Federal regulation by systems which will continue to expand and perhaps eventually serve as many as 4 million people.

This certainly seems to me to be a poor time, in the closing days of the session, for Congress to try to regulate this industry. I wish to make it absolutely clear to all Senators that I do not believe it would be possible for the committee to take further action on the bill if it were recommitted to the committee. In that regard, I concur with what the chairman of the subcommittee, the Senator from Rhode Island, has said. However, I wish Senators to know that this is not a matter of urgency. To the contrary, I believe it is a matter of sufficient importance that we cannot afford to act without knowing what we are doing.

The very adoption of half a dozen amendments on the floor of the Senate, changing in many respects the action of the subcommittee, certainly should be convincing evidence that it is not a perfect bill, and that the last words on it have not been said with respect to the desirability of Federal regulation of this industry.

The opposition of the Senators who are fighting the bill and are moving to recommit it is not the result of any lobbying by any great high-pressure lobbyist. I believe I can speak for those who oppose the bill when I say that we rather like to have our constituents come to Washington when legislation of vital interest affecting them is being debated in Congress, and to go to work themselves in support of their position on it without paying huge sums of money to Washington lobbyists to get the job done for them. Certainly I compliment them on paying their way to Washington and working in their own behalf and letting Congress know what effect a bill like this will have on their industry. That is important.

Certainly I do not feel that the confusion which has resulted from some misdirected or misguided or misinformed efforts of attorneys to get them under Federal regulation, and who continue to urge them to accept Federal regulation, is to the benefit of the national association or meets with the approval of the majority of the members of the association. The Senator from Florida [Mr. HOLLAND] has said that this is a widely dispersed association of little businessmen. Many of the presidents must repair their own lines. Certainly many of them must collect their own bills. They have little time to read and understand the intricate problems of legislation that might affect them, or to worry about whether they would be destroyed by booster bills or repeater bills or translator bills, or all these other things that are being brought up. They are trying to keep the service going, because most of them are two- or three-man operations.

Regardless of any question about all the amendments which were agreed to, the fact is that most of them were presented by the Washington attorney for the association. Many members of the association were telling me as long ago as last July, when I filed objections to the bill when it was reported, that the people in my State did not want it, that they thought it was destructive of this little business.

I have before me a letter from the president of the National Community Television Association, Inc., which I shall read into the RECORD, as follows:

NATIONAL COMMUNITY TELEVISION ASSOCIATION, INC.,
Washington, D.C., May 9, 1960.

The Honorable A. S. MIKE MONRONEY,
U.S. Senate, Washington, D.C.

DEAR SENATOR MONRONEY: We have been asked to advise you of the official position of National Community Television Association, Inc., with respect to S. 2653. The NCTA does not support, and has not supported, S.

2653, as reported by the Communications Subcommittee of the Senate Interstate and Foreign Commerce Committee.

Amendments which have been discussed, in our opinion, do not make the bill acceptable to the CATV indusrty, nor do we believe it to be in the public interest.

Respectfully,

A.J. MALIN, *President.*

Mr. President, I believe that ought to put at rest the question whether the position taken by its Washington representatives, who seem to have been so determined to impose Federal regulation on this little group of people, represents the present view of the industry.

I hope Senators will realize that the only proper way to handle the bill is to recommit it; that the amendments will not do it any good, because the broad issue presented to us is the question whether we must extend the long arm of Federal regulation, with all the expense involved, to require licensing of 768 small businesses in order to protect a very few who could be adversely affected by the existence of the CATV system.

What does the bill do? The bill requires licenses from the Federal Communications Commission to construct or operate a community antenna system. Today it is possible to construct a community antenna system wherever one wants to construct it, where he can find a need for it and where he can find people who are willing to put up the money to get some television service. It is necessary to sell them on the need. A contract must be written for the service. Many of these contracts must run for as long as 3 years in order to help pay for the building of the lines or the extension of the service.

If the bill shall be passed, whether there is a single television station in a community or not, the man cannot begin to solicit anybody to be subscribers to the line unless he first hires a Washington lawyer and comes up and sees if he can get a construction permit; and even then it is not quite clear. He does not know whether he will get a certificate of convenience and necessity to operate it.

So the first thing we do is require Federal licensing for the construction and extension of television service to the dark areas, because whether the cases affect a local station or not—and most of them do not—it is not possible to build a new CATV without the Federal Government giving the say-so. That is what the bill does first. It is necessary to have a license from the Federal Communications Commission to construct and operate.

Second, the bill gives the Federal Communications Commission the same authority over the community antenna system as it has in respect to the licensing of a radio or television broadcasting system.

Granted, it does grandfather in a station now operating. For how long? Three years. It is a kind of short-lived grandfather. Then the station must go through all the evidentiary hearings, and meet any protests, both from the licensee of the local TV station and anybody else, and prove to the Federal Communications Commission that it is entitled to a 3-year extension of its right to serve.

Let us assume the parties have built their line. They have put their money in it. Seven hundred and sixty-eight systems have been built with their own money. The bill puts in jeopardy their right to continue in business after 3 years. They are at the mercy of the Federal Communications Commission.

I do not think that is what we want to do with free enterprise, which starts with its own money, and then have the Government say, when it is highly successful, and is bringing television to hundreds of thousands who could not otherwise see it, that "You are dead in 3 years unless the FCC says you can go ahead and perform the service you have been willing to perform."

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

Mr. MONRONEY. I yield.

Mr. HAYDEN. Does the Senator seriously believe that the Federal Communications Commission would kill off the CATV stations.

Mr. MONRONEY. We do not know. I do know that they are in jeopardy. I do know that when they go to the little banks, as most of them have to do, to borrow money for line extensions, as they like to do, the bankers will wonder whether they will be alive 3 years from then. It will have a very adverse effect on their effort to finance themselves.

Mr. HAYDEN. Is it the general policy of the Federal Communications Commission to kill off free enterprise, or does the Commission try to permit it to continue?

Mr. MONRONEY. I know they are in jeopardy, and I know the people fear the adverse effect of the bill on the operation of their service. After 3 years, they will have to return to Washington and have an evidentiary hearing and go through all the rate and licensing aspects. They cannot do that without employing distinguished Washington counsel. That will necessitate very great expense for one-, two-, or three-man operations.

I do not think a case has been proved, by any means, that it is worth doing so much to do something for the benefit of so few.

Mr. HAYDEN. It seems to me that when the Federal Communications Commission decides one case of this kind, a pattern will have been set for all such cases.

Mr. MONRONEY. I submit that we do not know what will happen. Certainly the record of the Federal Communications Commission, which is discussed very often in the committee of the distinguished chairman of the Committee on Appropriations, has not been one to which we point with the greatest of pride, when we think of the speeding up or the settling of cases. The record has been quite the reverse.

So 768 new clients will be coming to Washington every 3 years to justify what I think can be proved to be an almost negligible number of stations which will be adversely affected, and which can be taken care of in the industry.

Mr. HAYDEN. There happens to be one in my State. The owners have spent their own money. They have built it up to a paying business. I refer to a station KIVA–TV in Yuma, Ariz. It serves that community and the surrounding area. If the new type of television facility is provided, and takes the cream of that station's business—takes its advertising away from it, what will it mean? It will mean that the people living in the city of Yuma can, by hooking up to a wire, get the CATV programs. But farmers living in other parts of Yuma County will be completely blacked out if station KIVA–TV cannot make money enough to enable it to remain in operation in Yuma.

Mr. MONRONEY. I am glad the Senator mentioned Yuma, because it has been mentioned so often on the floor. Many Senators might have believed that a CATV facility existed in Yuma. There is no such facility in Yuma. The radio and television station does not have any adverse effect, because there is no CATV system there.

Mr. Butcher, who owns the station, and who is a great friend of Mr. Eisenhower, has established national headquarters in an effort to fight for the passage of the bill and to prevent a CATV station from ever threatening the competition of bringing Los Angeles stations to the good people of Yuma or to the people living in other parts of Arizona, so that they might have the choice, not of one station, but of three or more stations. I do not believe that is wrong, under the American system. I do not think we are here to expand the Federal Communications Act. It never was intended to guarantee economic protection.

The only test for the granting of a license for a television or a radio station, in the long history of the Federal Communications Act, has been, Is there a frequency available which will not interfere with the frequency assigned to someone else? A hundred television stations could be established if frequencies were available for them. If there is a radio station in Yuma, six stations could be put in if frequencies could be found for them. But we have never contemplated granting economic protection to licensees until this bill was introduced. We are breaking entirely new ground, which will extend in the future to such a point that other people will want to install television in an area, and it will be necessary to provide economic protection for the local single station. I do not think such a policy has ever been established.

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

Mr. MONRONEY. I yield.

Mr. PASTORE. Is it not true that in the whole history of the Federal Communications Commission the Commission has never refused to renew a license for either radio or television?

Mr. MONRONEY. I suppose that is probably correct. But it does not help with the bankers for a small CATV station, or those who may wish to buy stock in it, or the owner who wishes to expand and take into his range a thousand new

people on the edge of town. This is a fact of life. It is a pioneering effort.

It does not help to say they have never done so, so that we can put them in this license position, and expect that the Federal Communications Commission will automatically rubberstamp it through.

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

Mr. MONRONEY. I yield.

Mr. LONG of Louisiana. Is it not true that in a great number of cases the operator of a television station is protected from competition because not more than one or two stations can be licensed in any area? On the other hand, does not the bill undertake to provide that except under certain conditions not even an aerial can be erected to pick up the signals which are all around the area?

Mr. MONRONEY. The Senator from Louisiana is correct. The bill is rather discriminating, in a way.

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

Mr. MONRONEY. I yield.

Mr. PASTORE. Of course it does not do that. There is nothing discriminatory in the bill. I challenge any Senator to point to any language which holds that an aerial cannot be erected. Of course an aerial can be erected.

Mr. MONRONEY. Not if there are more than 50 connections.

Mr. PASTORE. No. Anyone who erects an aerial, picks a signal from the air, and transmits it a long distance, moves into a locality, and through the instrument of wires and cables into someone's house, and charges a fee for the service, should be under Federal control.

Mr. MONRONEY. Why?

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

Mr. MONRONEY. I yield.

Mr. LONG of Louisiana. Suppose the owner of an apartment house having 500 apartments erects an aerial and lets every tenant connect to the aerial. Then suppose some other person erects an aerial of a similar height and connects it to 50 homes. What is the difference?

Mr. MONRONEY. The man who erects a master antenna on a huge apartment house is exempt, while the man who seeks to bring television out into the country by means of a central antenna system to more than 50 subscribers, at a fee of $1 or $2 a month for the master antenna system, which will bring in 3 or 4 stations, must obtain a license.

But the country people may be worse off. It may be necessary to have a microwave to get the signal through to them. In order to transmit a signal to them, it is then necessary for the operator to be licensed by the FCC, because his system broadcasts a radio signal. But these people do not put out a signal. They put nothing in the air.

Again, the bill would stretch the application of the Federal Communications Act far beyond anything to which it has ever been interpreted as applying.

It is said that a CATV is not a common carrier; and I thank the chairman for his consideration of this group, by writing that provision into the bill.

The only others who are regulated are the television and the radio broadcasting stations. But they are putting signals into the air.

All that the CATV people do is stick a pole high into the air, take out of the air a signal that is in it, amplify the signal, and pipe it through cables to people who are willing to pay $5 or $6 a month to have the benefit of receiving the signals of a number of television stations.

Where a local television station is already in existence, no certificate of convenience and necessity will be issued, because consideration will have to be given, under the bill, to facilitating the operation of the local station. The area might be a good one. Perhaps most of those who would be prepared to operate a television station would be smart enough not to establish one in an area which had a small population. But if a television station were established in a city with a population of 300,000, and if that were the only station there, I doubt very seriously whether, under the pending bill, it would be possible for a CATV to obtain a license to bring in the signals of the other networks.

Mr. LONG of Louisiana. Does the bill violate the principle that the airways are free and are available to everyone?

Mr. MONRONEY. I do not think it does. But it violates the principle of not having Federal regulation of cable transmission.

Let me state the best illustration: All of us know that the mightiest force in television, which controls 90 percent of all television programs received by viewers in the United States, are the networks. They are not subject to regulation, and very few Members of Congress would want them to be regulated. Why? Because the concept of the Federal Communications Act is that the networks themselves are not putting anything on the air. They use cables to carry the signals to the local stations. So they are not regulated.

So we do not regulate—and I do not think we should—the mighty giant of television which supplies the television diet of 50 million television sets by carrying the television program signals by cable to the viewers.

But if the quite similar CATV systems are to be regulated by means of this bill, we shall be establishing a precedent; and in that event I do not see how we can properly regulate the smallest midget in the industry, but fail to give some consideration to regulating the mighty networks which are carrying signals by means of a similar system, and also without using the airways.

Mr. LONG of Louisiana. Does the bill provide that a community antenna system cannot carry the same program that is being carried over a local station at the same time?

Mr. MONRONEY. I should like to discuss that point.

Fifty-two CATV systems are today operating in cities in which there is a local television station. By means of this bill, those CATV people will be required not to duplicate a program which will be run later. In that event, all 52 of those CATV's will have to employ administrative personnel, who will have to compare schedules, and the CATV's will have to hire engineers, so they can switch back and forth, to be sure they are not putting out on this Friday a signal that will be put out by the local station next Friday. So those 52 CATV's will have to more than double their personnel, in order to protect the local stations.

Mr. LONG of Louisiana. I do not know too much about how these antennas operate. But presently is it necessary for someone to stay there, to control the antenna all the time?

Mr. MONRONEY. I am reliably informed that most of them are completely automatic. They are beamed to a certain group of stations which they can reach; and they amplify the signals. They do not have to be attended. Their concern is only with possible line breaks. They do not have to turn on or turn off any signals or stations, because they do not originate anything and they do not add anything.

From the distinguished Senator from Wyoming, I have learned that in some cases the CATV's are sufficiently manned to be able to monitor, as a public-relations service, so they will not duplicate a program which later on will be shown by the local television station.

Mr. McGEE. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. McGEE. A pending case involves both the city of Casper and the city of Rawlins. The CATV can bring in four channels from Denver, but it releases in the community only three. That gives the CATV a choice of the programs it will release; and under the system that is used, an engineer of the CATV has the opportunity to make that decision. The CATV carried three of the Denver stations, but did not carry the fourth one, KSPR; and it went out of business.

Mr. MONRONEY. I thought it was a UHF.

Mr. McGEE. No; it was a live TV station—Station KSPR. So it went out of business. The testimony was that they could not get the signal on the local cable, but they could get the signals of the stations that remained in business. That point became a bone of contention. The CATV already had sufficient engineering staff to choose the signals for its pattern. I think that raises a question of how much additional overhead there will have to be, and I think this probably will be the pattern for most of the CATV's.

Mr. MONRONEY. I think it can be worked out. I think there is a desire on the part of most of CATV systems to cooperate, and I do not think it is necessary to have Federal regulation in order to take care of the very few stations which are affected.

Mr. McGEE. I merely was attempting to refer to the question of overhead.

Mr. MONRONEY. The problem of additional overhead will affect 52 of them, if they are required not to produce a program which will be produced later on by the local station.

Mr. LONG of Louisiana. Then is it correct to state that in a great many cases the operating costs will be substantially increased, if the proposed regulations go into effect?

Mr. MONRONEY. Yes; for the 52 stations.

Furthermore, now we have to consider a new amendment; under the bill, as now amended, when people wish to receive by television the world's series games on the days when they are played, or wish to receive by television the Oklahoma-Notre Dame football game or the wedding of Princess Margaret, if the intention is to receive those programs as news items, the CATV must be sure to handle those events on the days when they occur. But in the case of the "I Love Lucy" program or the "Gunsmoke" program, the CATV must not duplicate a later television showing by the local station; that will be required by this bill. Therefore, there will also have to be monitoring of the program, in order to decide what is current news, according to the interpretation given by the Senator from Connecticut, and what is an entertainment program.

Mr. LONG of Louisiana. So, first of all, the bill will increase the operating costs of many of the CATV's; second, the bill will to a certain degree impede their operation; and, third, the bill will require the CATV's to hire Washington lawyers and pay them substantial legal fees, although presently the CATV's do not have to pay such fees?

Mr. MONRONEY. Yes. In fact, I think the pending bill is a full-employment bill for the members of the Washington bar who are in the television field.

In fact, I do not believe the bill will be of any particular advantage to even the small stations, except that it will prevent the expansion of CATV's. Many a man living in a small community might be inclined to establish a CATV. But if this bill were enacted into law, he would say, "Oh, all this Federal regulation is too complicated. So to heck with it. It would be easier to build my own antenna system, rather than take the time to go to see all those Washington officials, and fill out all the required papers, and abide by all those regulations."

But the point is that we want more CATV's, not less. Yet this bill would throttle the existing systems and stations.

On yesterday, I asked why the bill is not made to apply, to only the communities in which are located the 52 stations which are affected.

Mr. McCLELLAN. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. McCLELLAN. A while ago the Senator referred to the possibility of establishing a precedent for more or less assuring or guaranteeing financial success in connection with the operation—as I understood the Senator from Oklahoma—of the local television stations.

Did I correctly understand the Senator?

Mr. MONRONEY. Yes; that is correct.

Mr. McCLELLAN. I should like to have the Senator give his interpretation of three provisions of the bill which are all related and which refer to the same subject matter. We begin with subsection (d) on page 4, wherein it states:

Either prior to or within thirty days after the grant of an application for a license or a renewal thereof for a community antenna television system which was in operation on the date of the enactment of this section, the licensee of a television station assigned to a community in which such community antenna television system serves subscribers may—

This is what the television station operator may do within 30 days after the grant of an application for a license—

petition the Commission to include in such license such conditions—

This is the local TV operator or owner. It is stated that if a license is granted to this community antenna television system, certain conditions are going to be imposed. Conditions for what?—

such conditions on the community antenna television system's operation as will significantly facilitate the continued operation of a television system which is providing the only available locally originated television broadcast program service.

If that is true, and if such a petition were made, would the Commission be able to grant, or could it grant, a license to operate under conditions that would not facilitate the continued operation of the station?

Mr. MONRONEY. An economic test is imposed. The whole matter is put in jeopardy, because if the Senator has been through, as I am sure the Senator has, ratemaking cases and procedures of that kind, he knows the local television operator would be able to bring in his books. He can plead he is going to be damaged, such as Mr. Butcher is pleading in Yuma. The people that have TV stations can raise as much of a cry as Mr. Butcher is raising with reference to getting this bill passed to avoid future competition. I do not think the Commission will get through with the granting of a single grandfather license if such extreme language is put in the law as "will significantly facilitate the continued operation of a television station."

Mr. McCLELLAN. In other words, if the licensing of an antenna system would detract from profits being made by a television station operator, would that not be a significant situation that might facilitate against the continuation of the station?

Mr. MONRONEY. As a matter of fact, CBS, which knows a lot about the market necessary to support a television station, will not take an affiliate in a town of less than 50,000. NBC declined to connect with a station on the basis that the market was too small. In other words, the stations that are in trouble are going to be in trouble regardless of what is done, because most of them serve areas so small that there is no advertising market for the network to seek it out, and they have to operate without network revenues and without very much local advertising. I do not think there is a single one of those stations that could not come before the Commission and say, "We cannot exist, because we are already in trouble, and this will make it worse."

Mr. McCLELLAN. The meaning of the word "facilitate," as I understand it, is to make easy or less difficult; to free from difficulty or impediment. In other words, it is to facilitate the execution of a task; to lessen the labor of; to assist; aid.

In other words, the station owner could petition the Federal Communications Commission to impose conditions that will facilitate, that will aid, that will remove any difficulty, that will remove any encumbrance or hindrance to the continued operation of that station.

Mr. MONRONEY. Which would mean limiting competition, which this bill is designed to do, from newly constructed CATV's.

Mr. McCLELLAN. I am not saying for the moment it is not a good thing. I am trying to find out what the bill does do.

Further on, if I had a station I could petition the Federal Communications Commission to impose conditions which would significantly facilitate my continuing to operate my television station. I assume the Commission is supposed to grant it, if there is such a petition, because in subsection (e), on page 6, it provides:

Findings by the Commission as to the effect upon the public interest, convenience, and necessity of the grant of an application or renewal * * * shall be made with due regard for the desirability—

Set out in the preceding section—

of facilitating the continued operation of a television station.

In other words, that is the paramount consideration the Commission must give in the granting of every license. Is that correct?

Mr. MONRONEY. That is correct.

Mr. McCLELLAN. Let us turn to subsection (g) on the following page, and I read the concluding sentence in that subsection:

In promulgating such rules and regulations the Commission shall be guided by the standards set forth in subsection (e)—

To which I have referred; that is, the Commission must take that into consideration, and must do it on the condition that it will facilitate the continuation of a local TV station.

Mr. MONRONEY. That is correct.

Mr. McCLELLAN. In other words, the rules the Commission promulgates must be promulgated to achieve that purpose. That is the proposed law we are considering. I am not saying it is not a good thing, but I think we ought to know what it does. This provision sets up a TV station in a position of preferred consideration, and in a position of preferred consideration in competition with another station.

Mr. MONRONEY. I thank the Senator.

With all this trouble, let us get this one thing clearly in mind. On page 1090 of part 2 of the hearings, copies of which are on each Senator's desk, there is a table listing 43 communities where community antenna systems and television stations are co-located.

As of that date, 11 of those community antenna systems out of the 43, in localities which would be affected by the bill, did not carry local stations. I am advised that 9 of those 11 do so now. Since the date of the information nine more CATV systems have been installed in communities with local stations. I am advised all of them now carry the local stations. So here is this gigantic problem which demands Federal regulation. Thus, out of 52 CATV systems, only 2 CATV systems do not carry the local broadcasts.

Mr. CLARK and Mr. McGEE addressed the Chair.

Mr. MONRONEY. I shall be glad to yield to the distinguished Senator from Wyoming, but I would prefer that he be brief.

Mr. McGEE. Would the Senator prefer to wait until he has completed his statement?

Mr. MONRONEY. No; I shall be happy to yield; but I would prefer that the Senator be brief. The Senator from Pennsylvania [Mr. CLARK] spoke to me previously.

Mr. McGEE. I am glad to defer to the Senator from Pennsylvania.

Mr. CLARK. Just so I may ask whether Wilkes-Barre, Pa., is not one of the two. I refer to page 1090 of part II of the hearings. I understand the Wilkes-Barre CATV did not receive the local station signals, and it does not yet. I wonder if the Senator knows.

Mr. MONRONEY. I do not have the modern list. This was checked only last night by those who are most familiar with it. I am advised that it does now receive it.

Mr. CLARK. It does now, or does not?

Mr. MONRONEY. It does now receive it.

Mr. CLARK. My information is to the contrary.

Mr. MONRONEY. Mr. President, I yield to my distinguished colleague and friend the Senator from Wyoming [Mr. McGEE].

Mr. McGEE. First I should like to ask the Senator a question about the number of CATV systems. How many of those systems are beyond the application of this particular bill?

Mr. MONRONEY. All of the systems which I have described would be under the bill. One hundred sixteen systems have 300 or less subscribers; 452 systems have between 300 and 1,000 subscribers; 200 systems have over 1,000 subscribers. They all would come under the bill. Only those systems having 50 or less subscribers are not covered. Those are usually more or less the cooperative stations, where a small community works out the problem. It would be hard for a system to exist on fewer than 50 subscribers.

Mr. McGEE. I raised the question because I had some confusion in my own mind. In our hearings, as the Senator will recall, an attorney for the association, who now stands in rather bad light in the Senator's cause, testified that in his judgment perhaps 200 or more of the systems would fall in the 50 or less class.

Mr. MONRONEY. I am sure there are a lot more. We have always admitted that there are some we do not even know about. There are a number of such systems in San Diego and Beverly Hills, Calif., and Seattle, Wash., which are purely bigtown, neighborhood services, where the terrain makes it impossible to get good TV reception.

Mr. McGEE. Does the Senator know whether any of those happen to be apartment house operations?

Mr. MONRONEY. I would not believe that these would include any such operations. The apartment houses would be exempt, as the Senator knows, even though they might have 1,000 outlets and might be charging $2 or $3 a month for the master antenna service. The apartment houses are exempted completely and totally by the provisions of the bill.

Mr. McGEE. I was speaking in terms of those systems the Senator was explaining.

Mr. MONRONEY. These are the community antenna systems. The apartment house systems are not classified in the same group.

Mr. McGEE. I have one other question, on a point which has been raised. The question involves the effect of the proposed legislation on the future plans of CATV systems. Is the Senator aware of any effect this may have had upon the booster systems. The Senator joined me and our colleagues in passing booster station legislation a few months ago, which legislation required licensing by the FCC.

Mr. MONRONEY. I think those stations were already operating and that we gave them a certain amount of time in which they could continue to operate without a license, until they could meet the technical standards of emanating a proper signal which would not interfere with other broadcasts. I do not think there was a certificate of convenience and necessity involved, but I think it was a matter of putting a proper signal in the air waves.

These are two different things. I supported the Senator in that regard. A lot of this trouble, as the Senator well knows, in regard to complaints by small television stations, originated on the booster situation. The CATV group was kind of a "Johnny come lately" as a whipping boy.

I think there was a problem. I think the legislation we passed was good legislation, providing for standards, so that a wave going into the air would not "mess up" all the other waves or would not interfere with aerial navigation, and things such as that. Since those stations emanate a signal, certainly they are entitled to be held to some kind of a Federal standard. CATV does not emanate any signal. It puts nothing in the air. The CATV systems merely pull out of the air what is going through the air and put it on a cable and run it into a man's home, if he is willing to buy it.

Mr. McGEE. Part of the point is the fact that the booster people welcome regulation. They welcome licensing. So far as we have been able to observe, at least in our area, this has not discouraged any of these men at the present time, for they are still petitioning for the right to be licensed and to go into business. I question that this action will restrain the CATV people.

Mr. MONRONEY. I am sure it will, particularly in regard to new CATV systems.

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

Mr. MONRONEY. I will yield to the Senator from Louisiana. I want to yield some time to my distinguished colleagues, and I want to reserve some time.

Mr. LONG of Louisiana. Referring to this section the distinguished Senator from Arkansas pointed out, Does the Senator from Oklahoma know of any other situation in United States law where the requirement is made that a person in business must operate his business in such a way as to facilitate the success of his competitor?

Mr. MONRONEY. No. That certainly has never been true under the Federal Communications Commission in history. A person could put 10 radio stations in a community of 1,000 people, if somebody were crazy enough to do it. The FCC does not care a bit about that, because there is no economic test for broadcast stations or television stations. However, it is sought to put an economic restriction in the bill, to provide that one must facilitate the operation of TV stations.

Mr. LONG of Louisiana. Is there anything in the bill to assure that the television stations will continue to operate in such a way as to facilitate the continued existence of the community antenna systems?

Mr. MONRONEY. Indeed not.

Mr. LONG of Louisiana. Would it not seem that what is sauce for the goose ought to be sauce for the gander? If we are going to do it one way for one fellow, the other fellow ought to get the same consideration.

Mr. MONRONEY. The Senator from Louisiana has made a very good point. As the Senator said earlier, it is like passing a law——

Mr. LONG of Louisiana. To protect garfish from the white trout.

Mr. MONRONEY. That is correct.

Mr. President, I will yield the floor and reserve some time for myself.

Mr. KEATING rose.

Mr. MONRONEY. Mr. President, I yield 2 minutes to the distinguished Senator from New York, and I will yield more time if he wishes to have more time.

Mr. KEATING. Mr. President, 2 minutes will be sufficient.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. KEATING. Mr. President, this is a measure which is of considerable interest to a great many New Yorkers who are today beneficiaries of various community antenna television systems. They are concerned that the provisions of the bill before us would stifle a young and growing industry which is providing a unique and valuable service to thousands of people in New York State.

Mr. President, some remarks were made a few minutes ago about this not being of any interest in New York City.

I think perhaps that is true, but there is a very large area of New York State which serves "country people," as the distinguished Senator from Oklahoma has called them. These are the people who receive the benefit from these stations.

There are at least 35 community antenna systems now operating in my State. They serve some 36,000 subscribers who, as I understand it, would not otherwise receive any television programs. It is, therefore, vital that any step which might impair this valuable service be very carefully considered.

The distinguished Senator from Rhode Island [Mr. PASTORE] has worked hard and is to be commended for the very fine manner in which he has handled the bill and conducted the extensive hearings. However, on the basis of the correspondence I have received, and my meetings with various delegations concerned with this problem, I have grave doubts that S. 2653 represents sound legislation in this field. I am gratified to learn that community-TV operators are willing to be licensed by the Federal Communications Commission. That is only proper, since they are an integral part of the television industry in this country.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, will the Senator yield me 1 more minute?

Mr. MONRONEY. I yield 1 more minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional minute.

Mr. KEATING. Mr. President, I agree with those who have contacted me that the bill before us is drafted in a manner which may cause undue harm to this industry. I regret that no amendments appear in sight which might make this proposed legislation acceptable.

I therefore shall support the motion of the distinguished Senator from Oklahoma to recommit the bill for further study, in the light of these objections which have been raised. I think regulatory legislation is justified and needed and should be welcomed by all parties. However, this bill is not the proper vehicle, and I therefore oppose it.

The PRESIDING OFFICER. The additional minute yielded to the Senator from New York has expired.

Mr. KEATING. Mr. President, will the Senator yield me a half minute more?

Mr. MONRONEY. I yield 1 additional minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 more minute.

Mr. KEATING. Mr. President, an impressive array of telegrams and letters have indicated clearly to me the views of many of my constituents on this bill. I have received a great many from people in the community TV industry, from chambers of commerce, from mayors and other community officials, and from interested citizens. I ask unanimous consent that the texts of seven of these telegrams in opposition to the bill be printed at this point in the RECORD.

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

HORNELL, N.Y., *May 14, 1960.*
Hon. KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.:

As mayor of the city of Hornell I strongly urge the defeat of the provision to amend the Communication Act, S. 2653. Certain provisions of S. 2653 make this bill discriminatory in that it protects the large TV station industry at the expense of the smaller CATV industry. First: By making the CATV obtain permission from the TV stations to carry their programs. If the TV stations have property rights in their programs, then they have access to the courts in this matter and do not need the bill. If they do not, then this bill will impose an unwarranted hardship on the CATV industry. Secondly: The bill makes the FCC the judge and jury on the economic impact the CATV systems have on the local (if any) TV stations and could cause the CATV systems to delete certain conflicting or repeated programs from their systems if carried by the local station. This is almost impossible to do mechanically except at great expense to the CATV system, which would have to be passed on to the viewing public. Also, this would be in direct opposition of free enterprise. The CATV industry agrees that certain regulations contained in the bill are feasible and workable. They have stated that they would welcome FCC control and have tried to amend this bill to make it workable. But the bill in its present form would cause a great many CATV systems to close up, causing the subscribers and investors in the SE systems to lose their investment and their right to receive more than one channel or network (Hornell now gives 7 channels). Cable systems in our neighboring towns of Bath, Addison, Canisteo, Avoca, Andover, Wellsville, Dansville, Whitesville, Alfred, Arkport, and many others would probably have to give up doing business.

FRANK F. WOLFANGER,
Mayor.

CANISTEO, N.Y., *May 13, 1960.*
Hon. KENNETH KEATING,
Senate Office Building,
Washington, D.C.:

As a representative of the people of this village I am very much opposed to the CATV bill, S. 2653, now before the Senate. I feel that this bill in the present form will seriously jeopardize television reception in this valley. I am definitely against the part that requires our system to secure permission from TV stations before their programs can be carried. Please vote against this bill. I feel it favors the large networks at the expense of the public now being served by cable systems.

ERNEST G. MATTHEWS,
Mayor.

LAKE PLACID, N.Y., *May 14, 1960.*
Senator KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.:

Sincerely recommend defeat of S. 2653, which represents an effort to create monopolistic control of retransmission of television signals and is directly contrary to our traditional concept of free enterprise.

R. J. PEACOCK,
Mayor.

SARANAC LAKE, N.Y., *May 14, 1960.*
Senator KENNETH B. KEATING,
Washington, D.C.:

We can only see that the type of regulation as provided in Senate bill 2653 will cause nothing but additional and wholly unnecessary costs to both the Government and the public and will not do a thing to improve television reception.

FRANCIS RATIGAN,
Mayor.

LAKE PLACID, N.Y., *May 16, 1960.*
Senator KENNETH KEATING,
Senate Office Building,
Washington, D.C.:

Please vote against bill S. 2653 as I feel it could deprive a community of better television reception and broader television coverage.

VERNON LAMB, Jr.,
President, Lake Placid Chamber of Commerce.

CANISTEO, N.Y., *May 13, 1960.*
Hon. KENNETH KEATING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We understand there was a bill introduced May 11, 1960, namely, CATV S. 2653, which is to be voted on the first of the week. As the people in our community depend solely upon a master antenna system for television reception we are definitely opposed to the passage of this bill. Please vote no on this proposition.

FRED SCHNURLE,
President, Canisteo Chamber of Commerce.

HORNELL, N.Y., *May 13, 1960.*
Hon. KENNETH KEATING,
Senate Office Building,
Washington, D.C.:

National Community Television Association has notified this association that Senator MONRONEY will move adoption of resolution to resubmit Senate bill 2653 to committee for reconsideration. New York Community TV Association consisting of 35 companies representing an investment in this State of several million dollars and serving 36,000 subscribers in 42 communities of this State strongly urges you on behalf of over 150,000 viewers to approve Senator MONRONEY's resolution, or, if the bill is presented, the complete defeat of Senate bill 2653.

JACK E. PRYOR,
President, New York State Television Association.

Mr. KEATING. Mr. President, I am grateful to my friend from Oklahoma for yielding the time.

Mr. MONRONEY. Mr. President, I understand that the opponents of the motion to recommit are prepared to use some of their time. We would like to reserve the remainder of our time until they have discussed it.

The PRESIDING OFFICER. The Senator from Oklahoma may reserve the remainder of his time.

Mr. McGEE obtained the floor.

The PRESIDING OFFICER. How much time does the Senator from Wyoming desire?

Mr. McGEE. Mr. President, the Senator from Wyoming is very uncertain as to his expectations. It depends upon whether he is carried away with himself. I think perhaps 15 or 20 minutes would be adequate.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. MANSFIELD. How much time does the Senator from Wyoming wish?

Mr. McGEE. The Senator is very reluctant to make a commitment unless it has an open end.

Mr. MANSFIELD. I yield at least 20 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 20 minutes.

Mr. McGEE. Mr. President, we have been receiving a liberal education in human relations and personalities in the past few days, and rather than recount at this very late hour of these long debates what has transpired, and rather than try to pull together all of the loose ends, I should like to address myself to what I consider has emerged as the central question on this bill. It is the question which was raised by both of the Senators from Oklahoma. One of them asked, "Why regulate so many people to benefit so few?" The other asked, "Why do we interfere with so many in order to try to correct the grievance of but a handful?"

For that reason I believe it is important that we bear in mind what it is we are talking about in the industry.

The communications industry, as it pertains to the airways, has become a matter of deep concern for all of us because of its tremendous potential, power, and control. Because of that power, we enacted the Communications Act of 1934, which reserved to the people of the United States control of the airways. This was public property that was in turn to be licensed to those who were willing to use it responsibly under certain conditions. First, radio was brought under regulation, then TV, and as the TV industry developed and perfected its techniques, along came TV boosters, as they are called. TV boosters posed new problems which had not been anticipated before, but legislation was enacted last year which placed TV boosters under the jurisdiction of FCC.

In the meantime, there have developed the community antenna television systems, or the cable systems, as it is more properly described. This is as integral a part of this phase of the industry as the others in terms of the service it renders.

I am mindful of the technical differences between picking a signal out of the air and originating one, but the impact is the same, and this is an inseparable part of the TV projection and power in our country at the present time. Yet this is the one segment which remains outside the regulatory powers of the State. The purpose of this committee, I think in all fairness, ought to be made clear.

We simply seek an orderly and constructive development of the television industry in this country in the public interest. That is our only concern. The report again and again shows that we did not design to help someone to make a different profit from someone else, and that we were not trying to interfere with the free enterprise system per se. Our primary concern was with the public interest, and it is the public interest that becomes the first criterion in the calculation or the values which we place on the elements involved in this debate at this moment.

What has happened? With one segment of the industry still not under the same rules that apply to the others, we find arising a set of circumstances which produce confusion and, in some instances, has even produced violence and threats of violence.

Let me spell that out. Not only does the industry regulate its total picture except for the community antenna system, but also it has produced in the West—and I suppose it is appropriate that it has happened in the West—a series of frontier brawls that would do credit to any of the high-powered shows on TV today.

I think for a moment of the city of Sheridan, Wyo., where because of the open conflict between the TV business and the cable interests in Sheridan there was window peeping, there were spies, and there were attempts to tap information up the stairways of radio stations. The situation had cloak and dagger aspects that Los Angeles and New York have never thought to invent on the Saturday night late shows. Yet this was because we were dealing with a segment of the industry that had some semblance of regulation or was willing to go under regulation, and another part which has sought to remain outside the category of regulation.

In the city of Riverton, in the State of Wyoming, there were detecting devices which located large instruments on or about the projection tower of the booster station which jammed the station. We had another spy drama that completely distorted the community life in terms of prejudice, bias, heated arguments, and the passions which go along with the kind of heat generated on a local basis.

In the city of Thermopolis we had the story of high-powered rifles being employed to control the activities of one group which came under the jurisdiction of the FCC at the expense of the other group, which was not willing to come under that jurisdiction.

Finally, perhaps most recently I submit this story, and I suggest that while the setting is appropriately in the West and perhaps smacking a bit of the old frontier, it is not confined to the Far West, at least.

I have in my hand a letter which describes a similar kind of incident which did not occur in the Western United States. I wish the distinguished Senator from New Hampshire [Mr. COTTON] were present to listen to this fascinating story from his own State. This comes appropriately from the city of West Lebanon. I suppose that city is in the western part of New Hampshire. The paragraph I read is from a local broadcaster:

> Some time ago I built a small booster station which operates on channel 12 creating no interference whatsoever, which is very popular with the TV viewers. As of two weeks ago this little station has been consistently jammed. I think the FCC should legalize booster operations immediately and jamming should be outlawed. I believe that I could provide a better TV service to the viewers in this area by the use of a booster station operation with power of 1 watt, free of charge to the viewers, than they are now paying for to get by CATV.

He goes on to explain that he has evidence to submit that the jamming was contributed by the local cable company.

Mr. President, do not misinterpret what I have said. I do not believe that practice represents the policy of all cable operators. I do not think this is the accepted tactic of CATV operators. I say only that when we consider a business which is as highly competitive as this industry has become, in which the economic stakes are so great that open lawlessness and near violence are invited, in an attempt to capture a TV market, there is greater reason for the inclusion of all segments of the industry under the same rules, with the same referee, in the interest of stability and the growth of the industry.

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

Mr. McGEE I yield.

Mr. MONRONEY. I believe the Senator is describing cases which are mostly booster cases, and some rivalry between CATV systems and booster stations. I believe it should be made clear to the Senate that this bill does nothing to protect or guarantee booster stations in any way. Legislation which the Senate has already passed does that.

Mr. McGEE. Yes. My point is that the booster is a projection of a live broadcast, and in the competition for a market there has been the temptation to resort to these devices. It is petty to listen to, but it does suggest the kind of confusion and chaos which comes out of this if part of the industry is left to play under one set of rules—which means no rules—and the other part is restrained by another set of rules under regulation by the FCC.

In the interest of community stability and law and order in the competition for this kind of market, it seems to me that the rules ought to apply to all those concerned with the same market.

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

Mr. McGEE. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. Would the Senator explain to me how he believes requiring CATV groups to be licensed by the FCC would eliminate the conditions which he has been describing?

Mr. McGEE. In the first place, the FCC, as I understand, would regulate conditions under which they would operate if a booster were locally adopted. That booster station itself would then be subject to FCC jurisdiction, because of the authority to test and to act in defense of the booster. They are not under regulation. Legislation is pending which we in the Senate have authorized for licensing them. If we placed the CATV under the same regulation we would have the same referee calling the tune on the same participants, or competitors for the same market.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. McGEE. I am glad to yield further.

Mr. CLARK. Does the Senator believe that the local conditions of disorder which he has described would be effectively curbed by the FCC in Washington as a result of licensing, or does he believe that registration would elim-

inate the economic conflict and therefore it would automatically take place?

Mr. McGEE. The FCC, it seems to me, would be in the position to regulate it. This would depend on the FCC. Between radio stations, where this kind of thing has arisen, the FCC has moved in.

Mr. CLARK. I have received from my State some complaints against the bill, indicating that it would impose very difficult screening duties on CATV in order to eliminate duplication which might come from several different stations. I wonder whether the Senator would care to comment on that point.

Mr. McGEE. Yes. The answer is self-evident. We have as cases in point two stations in my own State, one in Rawlins and the other in Casper, in which cable systems now have the capacity to select channels, which they are already doing. They are carrying one channel at Casper and refuse to carry the other. They have the power to make the selection from channels broadcast through Denver, in this instance.

Mr. CLARK. Therefore, the Senator believes the passage of the bill would legitimately require CATV to hire whatever personnel is necessary to assure that there should be no duplication in connection with the programs of a local station in one place and perhaps the programs of a network in another place?

Mr. McGEE. In those cases where it should be ruled by the FCC in the public interest, convenience, and necessity that this be done in specific cases. This would not be the rule. This would be a particular case. I wished particularly to call attention to the kind of situation that results from a half regulated and half unregulated industry, with both trying to operate side by side.

I have suggested two things. First, that the industry should be guided by the same set of rules. All of it is, except this important segment, the cable system. Secondly, I have pointed out that, because of the competition for this market, there is a considerable state of confusion and some near violence.

I should like to proceed now to a third consideration, to try to keep this picture in its total value. In addition, we have heard referred to on the floor of the Senate again and again the cases of second-class TV citizens in these mountain areas. The basic purpose in our calculations for providing public interest, convenience, and necessity is to make sure that every American has the privilege of choosing free TV. He should also have the privilege of paying for pay TV. There are many things to be said for the multiplicity of channels which the cable systems make available. However, no citizen ought to be forced to go without TV because of the existence of a cable system that already jeopardizes the economic role of selected stations that has been referred to in this discussion. That is the third aspect of the overall effect and for the need, it seems to me, for uniform regulatory power on the part of the FCC.

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

Mr. McGEE. I am glad to yield to the distinguished Senator, who has distinguished relatives in my State.

Mr. LONG of Louisiana. I should like to ask the distinguished Senator from Wyoming, if the bill is to pass, why would it not be desirable to approach this regulation on the basis of providing that the operation of the community antenna system should not be in such a manner that would substantially impede or hazard the continuous operation of a TV station, rather than approach it on the basis of conditions that would be imposed under which it would significantly facilitate the continued operation of the local TV station? As long as the community antenna system provides no substantial hardship on the local station, the local station should not be in a position of demanding more. It seems to me it is demanding too much to demand that it should facilitate the operation of this business. It seems to me that what I have suggested would be enough.

Mr. McGEE. The FCC would use that as one of the standards for weighing the relationship between the two. In the colloquy with the chairman of the subcommittee a little earlier this afternoon, he pointed out that the initiative would still have to come from the broadcaster, who would have to initiate the complaint, and that would be referred to the Commission. Therefore, in the few instances where this would represent a case of a clash of interest, the initiative would come from the broadcaster, and still would not place any undue burden on the system.

Mr. LONG of Louisiana. I am referring to page 4 of the bill, at line 21, where it provides:

> A television station * * * may petition the Commission to include in such license such conditions on the community antenna television system's operation as will significantly facilitate the continued operation of a television station which is providing the only available locally originated television broadcast program service.

The thought that occurs to me is that it would seem to go far enough to say that the community antenna system should not impose any undue injury or hardship on the television station. However, to say that it could be required to operate in a manner to facilitate the continued operation of the competitor and system in his business, is too much to ask.

Mr. McGEE. I see the Senator's point. If I remember the legislative background, it was to insure that it did not in the first place indulge in pettiness. The "significantly" referred to the economic survival of the station in a one-station community which depended on this station to surround the area through dependence on boosters. I think it encompasses the complete position of the committee on that one point.

Mr. LONG of Louisiana. As the law stands today there is nothing in the law by which the FCC can prevent one television station from driving another one out of business. I have seen that happen in my State, where a VHF station came into a community which had a UHF station, by providing a better signal and better programs.

Mr. McGEE. That is a little different. I should like to read the language which the Commission itself uses, when it says that this situation gives rise to an "inequitable competitive disadvantage which the local station is unable to overcome by any reasonable means within its control." That is what they are trying to guard against.

Mr. LONG of Louisiana. The Senator made the point that in his State an antenna system would not carry the program of a local station. It seems to me, on those facts, that the system should be required to carry the program.

Mr. McGEE. Yes.

Mr. LONG of Louisiana. But to go beyond this and say that they would have to operate the facility in such fashion as to help their competitor, rather than injure him——

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

Mr. McGEE. Mr. President, I ask unanimous consent that I may have an additional 10 minutes.

Mr. MANSFIELD. I yield 10 additional minutes to the Senator from Wyoming.

Mr. McGEE. I think the explanation of that, I may say to the Senator from Louisiana, is that the way in which they are competing, in which they pull a signal out of the air, a signal for which they pay nothing, and which they sell, is an unfair attribute, competitively, in connection with the live station, which has a limited market to begin with, and has to sell advertising in the community. In most cases, the community has only one signal, and that signal is in competition with a multisignal device which has no overhead expense so far as the maintenance of its system is concerned.

It is to enable the making of that system more competitive for economic purposes, rather than to try to assist what we have called the little people of the West, the valley people and the mountain people, which is one of the very basic reasons for the proposed legislation, but it is only one.

In an industry as vital to the public interest, convenience, and necessity as television, it seems completely wrong to lift this significant segment outside the rules of the game because of competitive factors and the discrepancy in those factors, which were discussed with the Senator from Louisiana.

I should like, for a moment, to address myself to the kind of burdens which it is claimed will rest on the community antenna television system. In the first place, CATV systems will be put to virtually no expense except in the cases where they will be required to carry the local signal. This theoretically will cut down the one extra channel they might have offered.

Second, it will require that they file applications for licensing purposes. I am not very much impressed with the suggestion that CATV people will be broken by the burdens of the cost of counsel.

I can recall vividly, and even better can the chairman of my subcommittee recall, that during the compilation of the thousands of pages of hearings, every single CATV witness, at the sessions I attended, was accompanied by counsel. In fact, in my State of Wyoming, in Casper, every lawyer who appeared happened to be a fine Democratic lawyer. I did not know there were that many Democratic lawyers in the State of Wyoming. But every one who testified for a free CATV system in the State was a Democrat. I do not know whether that was a coincidence, because I happened to be presiding at the time, but the CATV operators had counsel. Furthermore, they had counsel in Washington. In fact, they have had so much counseling that I am inclined to believe they are not certain as to what they believe themselves. They have not been without counsel. That has produced their confusion.

I fail to believe that the requirement of counsel before the Federal Communications Commission will break any of the CATV people or put them out of business on that basis.

Let us consider the other group in our State. That is the group which depends upon booster systems. They came before our committee. They came all the way to Washington without counsel. Cowboys, miners, and ranchers testified before the committee. They described how they climbed up the mountainsides on their hands and knees to put up boosters. They did not have the expert counsel of lawyers or engineers. They received no pay. They charge nothing for the signal they deliver. Yet they are willing to come under the regulation of the FCC. They believe the purpose of the bill is desirable, and that they will not go out of business. They do not believe they will be bankrupted.

Therefore, I believe the whole argument of the cost of employing counsel in Washington for the CATV system is a completely spurious one. I think it has no real bearing on the issue, as I see it, at this time.

Finally, I believe the central question concerns the type of proper and effective legislation which will permit regulation in the public interest. It is the public interest which must come first. It is only fair that there be one set of rules in the single game in which several groups are participating, and that there be, preferably, one referee to judge whether the rules are being adhered to honorably.

If there are any tough-seated CATV spokesmen in the galleries, after these 2 long days of debate, let me say to them that they have made a real contribution in my State. I think they have helped to advance the TV industry specifically. But I think they have also opened a Pandora box, because the day is in sight when any group with enough money to get hold of enough CATV systems can concentrate the whole industry in New York, Los Angeles, or Chicago, and can feed the whole country. There is nothing which exists at the present time to prevent that.

This is what started in radio; this is what got underway in TV at one time. It was found to be wise to restrict the number of radio stations which any single economic group could own. I think the number is seven. It was found to be desirable to restrict the number of TV stations which anyone could own. I think the number is five.

Yet the CATV's comprise a completely unregulated, unrestricted group having tremendous vigor and great economic power.

When the committee met in Casper, Wyo., it took the testimony of one of the former presidents of the CATV Association, a man by the name of Bill Daniels, who said it would be a more effective industry if it could be placed in his hands. Mr. Daniels already owns 23 systems. Although he is the head of the Wyoming TV system, he does not live in Wyoming. He lives somewhere else. He owns systems in seven or eight States of the Union.

It is the encroachment upon the realm of economic freedom which enters the picture. It is a tremendous power potential to enable those who are willing to provide this economic capacity to seize control of it. That is why it is fair, in the public interest, that we bring this group, too, under Government regulation.

I am impressed by the fact that so many fine representatives of the CATV have come all the way to Washington to tell Senators how they feel about the matter. That is what makes democracy work. I think it is one of the most impressive demonstrations I can ever recall. But I ask Senators, What about the tens of thousands who cannot afford to come to Washington? Who is looking after their interests? They have a stake in this matter. This activity involves the public interest. That is why the Senator from Oklahoma, the Senator from Louisiana, the Senator from Montana, and the Senator from Illinois, and the Senator from Wyoming were sent here—to protect the public interest of the people of the United States. In my judgment, that is the guts of the proposed legislation. To look after the public interest is the obligation of the Members of the Senate; it is the No. 1 priority in the bill.

Mr. MANSFIELD. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Montana has 32 minutes remaining.

Mr. MANSFIELD. I yield 15 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, I support S. 2653. I associate myself with the remarks of the distinguished junior Senator from Wyoming [Mr. McGEE], who has delivered a very telling argument for the bill.

Last year I introduced and the distinguished senior Senator from Montana [Mr. MURRAY] cosponsored, S. 1886, which represented a comprehensive treatment of the pressing problems of television booster and community antenna television systems. Acute and pressing problems involving both types of television repeater devices were facing the people of my State. It was my hope that comprehensive legislation which would provide the Federal Communications Commission with the authority it felt it needed to license boosters, and would also provide the Commission with authority to regulate CATV's, would be quickly enacted. Such legislation is imperative to preserve and protect the widespread dissemination of free television service to the many citizens of my State and other States who are not so fortunate as to live in areas where direct television reception is feasible and also to enable local TV stations to exist.

Extensive hearings were held under the able and incisive leadership of the distinguished junior Senator from Rhode Island and the distinguished junior Senator from Wyoming. As a result of these hearings it was decided to present two bills, one concerning boosters and one concerning CATV's. S. 1886, which in its amended form dealt only with the booster problem, was passed at the end of the last session and awaits action in the House. It is my understanding that such action will not be forthcoming until the Senate takes action on the bill now before us. Since the present session is rapidly nearing the end, I am glad that we will complete action on the bill today.

S. 2653 is a committee bill which has been worked out with painstaking consideration of the legitimate interests of all concerned—the public, the community antenna television system operators, and the licensing of free television broadcasting stations. The bill received the unanimous approval of the Interstate and Foreign Commerce Committee. Perhaps there are in the committee bill provisions which, ideally, might be strengthened; but I am persuaded that the bill represents sound and constructive legislation.

In the past few days the CATV industry has renewed criticisms and arguments against passage of the bill. They are "scare-type" objections, to be expected from a wholly unregulated industry, when it is proposed to be brought under regulation.

Mr. President, the work of the committee has clearly shown that the overwhelming public interest in this matter demands that cable operators be subjected to regulation. I should like to point out some of the arguments being advanced by the spokesmen of cable operators and comment briefly upon them.

It is said that the bill is aimed at putting CATV's out of business. This could not be farther from the truth. No doubt some CATV operators sincerely feel that to be compelled to comply with public interest requirements would complicate their business and would affect it adversely. Many broadcasters felt the same way when the Radio Act of 1927 was adopted; but today the industry is thriving. No provision of the bill has been shown to be onerous or unfair to the CATV's.

It is said that the standard of licensing of new CATV's—namely, "due regard for the desirability of facilitating the con-

tinued operation of a television station which is providing the only available locally originating television broadcast program service"—which is found in section 330(e) in section 3 of the bill, is unfair to the CATV's.

This objection goes to the heart of the CATV problem. It would be technically feasible to have 10 television stations in New York City and have their signals blanket the Nation over satellites, boosters, and CATV's. But if the Commission were to permit such a system, the death knell of local television would be sounded, and the Congress would immediately pass legislation to restore it. CATV's, unregulated, can accomplish much in this direction on a piecemeal basis. The whole purpose of this bill is to protect the public interest. And it is essential for Congress to reaffirm the traditional American concept favoring local service.

Once again it must be emphasized that this standard will rarely, if ever, result in an outright denial of a CATV authorization. But it will assure that all such authorizations are conditioned so that they will not destroy or cripple local service.

It is said that it is unfair to make CATV's carry the signals of local stations. The bill does not impose such a blanket requirement, but leaves disposition of a request therefor to the judgment of the Commission. The need for the requirement lies in the fact that once the CATV system is connected to a television set, that set will frequently no longer be able to receive the local station directly.

It is said that the antiduplication provision will require CATV's to maintain expensive switching mechanism and to increase their expenses of operation. In this connection it must be remembered that, today, CATV's normally get their program material free, that they charge for their service, and that they have none of the public-service responsibilities or technical responsibilities of regular stations. The antiduplication rules will place upon CATV's a relatively small burden of regulation, as compared to the heavy burden of regulation that is placed upon their competitors.

The Senate has completed only one-half of the legislative job with respect to repeater stations. On September 9, 1959, it passed S. 1886, which gives the Federal Communications Commission the power it thought it needed to license VHF booster stations in the areas where those stations are needed. That bill was important, because it is necessary to assure the maintenance of free television service in areas which otherwise would be unserved. The pending bill is equally important, because it, too, is necessary, in order to assure continuing television service to rural areas, and for the additional reason that it is essential to maintain and encourage local service.

I should like to call attention to one aspect of the proposed legislation. This bill would bring CATV's under regulation essentially paralleling the regulation to which broadcasting stations are subject. The bill would not treat the CATV's as common carriers. It would not make their services, rates, and charges subject to common-carrier regulation, although the CATV's render a type of service which lends itself to monopoly. And, unlike broadcasting stations, the CATV's impose on the public a direct charge for installation and for service.

I am hopeful that if this bill is promptly enacted and is administered wisely and vigorously by the Federal Communications Commission, no resort to common-carrier legislation will become necessary. On the other hand, if we do not enact this bill at this time, and if the CATV situation is allowed to continue to drift in its present unregulated pattern, I believe the result will inevitably be common-carrier legislation—whether at the Federal level, the State level, or both.

I urge, Mr. President, that the Senate pass Senate bill 2653.

I point out that the broadcasting industry is now being regulated, insofar as the stations themselves are concerned, by means of the enactment of the bill which dealt with repeater and translator systems. Therefore, the only segment of the industry not now subject to regulation is that which relays pictures to the people of the Nation; I refer to the CATV's.

It seems to me to be common sense to have all elements of the industry come under the jurisdiction of the same regulatory commission and under the same general pattern of regulation, so as to assure the people of America of access to free television, and to assure that local communities may support local television stations.

We have not said a great deal about the importance of having local television outlets for community affairs, for political speeches, and for cultural activities which are peculiar to a particular region or city or area. If the local television stations wither and die, or if they are unable to grow and expand, then many areas of the country will be deprived of that opportunity, which should exist for all parts of the United States.

Mr. President, I believe the Senate should pass the pending bill; and I believe that this bill and its companion measure, the booster bill, should then become the law of the land.

Mr. MANSFIELD. Mr. President, how much time is left to those on this side?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. MANSFIELD. Mr. President, I yield back 16 minutes of that time, and hold the remaining 5 minutes for the Senator from Arizona and other Senators who wish to speak against the motion to recommit.

Mr. MONRONEY. Mr. President, I yield 3 minutes to the distinguished Senator from Iowa [Mr. HICKENLOOPER], who wishes to ask some questions.

Mr. HICKENLOOPER. Mr. President, I merely wish to ask some questions of the Senator from Oklahoma or of another Member of the Senate.

It seems to me that a rather complicated legal situation could arise in this instance. As I understand, a CATV station merely takes something out of the air, and does not put anything into the air.

Mr. MONRONEY. That is correct.

Mr. HICKENLOOPER. After it takes something out of the air—just like using the air we breathe—it then wires it, by means of a physical operation, into a house, where it is hooked up to a television set.

Mr. MONRONEY. That is correct.

Mr. HICKENLOOPER. What justification is there for having the Federal Government move into that regulatory field? Can it be called interstate commerce? If so, can the Federal Government then regulate my radio set in my house because I take the signal out of the air by means of an aerial erected on top of my house?

Mr. MONRONEY. This presents a problem, because many think this is exclusively in the field of intrastate commerce. Of course, the ether waves are interstate. But when the signal is taken out of the air and is transmitted to the Senator's house by cable, that is purely intrastate.

Mr. HICKENLOOPER. Then can the Federal Government, under the theory of this proposed regulation, regulate a farmer's well because the farmer takes air out of the wind that is moving past his farm, and thereby runs his windmill, and because that air happens to blow across the Mississippi River, from Illinois to Iowa, for instance? Does that make it interstate commerce, so the Federal Government can regulate the operation of that farmer's farm or can determine how he shall run his well?

Mr. MONRONEY. Of course, there are many strange constructions of interstate commerce.

Mr. HICKENLOOPER. I realize that.

Mr. MONRONEY. This does not seem to fit into the more normal categories. Neither does it fit into normal channels of communications, which deal with the regulation of signals or communications. This matter is strictly on the receiving, and not the originating, side.

Mr. HICKENLOOPER. I could understand some persuasive arguments that could be made if the CATV stations put something into the air. Being put into the air, as it is said, it flies we know not where, and they could not control it after it got into the air. It is out in the ether, and it would be interstate. But let us consider a station where, unless the cables or wires go across State lines, a CATV station is doing nothing in interstate commerce that I can see at all. It would seem to me if the Supreme Court would say that is a proper field for regulation by a Federal commission, when the station is operating strictly within the State, the Federal Government could regulate me when I turn on my radio because I pick up the signal by an aerial at the top of my house and it is piped down to my living room.

I am merely asking a question. I do not know whether this is a sound argument.

Mr. MONRONEY. Many lawyers doubt the constitutionality of the provision. I am not a lawyer, but it is

apparent that 99 percent of the operations would be intrastate in character.

Mr. HICKENLOOPER. I assume each of these CATV stations would be an individual unit operation.

Mr. MONRONEY. That is correct, in a community.

Mr. HICKENLOOPER. There is no interlocking arrangement between a CATV station in, for example, the western part of a State, and the eastern part, unless there might be common stock ownership; but these CATV stations are individual unit operations. The CATV is a station which takes something out of the air that is already in the air, and uses a physical facility to transfer it to a community television station.

Mr. MONRONEY. One antenna serves 50 or more people.

Mr. HICKENLOOPER. Where does the line of regulation begin? Does it begin with two or three sets, or with one set? If so, the operator of one television set which brings in a signal from the aerial at the top of his house could be regulated.

Mr. MONRONEY. The bill states 50 or more sets, or an aerial in a central location of a building that could serve 200.

Mr. HICKENLOOPER. It is the basic reason why the Federal Communications Commission asserts jurisdiction over this matter that concerns me.

Mr. MONRONEY. I thank the distinguished Senator for raising the question.

Mr. President, I yield to the Senator from Kansas [Mr. CARLSON] 2 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 2 minutes.

Mr. CARLSON. Mr. President, I do not want to let the debate close without expressing my views on the bill. I think I have been most diligent in my attendance on the debate on this bill. I did so for two reasons. One reason is that I was not a member of the committee that heard much testimony and devoted much time to the consideration of the bill, the members of which, therefore, are very familiar with it. I expressed my appreciation to the chairman yesterday for his service in this field, as is true as to any bill he undertakes to bring before the Senate.

Second, I am fearful that if the proposed legislation is approved and becomes the Federal law of this land, it will have a limiting effect on the expansion of television in areas where it is needed. I have heard the arguments made that if community antenna systems are not put in, some local stations will come into the areas and establish television stations. That argument sounds reasonable, but it is not a practical one. There is not a person who is served by a community antenna television system who would not like to secure free television; but when one cannot get it, he is willing to pay for television programs. Some of these operations are quite expensive, but they do perform a service for people who otherwise could not secure it in sparsely settled areas.

So I am compelled, based on the debate I have heard in the past 2 days, to vote to recommit the bill.

I was hopeful the bill would be in such shape that I could support it. I hope it will be eventually, because I firmly believe we must have some regulation. However, I do not believe enough study has been given to the bill and enough time spent on it to protect the people who need the service.

Mr. MONRONEY. Mr. President, how much time remains to me?

The PRESIDING OFFICER. 4 minutes remain to the Senator.

Mr. MONRONEY. Mr. President, will the Senator from Illinois [Mr. DIRKSEN] yield me sufficient time so the senior Senator from Oklahoma [Mr. KERR] can present his argument?

Mr. DIRKSEN. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. Fifteen minutes remain to the Senator from Illinois on the bill.

Mr. MONRONEY. As I understand, the Chair stated I have only 4 minutes remaining. I yielded only 3 minutes to the distinguished Senator from Iowa and 2 minutes to the distinguished Senator from Kansas. I did not hear the gavel fall. That would leave us 8 minutes. Another 5 minutes would be sufficient.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Oklahoma.

Mr. MONRONEY. Mr. President, do I correctly understand we now have 13 minutes?

The PRESIDING OFFICER. Four minutes remain on the amendment; and 15 minutes to the Senator from Illinois on the bill.

Mr. DIRKSEN. Mr. President, I yield 6 minutes to the Senator from Oklahoma.

Mr. MONRONEY. I ask my colleague if he could take 10 minutes.

Mr. KERR. I defer to my colleague.

Mr. MANSFIELD. Mr. President, would the Senator yield for the purpose of my suggesting the absence of a quorum, with the understanding that the time would not be taken out of the time remaining to either side, so that we could have more Senators present before the vote?

Mr. KERR. Mr. President, I yield for that purpose, without expressing too much hope in the success of the efforts of the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time being taken out of the time allocated to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KERR. Mr. President, I rise in support of the motion to recommit the bill. I do it for the simple reason that I think it is an absolute necessity to protect the well-being and the opportunity for existence of over 760 small businesses.

Mr. President, I say to my good friend from Rhode Island that if anything I said on the floor in this debate was offensive to him personally I wish to apologize. I acknowledge to him that I am not an expert on Federal communications legislation, and I know he is.

There are many things, Mr. President, I do not know, but I will tell Senators that what I do know I know as well as anybody.

I know the effect of a Supreme Court decision. I know that if the Supreme Court says a CATV system cannot capture from the air a sound wave set in motion by a TV station and reconvey it by a channel to homes, if my good friend from Rhode Island thinks the Federal Communications Commission can change the situation so that it can be done by an order of the Federal Communications Commission, he ought to read about the experiences of countless thousands of people in this country who have found out the hard way they cannot get around a Supreme Court decision that easily.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. KERR. I will yield on the Senator's own time.

Mr. PASTORE. I do not have any time.

Mr. MANSFIELD. Mr. President, I yield 2 minutes from the time on the bill to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PASTORE. I merely say to the distinguished Senator from Oklahoma that I never said what he is suggesting I said, and the distinguished Senator knows I never meant that.

Mr. KERR. I have apologized to the Senator for saying what he does not know and what he does know.

Mr. PASTORE. May I finish?

Mr. KERR. If we are going to do this, let us do it.

Mr. PASTORE. Does the Senator want to do it his way, or no way at all?

Mr. KERR. No. Let us presume that the Senator from Rhode Island is sincere and that I am sincere. I know that is a violent presumption for either one of us, but let us do it for once.

Mr. PASTORE. How do we want to do it? May I proceed?

Mr. KERR. The Senator said the Senator from Oklahoma knew that what the Senator from Oklahoma said was not so.

Mr. PASTORE. No, I did not say that. I said that I did not say what the Senator asserted I did say.

Mr. KERR. And that I knew the Senator did not say it; that is what the Senator said.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. I said this: Should these two factions come under the aegis of the Federal Communications Com-

mission and should the Supreme Court decide that the CATV system have no proprietary right to capture the picture or the signal and to show it at a cost, since both of them would be under the aegis of the Federal Communications Commission, if the broadcaster should impose an unreasonable or a confiscatory fee upon the CATV system in order to obtain permission to show the signal, the fact that both of the groups were under the umbrella of the Federal Communications Commission would mean that reason would be used and justice would be meted out to both sides by the FCC. That is all I said. Now, if the Senator from Oklahoma finds any fault with it, I am sorry, but that is all I said.

Mr. KERR. That is all I said the Senator said.

Mr. PASTORE. No.

Mr. KERR. That is all I said the Senator said.

Mr. PASTORE. The Senator did not say that. If the Senator will further yield——

Mr. KERR. I will yield on the Senator's time. Mr. President, I do not want to yield on any of the 6 minutes I have, because that is all the time I have.

The PRESIDING OFFICER. The 2 minutes yielded to the Senator from Rhode Island have expired.

Mr. KERR. I say again, Mr. President, that if the Supreme Court says that cannot be done then the Federal Communications Commission cannot say it can be done. That is point No. 1.

Another thing which I know as well as anybody relates to whether the network pays the local broadcasting company for broadcasting the network programs. I am about that like Sam Jones was about how he got religion. Sam Jones was asked about how he knew he got religion and he said, "I was there when it happened." [Laughter.] I know that the national network does not require the local TV station to pay the national network for the privilege of broadcasting the national network programs. The national network sells the advertisement for a certain amount of money, and then pays the local broadcasting station a certain percentage of that fee to broadcast it for them. I know that, Mr. President.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. KERR. I will yield on the Senator's time.

Mr. PASTORE. Mr. President, how many minutes do I have?

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PASTORE. The fact of the matter is that the rate is set per hour or per quarter hour by the local broadcasting station. I do not know if the Senator from Oklahoma is affiliated with or associated with any broadcasting station——

Mr. KERR. The Senator from Oklahoma is, and it is a matter of public record.

Mr. PASTORE. That is correct. The network by arrangement may pay 30 percent of the rate to the station. Therefore, it is necessary the network retain 70 percent of the cost of rate time, for programs of the national network. The Senator knows that that is the fee. That is what I meant about the fee for using the program which emanates from the network.

Mr. KERR. Not at all, Mr. President.

Mr. PASTORE. Of course, it is.

Mr. KERR. The national network fixes the fee.

Mr. PASTORE. By arrangement with the station, but the payment by the local TV station can be 70 percent of the rate.

Mr. KERR. The national network fixes the fee, and gives a certain percentage of it to the local station for the broadcasting of the program.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. KERR. I do not know all of the provisions in the communications law, but I know what is in a contract between a national broadcasting system and an affiliate, a local station.

Mr. President, my good friend from Rhode Island—and I say that sincerely—talked about the little people yesterday, yet he has brought to the Senate a bill which he says is for the benefit of some 52 of the 760-some local community antenna systems, and he wants to put all 760 of the systems under regulation of the Federal Communications Commission, simply to protect local broadcasting stations against 52 of them.

I submit to Senators, is that a reasonable proposition? If the Senator is interested in those 52 instances, considering how able the Senator is, he could bring a bill to the Senate for the benefit of those persons, or could amend the bill to limit it to them. Then the argument would be over.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. KERR. I will yield to the Senator in just a minute. That is not what the Senator has done. He has brought to the Senate a bill to regulate 760 systems, although he makes his whole case on what is being done in regard to some 50 community TV broadcasting systems.

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

Mr. KERR. I yield on the Senator's own time.

Mr. PASTORE. Mr. President, will the Senator yield me 1 minute?

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PASTORE. The Senator from Oklahoma is glorifying, perhaps even inadvertently, the Senator from Rhode Island. The Senator from Oklahoma keeps using the third person designation, saying, "He does this," and "He does that."

The Senator from Rhode Island is representing the committee. We had a subcommittee, which included the distinguished junior Senator from Oklahoma [Mr. MONRONEY]. The matter was heard by the subcommittee. We went before the full committee. We explained the bill before the full committee.

I am the Senator in charge of the bill on behalf of the committee. The Senator keeps saying, "The Senator from Rhode Island wants to do this," or "He wants to do that," or "He does not want to do that."

I appreciate the glorification, but I am acting on behalf of the subcommittee and the committee. This was a committee action, not the action of the Senator from Rhode Island.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. KERR. Mr. President, I still maintain that if the Senator from Rhode Island wishes to take care of 52 stations he can amend this bill on his own initiative on the floor. This bill has for its purpose subjecting to regulation 760 small private-enterprise businesses which had the ingenuity to go out and get started, and if this bill is passed, it will be the death knell to them.

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

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. HAYDEN. Mr. President, in Arizona there are a number of CATV stations, and they serve a very useful purpose by conveying television programs to mining camps and to isolated parts of the State. We are very glad to have them render that service. But in one instance, at Yuma, about 200 miles from the center of population, there is an entirely different situation. The local station, KIVA–TV, serves an area with a radius of about 60 miles. That television station exists on the advertising which comes to it from businesses in the town of Yuma. If CATV comes to Yuma, its operators propose to charge $90 to make a connection over telephone lines in the city and then charge $6 a month to supply the programs, which originate in Phoenix. I do not doubt that a majority of the citizens in Yuma would be glad to pay those charges for that kind of service.

But what else does it do? It blacks out a large area in southern Yuma County.

For about 40 miles up the Gila River from Yuma there is an irrigated section which supports a farming population. South of Yuma, toward the Mexican border for nearly 20 miles there is another irrigated farming section. The people living in those sections cannot afford to have wires strung to each of their farms. They will receive absolutely no service if the station in Yuma is put out of business. This bill, as I understand it, provides protection for the Yuma television station.

All I plead for is the enactment of legislation which will not allow television service to be brought in which would put out of business a local community station, and from which no one could obtain service except those living in the town where the local station is now located.

The citizens living in the surrounding areas who now own television sets could turn them on and get nothing. That is no way to treat good people.

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

Mr. MANSFIELD. I yield 1 minute to the Senator from Colorado.

Mr. CARROLL. There is an identical situation in Grand Junction, Colo., where there is a local station. I was privileged to be seated with the subcommittee when it came to Denver. This local station is picked up by TV boosters which go to five or six counties. If they put in CATV, the testimony was that it will drive the station to the wall because it will take away the advertising.

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

Mr. MONRONEY. Mr. President, may I ask if there is any time remaining?

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. MONRONEY] has 4 minutes remaining, and the Senator from Montana [Mr. MANSFIELD] has 2 minutes remaining.

Mr. MONRONEY. Mr. President, the bill comes before us in an effort to protect some very few television stations. I am aware of that. I am aware of the situation at Grand Junction, which would not be able to furnish a signal that would supply the booster stations which take the signals over the mountains. I am aware of the problems which it is alleged will exist in Yuma if it finally gets a CATV station. Many people who wish more service, and who wish to see network programs other than those supplied by the local station, are willing to pay the required fee to see it so someone builds a CATV system in this area.

I think the figures are very important. The bill would cause the licensing of 768 CATV stations, because in some 52 cities there is a 1-television station situation which might be damaged.

Why put over 700 under complicated licensing system, almost as demanding as that required to obtain a television station license, with renewal every 3 years, and require a vast expenditure on the part of the small businesses to maintain Washington, D.C., counsel for that purpose simply because there are 52 locations where there might be difficulty?

The bill will not help the 52 locations very much, because in all but two of the places where CATV is in competition, CATV now carries the program of the local station. In most cases there is no conflict between the CATV and the local station. They work together. Some are jointly owned. As I saw only yesterday, at Brazos, Tex., the local station was going on the air jointly with CATV to celebrate the birthday of the new station.

There is no need to pass a bill which would throttle the expansion of CATV to millions of people in the flat areas of the country. The CATV operators would have to get a license for the construction of the stations. If the operators have to do all the things which are prescribed by the bill before they build the lines and install the wires, millions who are now in the "snow areas," the gray areas or the black areas in the flat country will be deprived of the service. Regulation will stump the little businessmen who build the lines. It will stump the men who must borrow the money, because the best they can look forward to is a 3-year license on an investment which may involve $100,000 or $200,000.

We are not asking that the bill be killed. We say, let us take a look at it next year. I believe we can come up with a much better bill, if we wish legislation, and certainly a measure which will do some good for the citizens the Senator is talking about, and for whom this bill will do no good.

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

Mr. MONRONEY. I ask unanimous consent to have printed in the RECORD following my remarks a telegram from Vance L. Eckersley, vice president, WDAU–TV, to the Senator from Pennsylvania [Mr. CLARK], dated May 17, 1960.

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

SCRANTON, PA., *May 17, 1960.*

Senator JOSEPH CLARK,
Washington, D.C.:

Several of the 65 CATV systems which carry the channel 22 signal of WDAU–TV to more than 90,000 homes, have requested that we indicate to you that some broadcasters have serious doubts as to the wisdom of some of the provisions of S. 2653.

WDAU–TV works harmoniously with almost all of the cable systems within its coverage area. This cooperation brings local television service to a wide area which otherwise might have no television.

It is thought that S. 2653 will end such unpleasant situations as exist in Hazleton, where the cable system does not carry the signals of the Scranton-Wilkes-Barre stations and, in fact, microwaves the signal of channel 2, WCBS–TV, New York City, to Hazleton, where it is carried on cable to 4,000 homes to compete with the local CBS affiliate.

Unfortunately, the bill accomplishes these worthwhile objectives by requiring the elimination of all duplication of programs carried by local stations. In many situations this is a practical impossibility. For example, a cable system in Sunbury carrying the Scranton-Wilkes-Barre ABC, CBS, and NBC affiliated stations and also carries the Lancaster station would find the Lancaster station duplicating some of the CBS programs and some of the NBC programs. Also, a cable system in Williamsport carrying the three Scranton-Wilkes-Barre stations together with the Altoona station would find the latter duplicating some of the CBS programs and some of the ABC programs. To prevent such duplication would require constant switching.

VANCE L. ECKERSLEY,
Vice President, WDAU–TV.

Mr. MANSFIELD. Mr. President, I yield to myself the time I have remaining on this subject.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. MANSFIELD. The Senator from Oklahoma has suggested that we recommit the bill and consider it next year. In making that statement he suggests there is a need for a bill. I wish to take this means to compliment, as highly and as sincerely as I can, the distinguished Senator from Rhode Island [Mr. PASTORE] for the fair, impartial, and unbiased job he has done in bringing this legislation before the Senate. So far as he is concerned this legislation does not mean anything one way or the other. One could not ask for a fairer man to look after the interests of both elements of this industry or all segments of the industry.

I asked him, in behalf of my distinguished senior colleague from Montana [Mr. MURRAY] and our colleagues in the House, to hold hearings back here so that interested people from my State both in TV and in CATV could come here and have their case laid on the table. I am happy to state that the Senator from Washington [Mr. MAGNUSON], the chairman of the full committee, and the Senator from Rhode Island [Mr. PASTORE] agreed to do so. I also asked the Senator from Rhode Island if he would go to Montana at the request of the Montana delegation and there hold hearings in the field. He did so in the State capitol at Helena. Both sides were heard. Everyone who had anything to say had a chance to say it. He came back to Washington. He met with representatives of the industry. He spent hours with their attorneys. He met with Senators who are interested in preserving the CATV industry, as he is and as I am. His committee reported a bill after a long time; and what happened? The things which had been agreed to are disagreed to by representatives of the CATV industry.

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

Mr. MANSFIELD. Mr. President, I ask for 1 minute on the bill.

If the Senate wishes to act on the basis of an unbiased man's judgment, if it wishes well-thought-out and careful legislation, if it wishes legislation which will preserve and save CATV and keep it from some other alternative, then I say that the Senate ought to uphold the hand of the Senator from Rhode Island and his committee and vote against recommitting the bill.

The PRESIDING OFFICER. All time for debate on the motion has expired.

Mr. MONRONEY. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the motion of the Senator from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONRONEY. As I understand, the vote will be on the motion to recommit.

The PRESIDING OFFICER. The question is on the motion to recommit, offered by the Senator from Oklahoma [Mr. MONRONEY]. On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. TALMADGE. On this vote I have a pair with the senior Senator from

Wyoming [Mr. O'MAHONEY]. If he were present and voting, he would vote "nay"; if I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. McCARTHY. On this vote I have a pair with the Senator from West Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from North Carolina [Mr. ERVIN], the Senator from North Carolina [Mr. JORDAN], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Texas [Mr. JOHNSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Florida [Mr. SMATHERS], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] and the Senator from Michigan [Mr. MCNAMARA] are absent because of illness.

I further announce that the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

On this vote, the Senator from Delaware [Mr. FREAR] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Delaware would vote "nay," and the Senator from Oregon would vote "yea."

On this vote, the Senator from Rhode Island [Mr. GREEN] is paired with the Senator from Tennessee [Mr. KEFAUVER]. If present and voting, the Senator from Rhode Island would vote "nay," and the Senator from Tennessee would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina [Mr. ERVIN], and the Senator from Massachusetts [Mr. KENNEDY] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from North Dakota [Mr. BRUNSDALE] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent because of death in his immediate family.

If present and voting, the Senator from Utah [Mr. BENNETT] and the Senator from North Dakota [Mr. BRUNSDALE] would each vote "nay."

The result was announced—yeas 39, nays 38, as follows:

[No. 197]

YEAS—39

Aiken	Fong	Monroney
Bridges	Gore	Morton
Bush	Hickenlooper	Mundt
Byrd, Va.	Hill	Muskie
Byrd, W. Va.	Holland	Prouty
Carlson	Javits	Robertson
Clark	Johnston, S.C.	Russell
Cooper	Keating	Saltonstall
Cotton	Kerr	Scott
Dirksen	Long, La.	Smith
Dworshak	Lusk	Sparkman
Eastland	McClellan	Stennis
Ellender	Martin	Wiley

NAYS—38

Allott	Douglas	Magnuson
Bartlett	Engle	Mansfield
Beall	Goldwater	McGee
Bible	Gruening	Moss
Butler	Hart	Murray
Cannon	Hartke	Pastore
Carroll	Hayden	Proxmire
Case, N.J.	Hruska	Schoeppel
Case, S. Dak.	Humphrey	Thurmond
Chavez	Jackson	Williams, Del.
Church	Kuchel	Young, N. Dak.
Curtis	Lausche	Young, Ohio
Dodd	Long, Hawaii	

NOT VOTING—23

Anderson	Hennings	O'Mahoney
Bennett	Johnson, Tex.	Randolph
Brunsdale	Jordan	Smathers
Capehart	Kefauver	Symington
Ervin	Kennedy	Talmadge
Frear	McCarthy	Williams, N.J.
Fulbright	McNamara	Yarborough
Green	Morse	

So the motion to recommit was agreed to.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the motion to recommit was agreed to.

Mr. PASTORE. Mr. President, will the Chair please restate the announcement of the vote?

The PRESIDING OFFICER. On this question, 39 Senators voted in the affirmative, and 38 Senators voted in the negative, so the motion to recommit is agreed to.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion to recommit was agreed to.

Mr. KERR. I move to lay that motion on the table.

Mr. MAGNUSON. Mr. President, on that question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOUGLAS. Mr. President, will the Chair state the motion which is now before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma [Mr. KERR] to lay on the table the motion of the Senator from Illinois [Mr. DIRKSEN] to reconsider the vote by which the motion to recommit was agreed to. The yeas and nays have been ordered.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. MAGNUSON. Do I correctly understand that a vote "yea" is a vote to table the motion to reconsider?

The PRESIDING OFFICER. The Senator from Washington is correct.

Mr. MAGNUSON. And that a vote "nay" is a vote to leave open the motion to reconsider?

The PRESIDING OFFICER. The Senator is correct. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McCARTHY (when his name was called). On this vote, I have a live pair with the Senator from West Virginia [Mr. RANDOLPH]. If the Senator from West Virginia were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. TALMADGE (when his name was called). On this vote, I have a live pair with the distinguished Senator from Wyoming [Mr. O'MAHONEY]. If the Senator from Wyoming were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senators from North Carolina [Mr. ERVIN and Mr. JORDAN], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senators from Texas [Mr. JOHNSON and Mr. YARBOROUGH], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] and the Senator from Michigan [Mr. MCNAMARA] are absent because of illness.

I further announce that the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

On this vote, the Senator from Delaware [Mr. FREAR] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Delaware would vote "nay," and the Senator from Oregon would vote "yea."

On this vote, the Senator from Rhode Island [Mr. GREEN] is paired with the Senator from Tennessee [Mr. KEFAUVER]. If present and voting, the Senator from Rhode Island would vote "nay," and the Senator from Tennessee would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina [Mr. ERVIN] and the Senator from Massachusetts [Mr. KENNEDY] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from North Dakota [Mr. BRUNSDALE] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent because of death in his immediate family.

The Senator from Maryland [Mr. BUTLER], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], and the Senator from North Dakota [Mr. BRUNSDALE], and the Senator from Maryland [Mr. BUTLER] would each vote "nay."

The result was announced—yeas 38, nays 36, as follows:

[No. 198]

YEAS—38

Aiken	Cooper	Gore
Bridges	Cotton	Hickenlooper
Bush	Dirksen	Hill
Byrd, Va.	Dworshak	Holland
Byrd, W. Va.	Eastland	Javits
Carlson	Ellender	Johnston, S.C.
Clark	Fong	Keating

Kerr	Morton	Saltonstall
Long, La.	Mundt	Scott
Lusk	Muskie	Smith
McClellan	Prouty	Sparkman
Martin	Robertson	Stennis
Monroney	Russell	

NAYS—36

Allott	Douglas	Long, Hawaii
Bartlett	Engle	McGee
Beall	Goldwater	Magnuson
Bible	Gruening	Mansfield
Cannon	Hart	Moss
Carroll	Hartke	Murray
Case, N.J.	Hayden	Pastore
Case, S. Dak.	Hruska	Proxmire
Chavez	Humphrey	Thurmond
Church	Jackson	Williams, Del.
Curtis	Kuchel	Young, N. Dak.
Dodd	Lausche	Young, Ohio

NOT VOTING—26

Anderson	Hennings	Randolph
Bennett	Johnson, Tex.	Schoeppel
Brunsdale	Jordan	Smathers
Butler	Kefauver	Symington
Capehart	Kennedy	Talmadge
Ervin	McCarthy	Wiley
Frear	McNamara	Williams, N.J.
Fulbright	Morse	Yarborough
Green	O'Mahoney	

So the motion to lay on the table the motion to reconsider was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to inquire, first, of the acting majority leader, about the program for tomorrow and also for the remainder of the week, insofar as it is possible for him to inform the Senate now.

Mr. MANSFIELD. Mr. President, in response to the question asked by the distinguished minority leader, I must admit that I do not have too much information available. But, as of now, it is the intention to have the Senate meet at 11 o'clock tomorrow morning, so that at about 12 o'clock it will be possible for Senators who desire to do so to make speeches on the retirement of our distinguished colleague, the senior Senator from Wyoming [Mr. O'MAHONEY].

It is anticipated that we shall then bring up some printing resolutions and minor money resolutions out of the Committee on Rules and Administration. If possible, we may get to the Stella bill, a bill of some renown. If we do not get to it tomorrow, we should get to it within the next several days.

I hope within the next 10 minutes or so to have a more complete schedule to announce and to inform Senators whether we shall meet Friday or go over from Thursday until Monday.

SUPPLEMENTAL AIR CARRIERS

Mr. CANNON. Mr. President, I am concerned today about the fate of the supplemental air carriers industry in this country. After years of hearings the Civil Aeronautics Board, in January 1959, certificated and authorized supplemental air carriers, recognizing this unique and essential service as a necessary segment of the Nation's air transportation structure. Today the supplemental air carriers have a record of proven contribution in the framework of air travel, serving civilian passengers and cargo and as military carriers.

These airlines are unique in that they have never been nor are they now subsidized by the Federal Government. In addition to efficient, alert, and dependable day-to-day service supplied to the military, supplemental airlines were authorized to fly regular scheduled flights—10 flights per month—between any 2 cities within the United States. Currently cities such as New York, Chicago, Miami, Los Angeles, San Francisco, Honolulu, Detroit, and Dallas are served with civilian business and tourist air travelers who have come to depend on the unique transportation need filled by the supplemental airlines.

It should also be noted, Mr. President, that much of the credit for holding the line on air transportation costs belongs to the pioneers of the supplemental air carrier industry who have contributed greatly to low-fare, air coach travel.

During a visit to the Supplemental Air Carrier Conference, a national trade association, I saw the system and facilities utilized to respond to the demands of the Defense Department for troop movement on an around-the-clock basis day after day. The services proved themselves able and responsible when activated by the armed services. Most important, perhaps, is the system of the supplemental air carrier industry in doing business with the military in such a fashion that it provides airlift ready to take on a military mission in a matter of hours if a national emergency should arise. We have had altogether too many illustrations of the deficiencies in our airlift potential and I am sure that the committees concerned with this legislation will bear me out in this statement. This is a time when we should be doing everything we can to increase our airlift capabilities rather than to harass and place obstacles before an industry which serves so useful and necessary functions for both civilians and military.

I am sure that Congress and friends of aviation everywhere were distressed at the news last month that the appellate court had upset the Civil Aeronautics Board's certification of these small pioneering airlines which have contributed so much toward our national defense and as a convenience for the traveling public.

I know, Mr. President, that the court held that the Civil Aeronautics Board had no legal means by which these carriers' important services could be certificated under the Federal Aviation Act, as the statute is now in effect, and the court pointed out that the problem is one which invites congressional action. In fact, it is my interpretation that the Congress would be remiss in its historic duty to further the cause of safe and dependable air travel if we failed to act on this problem. It may perhaps be only a technical change that is required in the law, which can be remedied by the Congress, but our failure to act will have a most serious and perhaps disastrous effect on peacetime air transportation and national security.

I hope, Mr. President, that my colleagues will recognize the necessity for coming to the immediate rescue of the supplemental airlines and enact legislation during this session which will preserve the certificates granted to the individual carriers of the industry during this critical time in our national defense airlift. I believe that after some 12 years of proven ability the very least that Congress can do is to make permanent that which the governing agency—the Civil Aeronautics Board—has found to be so vitally in the public interest and in the interest of our national defense. I urge Members of the Senate, and particularly members of the committees directly affected in the study of this problem to give their most earnest and painstaking study to a problem that merits immediate attention.

REPORTED CASES OF SOVIET ESPIONAGE

Mr. MUNDT. Mr. President, this week in Paris Mr. Khrushchev engaged in a global blasphemy by raising his right hand and swearing before the God in whom he does not believe that his hands were clean from the standpoint of international espionage.

To a man who started his services on the House Un-American Activities Committee back in the days when Martin Dies, of Texas, was its chairman, that event struck a familiar note with me, and I have obtained from the Legislative Reference Service of the Library of Congress a list of over 65 Russian spy cases, documented in the history of the United States, beginning on May 1, 1946.

They include such famous cases as the Allan Nunn May case, that of a British scientist who was convicted for espionage, involving people in Canada.

The list includes the Judith Coplon case. She was convicted of taking Justice Department secrets and using them to aid Russia.

It includes the case of Alger Hiss, who was found guilty of lying to a grand jury in connection with his theft of State Department documents.

The list includes the case of Valetin A. Gubitchev, a United Nations employee who was found guilty as Judith Coplon's codefendant, and who was caught redhanded transferring American money for spy secrets to be delivered to the Russian Government, for whom he was then working.

The list includes the case of Harry Gold.

The list includes the case of Julius and Ethel Rosenberg, about whom nothing further need be said.

It includes the Morton Sobell case.

It includes the David Greenglass case.

It includes the case of William Remington, who was found guilty of perjuring himself at his first trial in 1951, when he said he never gave any secret material of the War Production Board to Russia.

It includes the case of Yuri Novikov, secretary of the Soviet Embassy, named as a coconspirator in the Verber-Ponger indictment.

It includes the case of Igor A. Amosov, assistant naval attaché at the Soviet Embassy in Washington.

The list goes on and on for more than 65 specific cases of spies serving Mr. Khrushchev, his predecessor, Mr. Stalin, and the Government of Russia, all having occurred within the territorial limitations of the United States.

I think the RECORD should show those cases, and I ask unanimous consent to have printed in the RECORD the entire list of the documented cases of spying by Communist agents on American soil.

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

SOVIET ESPIONAGE—A SELECTED LIST OF REPORTED CASES OF SOVIET ESPIONAGE IN THE UNITED STATES AND OTHER WESTERN ALINED NATIONS

(NOTE.—Those instances involving diplomatic personnel are indicated by "diplomatic.")

May 1, 1946: Allan Nunn May, a British scientist who worked on atomic energy in Canada, was sentenced to 10 years in prison by a British court. May was part of the Soviet espionage ring in Canada which was exposed by Igor Gouzenko, a code clerk in the Soviet Embassy in Ottawa, who broke with the Russians and sought political asylum. Seventeen Soviet Embassy officials charged with espionage have been expelled from Canada. Eight Canadian citizens, including a member of Parliament, were convicted of espionage and given various jail sentences.

June 30, 1949: Judith Coplon was convicted of taking Justice Department secrets and using them to aid Russia. She was sentenced to from 40 months to 10 years in prison. On January 28, 1952, the U.S. Supreme Court ruled that she was entitled to a new trial because the Government used illegal wiretap evidence. She was never retried on this charge.

October 31, 1949 (diplomatic): Dr. Erwin Munk and a clerk named Horvat of the Czech Embassy in Washington were declared persona non grata.

January 25, 1950: Alger Hiss found guilty of lying to a grand jury in 1948 when he declared that he had never given any secret State Department documents to Whittaker Chambers, who then passed them on to the Soviet Union. He was sentenced to 5 years in prison.

March 1, 1950: Klaus Fuchs was sentenced by a British court to 14 years imprisonment after pleading guilty to giving atomic secrets to Russia.

March 9, 1950: Judith Coplon, in her second trial, was found guilty of conspiracy to commit espionage and was sentenced to 15 years in prison. On December 5, 1950, the U.S. Court of Appeals reversed the conviction on the grounds of illegal arrest and use of illegal wiretap evidence. The Supreme Court refused to review the case on January 28, 1952.

March 9. 1950 (diplomatic): Valetin A. Gubitchev, a United Nations employee, was found guilty as Judith Coplon's codefendant. He was sentenced to 15 years' imprisonment but the sentence was suspended on condition he leave the United States. Gubitchev sailed for Poland on March 20th.

April 15, 1950: Air Force Cpl. Gustav Mueller was convicted of attempting to give U.S. military secrets to Russia. He was sentenced to 5 years at hard labor.

September 22, 1950: Alfred D. Slack pleaded guilty to giving samples of a secret explosive to Harry Gold and was sentenced to 15 years in prison.

November 22, 1950: Abraham Brothman was convicted of conspiring to mislead a grand jury (which was investigating espionage) and of influencing Harry Gold to give false statements to the jury. He was sentenced to 7 years' imprisonment and fined $15,000. In July 1951, the U.S. Circuit Court of Appeals upheld the 2-year sentence and $10,000 fine for misleading a grand jury, but reversed the 5-year sentence and $5,000 fine for influencing Gold.

November 22, 1950: Miriam Moskowitz was convicted (together with A. Brothman) of conspiring to mislead a grand jury and was sentenced to 2 years in prison and fined $10,000.

December 9, 1950: Harry Gold pleaded guilty to transmitting atomic secrets to the Russians and received a 30-year prison sentence.

April 5, 1951: Julius and Ethel Rosenberg were sentenced to death for procuring and transmitting atom bomb secrets to Russia during and after the Second World War. They were both executed on June 19, 1953.

April 5, 1951: Morton Sobell was sentenced to 30 years in prison for giving nonatomic defense secrets to the Fuchs-Gold spy ring.

April 6, 1951: David Greenglass admitted to giving atomic data to the Fuchs-Gold ring while working as an Army technician at Los Alamos, N. Mex., and was sentenced to 15 years' imprisonment.

September 26, 1951 (diplomatic): Nicholai P. Orlov, the assistant naval secretary of the Soviet Embassy in Stockholm, was ordered to leave Sweden immediately in connection with the Andersson espionage case.

November 14, 1951: Ernest Hilding Andersson, a petty officer in the Swedish Navy, was sentenced to life imprisonment after being found guilty of gross espionage for the Soviet Union. Andersson admitted supplying the Russians with secret data on the Swedish Navy, coastal defense installations, and suitable invasion areas along the coast of northern Sweden. He named N. P. Orlov, Konstantin Vinogradov, a Soviet Embassy secretary, and Tass correspondent Victor Anissimov as his accomplices.

October 1952: Nikolai Skvartsov, a political officer in the U.N. Department of Security Council Affairs, was discharged after the State Department notified the U.N. that he had violated a U.S. law.

February 4, 1953: William Remington was found guilty of perjuring himself at his first trial in 1951 when he said he never gave any secret material of the War Production Board to Elizabeth Bentley, a self-styled Communist spy. He was sentenced to 3 years in prison.

February 25, 1953: Lev C. Pissarev, Tass correspondent, was deported from the Netherlands for spying after being arrested on December 23 in the act of receiving secret documents from a Dutch official who was cooperating with the police.

May 30, 1953 (diplomatic): Christache Zambeti, first secretary of the Rumanian Legation in Washington, was declared persona non grata for attempting to blackmail a U.S. citizen into espionage acts.

June 5, 1953: William Perl was sentenced to 5 years in prison for perjury for having told a grand jury in 1950 that he did not know atom spies Julius Rosenberg and Morton Sobell.

June 8, 1953: Air Force Staff Sgt. Giuseppe Cascio was convicted by court martial in Taegu, Korea, of conspiracy to give jet plane secrets to the Communists. He was given a 20-year jail sentence and a dishonorable discharge.

June 8, 1953: Kurt Ponger and Otto Verber were convicted of conspiracy to procure and transmit Army, Air Force, and aircraft plant data to the Soviet Union. They were sentenced to 5 to 15 years and 3⅓ to 10 years in prison, respectively.

June 8, 1953 (diplomatic): Yuri Novikov, second secretary of the Soviet Embassy, was named as a coconspirator in the Verber-Ponger indictment. He was then declared persona non grata by the U.S. Government and returned to the Soviet Union.

October 31, 1953: Pvt. Robert W. Dorey was sentenced to 15 years in prison after pleading guilty to fleeing to East Germany, then twice returning to the U.S. Zone with Soviet agents whom he guided around U.S. military installations.

February 3, 1954 (diplomatic): Igor A. Amosov, assistant naval attaché at the Soviet Embassy in Washington, was declared persona non grata and expelled for engaging in espionage.

February 3, 1954 (diplomatic): Alexander P. Kovalev, second secretary to the Soviet delegation to the United Nations was declared persona non grata and expelled for espionage activities.

May 29, 1954 (diplomatic): Leonid E. Pivnev, assistant air attaché in the Soviet Embassy in Washington, was declared persona non grata and expelled for engaging in espionage.

August 28, 1954: Nobuniori Higurashi, a Japanese Foreign Office official, committed suicide after he had confessed to giving secret information to a Soviet spy ring. The central figure in the ring was Yuri A. Rastvorov, former member of the Soviet mission in Tokyo, who has been granted political asylum in the United States. Two other Foreign Office officials have also been implicated.

December 22, 1954 (diplomatic): Maj. Ludvik Sochor, Czech military attaché in Geneva, and two of his assistants were expelled from Switzerland for espionage.

September 14, 1955: An Australian Royal Commission on Soviet Espionage released its report. The commission, created after Vladimir Petrov, third secretary of the Soviet Embassy, sought asylum from the Russians on April 13, 1954, declared that two Soviet spy "apparatuses" had been functioning in Australia since 1943. At least 120 Australians, all of whom were Communists, assisted the Soviet spy rings but because of the Australian law on espionage and the admissibility of evidence no prosecutions were undertaken.

March 1, 1956 (diplomatic): Maj. Anatoli Kuznetsov, assistant military attaché of the Soviet Embassy in Teheran was expelled from Iran after being arrested with Iranian Air Force Warrant Officer Hussein Rejaei Tehrani who confessed to espionage.

June 14, 1956 (diplomatic): Col. Ivan A. Bubchikov, assistant military attaché of the Soviet Embassy in Washington, was declared persona non grata for "activities incompatible to his continued presence in this country."

July 13, 1956 (diplomatic): Gennadi Popov, the Soviet second secretary, was expelled from Canada for spying.

August 24, 1956 (diplomatic): Victor I. Petrov, a translator in the languages section on the U.N. Secretariat, was discharged from the United Nations after the U.S. delegation issued a statement saying that Petrov had sought to get "information vital to the security and defense of the United States."

August 29, 1956 (diplomatic): Rostislav Shapovalov, second secretary of the Soviet mission to the U.N., was requested to leave the United States after it was discovered that he exerted pressure on a Russian refugee in the United States to become a Soviet agent.

September 5, 1956 (diplomatic): Sweden expelled Peter Mirosnikov for receiving secret data from Anatole Ericson and sent a formal protest to Moscow about its spy activities in that country.

October 5, 1956: Anatole Ericson, a radar instrument maker, was convicted of giving military secrets to Russia by a Swedish court and sentenced to 12 years at hard labor.

October 5, 1956: Jean Joseph Philip, a code clerk at the Budapest Legation in Paris, and Roger Dubois, Legation press attaché, were convicted in France of spying for the Hungarian Secret Service and were sentenced to imprisonment.

December 18, 1956 (diplomatic): Mate Vegh, former Hungarian second secretary, was expelled from Switzerland for spying.

January 14, 1957 (diplomatic): Maj. Yuri P. Krylov, assistant military attaché of the

Soviet Embassy in Washington, was declared persona non grata for purchasing classified electronic equipment and attempting to purchase secret military information.

January 28, 1957 (diplomatic): Vassili M. Molev, a clerk attached to the Soviet Embassy in Washington, was declared persona non grata by the State Department. He was later named as a coconspirator in the indictment of the Sobles' spy ring.

February 27, 1957 (diplomatic): The Danish Government expelled Soviet Lt. Comdr. Mikhail Ruditchev, assistant naval attaché of the Soviet Embassy, on the grounds that he was attempting to obtain secret military information.

March 12, 1957: A Swedish court sentenced Bedros Zartaryan, a Turkish engineer employed by a firm which was building Swedish naval and air bases, to 10 years at hard labor for grand espionage for the Soviet Union.

March 16, 1957 (diplomatic): Jiri Stejskal, third secretary of the Czechoslovak Legation in Vienna, was expelled from Austria for attempting to bribe a police official to carry out espionage work.

April 24, 1957: Robert Folke Damstedt, assistant secretary of the Swedish Atomic Energy Commission, was convicted of stealing secret papers, and was sentenced to 5 years in prison.

May 7, 1957: Three men were sentenced to death in Greece after being convicted of treason and espionage for the Soviet Union. Another man was given a life sentence, and five other persons were given lesser terms.

July 23, 1957: West German security officials broke a Communist spy ring headquartered in a Bonn hotel.

August 9, 1957: Myra Soble, wife of Jack Soble, was sentenced to 5½ years in prison after pleading guilty to charges of espionage.

August 9, 1957: Jacob Albam was sentenced to 5½ years in prison after pleading guilty to espionage in behalf of the Soviet Union as a member of the Soble spy ring.

September 5, 1957: A former Japanese Foreign Office official was fined and sentenced to prison for selling secrets to a Soviet agent.

September 20, 1957: U.S. Air Force Capt. George French was convicted and sentenced to life imprisonment for attempting to sell military secrets to the Soviet Union.

September 25, 1957: An Austrian customs service official was arrested for espionage and confessed that he turned information over to Czech Communist agents.

October 8, 1957: Jack Soble was sentenced to 7 years in prison after pleading guilty to heading a spy ring for the Soviet Union.

November 1957: German officials reveal that a former first lieutenant in the West German Air Force has been convicted of espionage.

November 15, 1957: Col. Rudolf I. Abel, a Soviet intelligence officer, was sentenced to 30 years in prison and fined $3,000 for passing U.S. defense and atomic secrets to Russia.

February 21, 1958: M. Sgt. Roy A. Rhodes was convicted by a U.S. Army court martial of conspiring to deliver U.S. secrets to the Soviet Union and was sentenced to 5 years imprisonment at hard labor and was dishonorably discharged.

May 19, 1958 (diplomatic): Aleksandr Solovyev, assistant military attaché of the Soviet Embassy in Rome, after being detained on charges of espionage was asked to leave Italy.

June 7, 1958 (diplomatic): Nikolai I. Kurochkin, third secretary of the Soviet Embassy in Washington, was declared persona non grata for the improper procurement of U.S. Army manuals and other materials.

July 18, 1958: Brian Linney, an engineer, was sentenced to 14 years imprisonment by a British court for selling secret information to Col. Oldrich Pribyl, a former Czech military attaché in England.

November 20, 1958: Mark Zborowski was convicted of perjury in denying to a Federal grand jury investigating espionage that he had known Jack Soble. He was sentenced to 5 years in prison.

November 20, 1958: Lt. Hans Berli was sentenced by a Swiss military court to 4 years hard labor for giving classified military secrets to Czech agents.

February 21, 1959: Einar Bleckinberg, a former Danish diplomat, was sentenced in Copenhagen to 8 years in prison for spying on behalf of Communist Poland.

January 30, 1960: Horst Ludwig and Fritz Briesemeister were sentenced by a West German court to 4 and 5 years at hard labor, respectively, for treason. Two other defendants, Werner Jaeger and his wife Hanni, were sentenced to 3 years and 18 months.

April 1, 1960: Anthony M. Wraight, a former Royal Air Force officer, was found guilty in London of having given military information to Russia and was sentenced to 3 years in prison.

May 11, 1960 (diplomatic): The Swiss Government arrested and expelled two Soviet Embassy officials for attempting to collect secret information on Swiss army installations and U.S. rocket bases in West Germany.

May 23, 1960: U.S. News & World Report (p. 54) described Communist espionage in West Germany as follows:

"Last year, in West Germany alone, 2,787 Communist spies were caught. * * * East Germany sent most of them * * * but 264 were from Russia, 114 from Poland, 63 from Czechoslovakia, 11 from Rumania, 8 from Hungary and 2 from Bulgaria.

"During the first 4 months of this year, 820 more Communist agents were arrested, including 691 from East Germany, 72 from Russia. Yet only a fraction of all spies sent from the Soviet bloc to West Germany are caught.

"The current estimate is that 17,000 Communist spies are operating in West Germany. * * * Red agents also make West Berlin the kidnaping center of the world. Since the war they have tried 340 kidnapings, succeeded in 255.

"West German estimates of 17,000 active agents do not include either the silent group (Polish, Czech and Rumanian spies posing as refugees) or the 35,000 members of the outlawed West German Communist Party.

"Over the years, more than 15,000 Red agents have been arrested in West Germany. Of these, fewer than 2,000 have been convicted. Many were let off because they confessed, voluntarily, not long after they entered West Germany. Others showed they were coerced into spying by Red threats to their families."

Sources: Facts of File; New York Times; U.S. Congress, House Un-American Activities Committee, "Patterns of Communist Espionage," 86th Cong., 1st sess., H. Doc. No. 119, January 1959, 81 pp.; U.S. Department of State; Washington Post and Times Herald.

ANNIVERSARY OF NOMINATION OF ABRAHAM LINCOLN TO BE PRESIDENT OF THE UNITED STATES

Mr. DIRKSEN. Mr. President, I do not want this day to pass without observing that 100 years ago today Abraham Lincoln was nominated, in a great structure in Chicago known as the Wigwam, as the Republican candidate for the Presidency of the United States.

I have read a good many accounts as to what happened at that convention, and particularly those of a New York reporter named Murat Halstead. I think it is one of the most fascinating bits of reporting I have ever seen.

Abraham Lincoln was 51 years old when he was nominated on May 18, 100 years ago today.

I think it was one of the statesmen from New York, Mr. William M. Evarts, who made a seconding speech, who used a phrase or two which were not only interesting, but very applicable. He spoke about, "for the suffrages of the whole country." That is an interesting phrase. It has been echoed by the distinguished Senator from Montana [Mr. MANSFIELD] and the distinguished majority leader, the Senator from Texas [Mr. JOHNSON], when they have spoken of unity. Unity means speaking for the whole country. That becomes an interesting echo from over a century of time.

Also in the speech Mr. Evarts used the phrase, in presenting the name of Mr. Lincoln, that he was nominating him to be "the Chief Magistrate of the American Union." There is a rounded sound about the expression, "Chief Magistrate of the American Union." This is a Union. It is American. There is a Chief Magistrate. His name is Dwight David Eisenhower. I glory in how he has spoken for the American Union under difficult and challenging circumstances.

I wish to add one squib from the Great Emancipator, Abraham Lincoln, because he had a dedication of spirit to the cause of peace precisely like that of the present President of the United States. On one occasion Lincoln said:

> The man does not live who is more devoted to peace than I am. None who would do more to preserve it. But it may be necessary to put the foot down firmly.

So our President is equally dedicated to the cause of peace, and with that same devotion and that same firmness of spirit he has put his foot down, and in so doing merited the applause of our people.

I think I am at liberty to say that the President will return to the Nation's Capital in midafternoon of Friday of this week. I hope that all the citizenry who are available and so disposed will be able to journey to Andrews Field and to greet the President as he returns to his own country.

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

Mr. DIRKSEN. I yield.

Mr. GRUENING. In regard to the reference to what took place 100 years ago in the Republican convention, history has certainly recorded that the Republican Party made a wonderful choice in its nominating Abraham Lincoln for President, but I invite attention to the fact that at that time there was also a magnificent second choice whom the Republicans did not choose to call upon. That was William Henry Seward, who led in the balloting for two ballots and was overtaken by Lincoln on the third, but who lived on to be one of the great Secretaries of State in both Lincoln's and Johnson's Cabinets, and to consummate the purchase of Alaska, thus making a further great contribution to our Nation, even greater than those he had previously made as the Governor of New York State and as a Member of this body.

Mr. DIRKSEN. Mr. President, to round out the historical aspects of the

matter, the President-elect wisely chose as his running mate, if it was within his choice, a very redoubtable citizen, a great scholar, I suppose one of the greatest Latin scholars who ever came to the Congress. He came from Maine, and his name was Hannibal Hamlin. He was really a great citizen.

BIRTHDAYS OF SENATOR JAVITS AND SENATOR KEATING, OF NEW YORK

Mr. DIRKSEN. Mr. President, I would like to have my friend the Senator from New York listen when I say that speaking of anniversaries, I would not let this day go by without observing that this is the anniversary of the birthday of the distinguished senior Senator from New York [Mr. JAVITS]. Interestingly enough, it is also the anniversary of the birthday of the junior Senator from New York [Mr. KEATING]. Probably, never in the history of the Senate have there been two Senators from the same State who have had the same natal day. And so I offer my felicitations to my distinguished friends, Senator JAVITS and Senator KEATING.

Mr. JAVITS. Mr. President, I wish to express my deep gratitude to my own leader. I understand the majority leader, when I was not in the Chamber earlier today, paid a tribute, on our birthday, to my colleague, Mr. KEATING, and to me. Mr. President, this is unusual, but it is a source of deep gratification to me. My colleague is not only a colleague, but also is a friend. We represent the most populous, and, in financial and industrial terms, the most powerful State in the Union. I should like to express to him my congratulations to him on his birthday, and to affirm our friendship and the gratification which I have in serving with a colleague in such close harness in the interests of so great a State.

Mr. President, it is a strange and fortuitous circumstance that Abraham Lincoln should have been nominated to be President on this day 100 years ago. This only enhances the joys of the day for me, and I know it does also for my colleague, Mr. KEATING.

I have one other thought which I wish to share with my colleague from Illinois. We have had a bad international blow in the last day. I have thought about it a great deal today. One does think about things on one's birthday. Perhaps this is a day to gain strength for what must be the integration of the free world and its greater devotion to freedom. I wish to state to my own leader the gratification which I have in being able to stand in the U.S. Senate and to fight for the causes which are conducive to that objective.

I am very grateful to my colleague for his affection and the warmth of his greeting.

Mr. DIRKSEN. I thank the Senator.

Mr. MANSFIELD. Mr. President, I wish to join with the distinguished minority leader in extending congratulations to New York's two famous sons. I believe both the Senator from Illinois and I served with them in the House of Representatives, and got to know them and to recognize their value at that time.

It is, of course, a sad occasion, as we get older to note each passing birthday. There is nothing we can do about it.

It is a pleasure to have the opportunity to join with the distinguished Senator from Illinois in honoring two great members of his party, who have made many contributions to the betterment and to the welfare of our country in both Houses of the Congress.

Mr. KUCHEL. Mr. President, I, too, desire to extend my most heartfelt congratulations to both the able Senators from New York. We have had occasion to listen to eloquence from the heart of our colleague, the senior Senator [Mr. JAVITS] but it is far more than his eloquence; it is, in addition, his ability and leadership in so many public causes in the Senate, which mellow the hearts of the rest of us on this occasion—it is his own friendship for his friends.

I should like to say to JACK, and in absentia to his colleague, KEN, that all of us in the Senate join in the congratulations of which our leader on the Republican side so eloquently spoke and of which earlier today the leader of the Democratic side spoke. If I may be pardoned for saying so, Mr. President, I am glad both these stalwart Senators sit on this side of the aisle.

Mr. COOPER. Mr. President, I also join with my colleagues in extending congratulations and good wishes to our colleagues from New York, the distinguished senior Senator [Mr. JAVITS] and the distinguished junior Senator [Mr. KEATING].

We know that both of these men are men of fine intelligence, with wonderful abilities and great capacities. We know also that they are men of great integrity, humane spirit and heart. They are splendid representatives of a great State.

I know that all of us have treasured—as I have particularly treasured—our associations and friendship with these two colleagues.

Mr. President, I wish to join also with the minority leader, the Senator from New York, and others, in noting that this is the 100th anniversary of the nomination of Abraham Lincoln to be President of the United States. One hundred years ago our country faced a great problem, the problem of whether this country would remain united. We survived a great war, a tragic war. That war, bad as it was, bound our country together.

I do not wish to draw any analogies which may not be quite correct, but I think it can be said that today we are in a very difficult situation. Our country faces great problems as we look ahead. One of the factors which has been happy and helpful in the last few days has been the support given to the President of the United States at the summit.

I hope and believe that that support will continue and that our country will be unified as we look ahead.

The summit was a test of the intentions of the Soviet Union and Mr. Khrushchev. It may be also a test of the determination of the people of the United States to take whatever measures are necessary to defend our security and their determination to pursue whatever measures may be necessary toward the solution of the issues which have brought about the differences between the United States and the Soviet Union, and also our determination to pursue disarmament continuously. All of those things may eventually and ultimately bring peace to our country and to the world. But I do wish to say that there is some similarity between the conditions we face today and those faced by the country 100 years ago.

Mr. ALLOTT. Mr. President, may I add to the words of the Senator from Kentucky [Mr. COOPER] my sincere congratulations to both Senators from New York on this very unusual and happy occasion of their birthdays. The junior Senator from New York [Mr. KEATING] a while ago spoke almost in a sad tone about the passing of the years and the addition of years to his age. I take from my own memory a quotation which might serve to hearten him. I believe it was Tennyson who said:

> Yet I doubt not through the ages one increasing purpose runs,
> And the thoughts of men are widen'd by the process of the suns.

So in achieving age, as we all come to our birthdays each year, we may feel the weight of years, but I am sure my friends will find heart in the words of Tennyson.

Mr. GRUENING. Mr. President, as a native of New York State I am happy to join in the tributes initiated by the distinguished minority leader in behalf of the two Senators from New York who are celebrating their birthdays today. I had a very happy contact and experience with them before I became a Member of the Senate, which was several years ago when, as a so-called "Tennessee plan" Senator, I was elected by the people of Alaska to come to Washington to promote the cause of Alaskan statehood. The argument was advanced by some Members of the Senate and some Members of the House of Representatives at that time that they did not see how it was possible to justify and could not vote for admitting Alaska with only a little more than 200,000 people, when the great State of New York with 15 million people had only two Senators. But those arguments were not made by the two Senators from New York, one of whom, Senator JAVITS, was in the Senate and the other Senator KEATING, in the House at that time. Both of them voted for statehood, thus showing that they took a broad national view which extended their interest from the East coast far into the Pacific to America's farthest western and northern terrain. In doing so they demonstrated that they fully appreciated the great value to our entire Nation of the admission of the 49th State. They saw the great value in extending the frontiers of democracy to within naked-eye view of the Soviet police state. They rose above the purely parochial argument based upon the disparity in population, between New York State and Alaska, understanding fully, as some other Members of Congress did not, that had the policy been followed from the very beginning to admit no new State

whose population was smaller than those which were already in the Union, we would still be a nation of 13 States strung along the Atlantic seaboard. I am happy to join in congratulations and best wishes to my colleagues from the Empire State and to applaud their statemanship on the Alaska and Hawaii statehood issue and on other issues of national importance since that time.

SUPPORT OF THE PRESIDENT

Mr. ALLOTT. Mr. President, I think that one of the striking events which has occurred in this country in the last few days is the heart-warming support of the President evinced by his countrymen. The insertion in the RECORD a few moments ago by the Senator from North Dakota [Mr. MUNDT] of the record of spying in this country by Russian spies, Stalin spies and Khrushchev spies, should make every American aware that we are not living in a world of fantasy. We are living in a world of realism, and we also have to engage in a program of realism if we are to protect ourselves.

Mr. President, I hope that every Member of the Senate, as well as other Members of the Congress, who can possibly do so, will be present to welcome the President when he reaches home and to express the unity behind the President which the leaders of the Senate on both sides of the aisle have so well expressed. This is a serious time, but I believe the unity of the people of the United States has never come closer to being a oneness than it has today. I hope it will continue.

AMENDMENT OF MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 2131), Calendar No. 1267.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended.

THE B–70 WEAPONS SYSTEM

Mr. CANNON. Mr. President, within recent days we have seen the hopes of the world for peace dashed by the impetuous and irresponsible tirades of Mr. Khrushchev at the Paris summit conference.

Instead of moving in the direction of disarmament and an easing of the tensions, we find to the distress and disappointment of the free world that we and the Russians are entering a period of even greater intensified cold war maneuvers in which the gravest consequences may be anticipated.

The question that seriously concerns me in that connection is, again, the adequacy and confidence that we can place in our Defense Establishment.

This body has heard prolonged and able debate by the junior Senator from California [Mr. ENGLE], by the junior Senator from Missouri [Mr. SYMINGTON], and others concerning the attributes and superiority of the B–70 bomber.

The Senate, Mr. President, has also heard that our danger point in our military security will occur in the next few years during which we are attempting desperately to close the missile gap.

I find it indefensible for the administration to have cut the $365 million B–70 budget approved by Congress last year to a figure of only $150 million this year. And I note with grave concern that the administration advocates an expenditure of only $75 million for fiscal 1961, when the amount for the B–70 should have been $463 million for fiscal 1961.

Where does this type of fiscal juggling of our military defenses place this country?

To me, it means that by the middle of this decade, we will have not a fleet of some 60 or more B–70 bombers capable of almost instantaneous arrival at a troubled area and capable of penetrating any known defense the Russians now have. But what we will have will be a mere prototype, an experimental model, which will not assure us that we can do what has to be done.

This will not, Mr. President, accomplish what many of our outstanding military leaders and congressional experts claim we should have at that critical time.

Therefore, I urge my colleagues in the Senate and Americans everywhere who are concerned with national defense to reexamine our vulnerability, to reexamine the scuttling of the B–70 program, and I am sure they will come to the conclusion that this country cannot afford to risk placing all of our confidence in the B–47's and B–52's of the Strategic Air Command and fixed, above-ground ICBM bases, together with Polaris, which may, in fact, be inadequate to a task which may come to them within the next few years.

Without the B–70 in our free world arsenal, our security would be doubtful. We could not, for example, place utmost confidence in our ICBM's, and we could not forever rely on the Strategic Air Command's present inventory.

This airplane, if we provide for its production now, would be the only recallable weapon that would be in our inventory even after all of our missiles are in place. Flying overhead even as a diplomatic weapon, it could be incalculable visible evidence of the military strength of this country.

It offers for us a weapon which could be directed toward the Soviet Union within minutes, and would require the U.S.S.R. to divert untold resources in manpower and treasure in seeking to provide a defense against the B–70. It is the one weapon that I feel would be exclusive to our inventory and which the Russians would not be capable of matching for some time.

The B–70 program, in my opinion, should be speeded up and placed on a crash program basis if that is what it will take to deliver these excellent airplanes at the earliest possible moment. To my mind, it represents an insurance policy which this country cannot afford to take lightly.

I hope that my colleagues in the Senate will weigh the evidence that has been presented in favor of the B–70 weapons system, and reexamine the contribution this system is ready to make to our defenses before unthinkingly subscribing to the administration policy that it is something we can do without.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 18, 1960, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 684. An act for the relief of Gerald Degnan, William C. Williams, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernark Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake;

S. 2317. An act for the relief of Mary Alice Clements;

S. 2523. An act for the relief of Harry L. Arkin;

S. 2779. An act relating to the election under section 1372 of the Internal Revenue Code of 1954 by the Augusta Furniture Company, Inc., of Staunton, Va.;

S.J. Res. 166. Joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol grounds in connection with the erection of a building on privately-owned property adjacent thereto.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. CANNON. Mr. President, I move that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 38 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 19, 1960, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 18, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Timothy 4: 17: *The Lord stood with me, and strengthened me.*

Eternal and ever-blessed God, who alone can make us equal to every untoward circumstance and every bitter calamity, wilt Thou give us a sense of security and strength as we walk a dim and shadowy way whose meaning our finite minds cannot comprehend.

Grant unto us the chivalry and courage of a strong faith which is confident that our anchor will hold no matter how fiercely the storms of adversity may rage and that out of the welter of world tragedy there will emerge a new and nobler era for all mankind.

Hear us as we daily pray that the nations of the earth may be drawn into a closer and deeper fellowship with one another, possessing the same passionate

strivings after peace and righteousness and inspired with the same earnest longings to be comrades in the doing of Thy will.

In the name of our blessed Lord we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

Mr. McCORMACK (after the Committee on the District of Columbia was called). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. The Committee on the District of Columbia was called. The next committee in order today or any future day when action is taken under Calendar Wednesday would be the Committee on Education and Labor.

The SPEAKER. That is correct.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that further proceedings under the call of Calendar Wednesday be dispensed with.

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

Mr. PATMAN. Mr. Speaker, reserving the right to object, has the Committee on the District of Columbia been called and passed?

The SPEAKER. The committee has passed.

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

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

HIGHWAY INVESTIGATION

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

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

There was no objection.

Mr. MUMMA. Mr. Speaker, the May 21 issue of Labor, a periodical put out by the railway labor organizations, devotes an article to the current highway investigation of the Roads Investigating Subcommittee.

It uses the words "shocking, biggest scandals, fantastic," and so forth, and borders on the overly enthusiastic use of the spectacular. The writer of that article further professes agony and attempts to malign all the railroaders against new highways despite the fact they might use them in their daily travels to and from work or just for the fun of Sunday driving.

However, for myself, speaking as a member of that subcommittee, I think the writer could not have been present at the hearings and heard all the testimony. I have been in the supply and materials and contracting business and feel qualified to pass on this subject. You know, the parallel that comes to my mind about this situation in Oklahoma is something like a bank clerk being in collusion with the vice president of a bank—how long does it take the president or board of directors to find out something improper had been going on—perhaps until the Federal bank examiner comes around and uncovers the mess, if he is lucky and the bank clerk and board of directors do not attempt to conceal the dereliction from the examiner, which is the sort of thing which happened in the Oklahoma case.

To attribute the program as being full of corruption because of the Oklahoma incident is gross injustice to the rest of the highway construction program and untrue.

COMMITTEE ON THE JUDICIARY

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from Louisiana [Mr. WILLIS] I ask unanimous consent that Subcommittee No. 3 of the Committee on the Judiciary may be permitted to sit today during general debate.

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

There was no objection.

SAN LUIS UNIT OF THE CENTRAL VALLEY PROJECT

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7155) to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, California, to enter into an agreement with the State of California with respect to the construction and operation of such unit, and for other purposes.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 94]

Alexander	Durham	Murray
Allen	Forand	Pillion
Baring	Gavin	Powell
Blitch	Gilbert	Preston
Bonner	Green, Oreg.	Roberts
Brown, Mo.	Hébert	Rogers, Tex.
Buckley	Jackson	Santangelo
Cannon	Johnson, Colo.	Scott
Celler	Kilburn	Short
Chelf	Landrum	Smith, Kans.
Davis, Tenn.	Mitchell	Taylor
Dawson	Morris, Okla.	Walter
Diggs	Moulder	Williams

The SPEAKER. On this rollcall 393 Members have answered to their names, a quorum.

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

SAN LUIS UNIT OF THE CENTRAL VALLEY PROJECT

The SPEAKER. The question is on the motion offered by the gentleman from Colorado [Mr. ASPINALL].

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 7155, with Mr. THOMPSON of Texas in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read through section 1, ending on line 21, page 3 of the bill.

If there are no amendments to this section, the Clerk will read.

Mr. HEMPHILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEMPHILL: On page 3 at end of line 21 insert new paragraph to be known as paragraph (b) to read as follows:

"No water provided by the Federal San Luis unit shall be delivered in the Federal San Luis service area to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity as estimated by the Secretary of Agriculture for the marketing year in which the bulk of the crop would normally be marketed and which will be in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary calls for an increase in production of such commodity in the interest of national security."

Then renumber the first paragraph as section 1(a) and renumber other sections accordingly.

Mr. HEMPHILL. Mr. Chairman, the purpose of this amendment is to keep within some reason this particular authorization bill. This is similar to the language which is contained in the Senate bill, although not identical. The language contained in the Senate bill, we find here, had some technicalities as to what marketing year would be involved. All this does is to say that we are not going to here authorize the use of water to promote further surpluses, and we take the basic crops, which are cotton, wheat, tobacco, rice—I believe corn has been included on a different formula—and say that the irrigation districts or the water districts cannot contract for the use of this water on this new land, if there is any new land irrigated—and I assume there will be—to provide more surplus crops.

Now, I might say to the gentleman from California, if he will give me his attention, that I would like for him to answer for me at this time a question about the cotton acreage production in this particular area. As I understood the gentleman from California yesterday in reply to the gentleman from North Carolina, the gentleman from California

assured the gentleman from North Carolina that despite the fact that the committee report said that there were 132,000 acres of cotton, the result of this particular legislation, if enacted, would be to reduce the cotton acreage.

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

Mr. HEMPHILL. I yield to the gentleman from California.

Mr. SISK. In answer to the question yesterday, I stated that rather than increasing any acreage in cotton, it definitely would reduce the acreage. Of course, I am basing that on actual, practical knowledge of the area and what will happen once we develop and get some sweet water, pure water, that will grow fruits and many other things that the present water will not grow due to the chemicals within that water. The particular material referred to in the report was taken from the original Bureau of Reclamation report, and apparently the assumption was there that certainly the acreage would not increase. It is my opinion, and it was testified before our committee at length by a great many people farming in the area, that cotton acreage would go down substantially and grain acreage, as such probably would disappear, because it is much more feasible economically to produce vines—that is, grapes and fruits of various types—nuts and many of the other specialty crops in this semitropical area than it is to produce things like grain or cotton which we are forced to do now because of the chemicals in the water which we are pumping from the deep wells.

If the gentleman will yield further, let me say this: So far as I am concerned, I am happy to accept his amendment. I realize that many times people in some of the areas would prefer not to have this language, feeling that it might cause some problem. However, I am in complete agreement with him; under no circumstances do I want to see, and I believe no one in California wants to see any increase in production of crops that are in surplus. It is my firm conviction, as I think it is that of the people of California, that what we would be permitted to do here under diversification is to reduce production substantially. On that basis I am happy to accept the amendment offered by the gentleman from South Carolina.

Mr. HEMPHILL. I thank the gentleman from California. I might say to the gentleman that it does not make sense to us to pay people to take cotton land out of production in one part of the country and then legislate to put land into cotton production in another part of the country. It does not make reason, although I recognize that in our agricultural approach in this country the rule of reason is not the rule of the Department of Agriculture.

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

Mr. HEMPHILL. I am glad to yield to the gentleman.

Mr. SAYLOR. I should like to say the amendment the gentleman has offered has materially strengthened this bill; it has improved it. I want to commend him for offering this amendment.

Mr. HEMPHILL. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. HEMPHILL] has expired.

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

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

There was no objection.

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

Mr. HEMPHILL. I am glad to yield to the gentleman.

Mr. HOEVEN. I think the gentleman's amendment makes a lot of sense and I certainly shall support it.

Mr. HEMPHILL. I thank the gentleman. I might say to the gentleman that the junior Senator from California made the statement in the other body on the 12th day of May that the effect on the basic crops that would be affected in this area would be to reduce production and acreage. They want the land for the production of vegetables and other crops of that kind. I appreciate the support given me in protecting the growers of our basic crops. They are limited now by acreage allotments. My amendment provides that this bill shall not jeopardize those allotments and the water will not be used to increase surplus crops.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. HEMPHILL].

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. The Secretary is authorized, on behalf of the United States, to negotiate and enter into an agreement with the State of California providing for coordinated operation of the San Luis unit, including the joint-use facilities, in order that the State may, without cost to the United States, deliver water in service areas outside the Federal San Luis unit service area as described in the report of the Department of the Interior, entitled "San Luis Unit, Central Valley Project", dated December 17, 1956. Said agreement shall recite that the liability of the United States thereunder is contingent upon the availability of appropriations to carry out its obligations under the same. No funds shall be appropriated to commence construction of the San Luis unit under any such agreement, except for the preparation of design and specifications and other preliminary work, prior to ninety calendar days (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) after it has been submitted to the Congress, and then only if neither the House nor the Senate Interior and Insular Affairs Committee has disapproved it by committee resolution within said ninety days. If such an agreement has not been executed by January 1, 1962, and if, after consultation with the Governor of the State, the Secretary determines that the prospects of reaching accord on the terms thereof are not reasonably firm, he may proceed to construct and operate the San Luis unit in accordance with section 1 of this Act: *Provided*, That, if the Secretary so determines, he shall report thereon to the Congress and shall not commence construction for ninety calendar days from the date of his report (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three days). In considering the prospects of reaching accord on the terms of the agreement the Secretary shall give substantial weight to any relevant affirmative action theretofore taken by the State, including the enactment of State legislation authorizing the State to acquire and convey to the United States title to lands to be used for the San Luis unit or assistance given by it in financing Federal design and construction of the unit. The authority conferred upon the Secretary by the first sentence of this section shall not, except as is otherwise provided in this section, be construed as a limitation upon the exercise by him of the authority conferred in section 1 of this Act, but if the State shall agree that, if it later enlarges the joint-use facilities, or any of them, it will pay an equitable share of the cost to the United States of those facilities as initially constructed before utilizing them for the storage or delivery of water and will bear the entire cost of enlarging the same and if, as a part of said equitable share, it makes available to the Secretary sufficient funds to pay the additional cost of designing and constructing the joint-use facilities so as to permit enlargement, it shall have an irrevocable right to enlarge or modify such facilities at any time in the future, and a perpetual right to the use of such additional capacity: *Provided*, That the performance of such work by the State, after approval of its plans by the Secretary, shall be so carried on as not to interfere unduly with the operation of the project for the purposes set forth in section 1 of this Act and the use of the additional capacity for water service shall be limited to service outside of the Federal San Luis unit service area: *And provided further*, That this right may be relinquished by the State at any time at its option.

SEC. 3. The agreement between the United States and the State referred to in section 2 of this Act shall provide, among other things, that—

(a) the joint-use facilities to be constructed by the Secretary shall be so designed and constructed to such capacities and in such manner as to permit either (i) immediate integration and coordinated operation with the State's water projects by providing, among other things, a capacity in San Luis Reservoir of approximately two million one hundred thousand acre-feet and corresponding capacities in the other joint-use facilities or (ii) such subsequent enlargement or other modification as may be required for integration and coordinated operation therewith;

(b) the State shall make available to the Secretary during the construction period sufficient funds to pay an equitable share of the construction costs of any facilities designed and constructed as provided in paragraph (a) above. The State contribution shall be made in annual installments, each of which bears approximately the same ratio to total expenditures during that year as the total of the State's share bears to the total cost of the facilities; the State may make advances to the United States in order to maintain a timely construction schedule of the joint-use facilities and the works of the San Luis unit to be used by the State and the United States;

(c) the State may at any time after approval of its plans by the Secretary and at its own expense enlarge or modify San Luis Dam and Reservoir and other facilities to be used jointly by the State and the United States, but the performance of such work shall be so carried on as not to interfere unduly with the operation of the San Luis unit for the purposes set forth in section 1 of this Act;

(d) the United States and the State shall each pay annually an equitable share of the

operation, maintenance, and replacement costs of the joint-use facilities;

(e) promptly after execution of this agreement between the Secretary and the State, and for the purpose of said agreement, the State shall convey to the United States title to any lands, easements, and rights-of-way which it then owns and which are required for the joint-use facilities. The State shall be given credit for the costs of these lands, easements, and rights-of-way toward its share of the construction cost of the joint-use facilities. The State shall likewise be given credit for any funds advanced by it to the Secretary for preparation of designs and specifications or for any other work in connection with the joint-use facilities;

(f) the rights to the use of capacities of the joint-use facilities of the San Luis unit shall be allocated to the United States and the State, respectively, in such manner as may be mutually agreed upon. The United States shall not be restricted in the exercise of its right so allocated, which shall be sufficient to carry out the purposes of section 1 of this Act and which shall extend throughout the repayment period and so long thereafter as title to the works remains in the United States. The State shall not be restricted in the exercise of its allocated right to the use of the capacities of the joint-use facilities for water service outside the Federal San Luis unit service area;

(g) the Secretary may turn over to the State the care, operation, and maintenance of any works of the San Luis unit which are used jointly by the United States and the State at such time and under such conditions as shall be agreed upon by the Secretary and the State;

(h) notwithstanding transfer of the care, operation, and maintenance of any works to the State, as hereinbefore provided, any organization which has theretofore entered into a contract with the United States under the Reclamation Project Act of 1939, and amendments thereto, for a water supply through the works of the San Luis unit, including joint-use facilities, shall continue to be subject to the same limitations and obligations and to have and to enjoy the same rights which it would have had under its contract with the United States and the provisions of paragraph (4) of section 1 of the Act of July 2, 1956 (70 Stat. 483, 43 U.S.C. 485h–1) in the absence of such transfer, and its enjoyment of such rights shall be without added cost or other detriment arising from such transfer;

(i) if a nonreimbursable allocation to the preservation and propagation of fish and wildlife has been made as provided in section 2 of the Act of August 14, 1946 (60 Stat. 1080, 16 U.S.C. 662), as amended, the features of the unit to which such allocations is attributable shall, notwithstanding transfer of the care, operation, and maintenance to the State, be operated and maintained in such wise as to retain the bases upon which such allocation is premised and, upon failure so to operate and maintain those features, the amount allocated thereto shall become a reimbursable cost to be paid by the State;

(j) the State shall not serve any lands within the Federal San Luis unit service area except as such service is required as a consequence of its acceptance of the care, operation, and maintenance of works under paragraph (g) of this section.

Mr. BALDWIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BALDWIN: On page 10, following line 10, insert following new section: section 4:

"If the Secretary proceeds to construct, operate, and maintain the San Luis works under the terms of section 1 of this Act solely as a Federal project, the operation shall be subject to the following restriction:

"Whenever the chlorides in the water at the head of the Delta-Mendota Canal exceed 150 parts per million during the months of July, August, or September, the mean daily diversion from the Sacramento-San Joaquin Delta to San Luis unit via Tracy pumping plant and Delta-Mendota Canal as measured at the San Luis pumping plant shall not exceed the mean daily import to the Sacramento Valley from the Trinity project."

Renumber the remaining sections of the bill.

Mr. BALDWIN. Mr. Chairman, the purpose of this amendment is to protect the Sacramento-San Joaquin Delta from undue infiltration of salt water during the summer months. This amendment provides that in the event the chlorides in the water at the head of the Delta-Mendota Canal exceed 150 parts per million during the months of July, August, or September, the mean daily diversion from the Sacramento-San Joaquin Delta to the San Luis unit via Tracy pumping plant and Delta-Mendota Canal as measured at the San Luis pumping plant shall not exceed the mean daily import to the Sacramento Valley from the Trinity River project, which shall be defined as the mean daily release from Whiskeytown Reservoir. The effect of this amendment would be to bar any pumping of water from sources which are natural to the Sacramento-San Joaquin Delta in the event chlorides exceed 150 parts per million at the head of the Delta-Mendota Canal. Since the Trinity River project will introduce additional water into the Sacramento River channel which is not natural to the Sacramento-San Joaquin Delta, the residents of the delta would have no riparian rights as to the Trinity River water and, therefore, they would have no legal right to endeavor to bar the use of this Trinity River water in the San Luis project, even during the summer months of July, August, or September. However, this amendment would recognize the right of these residents of the delta to bar pumping in the San Luis project of waters which are natural to the Sacramento-San Joaquin Delta such as the water from the Shasta Dam, Folsom Dam, Monticello Dam, and other similar dams on tributaries of the Sacramento and San Joaquin River, whenever the chlorides exceed 150 parts per million at the head of the Delta-Mendota Canal. This amendment will give protection to the residents of the delta from undue salinity infiltration.

Since it has been stated both in the committee report on H.R. 7155 and in the floor debate that the primary period during which water will be pumped into the San Luis project will be during the winter months, this amendment should have no adverse effect whatsoever on the operation of the San Luis project.

I urge the adoption of this amendment.

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

Mr. BALDWIN. I yield to the gentleman from California.

Mr. SISK. I appreciate very much the problem the gentleman has in the area he represents, and I am fully cognizant of the problem he seeks to solve to be sure it does not recur. I am completely in accord with the position he takes. Therefore, I personally am very happy to accept the amendment the gentleman is offering.

Mr. BALDWIN. I thank the gentleman.

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

Mr. BALDWIN. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I am happy to accept the amendment. It will relieve a situation which is worrying the people in the area the gentleman represents.

Mr. BALDWIN. I thank the gentleman.

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

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. In constructing, operating, and maintaining a drainage system for the San Luis unit, the Secretary is authorized to permit the use thereof by other parties under contracts the terms of which are as nearly similar as is practicable to those required by the Federal reclamation laws in the case of irrigation repayment or service contracts and is further authorized to enter into agreements and participate in construction and operation of drainage facilities designed to serve the general area of which the lands to be served by the San Luis unit are a part, to the extent the works authorized in section 1 of this Act contribute to drainage requirements of said area. The Secretary is also authorized to permit the use of the irrigation facilities of the San Luis unit, including its facilities for supplying pumping energy, under contracts entered into pursuant to section 1 of the Act of February 21, 1911 (36 Stat. 925; 43 U.S.C. 523).

SEC. 5. The Secretary is directed to plan the works authorized in this Act in such a manner as to contemplate and make possible the future provision of Central Valley project service, by way of the Pacheco Tunnel route, to lands and municipalities in Santa Clara, San Benito, Santa Cruz, and Monterey Counties heretofore anticipated as a possibility by the Acts of December 14, 1949 (63 Stat. 852) and August 27, 1958 (72 Stat. 937). Construction of additional works to provide such service shall not be undertaken until a report demonstrating their physical and economic feasibility has been completed, reviewed by the State, and approved by the Secretary, and the works have been authorized by Act of Congress.

With the following committee amendment:

Page 11, line 9, strike out "December" and insert "October".

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 6. The Secretary is authorized, in connection with the San Luis unit, to construct minimum basic public recreational facilities and to arrange for the operation and maintenance of the same by the State or an appropriate local agency or organization. The cost of such facilities shall be nonreturnable and nonreimbursable under the Federal reclamation laws.

Mr. ASPINALL. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 11, line 20, strike "suih" and insert "such".

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. The provisions of the Federal reclamation laws shall not be applicable to water deliveries or to the use of drainage facilities serving lands under contract with the State to receive a water supply, outside of the Federal San Luis unit service area described in the report of the Department of the Interior, entitled "San Luis Unit, Central Valley Project", dated December 17, 1956.

Mr. ULLMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ULLMAN: On page 11, after line 22, strike out lines 23 and 24, and on page 12 strike out lines 1 through 5.

Mr. ULLMAN. Mr. Chairman, this is the amendment to strike out section 7 of the bill. I want to state at the outset, I am in favor of this project. It is an excellent project. It is one that is very greatly needed to develop fully the limited water resources of this area. But I want to explain something about this project. This is a joint undertaking, an undertaking between the Federal Government and the State of California. It has taken many months and many years of negotiations between the two groups in order to find some area of agreement in which they can go forward and develop these water resources. In this bill which is before you, they have arrived at partial agreement, an agreement only to this limited extent, it provides that at some time in the future, an arrangement shall be worked out between the State of California and the Federal Government as to the joint construction and operation of the San Luis project.

Mr. Chairman, I am willing to go along with this concept because I think this is probably the only way we can proceed in order to get the water resources properly developed. But I am very much interested as I know my colleagues are in protecting the basic reclamation law, the practices and the safeguards governing reclamation that we have built up over these many years. I am particularly concerned about preserving the 160-acre limitation in this project. When the Federal Government spends money, the money of all the people of the Nation, to develop a reclamation project, the benefits should be spread as broadly and as widely as possible and we should be particularly careful that no large landowners or special interest gain special enrichment. That, in effect, is what this amendment says. Now this is a sound provision. It is one that the people of America have insisted upon all through these years. Section 7 would, in effect, say that the portion of the project that is beyond the Federal service area should not be subject to this limitation. Due to the vagueness of the Federal-State relationship and due to the fact that no agreement has been worked out, this, in effect, becomes a Trojan horse section—it opens wide doors to special privilege. There are tremendous landholders here who are very much interested in getting all the benefits they can from this project. If we leave this section in the doors are open to circumvent the basic reclamation laws and the 160-acre limitation. The issue is this: Shall Federal benefits and Federal safeguards follow Federal investment? I am not here to tell you that we should try to superimpose upon the State all of our Federal requirements. All I say is that Federal benefits should follow Federal investments. If we leave out section 7, you have a complete bill. This provision was not included in the original legislation. Our committee experts say the section is surplusage. The only reason I can determine why it was put in the bill is because there are large landholders in the area who want to gain special privileges.

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

Mr. ULLMAN. I yield.

Mr. ASPINALL. Does not the gentleman from Oregon remember the discussion that took place in committee, to the effect that this was a part of the agreement between the northern and southern interests in California, and that they were supposed to be in agreement? This section 7 came before our committee and was treated by our committee as a part of the understanding between the interets in the State of California. The gentleman also understands, I think, that the committee on which he serves, the Committee on Interior and Insular Affairs, is not desirous of having these intrastate quarrels thrashed out on the floor of the Congress of the United States.

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

Mr. ASPINALL. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon may be permitted to proceed for another 5 minutes.

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

There was no objection.

Mr. ASPINALL. So it does follow that this language is in this bill for a purpose; that is, to show that wherever there is a State interest involved, if the State facility is paid for entirely by State funds, then the Federal law should not be applicable to that particular project or part of a project.

Mr. ULLMAN. Certainly what the gentleman has said is true. But this particular provision is one on which landholders and interests in the southern California area were particularly insistent. It has been said repeatedly on the floor that this section is redundant, that you do not need this language in the bill in order to carry forward the purposes of the act. It has been said repeatedly that this does not change the reclamation law. If it does not change the reclamation law, then why is it in the bill? I have grave fear, and many others join me in that fear that this section will be the vehicle to circumvent the 160-acre limitation. Why would there be this great fight over this section unless somebody had a great deal to gain?

The proponents of the section have said: "We do not want it to get into the courts." I say: What do you have to fear from the courts if you are not changing reclamation law? If it does change the reclamation law, then we should analyze that change on its own merits. This the committee has not done. If it does not change the reclamation law, it has no business in this bill. It is surplusage. There is no question of States rights here. On page 8, it says:

The State shall not be restricted in the exercise of its allocated right to the use of the capacities of the joint-use facilities for water service outside the Federal San Luis unit service area.

We are not attempting to foist anything upon the State. All we want to do is to safeguard our Federal investment; make sure we maintain the safeguards on the Federal investment.

I hope my colleagues will concur in this amendment. The other body took several days to debate this issue. They finally struck this section out, and I am sure those who want this bill will vote to strike this section and allow the bill to become law.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield.

Mr. GEORGE P. MILLER. I want to congratulate the gentleman. Fourteen or fifteen years ago this was a hot issue. It defeated a Democratic Senator for reelection from our State. The very associations and groups who are now advocating the repeal of the land limitation clause of the reclamation law are the same ones who were advocating its repeal then. You can tell me all you want to that there is not something to be gained by keeping section 7 in the bill. I do not believe it. The ones who are trying to retain it are the prototype of those who have been against the 160-acre limitation clause for the past 30 years.

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

Mr. ULLMAN. I yield.

Mr. ROOSEVELT. I, too, want to congratulate the gentleman on his statement, and particularly because I come from southern California. I want to say, very frankly, I believe that if there was not something that some very special groups could see to their advantage from retaining this provision in the bill, I do not think it would be in. I can see no harm in taking it out. I do not believe in any way it will jeopardize the sale of bonds on the California project. I earnestly support the gentleman in what he is saying.

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

Mr. ULLMAN. I yield.

Mr. BURDICK. Mr. Chairman, I wish to compliment the gentleman and rise in support of the amendment.

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

Mr. Chairman, the best that can be said of the arguments thus far made in favor of the pending amendment is that they are in error. What we have here is not one project, but two separate projects: One project to serve roughly half a million acres in Mr. SISK'S area, the

central Joaquin Valley, California, out of the Federal project; and in addition to the project to serve Mr. SISK's area we have a separate State water project.

Both of these projects, because of the geographical facts of life in California, have to occupy the same reservoir site in order to store their water; so we got together on building a dam at the San Luis site, which is the only available site that will hold both State water and Federal water. They are each going to put their own water into it; they are each going to take their own water out of it. There is a sharing of the costs; the State is paying its fair share and the Federal Government is paying its share to construct this reservoir. I do not see why any Federal law should be imposed upon the water produced by the State any more than there is any reason why State law should be imposed on the Federal project. If anybody reads the Constitution and believes we have State governments and a Federal Government he should realize that this is a matter of States rights, and there should be no interference from the Federal Government.

Why do the people from southern California want this section 7 left in if the report says it is surplusage? Insofar as our committee and the Congress is concerned it is surplusage, but from the California State standpoint it is not surplusage. They look at it from the standpoint of removing the possibility of long litigious lawsuits over the next 20 years which will delay the project while those lawsuits are being carried through the various courts, and which would keep this arid and thirsty area from getting the water it needs for many years. I ask that it be kept in for that reason, and I ask that it be kept in for the additional reason that it will make it impossible for certain areas in Kern County to join in with the State-financed plan; and, as a consequence, the people further south who must take this water and use it in their factories, their homes, and their industries will have, by themselves alone, to build the conduit to carry this water up over the mountains and down into the valleys, a very, very expensive job. It will increase the cost to our workers and to our industries and to our homes unmercifully if we have to do this. So that is the second reason we wish to have this in.

The third reason, of course, is to avoid the delay in getting the bond issue, because you cannot issue State water bonds and get a financial house to float them while there is litigation pending. This particular section 7 spells out here once and for all what is a fact, that the Federal reclamation law does not interfere with the State project, and removes the possibility of carrying this thing up through the courts of the land through the course of some 20 years, with the consequent delay of getting water service to our people.

The most zealous protector of the 160-acre limitation that we know of in this land, the National Reclamation Association, under date of yesterday advised each and every one of the Members of this body that it recommends retention of section 7. Of course, its recommendation is based on the very reasons I have given.

In closing its memorandum to the Congress, the National Reclamation Association said this:

> The San Luis project is urgently needed. Your support for the bill, H.R. 7155, with section 7 included, would be very greatly appreciated.

That comes from the most zealous protector of the 160-acre limitation in the country. They know and they understand this situation, and they recommend that the amendment before you be defeated. They recommend it in the interest of the maximum use of water in this water-short land of ours, they recommend it in the interest of the progress of the West and thereby in the interest of the progress of the rest of the Nation. They realize that the arguments upon which the amendment before you is based are fallacious. They have analyzed the matter and they say to the Congress of the United States: "Act sensibly, keep section 7 in there, permit the project to go ahead as it should go ahead on a sound basis, recognizing the difference in jurisdiction between the State and Federal Government and if a 160-acre limitation is proper in the State area, let the State impose it."

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

Mr. Chairman, I speak in support of the amendment offered by the gentleman from Oregon [Mr. ULLMAN] to delete section 7 from the San Luis bill.

Debate yesterday and today has opened up the question with which this amendment is concerned, namely, the question of how Federal reclamation law shall apply to a project of this unique nature which involves joint Federal and State investment. Let me reiterate that this is a unique problem because it is a joint Federal-State project that we are planning at San Luis.

Normally, Federal reclamation law would apply to a federally constructed reclamation project. Normally, it would not apply to a State-constructed project. But this is a joint Federal-State project and the entirely honest and legitimate question of how reclamation law shall apply here arises.

The bill in the original form proposes to answer this question simply by stating that water taken from the San Luis Reservoir to be used in the Federal Central Valley project shall be subject to Federal reclamation law and that water taken from the reservoir for all other purposes shall be specifically freed from Federal reclamation law. It is section 7 which states this latter provision.

This formula is unacceptable. It ignores the all-important fact that Federal reclamation law has traditionally been stated not in terms of where water is used, but in terms of the facilities through which it is developed. There can be no question about it. Title 43 of the United States Code, section 523, reads:

> Water impounded, stored, or carried in Federal reclamation facilities shall be subject to Federal reclamation law.

Because this formula is unacceptable—the formula set forth in the present bill in its section 7—we should delete it as proposed in the Ullman amendment.

The fact is that waters to be accumulated in the San Luis Reservoir will have been developed elsewhere in the various mountainous regions of the State of California and will have been regulated and controlled by such facilities as Shasta Dam, Keswick Dam, Nimbus Dam, Folsom Dam, and others—all projects constructed with Federal funds. Then, on top of that, at San Luis itself, these waters shall have been stored in another facility dependent upon Federal funds. Let us not forget that the San Luis Reservoir substructure will be entirely a Federal project. If the State of California does, in the final instance, participate to make the San Luis Reservoir a joint Federal-State project—if it does, it will add to the basic Federal substructure.

Now, it is not my contention that the Federal reclamation law should apply to waters developed entirely by the State of California. What I am saying is that the definition of so-called State waters included in this legislation in its section 7 is simply not correct. In direct conflict with Federal reclamation law, the language of this section would set as a basis for the application of the law the standard of where it is to be used. Instead, the law traditionally applies on the basis of what facilities are used to develop and accumulate the water.

Clearly, then, section 7 of this measure is a device to bypass and confuse existing Federal reclamation law. It should, therefore, be removed.

I take issue with my good friend and colleague from the 14th District of California [Mr. HAGEN] who yesterday suggested that those of us who oppose the formula provided in section 7 should themselves offer clarifying language.

On the contrary, it is plain enough on the face of it that those who propose to bypass Federal reclamation law by putting forth this kind of formula, when their proposals are called to light and criticized, must then themselves suggest an alternative—presumably one more in line with traditional reclamation principles. Furthermore, if they cannot offer an acceptable alternative, I believe we have no choice but to strike section 7 from this measure and leave a final determination of the question to the courts.

I think it remains only to be pointed out once again that the result of passing this bill without cleaning up the matter of Federal reclamation law can only be unjust enrichment of the various large land owners who will benefit by receiving water from facilities built in some substantial degree with Federal tax revenues.

I urge strongly that our colleagues support the Ullman amendment, because, in doing so, we will be preventing the bypassing of Federal reclamation law. Then, with this question answered, we can join in supporting the San Luis project which is so vital to the State of California and which, in its large purposes, has my full support.

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

Mr. Chairman, I would like to state at the outset that I was not in Congress at the time when my colleague from California waged his fight, and I am one of those who wants to retain section 7, and I was not a part of that fight. Nor does this San Luis project deliver any water to our particular section.

Mr. Chairman, I am in favor of retaining section 7 for three fundamental reasons; three. In the first place, this is the first joint reclamation project that we have had. Every time we have something in which the State participates it is a question: If the Federal Government puts some money in it, are they going to control? I think we ought to make clear so as to encourage other States to participate in reclamation that if they do participate with the Federal Government, there is no intention on the part of the Federal Government because they put some money in it to control the water that comes out of a joint project. And, you can only do that by keeping section 7 in so that the intent of Congress is known.

Second, this fear of the 160-acre limitation certainly ought to have no bearing here, because the organization that represents that group, the National Reclamation Association, is for retention of section 7. I am sure that the gentleman from Oregon [Mr. ULLMAN] believes in the National Reclamation Association; is that not true?

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

Mr. YOUNGER. I yield to the gentleman.

Mr. ULLMAN. I would say to the gentleman that the National Reclamation Association generally represents large landowners. The National Grange, the National Farmers Union, and the labor organizations represent a great many taxpayers. Those organizations are all against section 7 and are supporting my amendment.

Mr. YOUNGER. I am very happy that the gentleman brought that up, the tax question, because it brings me to the third part—to my mind, the important part of this proposal—and that is the payer. Who is going to pay for this project? In my opinion, the people who are going to pay for this project are the ones whose attitude and whose recommendation we should pay some attention to. I have here a letter which I think most Members have received from the Feather River Project Association. Let me read from this the names of the associations which are joined here and want to keep section 7 in:

Partial list of California counties, agencies, organizations, and associations which have officially declared their support of the provisions of section 7 of H.R. 7155 (Sisk), a bill to authorize the Federal San Luis unit, Central Valley project, California: Irrigation Districts Association of California (represents 190 water districts in California), Metropolitan Water District of Southern California, Antelope Valley-East Kern Water Basin Association, Eastern Municipal Water District, Riverside County Water Association, Santa Ana River Water Association, San Bernardino County Supplemental Water Association, Chino Basin Municipal Water District, Mojave River County Water District, Mojave Water Agency, Mojave Desert Soil Conservation District, San Bernardino Valley Water Conservation District, California Farm Bureau Federation, Kern County Farm Bureau, San Bernardino County Farm Bureau, Imperial County Farm Bureau, Kern County Board of Supervisors, San Bernardino County Board of Supervisors, League of Women Voters, Los Angeles Chamber of Commerce, Bakersfield Chamber of Commerce, and Feather River Project Association.

Southern California Water Coordinating Conference, which includes members representing the following: San Antonio Water Co., Southern California Water Co., Santa Fe Irrigation District, Calleguas Municipal Water District, Eastern Municipal Water District, Southern California Water Works Association, Western Municipal Water District, Metropolitan Water District, Orange County Water District, Bueno Colorado Municipal Water District, California Water & Telephone Co., Central Basin Municipal Water Association, Orange County Municipal Water District, Compton Municipal Water District, San Diego County Water Authority, Orange County Municipal Water Authority, Palm Springs Water Co., San Bernardino Valley Municipal, Municipal Water District, United Water Conservation District, Ventura River Municipal Water District, Chino Basin Mutual Water District, Fallbrook Public Utility District, Riverside County Water Advisory Commission, Inglewood Water Department, Long Beach Water Department, Coachella Valley County Water District, and Oceanside Water Department.

I think if we pay attention to the people who are paying the bill, we will leave in section 7.

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

Mr. Chairman, it pains me to disagree with my good friends, the gentleman from California [Mr. COHELAN] and the gentleman from Oregon [Mr. ULLMAN], for whose motivation I have the highest regard. I just think they are wrong in this instance and I hope that Members listening will vote for or against this amendment on the basis of fact and logic rather than on the basis of emotion or the identity of persons on one side or the other of this question.

Section 7 in the bill was worked out very carefully with the author of the bill, the gentleman from California [Mr. SISK], and representatives of the Governor's office in California, and at no time was it ever stated that there was any intention to change Federal reclamation law. I am certain if that were the case the gentleman from California [Mr. SISK] would not have included it in his bill, because he has stated repeatedly that he supports Federal reclamation law.

Therefore, there is a disagreement only over the question of whether or not section 7 accomplishes more than we seek to accomplish, to wit, a clear statement of the presently prevailing interpretation of reclamation law applied to the facts of the San Luis project. If we want to label this section 7 which we seek to retain in the bill, it might be described as the antibarratry section, the States rights section, the prevention of litigation section, the clarity and equity section; any one of these phrases would fit it. It merely states what we consider the prevailing opinion to be with respect to current Federal law as applied to the facts which will be represented in the joint undertaking of the San Luis and the Feather River projects. The Congress has often codified and stated existing law in the interest of clarity and the interest of convenience. That is all we are asking you to do in the case of section 7. We agree that the state of the law is exactly as would be obtained under section 7, but we can foresee, perhaps, that some court 10 years from now might disagree with our interpretation unless the Congress says that this is the law.

Further, there is a very practical matter concerned. The viability of the Feather River project of the State of California, which is only indirectly connected with the San Luis project, is tied up in the fate of a $1¾ million bond issue. That bond issue can be passed and sold only if it is evident to bonding house attorneys and purchasers and even potential customers of the State project that the State project, which is financed and paid for by the State, is not going to be subject to Federal management by the decision of some court 10 years hence. So this is a very practical caveat in the bill in the interest of clarity.

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

Mr. HAGEN. I yield to the gentleman from California.

Mr. HOSMER. As a matter of fact, the Federal investment in its service area is being reduced by reason of the fact that it is cooperating with the State in the financing of the dam.

Mr. HAGEN. That is correct.

I also want to point out that the State's contribution to the so-called joint structures is in excess of the Federal contribution in every instance; in other words, the State is going to pay exactly for what it gets and pay more than the Federal Government of the cost of these common structures.

You may ask why this should be of interest to someone from New York, Kansas, or some other State. This is an unique venture in partnership in that a State undertakes to make a major contribution to its own water development. Should this partnership venture fail for any reason, you will see the State of California back here several years hence asking for the Federal Government to build this total State project, and you will discourage the development of cooperative plans in other States, so that the potential Federal cost, created by the adoption of the amendment offered by the gentleman from Oregon, in my opinion, poses a real threat of large increases in Federal expenditures in the future. That is one of the reasons why we ask that you sustain our position on section 7. The savings that will be immediately achieved by this joint Federal-State project have been indicated. The State of California will pay for the total benefit of the State project from these joint structures. As a matter of fact this characteristic of separate identity is stipulated in several sections of H.R. 7155 in addition to said section 7. For

example subsection (f) of section 3 stated on page 8 of the bill before us declares:

> The State shall not be restricted in the exercise of its allocated right to the use of the capacities of the joint-use facilities for water service outside the Federal San Luis unit service area.

Except as it adds reference to drainage facilities specifically this language is an exact statement of the intent of, and the import and effect of, section 7. Simply stated said subsection (f) declares that State water deliveries shall not be subject to any Federal statutory or administrative regulation insofar as water deliveries are concerned and it is my belief that this language is also broad enough to cover the use of drainage facilities although section 7 is more explicit on this point.

Mr. GUBSER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, when the gentleman from California [Mr. GEORGE P. MILLER] was speaking, I am quite sure that he did not intend to imply that every person who was in favor of retaining section 7 in this bill was in opposition to the philosophy and the principle of the 160-acre limitation. I am sure he spoke generally and not specifically, because in my own case I am wholeheartedly in favor of the 160-acre limitation. I will go so far as to say that if I were once again a member of the California Legislature and this proposal were before the legislature to limit the benefits of the State water project to 160 acres, I would vote for such a limitation. But my opposition to the amendment offered by the gentleman from Oregon is not based upon the philosophy of the 160-acre limitation. It is based purely upon the philosophy of States rights. I thought the gentleman from Oregon put his finger squarely upon the issue which is here involved when he said, shall Federal benefits follow Federal investment? I presume the gentleman from Oregon believes they should and Federal regulation should follow benefits. I might say I agree with the gentleman. Is that a correct statement of the gentleman's point of view?

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

Mr. GUBSER. I yield to the gentleman from Oregon.

Mr. ULLMAN. That is basically true. We have here a Federal-State project where an arrangement has not been worked out. We have no agreement and I have no way of knowing and no one has any way of knowing where the benefits will flow at this time. I only want Federal benefits to follow where Federal investment is made.

Mr. GUBSER. Then I have stated the gentleman's issue correctly: Shall Federal benefits, Federal regulation, follow Federal investment—and we both agree they should. The point I would like to make here is that Federal regulations do follow Federal investment in this case because Federal investment is for the San Luis service area which is a Federal service area. Because we are building this jointly the Federal investment is $60 million less than it would otherwise have been. All we are asking here today is for the State legislature to have the right to determine the rules and regulations which apply to the service area which is served by investment made by the State.

I think we should remember this. The State of California owns this land upon which this reservoir will be built and if this bill does not pass, that the State of California will build the San Luis reservoir. But, if the State of California builds the reservoir on land that it now owns, then the opportunity to use that site will be taken away from the Federal Government and we will never be able to finish the Central Valley project. The people in the Federal San Luis service area of the Central Valley project, mostly in the district of our colleague, the gentleman from Califorina [Mr. SISK], will not have the chance to receive Federal water because the State has already built a reservoir on the only site available. Let us remember this; we are not giving anything to the State of California for the non-Federal service area. We are asking the State for the right to build our portion of this dam on top of the one that the State is going to build anyway. So why under the point of view is it justifiable for us, because we are being taken along as a partner, to tell the State of California that for your part of the project which you pay for, you must follow the same rules and regulations that we follow for our part?

I was asked before I concluded my remarks to remind the House that this is not a power project and public power is not involved in any way. In fact, the San Luis project is a consumer of power rather than a producer. Since I was asked by a Member on our side to bring that point out, I am so doing at this time.

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

Mr. ASPINALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, close at 1:30 p.m.

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

There was no objection.

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

Mr. Chairman, there has been quite a little comment on this particular section of the bill. This is a controversial section which has created a great deal of fire. I want to state my position clearly because this was a part of some six or seven amendments which a group of us agreed to attempt to keep in this piece of legislation on behalf of some of our friends in southern California. These amendments were written into the bill which I introduced at that time. I carried on a consistent fight for all of those provisions. All of the provisions were written into the bill up until this point. I think my colleague from California [Mr. HOSMER], will agree that our joint efforts in the committee did manage to retain this section. However, since that time a controversy has developed over the meaning of this language. If anything happens with this section in the bill that would not happen with it out of the bill, then we are amending the reclamation law. This is simply a legal practicality. The facts are that the people in my area are not particularly concerned, because our area is 100 percent under the reclamation law, but I simply wanted to make sure that the Federal project will be able to operate successfully under the reclamation law. At the same time I want to make sure that the State project can operate successfully under the State law. That is my position. That is what I think will happen under this bill, whether this section is in or out.

Unfortunately a situation has developed where a few people are apparently reading something into this section which we in the committee do not read into it; that is, that it might offer a loophole through which water could be secured which could not be secured without it.

With reference to a legal proceeding in court, it is my opinion that when the Congress speaks that will be it. There will be no more litigation with this section out than with it in. That was my position from the beginning, that I would do the best I could to get it to the floor and then abide by the decision of my colleagues. The other body saw fit to strike this section, as I say. In view of the controversy that has arisen, in view of the fact that we all agree that we do not want to amend the reclamation law, it is my opinion at the present time that the legislation would be less controversial if the section is stricken from the legislation.

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

Mr. SISK. I yield.

Mr. HAGEN. It is true that you have stated many times that you support the Federal reclamation law, including the acreage limitations, as applied to traditional federally subsidized projects.

Mr. SISK. The gentleman is correct.

Mr. HAGEN. Has anyone ever pointed out to you how this particular section 7 attempts to change the Federal reclamation law?

Mr. SISK. No. That is the point I wished to make. On the other hand, I have an idea that it has not been pointed out specifically that it would not amend it. Apparently it is the interpretation that various people have placed upon it, which has created the controversy.

Mr. HAGEN. It is your understanding that the present state of the law is that the Federal reclamation law would not apply to a wholly State-owned, State-financed project?

Mr. SISK. That is exactly right. It is my opinion, and it certainly is the intent of our committee and it is very accurately spelled out in the report accompanying this bill, that Federal law shall govern the Federal project and State law shall govern the State project; I believe that when the Congress

speaks that will be the intent; that Federal law governs the Federal project and State law the State project.

Mr. HAGEN. Is it not, therefore, fair to say that all section 7 does is to restate in the legislation what is already provided by current law?

Mr. SISK. That covers it precisely. The gentleman sat in the room at the time the agreement was made. This simply was inserted for purposes of clarification.

We intended and I believe that section 7 is merely a statement of existing Federal reclamation law and that, with or without section 7 in the legislation, the courts would hold that the sharing of a site and joint financing, construction and use of structures placed thereon as proposed in the San Luis legislation would not subject State water deliveries to Federal reclamation law. Further, it is my opinion that, acting pursuant to the legislation, with or without section 7, the Secretary of the Interior would have full legal authority to enter into a contract with the State of California spelling out the safeguard stated in section 7.

The CHAIRMAN. The time of the gentleman from California has expired, all time on this amendment has expired.

The question is on the amendment offered by the gentleman from Oregon [Mr. ULLMAN].

The question was taken; and on a division (demanded by Mr. ULLMAN) there were—ayes 81, noes 84.

Mr. ULLMAN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. ULLMAN and Mr. HOSMER.

The Committee again divided, and the tellers reported that there were—ayes 139, noes 122.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 8. There is hereby authorized to be appropriated for construction of the works of the San Luis unit, including joint-use facilities, authorized by this Act, other than distribution systems and drains, the sum of $290,430,000, plus such additional amount, if any, as may be required by reason of changes in costs of construction of the types involved in the San Luis unit as shown by engineering indexes. Said base sum of $290,430,000 shall, however, be diminished to the extent that the State makes funds or lands or interests in land available to the Secretary pursuant to sections 2 or 3 of this Act which decrease the costs which would be incurred if the works authorized in section 1 of this Act (including provision for their subsequent expansion) were constructed solely as a Federal project. There are also authorized to be appropriated, in addition thereto, such amounts as are required (a) for construction of such distribution systems and drains as are not constructed by local interests, and (b) for operation and maintenance of the unit. All moneys received by the Secretary from the State under this Act shall be covered into the same accounts as moneys appropriated hereunder and shall be available, without further appropriation, to carry out the purposes of this Act.

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow: On page 12, line 9, after "the sum of" insert "not to exceed," and on line 9 strike out the word "plus" and strike out lines 10, 11, and line 12 through the period following the word "indexes."

Mr. BOW. Mr. Chairman, this amendment would limit the authorization to $290,430,000. As the bill is now written, it authorizes the sum of $290,430,000 "plus such additional amount, if any, as may be required by reason of changes in costs of construction of the types involved in the San Luis unit as shown by engineering indexes."

Mr. Chairman, I raise this question so that we may have a limitation and so that we may know the amount that is authorized under this bill. As the language now reads, you would depend upon some engineering indexes to determine the amount of the authorization. You would have your $290,430,000, and then it says "plus such additional amount as shown by engineering indexes." Now, whose engineering indexes? What engineering indexes? Let us say you had three or four engineering indexes, one showing an increase, one showing a decrease, and perhaps one showing the level to be as it is. What index are you going to take? I do not believe that the House should legislate in this manner. If it is going to run considerably over the $290 million in the authorization during the period of construction, that will be known. There will be plenty of time to come back to the House and ask for this additional authorization, but it seems to me rather irresponsible to say that we are going to depend upon some engineering indexes when we do not know what engineering index is going to be used.

Therefore, Mr. Chairman, I ask that this amendment be adopted so that we will not exceed the $290,430,000. If later on it becomes necessary to come back to the House and show why this additional amount is needed—as we have done in the past in the Central Valley project where there has been a later estimate—the funds will be provided. But, I do not believe we should have this kind of loose language in a bill when we have legislation in the future.

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

Mr. BOW. I yield to the gentleman from Michigan.

Mr. MEADER. Would the gentleman tell me, as a member of the Committee on Appropriations and familiar with authorizations generally, is this open end proposal common in authorizations for construction work?

Mr. BOW. I understand in the Central Valley, in some areas, that it has been done in the past, but if we made mistakes in the past and the estimates have been low many times, I think we should correct that now and say it shall not exceed a certain amount, and perhaps they will be more careful in the manner the money is spent rather than saying it will be $290 million plus some engineering indexes later on. I think it is a rather reckless way of appropriating.

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

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for his amendment and say only this: Simply because these open end bills have been passed before is no reason why we should not put an end to it, and this is a very good time to start.

Mr. BOW. Mr. Chairman, I agree with the gentleman and I hope the Committee will go along with this amendment that we shall not exceed the amount; $290 million is a great deal of money and an open end authorization saying that somebody's index later on will make it possible to spend a lot more is a little dangerous, I should say.

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

Mr. Chairman, I hesitate to oppose this amendment because very frankly I am anxious to see that this construction, as well as any other construction, be done as economically as possible. I agree to some extent with the comment of the gentleman from Iowa that just because this has been in other bills is not necessarily a reason to leave it in this bill. I will say, however, that so far as I know, for the last 50 years, throughout the history of reclamation projects, this is the language that has been used.

The position taken by the departments downtown, including the Bureau of the Budget, as I understand their position, the Department of the Interior, the Corps of Engineers and others whose work is involved in this, is that this could save money; and, of course, there is some possibility that it might increase the cost. That is, they should be given the flexibility of following the construction indexes. This is a single index. There is not a multitude of these prepared. Actually the construction industry each month submits figures to a central filing section where they prepare what is called the construction index for that period of time. That has been followed by all agencies as the construction index. It is my hope that that index will show a reduction in cost of construction rather than an increase, although we have been faced with increases during the past 10 years; there is no question about that.

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

Mr. SISK. I am glad to yield to my chairman.

Mr. ASPINALL. Is there any possibility that the amendment offered by the gentleman from Ohio can make any saving to the Federal Government in the construction of this facility?

Mr. SISK. There is no possible saving that I can see because what you would be doing, of course, would be giving them an authorization to go ahead and construct. Then you get to the point where you have spent all the money and you have a project that lacks a couple of million dollars of being completed. Certainly we are not going to let it stand uncompleted and unusable.

Mr. ASPINALL. Is there any possibility that it might lead to agreement of contracts that would be any more economical in the interest of the district or the Federal Government?

Mr. SISK. Based on my knowledge and understanding of the Department's

position and that of the construction people, I would say no. What it actually does is to place these people in a straitjacket, to a certain extent. It might tend to cause them to go up in their costs. In other words, in this case, the ceiling would become the floor. That is something we always run into. I think this project, so far as the Federal Government is concerned, is going to be constructed for substantially less than this amount. I expect that it will be constructed for somewhere in the neighborhood of $230-odd million. But I do feel that this amendment would place the Department and the construction agencies in a straitjacket which might tend to increase costs rather than decrease them.

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

Mr. SISK. I yield to the gentleman.

Mr. MEADER. Would it not have this effect, that those undertaking this construction work would realize that if they had to have a larger authorization they would have to come back to Congress for further legislation which would involve some time and some difficulty; and that would tend to make them more careful than if they had the leeway which the language in the bill would afford?

Mr. SISK. Of course that is possible, as the gentleman states it. However, as I say, it is my firm opinion that the people who are guarding the dollars down there are going to see to it that the contracts go according to these construction indexes as they have existed from year to year. That is my only reason for opposing the amendment. I appreciate what the gentleman is trying to do. I am sympathetic with his position. I do believe that to give them the flexibility which they have under the normal language here is advisable. After all, the appropriation committee still has to appropriate the money and they can stop these appropriations whenever they desire. So there is certainly no desire on my part, or on the part of the committee, to take anything away from the appropriating power of the Congress, because I think it is essential not only to this project but to the carrying on of any other kind of construction carried on by the Federal Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Bow].

The amendment was rejected.

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 12, line 19, after "Federal project" strike out the balance of line 19 and all of lines 20, 21, 22, and 23.

Mr. SAYLOR. Mr. Chairman, the figure that has been included in this bill as the cost of the San Luis project is $290 million. By the language of my amendment, I just strike out $192 million more, because the cost of this project is actually in excess of $482 million. If there was ever an open-end proposition presented to this Congress, it occurs on page 12 in section 8, lines 19 to 23. The distribution and drainage systems should be constructed by the Federal Government or by the water users at an estimated cost of $192,650,000. If this language stays in the bill, instead of authorizing a project for $290,430,000 plus, up or down, according to the indices, you are authorizing a project in excess of $483 million. The Federal Government can build the distribution and drainage system, and there is absolutely no requirement to come back and ask this Congress or anyone else for the approval to build these features.

If anybody from California wants to stand up and tell me that that information is not correct, here is his opportunity to do it. This amendment just saves the taxpayers money and makes them come back to the Congress to get the approval for this $192 million.

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

Mr. SAYLOR. I yield to the gentleman from California.

Mr. SISK. Here again the gentleman knows this is the normal language that is used in all these projects. Is that correct?

Mr. SAYLOR. No. This is a different situation. This is a joint State-Federal project. This is the first one that they ever had. In every bill that we have ever had before, the cost of the distribution system has always been included in the amount that has been authorized. This is the first time we have ever had a bill presented that does not have that amount included. This $290 million does not take care of the distribution system. What my amendment does is just to say to the people of California that we will approve your project and if the State will enter in good faith into the type of contract which has been authorized, then there will be no responsibility on the part of the Federal Government to build the distribution system. If there is not a contract entered into and it becomes a full Federal project, before they can go ahead, they have to come back and ask the Federal Government for approval of $192 million more.

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

Mr. SAYLOR. I yield to the gentleman from California.

Mr. WILSON. Mr. Chairman, I support the gentleman in his amendment.

I should like to add my voice to those advocating the passage of the San Luis unit of the Central Valley project. This project has much merit and has been already delayed too long.

For many years, the State of California has desired to cooperate with the Federal Government in the joint development of the San Luis unit of the Central Valley project.

In the first place, construction of this urgently needed water storage project would have a double-barreled impact upon the State economically. Secondly, the Federal portion of the San Luis unit would make a most important resource contribution by furnishing much needed additional water to an area of almost 500,000 acres of highly productive farm lands on the west side of the San Joaquin Valley. In addition, the San Luis storage unit would be an important link in the State's far-reaching plan for moving water from surplus areas in the north to water deficient areas in the southern part of the State.

The lands in the proposed Federal service area are desperately in need of an additional water supply. Overpumping within the last decade has lowered the ground water table in excess of 400 feet, which has had the effect of skyrocketing pumping costs and forcing good acreage out of production.

Unfortunately, this agricultural economic tragedy is still in progress. Of the 500,000 acres in the service area, about 400,000 were developed for irrigation in 1950. A good percentage of these lands are now dry and unproductive because of the high pump lifts resulting from the falling water table. Prospects are that unless an additional water supply is brought into the area—such as would occur with construction of the Federal San Luis unit—the existing ground water supply is adequate to sustain somewhat less than 150,000 acres in irrigation. Without San Luis, therefore, two-thirds of a rich agricultural area will be an almost complete economic loss to the State.

The constantly lowering ground water table effects a sort of "creeping paralysis" in the once lush western San Joaquin Valley. This agricultural decline, moreover, is taking place in the face of California's continuing population growth, which is expected to make it the most populous State in the Union. In a rapidly growing State, where good farmland is limited by the available water supply, more land, not less, must be irrigated to keep up with growing State needs for food, fiber, and job opportunities.

The Federal San Luis unit, therefore, must be considered as a rescue-type development, vital to the continued economic development of the San Joaquin Valley and to the State of California and to the Nation as a whole. Everyone benefits if valuable natural resources can be developed and sustained.

The State of California has long recognized its upward population trend and the urgent requirement to develop its soil and water resources to meet its growing needs. A forward-looking State water plan developed in the 1920's laid the groundwork for the great Central Valley project. A complete restudy of that far-reaching early planning resulted in the California water plan, recently completed, one of the most ambitious State water programs ever advanced.

The first step in this new plan is the Feather River project and several features of the San Luis unit, such as the San Luis Reservoir, are a part of this project. Such joint facilities will play an important part in the State's scheme to carry water to its service area in the southern part of the San Joaquin Basin and across the Tehachapi Mountains to provide the growing metropolitan complex in the Los Angeles-San Diego area with an adequate water supply.

Furthermore, by constructing the San Luis unit on a partnership basis—with Federal-State cooperation—it is estimated that the Federal cost on this project would be some $56 million lower than it would be if only the Federal unit were constructed.

In accordance with the proposed legislation, the facilities of the San Luis unit which are common to both the Federal and State plans would be jointly developed. Such cooperation is a necessity if the needs for water in the burgeoning Golden State are to be met in the future.

During congressional consideration in the other body of the San Luis unit legislation there was considerable discussion of the various facets of the excess land provision of the reclamation laws. Involved in the discussion were the lands to be irrigated in the Federal service area and, through joint development of some of the facilities of the unit with the State of California, the lands in the service area of the State's Feather River project.

There is no question that the owners of lands within the proposed Federal service area should comply with the 160-acre limitation in existing law. Before any water from the project could be furnished legally to these people, each prospective water user would have to enter into the customary recordable contract with the Federal Government to dispose of his lands in excess of 160 acres in a single ownership. This procedure would apply to all, including large landowners such as the Southern Pacific Railroad Co., which holds some 120,000 acres in the San Luis area.

The Senate was informed that the railroad company had stated it was not interested in selling its excess lands, but indicated it would be willing to pay interest on water supplied for its excess lands. Other landowners in the Federal service area have indicated they will comply with the acreage limitation, and it is true that the unit would be a feasible undertaking even if the Southern Pacific Railroad lands were excluded from project water service.

The question of whether the acreage limitation provision would apply to the lands in the State's service area has caused confusion and misunderstanding. It is understood the administration's view is, that since the State would fully pay for its share of the construction of the joint facilities prior to its use of them for the delivery of water, the provisions of the Federal reclamation laws, and thus the excess acreage limitation, would not apply to the State's service area. This would be true whether the legislation specifically exempts the State's service area from application of the Federal Reclamation laws, as does section 7 of H.R. 7155, or is silent on the matter as is S. 44, in the form it passed the Senate. There seems to be no precedent for application of the Federal Reclamation laws to the service area of a State-constructed storage facility.

Surplus crops will not be a particular problem so far as the San Luis unit is concerned. Consider these factors: The land is of high quality—more than 85 percent is classified in class 1 and 2. The growing season is long—over 250 days. Farms in the Federal service area will be of reduced size, as required by reclamation law. More and better quality of water will be provided by the new storage. Because of all these factors, crops will be grown which are generally not surplus to the Nation's needs. Also, these same basic conditions will make this an extremely versatile agricultural area, responsive to shifts in demand for agricultural products. Should some particular crop encounter marketing difficulties, it would be easy for the San Luis area farmers to shift to a more profitable crop which is not in surplus.

The expected crops from the San Luis project area include: Truck crops 88,000 acres; deciduous fruits and grapes, 22,000 acres; miscellaneous field crops, 66,000 acres; alfalfa, 88,000 acres; irrigated pasture, 44,000 acres; long staple cotton, 132,000 acres, and grain and hay, 44,000 acres. With the project development, there would be a drastic reduction in the 162,000 acres of grain and hay now grown in the area.

When the question of surplus crops is raised, an accusing finger is generally pointed at the cotton which would be grown in the San Luis unit area. In this regard, however, it should be remembered that California-grown cotton is of the long-staple variety. This is high quality cotton and there is a demand for it in this country. Thus, it does not contribute to the surplus problem in short-staple cotton. Furthermore, efficient production methods and irrigation enable the farmers in California to grow this better quality cotton at a low cost per acre. Considering the competition that cotton is meeting from imports and man-made fibers, the welfare of the domestic cotton industry depends on lowering the cost of cotton by increasing quality and instituting more efficient methods of production, such as you would have in the San Luis area.

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

Mr. SAYLOR. I yield to the gentleman from California.

Mr. SISK. Actually, the facilities authorized by the language which the gentleman proposes to strike out here has absolutely nothing to do with the State project. There is not any part of the State project involved in this distribution system. This is a distribution system for a Federal project, and whether or not the people decide to contract with the Bureau of Reclamation under the normal procedure to construct the distribution system or decide under a bond issue or by some other method to construct, it is still part of the Federal project. Of course, it is covered by the reclamation law and has no part of the State project and no application to anything at all that has to do with the State project. I believe my colleague will agree with me on that.

Mr. SAYLOR. Let me ask my colleague, the author of the bill, then if that is the case—are you willing to go back to section 8 and strike out the words "other than distribution system" and insert the sum of $482 million, because that is what it becomes?

Mr. SISK. So far as I know, the statement by the gentleman that the distribution facilities have always been included in the total amount of money authorized, that is not my understanding. The gentleman may be right. It is my understanding that the normal language in these various projects which we have authorized—and the gentleman has been on the committee, of course, longer than I have—but it is my understanding that is the normal language we have always used in projects authorized in the 6 years that I have been on the committee.

Mr. SAYLOR. And the Central Valley project and the Central Valley distribution system have all, or almost all, been built by the Federal Government. In this case, this language which is in the bill authorizes $192 million more. What my amendment does is to tell the people of the area that if they want the Federal Government to build a distribution system, then they have to come back here again and get a further authorization.

Mr. SISK. Mr. Chairman, will the gentleman yield further?

Mr. SAYLOR. I am happy to yield further to my colleague from California.

Mr. SISK. Let me say there are a good many of the systems which were not built on money furnished by the Federal Government, but were built on their own. On the other hand, many have been built under the terms of this type of language.

Mr. SAYLOR. And a great deal of the trouble in the Central Valley has grown out of the distribution system that the Federal Government built.

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

Mr. ASPINALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 12, line 23, after the word "interests", insert "but not to exceed in total cost the sum of $192,650,000".

And on page 12, line 23, change period (.) to colon (:) and add "*Provided*, That no funds shall be appropriated for construction of distribution systems and drains prior to ninety calendar days (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) after a contract has been submitted to the Congress calling for complete repayment of the costs of such distribution systems and drains within a period of forty years from the date such works are placed in service."

The CHAIRMAN. The gentleman from Colorado [Mr. ASPINALL] is recognized in support of his amendment.

Mr. ASPINALL. Mr. Chairman, I, too, have been somewhat alarmed because of the fact that we did not come out and expressly state in this legislation the amount that should be authorized as the cost of the possible drainage and distribution installations. My amendment states that any contracts for this contemplated construction shall be placed with the Congress so that they can be reviewed so that they will conform to the procedures that we usually follow in such matters. The reason for this provision is, that all authorizations for reclamation projects do not carry this provision. Some projects do not necessitate the building of drainage and distribution facilities. In California it

so happens that a large part of the drainage and distribution facilities have been built by the local irrigation districts themselves. It is contemplated that such facilities will be constructed by the local districts in this particular project.

We have on certain occasions authorized separately certain distribution systems for California projects. However, in the planning and distribution of such projects at the San Luis project it is so much more practical, so much more feasible, so much more economical to plan for all the different construction facilities which are necessary. If it is found at the time of the primary construction that the drainage and distribution facilities, which mean so much to the success of the project, cannot be constructed by the local interests, then those facilities should be a part of the whole project and should be built by the Federal Government and the cost thereof should be returned by the users to the Federal Government. That is what my amendment provides. I think that it is a perfectly feasible way to take care of the situation. My amendment shows what the possible cost of this project may be. Remember that 99.99 percent of this project is repayable to the Federal Government. This does not provide for a 10-year development period for these distribution and drainage facilities. This provides that as soon as they are in shape to be put into operation the payments shall start.

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

Mr. ASPINALL. I yield.

Mr. BOW. I think the gentleman's amendment is a good one and brings it out where we can see what these costs actually will be.

Would the gentleman explain why the operation and maintenance is in this bill when, in answer to an inquiry which I made yesterday of the gentleman from California [Mr. SISK] he said no operation and maintenance money would be used.

Mr. ASPINALL. Well, the operation and maintenance funds are provided annually by the great Committee on Appropriations. These funds are payable annually. Sometimes they are paid before the start of the irrigation system. At other times they may be delayed until later in the season. But in order to keep these authorizations from coming back to Congress from time to time we have used this language. It permits the great Committee on Appropriations to continue its control and authority over this portion of the reclamation program.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. ASPINALL] has expired.

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

Mr. Chairman, I am happy to join the chairman of the House Interior and Insular Affairs Committee in support of his substitute amendment, because this actually places in the bill the actual cost of the project, $482 million. I think the Members of the House who are going to vote on this project ought to know the total amount in the project. I think the manner in which it is now placed is a safeguard and that the committee should go along with the amendment.

Mr. ASPINALL. Mr. Chairman, once again I say it is a great pleasure to work with my colleague from Pennsylvania [Mr. SAYLOR].

Mr. MCCORMACK. Mr. Chairman, I move to strike out the last word and take this opportunity to rise in support of the bill in its present shape, and congratulate the members of the Committee on Interior and Insular Affairs, both Democrats and Republicans, for the very careful and excellent manner in which the committee has always, during my years in this body, considered and screened legislation coming before the committee. The illustration of leadership on both sides, the chairman of the committee, my friend, the gentleman from Colorado [Mr. ASPINALL], and my friend, the gentleman from Pennsylvania [Mr. SAYLOR], shows the manner in which they approach consideration of legislation that comes before this excellent committee. It shows the teamwork, it shows the understanding. The gentleman from Pennsylvania made a profound speech. It was logical. Some of us might disagree to his amendment, but not to the logic of his reasoning behind his amendment. The chairman of the committee offers an amendment in the nature of a substitute, but an amendment by reason of the parliamentary situation. The gentleman from Pennsylvania accepts the amendment. That is the kind of teamwork in committee which produces the most constructive results.

This project is a great one that means much to the State and people of California. As far as I am concerned, coming from Boston, I am interested in projects all over the country. I do not feel because I come from Boston I should vote against a project that is going to marshal the natural resources of any section of our country in the service of the people of that section and indirectly the people of the entire country simply because it involves appropriations where other sections of the country might primarily benefit. I have voted for all these projects over the years. This is another project. It is in the best interests of our country. It is going to mean a great deal to the people of California, and I am supporting the bill, but I particularly wanted to take the floor to call to the attention of the House this fine teamwork and understanding that exists in the committee and to congratulate both the Democratic and Republican members of the committee for the manner in which they have approached the consideration of this bill in committee and on the floor, and the manner in which they approach the consideration of all bills referred to their committee.

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

The amendment was agreed to.

Mr. ASPINALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASPINALL. Does not the vote recur on the amendment offered by the gentleman from Pennsylvania? Or will he withdraw his amendment?

The CHAIRMAN. The amendment of the gentleman from Colorado being in the nature of a perfecting amendment, the motion to strike out the paragraph falls.

If there are no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7155) to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, California, to enter into an agreement with the State of California with respect to the construction and operation of such unit, and for other purposes, pursuant to House Resolution 514, he reported the same back to the House with sundry amendments adopted in the Committee of the Whole.

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

Is a separate vote demanded on any amendment?

Mr. HOSMER. Mr. Speaker, I demand a separate vote on the so-called Ullman amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

On page 11, line 22, strike out lines 23 and 24, and on page 12 strike out lines 1 through 5.

The SPEAKER. The question is on the amendment.

Mr. HOSMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 215, nays 179, answered "present" 1, not voting 38, as follows:

[Roll No. 95]

YEAS—215

Abernethy	Burke, Ky.	Fascell
Addonizio	Burke, Mass.	Feighan
Albert	Burleson	Fisher
Alford	Byrne, Pa.	Flood
Anderson, Mont.	Carnahan	Flynn
	Casey	Flynt
Anfuso	Celler	Fogarty
Ashley	Clark	Foley
Bailey	Coad	Friedel
Barr	Coffin	Garmatz
Barrett	Cohelan	George
Bass, Tenn.	Cook	Giaimo
Beckworth	Cooley	Granahan
Bennett, Fla.	Daddario	Gray
Blatnik	Daniels	Green, Pa.
Boggs	Dawson	Griffiths
Boland	Delaney	Gross
Bolling	Dent	Halpern
Bowles	Denton	Hargis
Boykin	Dingell	Harmon
Brademas	Donohue	Harris
Breeding	Doyle	Hays
Brock	Dulski	Healey
Brooks, La.	Edmondson	Hechler
Brooks, Tex.	Everett	Herlong
Brown, Ga.	Evins	Hogan
Brown, Mo.	Fallon	Holifield
Burdick	Farbstein	Holland

Holtzman	Miller, Clem	Rivers, Alaska
Huddleston	Miller, George, P.	Roberts
Hull	Mills	Rodino
Ikard	Mitchell	Rogers, Colo.
Inouye	Moeller	Rogers, Fla.
Irwin	Monagan	Rooney
Jarman	Montoya	Roosevelt
Jennings	Moorhead	Rostenkowski
Johnson, Calif.	Morgan	Roush
Johnson, Wis.	Morris, N. Mex.	Rutherford
Jones, Ala.	Morrison	Saund
Karsten	Moss	Selden
Karth	Moulder	Shelley
Kasem	Multer	Shipley
Kastenmeier	Murphy	Sisk
Kee	Natcher	Slack
Kelly	Nix	Smith, Iowa
Keogh	O'Brien, Ill.	Smith, Miss.
Kilday	O'Brien. N.Y.	Spence
Kilgore	O'Hara, Ill.	Staggers
King, Calif.	O'Hara, Mich.	Steed
King, Utah	O'Konski	Stratton
Kirwan	O'Neill	Stubblefield
Kluczynski	Oliver	Sullivan
Kowalski	Passman	Teller
Lane	Patman	Thompson, N.J.
Lesinski	Perkins	Thompson, Tex.
Levering	Pfost	Thornberry
Libonati	Philbin	Toll
McCormack	Pilcher	Trimble
McDowell	Poage	Udall
McFall	Porter	Ullman
McGinley	Powell	Vanik
McGovern	Preston	Vinson
Macdonald	Price	Wampler
Machrowicz	Prokop	Watts
Mack	Pucinski	Wier
Madden	Quigley	Willis
Magnuson	Rabaut	Wolf
Mahon	Rains	Wright
Marshall	Randall	Yates
Matthews	Reuss	Young
Metcalf	Rhodes, Pa.	Zablocki
Meyer		Zelenko

NAYS—179

Abbitt	Dwyer	Meader
Adair	Elliott, Pa.	Merrow
Alger	Fenton	Michel
Andersen, Minn.	Fino	Miller, N.Y.
Andrews	Ford	Milliken
Arends	Forrester	Minshall
Ashmore	Fountain	Moore
Auchincloss	Frazier	Mumma
Avery	Frelinghuysen	Murray
Ayres	Fulton	Nelsen
Baker	Gary	Norblad
Baldwin	Gathings	Norrell
Barry	Gavin	Osmers
Bass, N.H.	Glenn	Ostertag
Bates	Goodell	Pelly
Baumhart	Grant	Pirnie
Becker	Griffin	Poff
Belcher	Gubser	Quie
Bennett, Mich.	Hagen	Ray
Bentley	Haley	Reece, Tenn.
Berry	Halleck	Rees, Kans.
Betts	Hardy	Rhodes, Ariz.
Bolton	Harrison	Riehlman
Bosch	Hemphill	Riley
Bow	Henderson	Rivers, S.C.
Bray	Hess	Robison
Broomfield	Hiestand	Rogers, Mass.
Brown, Ohio	Hoeven	St. George
Broyhill	Hoffman, Ill.	Saylor
Budge	Hoffman, Mich.	Schenck
Byrnes, Wis.	Holt	Scherer
Cahill	Horan	Schneebeli
Canfield	Hosmer	Schwengel
Cannon	Jensen	Sheppard
Cederberg	Johansen	Siler
Chamberlain	Johnson, Md.	Simpson
Chenoweth	Jonas	Smith, Calif.
Chiperfield	Jones, Mo.	Smith, Va.
Church	Judd	Springer
Collier	Kearns	Taber
Colmer	Keith	Teague, Calif.
Conte	Kitchin	Teague, Tex.
Corbett	Knox	Thomson, Wyo.
Cramer	Kyl	Tollefson
Cunningham	Lafore	Tuck
Curtin	Laird	Utt
Curtis, Mass.	Langen	Van Pelt
Curtis, Mo.	Latta	Van Zandt
Dague	Lennon	Wallhauser
Davis, Ga.	Lindsay	Weaver
Derounian	Lipscomb	Weis
Derwinski	Loser	Westland
Devine	McCulloch	Wharton
Dixon	McDonough	Whitener
Dooley	McIntire	Whitten
Dorn, N.Y.	McSween	Widnall
Dorn, S.C.	Mailliard	Wilson
Dowdy	Martin	Winstead
Downing	Mason	Withrow
	May	Younger

ANSWERED "PRESENT"—1

Aspinall

NOT VOTING—38

Alexander	Forand	Rogers, Tex.
Allen	Gallagher	Santangelo
Barden	Gilbert	Scott
Baring	Green, Oreg.	Short
Blitch	Hébert	Sikes
Bonner	Jackson	Smith, Kans.
Brewster	Johnson, Colo.	Taylor
Buckley	Kilburn	Thomas
Chelf	Landrum	Thompson, La.
Davis, Tenn.	Lankford	Wainwright
Diggs	McMillan	Walter
Durham	Morris, Okla.	Williams
Elliott, Ala.	Pillion	

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Johnson of Colorado for, with Mr. Aspinall against.

Mr. Hébert for, with Mr. Allen against.

Mr. Buckley for, with Mr. Short against.

Mr. Rogers of Texas for, with Mr. Taylor against.

Mr. Sikes for, with Mr. Pillion against.

Mr. Santangelo for, with Mr. Kilburn against.

Mr. Brewster for, with Mr. Jackson against.

Mr. Gilbert for, with Mr. Smith of Kansas against.

Mr. Thompson of Louisiana for, with Mr. Wainwright against.

Mr. Walter for, with Mr. Williams against.

Mrs. Green of Oregon for, with Mr. Barden against.

Mr. Diggs for, with Mr. Scott against.

Mr. Baring for, with Mr. Alexander against.

Mr. Davis of Tennessee for, with Mr. McMillan against.

Mr. JONES of Missouri changed his vote from "yea" to "nay."

Mr. ASPINALL. Mr. Speaker, on the rollcall I voted "no." I have a live pair with the gentleman from Colorado [Mr. JOHNSON]. If he were present, he would vote "yea." I, therefore, ask to be recorded as voting "present."

Mr. WILSON changed his vote from "yea" to "nay."

Mr. MERROW changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

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

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

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

Mr. UTT. Mr. Speaker, I have a motion to recommit which is at the Clerk's desk.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. UTT. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. UTT moves to recommit the bill, H.R 7155, to the Committee on Interior and Insular Affairs.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

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

The bill was passed.

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 44) to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, California, to enter into an agreement with the State of California with respect to the construction and operation of such unit, and for other purposes, which is a bill similar to the one just passed by the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Senate bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) That for the principal purpose of furnishing water for the irrigation of approximately five hundred thousand acres of land in Merced, Fresno, and Kings Counties, California, hereinafter referred to as the Federal San Luis unit service area, and as incidents thereto of furnishing water for municipal and domestic use and providing recreation and fish and wildlife benefits, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to construct, operate, and maintain the San Luis unit as an integral part of the Central Valley project. The principal engineering features of said unit shall be a dam and reservoir at or near the San Luis site, a forebay and afterbay, the San Luis Canal, the Pleasant Valley Canal, and necessary pumping plants, distribution systems, drains, channels, levees, flood works, and related facilities. The works of the San Luis unit (hereinafter referred to as joint-use facilities) for joint use with the State of California (hereinafter referred to as the State) shall be the dam and reservoir at or near the San Luis site, forebay and afterbay, pumping plants, and the San Luis Canal. The joint-use facilities consisting of the dam and reservoir shall be constructed, and other joint-use facilities may be constructed so as to permit future expansion; or the joint-use facilities shall be constructed initially to the capacities necessary to serve both the Federal San Luis unit service area and the State's service area as hereinafter provided. In constructing, operating, and maintaining the San Luis unit, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). Construction of the San Luis unit shall not be commenced until the Secretary has (1) secured, or has satisfactory assurance of his ability to secure all rights to the use of water which are necessary to carry out the purposes of the unit and the terms and conditions of this Act, and (2) received satisfactory assurance from the State of California that it will make provision for a master drainage outlet and disposal channel for the San Joaquin Valley, as generally outlined in the California water plan, Bulletin Numbered 3, of the California Department of Water Resources, which will adequately serve, by connection therewith, the drainage system for the San Luis unit or has made provision for constructing the San Luis interceptor drain to the delta designed to meet the drainage requirements of the San Luis unit as generally outlined in San Luis project report by the Bureau of Reclamation of May 1955, as transmitted to the Congress by the Secretary of the Interior, December 17, 1956.

(b) No water provided by the Federal San Luis unit shall be delivered in the Federal San Luis service area to any water user for

the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 2. The Secretary is authorized, on behalf of the United States, to negotiate and enter into an agreement with the State of California providing for coordinated operation of the San Luis unit, including the joint-use facilities, in order that the State may, without cost to the United States, deliver water in service areas outside the Federal San Luis unit service area as described in the report of the Department of the Interior, entitled "San Luis Unit, Central Valley Project," dated December 17, 1956. The Secretary shall not commence construction of the San Luis unit, except for the preparation of designs and specifications and other preliminary work, until the execution of such an agreement between the United States and the State, but if such an agreement has not been executed by January 1, 1962, and if, after consultation with the Governor of the State, the Secretary determines that the prospects of reaching accord on the terms thereof are not reasonably firm, he may proceed to construct and operate the San Luis unit in accordance with section 1 of this Act: *Provided*, That, if the Secretary so determines, he shall report thereon to the Congress and shall not commence construction for ninety calendar days from the date of his report (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three days). In considering the prospects of reaching accord on the terms of the agreement the Secretary shall give substantial weight to any relevant affirmative action theretofore taken by the State, including the enactment of State legislation authorizing the State to acquire and convey to the United States title to lands to be used for the San Luis unit or assistance given by it in financing Federal design and construction of the unit. The authority conferred upon the Secretary by the first sentence of this section shall not, except as is otherwise provided in this section, be construed as a limitation upon the exercise by him of the authority conferred in section 1 of this Act, but if the State shall agree equitably to share the total cost of constructing the joint-use facilities and as a part of its share to make available to the Secretary sufficient funds to pay the additional cost of designing and constructing the joint-use facilities so as to permit enlargement, it shall have an irrevocable right to enlarge or modify such facilities at any time in the future, and a perpetual right to the use of such additional capacity: *Provided*, That the performance of such work by the State, after approval of its plans by the Secretary, shall be so carried on as not to interfere unduly with the operation of the project for the purposes set forth in section 1 of this Act: *And provided further*, That this right may be relinquished by the State at any time at its option.

SEC. 3. The agreement between the United States and the State referred to in section 2 of this Act shall provide, among other things, that—

(a) the joint use facilities to be constructed by the Secretary shall be so designed and constructed to such capacities and in such manner as to permit either (i) immediate integration and coordinated operation with the State's water projects by providing, among other things, a capacity in San Luis Reservoir of approximately two million one hundred thousand acre-feet and corresponding capacities in the other joint-use facilities or (ii) such subsequent enlargement or other modification as may be required for integration and coordinated operation therewith;

(b) the State shall make available to the Secretary during the construction period sufficient funds to pay an equitable share of the construction costs of any facilities designed and constructed as provided in paragraph (a) above. The State contribution shall be made in annual installments, each of which bears approximately the same ratio to total expenditures during that year as the total of the State's share bears to the total cost of the facilities; the State may make advances to the United States in order to maintain a timely construction schedule of the joint-use facilities and the works of the San Luis unit to be used by the State and the United States;

(c) the State may at any time after approval of its plans by the Secretary and at its own expense enlarge or modify San Luis Dam and Reservoir and other facilities to be used jointly by the State and the United States, but the performance of such work shall be so carried on as not to interfere unduly with the operation of the San Luis unit for the purposes set forth in section 1 of this Act;

(d) the United States and the State shall each pay annually an equitable share of the operation, maintenance, and replacement costs of the joint-use facilities;

(e) promptly after execution of this agreement between the Secretary and the State, and for the purpose of said agreement, the State shall convey to the United States title to any lands, easements, and rights-of-way which it then owns and which are required for the joint-use facilities. The State shall be given credit for the costs of these lands, easements, and rights-of-way toward its share of the construction costs of the joint-use facilities. The State shall likewise be given credit for any funds advanced by it to the Secretary for preparation of designs and specifications or for any other work in connection with the joint-use facilities;

(f) the rights to the use of capacities of the joint-use facilities of the San Luis unit shall be allocated to the United States and the State, respectively, in such manner as may be mutually agreed upon. The United States shall not be restricted in the exercise of its right so allocated, which shall be sufficient to carry out the purposes of section 1 of this Act and which shall extend throughout the repayment period and so long thereafter as title to the works remains in the United States. The State shall not be restricted in the exercise of its allocated right to the use of the capacities of the joint-use facilities for water service outside the Federal San Luis unit service area;

(g) the Secretary may turn over to the State the care, operation, and maintenance of any works of the San Luis unit which are used jointly by the United States and the State at such time and under such conditions as shall be agreed upon by the Secretary and the State;

(h) notwithstanding transfer of title or of the care, operation, and maintenance of any works to the State, as hereinbefore provided, any organization which has theretofore entered into a contract with the United States under the Reclamation Project Act of 1939 for a water supply through the works of the San Luis unit, including joint-use facilities, shall continue to have and to enjoy the same rights which it would have had under its contract with the United States and the provisions of paragraph (4) of section 1 of the Act of July 2, 1956 (70 Stat. 483; 43 U.S.C. 485h–1), in the absence of such transfer, and its enjoyment of such rights shall be without added cost or other detriment arising from such transfer;

(i) if a nonreimbursable allocation to the preservation and propagation of fish and wildlife has been made as provided in section 2 of the Act of August 14, 1946 (60 Stat. 1080; 16 U.S.C. 662), as amended, the features of the unit to which such allocation is attributable shall, notwithstanding transfer of title or of the care, operation, and maintenance to the State, be operated and maintained in such wise as to retain the bases upon which such allocation is premised and, upon failure so to operate and maintain those features, the amount allocated thereto shall become a reimbursable cost to be paid by the State.

SEC. 4. In constructing, operating, and maintaining a drainage system for the San Luis unit, the Secretary is authorized to permit the use thereof by other parties under contract conforming generally to the provisions of the Federal reclamation laws with respect to irrigation repayment or service contracts and is further authorized to enter into agreements and participate in construction and operation of drainage facilities designed to serve the general area of which the lands to be served by the San Luis unit are a part, to the extent the works authorized in section 1 of this Act contribute to drainage requirements of said area. The Secretary is also authorized to permit the use of the irrigation facilities of the San Luis unit, including its facilities for supplying pumping energy, under contracts entered into pursuant to section 1 of the Act of February 21, 1911 (36 Stat. 925, 43 U.S.C. 523).

SEC. 5. The Secretary is authorized, in connection with the San Luis unit, to construct minimum basic public recreational facilities and to arrange for the operation and maintenance of the same by the State or an appropriate local agency or organization. The cost of such facilities shall be nonreturnable and nonreimbursable under the Federal reclamation laws.

SEC. 6. The Secretary is authorized to provide Central Valley project service, by way of the Pacheco Tunnel route, to lands and municipalities in Santa Clara, San Benito, Santa Cruz, and Monterey Counties: *Provided*, That construction of the works to provide such service shall not be undertaken until a report demonstrating their physical and economic feasibility has been completed, reviewed by the State, and approved by the Secretary and by the Congress, and in no event prior to July 1, 1964, unless, in the meantime, the Governor of the State of California shall have notified the Secretary that the State approves the construction of such works by the United States.

SEC. 7. There is hereby authorized to be appropriated for construction of the works of the San Luis unit, including joint use facilities, authorized by this Act, other than distribution systems and drains, the sum of $290,430,000, plus such additional amount, if any, as may be required by reason of changes in costs of construction of the types involved in the San Luis unit as shown by engineering indexes. There are also authorized to be appropriated, in addition thereto, such amounts as are required (a) for construction of such distribution systems and drains as are not constructed by local interests, and (b) for operation and maintenance of the unit. All moneys received by the Secretary from the State under this Act shall be covered into the same accounts as moneys appropriated hereunder and shall be available, without further appropriation, to carry out the purposes of this Act.

Mr. ASPINALL. Mr. Speaker, I move to strike out all after the enacting clause of the bill S. 44, and substitute therefor the language in the bill H.R. 7155 as passed by the House.

The SPEAKER. The question is on the amendment offered by the gentleman from Colorado [Mr. ASPINALL].

The amendment was agreed to.

The SPEAKER. The question is on the passage of the Senate bill, as amended.

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

A similar House bill, H.R. 7155, was laid on the table.

AMENDING HOUSE RESOLUTION 27, 86TH CONGRESS

Mr. BOLLING (on behalf of Mr. SMITH of Virginia), from the Committee on Rules, reported the following resolution (H. Res. 530, Rept. No. 1613) which was referred to the House Calendar and ordered to be printed:

Resolved, That H. Res. 27, Eighty-sixth Congress, is amended by striking out the period at the end of clause (7) on page 2 and inserting "; and" and by inserting after clause (7) on page 2 the following clause: "(8) involving the activities and operations of interstate compacts;".

ECONOMIC AND SOCIAL DEVELOPMENT IN RYUKYU ISLANDS

Mr. BOLLING, from the Committee on Rules, reported the following resolution (H. Res. 533, Rept. No. 1616) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1157) to provide for promotion of economic and social development in the Ryukyu Islands. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AUTHORIZING A PAYMENT TO THE GOVERNMENT OF JAPAN

Mr. BOLLING, from the Committee on Rules, reported the following resolution (H. Res. 532, Rept. No. 1615) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2130) to authorize a payment to the Government of Japan. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

PROVIDING FOR COMPREHENSIVE OPERATION OF HYDROELECTRIC POWER RESOURCES OF THE UNITED STATES

Mr. BOLLING (on behalf of Mr. COLMER), from the Committee on Rules, reported the following resolution (H. Res. 531, Rept. No. 1614) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7201) to provide for the comprehensive operation of hydroelectric power resources of the United States, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

FOREIGN INVESTMENT INCENTIVE TAX ACT OF 1960

Mr. BOGGS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5) to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 5, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, March 8, 1960, the gentleman from Louisiana [Mr. BOGGS] had 8 minutes remaining, and the gentleman from Illinois [Mr. MASON] had 22 minutes remaining.

The Chair recognizes the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. I wonder if the gentleman from Illinois would reserve 5 minutes, just in case we need it for purpose of explanation.

Mr. MASON. Yes. Mr. Chairman, I reserve all of my 20 minutes.

Mr. BOGGS. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, we began debate on this measure some weeks ago. At that time certain objections were raised to the proposed legislation, and in view of the fact that we were debating the bill under a closed rule as reported by the Rules Committee, it was felt that the best way to handle the objections was to reconsider the bill in the Committee on Ways and Means and adopt, if possible, committee amendments which would meet the objections.

There were three fundamental objections: One was that the administration and the Treasury Department took the position that this proposed legislation should be limited to the so-called underdeveloped countries.

The second was that we had written in the committee a so-called gross-up provision, which is a very technical tax matter quite difficult to explain, but nevertheless we had written it into this bill and had written it in other legislation pending before the committee.

The third had to do with labor standard conditions in the other countries of the world.

I think the Ways and Means Committee has met all of these objections. On yesterday I incorporated in the RECORD a comprehensive statement setting forth these committee amendments, setting forth the objections that had been raised some weeks ago, and our effort to correct these objections.

In the limited time available I do not propose to go into these matters in great detail, but as soon as general debate is over, which apparently will be in a few minutes, I will offer the committee amendments, which we are allowed to do under the rule and then will go into a general explanation.

One of the problems we had in the committee on so-called underdeveloped areas was the problem of defining these areas. This was finally worked out by the Treasury Department working in conjunction with the State Department and actually writing into the proposed law the so-called developed countries. I might read these to you: Austria, Belgium, Canada, Denmark, France, Germany, Italy, Japan, Luxembourg, Monaco, the Netherlands, Norway, Portugal, Sweden, the United Kingdom of Great Britain and Northern Ireland, and any of the countries within the Sino-Soviet bloc. That means that the other nations of the world, including the nations of Latin America, are eligible to participate in the tax-preferral provision of this proposed legislation.

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

Mr. BOGGS. I yield.

Mr. BAKER. All Western Hemisphere nations are eligible with the exception of Canada.

Mr. BOGGS. That is correct.

I might say that with the adoption of this amendment the Treasury Department and the administration approve the bill as written. I might also say that further objections to the so-called de-

veloped countries were raised by other groups, such as the AFL–CIO, and with the adoption of this amendment they too have directed a communication to the committee approving the legislation as drafted.

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

Mr. BOGGS. I yield to the gentleman from Indiana.

Mr. HALLECK. I would like to corroborate the gentleman's statement in respect to the position of the Treasury Department. As I understand it, in the communication to the chairman of the committee they state:

> While the labor standards amendment and import restrictions which are already in the bill would create serious administrative problems, the Treasury Department nevertheless would support the bill as amended.

Mr. BOGGS. That is correct, and I thank the gentleman. The Treasury Department worked very closely with the staff of the Ways and Means Committee in drafting these amendments to the bill.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. For my information and for the information of other Members of the House, would the gentleman be so kind as to briefly explain to the Members of the House what advantages would be obtained by possibly choosing to come under the provision, if it should become law, as contrasted with the existing foreign subsidiary provisions?

Mr. BOGGS. The only advantage that I know of would be that these companies could operate under the American flag. The present device that American business uses, of course, has to do with what the gentleman mentioned a minute ago, namely, the use of foreign-based corporations. Under this proposal, with the exception of developed countries which I read a moment ago, an American company could use the American flag in these so-called undeveloped countries. Of course, there is some question as to how much capital will be generated in these countries but it is something that we should do. We should at least give it a trial.

Mr. O'HARA of Michigan. Would the gentleman attach any significance to the requirement under the foreign subsidiary act that the taxpayer is required to establish tax avoidance as not being one of the purposes of the creation of this subsidiary, and does the fact we do not have a similar provision in H.R. 5 make any difference?

Mr. BOGGS. H.R. 5 is much more restrictive than any foreign subsidiary operations. As a matter of fact, in the case of the foreign subsidiary mere declaration is conclusive. But we have no way that we can look into a corporation organized in Great Britain, Mexico, Canada, or in the Philippine Islands. Under this arrangement the American Treasury Department has complete availability of the documents and the records of the American corporation, so that under the arrangement proposed here there is the same control that the Treasury Department has over all other domestic corporations. Under the foreign subsidiary there is none of that.

Mr. O'HARA of Michigan. I thank the gentleman.

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

Mr. BOGGS. I yield to the gentleman from Tennessee.

Mr. BAKER. Is it not true that under existing law there is no limitation upon the exports back into this country or imports of manufactured articles abroad, but under H.R. 5 to remain qualified it cannot exceed 10 percent, which is a great advantage from the standpoint of foreign competition.

Mr. BOGGS. That is true. The gentleman knows that is true because it is his amendment which created that limitation. That is another restriction that does not apply to the foreign subsidiary which the gentleman from Michigan referred to.

Mr. BAKER. On that very point, that was the main source of our opposition here, as I got it, when the bill was before the House previously.

Mr. BOGGS. I think that is correct.

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

Mr. BOGGS. I yield to the gentleman from Ohio.

Mr. VANIK. I think this legislation has been improved since we considered it recently, but in reference to the section relating to the activities of American banks and their branch banking activities in these countries, do those branch activities continue to be exempt or entitled to deferred taxation?

Mr. BOGGS. The answer is, again, that this is tax deferral; not tax forgiveness. And, we do not try to limit it to any particular type of corporation that qualifies under the very restrictive provisions of the language in the Act, so that if a branch bank qualifies, then it is still in the legislation.

Mr. VANIK. Well, as the legislation now stands, the activities of branch banking by American banks in these countries would still be subject to this deferral privilege under this bill.

Mr. BOGGS. If they qualify under the other provisions of the bill, that is correct.

Mr. VANIK. I thank the gentleman.

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

Mr. BOGGS. I yield to the gentleman from Washington.

Mr. PELLY. I wonder if the gentleman would inform me whether Cuba is included as one of the underdeveloped countries.

Mr. BOGGS. Yes, it is; that is correct. I might say to the gentleman, however, that there is very little prospect of any investment there.

Mr. PELLY. I do not think there are any profits there.

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

Mr. MASON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, will the author of the bill please tell me whether one of the purposes of the bill is to give American industry a better opportunity to compete with foreign countries?

Mr. BOGGS. Precisely.

Mr. HOFFMAN of Michigan. Well, will the bill, if we adopt it, tend to lessen the number of jobs for our local employees?

Mr. BOGGS. No.

Mr. HOFFMAN of Michigan. Are you sure?

Mr. BOGGS. Well, only as sure as anybody can be about anything, I will say to the gentleman. It is our feeling and the feeling of the people who have studied this legislation that we will actually increase the number of American jobs.

Mr. HOFFMAN of Michigan. Here at home?

Mr. BOGGS. Yes.

Mr. HOFFMAN of Michigan. I thank the gentleman.

Mr. MASON. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I would like to hear from the gentleman from Louisiana how this bill is going to increase jobs in this country. He has just made that statement and I would like to hear his answer.

Mr. BOGGS. If the gentleman will refer to the statement which I incorporated in the RECORD today, as a matter of fact, the gentleman will note it on page A4203. The gentleman will note the areas where we sell the most and, of course, the things that we sell are the things that are made in this country, the areas where we have the most investment, you will note that the greatest one is Canada.

Mr. GROSS. What kind of investment is the gentleman talking about? Is he talking about private investment or the investments to the tune of billions of dollars that the taxpayers have in foreign aid all over the world?

Mr. BOGGS. The gentleman from Louisiana is talking exclusively about private investment. Canada, as far as I know—and I may be wrong. I see the gentleman from Maine [Mr. COFFIN] here, who has made quite a study of Canada, and he can correct me—Canada, as far as I know, has never received any foreign aid from the United States. Will somebody correct me on that? I do not think so. Canada is our best customer.

Mr. GROSS. It is the only one that has been passed over if it has not gotten some of the foreign handouts.

Mr. BOGGS. So I say to the gentleman that the best evidence I can give in answer to his question is that if past experience means anything, then it means that the areas where we use our private funds, not taxpayers funds, are the places where the most American products will be purchased. I will give you another example. Mexico is a good one. Mexico is fast becoming one of our best customers on the basis of the investments we have there.

Mr. GROSS. I am lost as far as this bill is concerned. You have backed and filled so often on this bill since it was

before the House in March. Is it planned to dispose of this bill today or put it over for another 2 months?

Mr. BOGGS. I would invite the gentleman to support the bill.

Mr. GROSS. Are you going to walk up the hill and down again, back and fill some more? How many amendments will be offered to this bill this afternoon that only a handful of Members have ever seen?

Mr. BOGGS. Two committee amendments.

Mr. GROSS. The gentleman got trapped in his own closed rule; is that right?

Mr. BOGGS. I do not believe that I got trapped, no.

Mr. GROSS. The gentleman from Louisiana had to go back to his committee in order to get some amendments to this bill, to make it palatable enough to sell to the Members of the House. He was hanging on the ropes when the bill was before the House previously, so he went back to the committee to get this monstrosity sweetened up and sugar-coated.

Mr. BOGGS. As the gentleman from Ohio [Mr. HAYS], my good friend, said the other day, he who fights and runs away may live to fight another day. Perhaps the gentleman has described it accurately, I do not know. I admire the gentleman and I hope the gentleman will support the bill.

Mr. GROSS. Are the insurance guarantees put out by the ICA applicable to Americans who take their money and go abroad under the terms of the bill?

Mr. BOGGS. That is an entirely different law. The insurance guarantees come under the mutual security program.

Mr. GROSS. I know; but are the beneficiaries of this legislation entitled to those guarantees?

Mr. BOGGS. My answer would be yes, I should think so.

Mr. GROSS. So they get the benefit of this cheap insurance as to convertibility, as to expropriation and as to war-risk damage in some cases; and then also under the terms of this bill they get a tax deferral, or preferential tax treatment?

Mr. BOGGS. As far as I know—and I cannot really tell whether the gentleman is being completely serious or not—the insurance program was inaugurated to try to encourage private funds instead of Government funds to go into these areas. There are certainly some places on earth where they could be used. I do not know whether they have been used or not. We have seen the fantastic beating that the American investor has taken lately in Cuba. Whether or not the insurance program has been of help there or not, I do not know.

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

Mr. GROSS. I yield to the gentleman.

Mr. JUDD. When they get this insurance they pay a fee, a premium, just the same as anybody else does when he buys insurance.

Mr. GROSS. Sure, they do. But the gentleman is not trying to tell me that Lloyds of London would offer this insurance at the premium rate the ICA charges. He does not mean to tell me that Lloyds of London would insure against war risk damage in some of these countries where ICA is insuring?

Mr. JUDD. There are two answers. The first is that ICA has not had any losses. So obviously the insurance was not too bad.

Mr. GROSS. What does the gentleman mean by not too bad?

Mr. JUDD. The risks were not too bad, if they have had no losses. Maybe Lloyds has been unwise in not getting in on this.

Mr. GROSS. They do not miss many bets.

Mr. JUDD. The other reason, the big reason for such Government insurance, is that these investment guarantees and insurance are given for investment in projects which are economically sound, but which are in countries where there are unusual political risks. You cannot expect private funds to invest in a project which, however attractive it may be, is in a country whose political future is uncertain. Yet it is to our advantage to have investments in that particular country—and we will need to put in Government funds, if private funds are not invested.

Mr. GROSS. Give some of these countries a little time and stop giving them millions of dollars through the foreign handout program and it will be demonstrated how good they are as risks. This country has handed out neary $100 billion in foreign aid since the end of World War II and yet the climate for American investors in some of these countries, including Britain and France, is still so poor that these investors take out insurance with the ICA to protect themselves as to convertibility and the seizure of their investments. Now you want to give the corporations of this country preferential tax treatment on their investments. I hope none of those who vote for this bill will try to cry on my shoulder when they seek funds from the U.S. Treasury for their depressed areas when one of the contributing factors to unemployment and idle industry is because special tax treatment is given to those who take their money abroad and benefit from the cheap foreign labor that is to be found all over the world.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. MASON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. CHURCH].

Mrs. CHURCH. Mr. Chairman, I have taken this time to address one specific question to the chairman of the subcommittee. I notice from the insertion that he put yesterday into the CONGRESSIONAL RECORD that a third amendment will be prosposed, seeking to make a corporation ineligible as a foreign business corporation if it has been operating abroad under substandard labor conditions. I should certainly approve the amendment; but I wonder if the gentleman could describe or define just what is meant by substandard labor conditions; according to U.S. standards or the undeveloped country's standards—or what?

Mr. BOGGS. The gentlewoman asks a very pertinent question; the standards prevailing in the country involved.

Mrs. CHURCH. Without any attempt being made in any case to elevate such standards to meet our own standards of labor?

Mr. BOGGS. Our experience is that the American investor generally maintains labor standards that are not only comparable to that in the host country, but in most cases higher than those in the host country. I think the tendency definitely will be to elevate those standards to be comparable to ours. That is what we hope will happen.

Mrs. CHURCH. Then it is the hope of the gentleman that eventually standards abroad might be raised in order to lessen competition with our own workmen at home?

Mr. BOGGS. Exactly.

Mrs. CHURCH. I had hoped that such might be the case.

Mr. BOGGS. I thank the gentlewoman.

Mr. MASON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, I am not prepared to speak on these two committee amendments proposed by the chairman, the gentleman from Louisiana [Mr. BOGGS] because I did not know about them until about 10 minutes ago; there are no printed copies on the floor nor is there a committee report. But I do believe that before we vote on this matter we ought to study the path this legislation has followed from its beginning.

Last year the bill was introduced. I do not know what they called it then, perhaps the Foreign Investment Incentive Act of 1959. But let us see what the intent of this legislation is. At the time the bill was introduced, under certain conditions, it gave the industry that would manufacture goods abroad, the promise to pay only 38-percent corporation tax instead of 52 percent. That is a differential of 14 percent, which is an enormous amount.

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

Mr. BRAY. I yield to the gentleman from Louisiana.

Mr. BOGGS. I do not want to take exception to the gentleman, but the gentleman is referring to one specific type of operation, namely, the Western Hemisphere corporation, which was passed during the war. This is the only type of corporation which gets this type of exemption. It applies only in that specific situation.

Mr. BRAY. I am aware of that.

Mr. BOGGS. It specifically does not apply to this legislation.

Mr. BRAY. I well realize that, because you did not get by with that. I spoke against that bill last year. I pointed out how, if passed, it was going to injure American labor and American manufacturers. Then the bill was changed by the committee, because the proponents could not get by with that 14 percent less taxes.

The American corporations pay 52 percent and these would pay 38 percent. In addition to that, they would not have to pay the taxes until they brought the money back to the United States.

Then, when the bill was brought to the floor here a month or so ago, the 38-percent corporation tax was eliminated, but they were allowed to leave their money abroad without paying taxes until the money was returned to the United States.

Then after debating it over a day, the proponents saw that they were not going to get by with that, so now they come to us with the two amendments changing it, whereby they put a sugar coating on this legislation so that this is to help depressed countries. Imagine trying to set up American labor standards in Pakistan or India.

The real object of this bill is as it states, the Foreign Investment Incentive Act of 1960. I do not know how much more incentive is going to be necessary to get American corporations to manufacture their goods abroad instead of in the United States. They are doing very well on that subject. Three thousand American concerns are now manufacturing goods abroad. I discussed this matter on the floor in detail when this bill was before the House last March.

Within the last month I have had conferences with labor in four different industries in my district as to the great damage that is being done them by goods brought into America from abroad, and in two of the industries, unless something changes within 2 years, are simply going to be out of business.

America has been helping all countries and peoples of the world, but I do believe we might spend just a little time and interest in trying to look after American interests and American workingmen. Thirty billion dollars has already been spent by American money on factories abroad.

But let us get back to the intent of this bill. Once they get their foot in the door the supposed safeguards in this bill will be changed. Why do you have to give any more incentive to get American business to manufacture abroad? They are certainly doing a wonderful job doing their manufacturing abroad now.

Mr. MASON. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. BAKER].

Mr. BAKER. Mr. Chairman, in response to the last statement made by the distinguished gentleman from Indiana, I would again call to the attention of the membership that under existing law there is no limitation on imports back into this country which are manufactured abroad. Under H.R. 5, we have limited that to 10 percent. I just cannot see for the life of me why, whatever your objection might be to any other provision of the bill, that is not in the interest of the American economy.

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

Mr. BAKER. I yield to the gentleman from Pennsylvania.

Mr. DENT. Is it not true under this bill imports back to this country are limited to 10 percent of dollar volume of business of the foreign corporation, and 10 percent of their total volume might amount to 100 percent of the production of any particular industry in the United States.

Mr. BAKER. That is not the case.

Mr. DENT. That is the law, as I read it, and I beg the gentleman's pardon if it is not.

Mr. BAKER. If you manufacture say $1 million worth of windows in a foreign country, you could only send back to this country 10 percent of that million dollars worth of windows which, if my arithmetic is correct, would amount to $100,000 worth.

Mr. DENT. That is in dollar volume; is that not correct?

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

Mr. KEOGH. Mr. Chairman, I arise in support of the pending bill. Our free enterprise system is, in my view, the most potent and versatile weapon in the arsenal of the free world. We can best meet the challenge of the Communist bloc in the underdeveloped areas of the world by providing incentives to induce private American capital to go abroad and take with it the imagination, the skill and the vitality that has made our economic system the strongest that the world has known. This bill would provide such incentives.

Regrettably, the rules provided by the Internal Revenue Code of 1954 respecting the taxation of income derived from abroad and the administrative regulations and rulings thereunder are predicated upon the form of business organization and transaction rather than upon substantive effect and business need. The tax consequences of operating abroad thus vary greatly depending upon whether or not the particular business is in a position to utilize a branch organization, a domestic corporation or a foreign subsidiary. At the present time the branch form of organization is at a decided disadvantage and businesses which are forced, for either legal or practical reasons, to utilize this form of doing business find themselves at a competitive disadvantage respecting businesses with more freedom of choice. American banks and American insurance companies doing business abroad are required by both practical and legal reasons to operate as branches abroad. In the case of banks, foreign depositors expect and rely upon the security of the entire capital funds of the U.S. bank and this capital strength cannot be translated into subsidiaries for the banking laws do not ordinarily permit the guarantee of the liabilities of a banking subsidiary. For this and other reasons found in the laws which regulate banking, had not the Committee on Ways and Means taken steps with respect to the provisions of H.R. 5 to permit U.S. banks to treat their foreign branches as though they were foreign business corporations, they would have continued at a competitive disadvantage in relationship to the banks of other countries.

The action taken by your committee to prevent the continuation of this discrimination against United States banks is incorporated in the new section 957 which H.R. 5 would add to the Internal Revenue Code. This section would permit banks to treat their foreign branches for tax purposes as if they were separate foreign business corporations. For the foreign branches of an United States bank to be treated as foreign business corporations under the bill, they must elect such treatment and meet the qualifications for business in general, that is, they must derive 90 percent or more of their gross income from sources without the United States and derive 90 percent or more of their gross income from the active conduct of a trade or business. For this purpose, commissions and interests and income from gains on loans and investments which are ordinary and necessary in carrying on the trade or business of banking are to be considered as being derived from the active conduct of a trade or business.

Under the bill the foreign branches of United States banks are to be treated, under regulations to be issued by the Treasury Department, in the same manner as if they were separate corporate entities except that under subchapter C the rules relating to contributions of property and to distributions are not to apply. However, distributions received by the United States parent bank from a foreign branch will be treated as dividends with respect to which a 100 percent dividends received deduction is allowed.

The bill also provides that a United States parent bank may in its first election with respect to its branches elect to treat a branch as if it were a separate foreign business corporation or combine it with branches in other countries as a foreign business corporation. The latitude provided by this election will provide the flexibility of business decision necessary to best cope with local conditions.

It will be noted that the treatment provided by the bill in the case of the foreign branches of U.S. banks does not become available until taxable years beginning on or after January 1, 1963. In my view, this is unfortunate. However, the Treasury Department has informed your committee that it does not have the personnel to issue the necessary regulations to permit the implementation of section 957 before January 1, 1963. I have been informed by the U.S. banks doing business abroad that they stand willing and able to cooperate with the Treasury Department in the task of issuing the necessary regulations. In my view the joint efforts of the Treasury Department and the banking industry would result in the issuance of the necessary regulations long before January 1, 1963, and I express the hope that it will be possible for the Treasury Department to reconsider its view of this matter when the bill is before the other body.

U.S. insurance companies operating abroad are also required in many cases to utilize the branch form. In most respects their case is similar to that of U.S. banks and I regret that the treatment provided for the foreign branches of U.S.

banks is not also provided for the foreign branches of U.S. insurance companies. However, subchapter L of the Internal Revenue Code of 1954 which provides for the income taxation of life insurance companies is a most complicated provision. As stated by House Report No. 1282 accompanying the bill, a special situation exists in the case of life insurance companies and they have been included in the ineligible category of corporations under the bill only because of the difficulty in working out the interrelationship of the bill's provisions and the life insurance company tax treatment provided by subchapter L of the Internal Revenue Code. Accordingly, they were made ineligible corporations for the present, without prejudice as to ultimate revision of this treatment until an opportunity has been presented for further study. It is my hope that the study will be completed before the bill comes up for consideration in the other body.

The life insurance industry stands willing and eager to cooperate in this study, and is, at the present time, engaged in working out the necessary technical provisions to implement a provision which would allow them to come within the provisions of the bill.

Mr. Chairman, I urge the adoption of this bill by the House. I do not need to remind the Members of this body that economic subversion is an important tool of the Soviet bloc. Unless affirmative steps are taken to place American business in a position to compete with the Communist economic policies abroad, we face the possibility that we will find ourselves excluded from the markets of the world.

Mr. MASON. Mr. Chairman, I have no further requests for time.

Mr. BOGGS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment, and the amendment in the nature of a substitute now in the bill shall be considered as an original bill for the purpose of amendment.

No amendments are in order except amendments offered by direction of the Committee on Ways and Means and such amendments shall not be subject to amendment.

The committee substitute is as follows:

Strike out all after the enacting clause and insert:

"SECTION 1. SHORT TITLE, ETC.

"(a) SHORT TITLE.—This Act may be cited as the 'Foreign Investment Incentive Tax Act of 1960'.

"(b) AMENDMENT OF 1954 CODE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

"(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this Act shall be effective with respect to taxable years beginning after December 31, 1960.

"SEC. 2. FOREIGN BUSINESS CORPORATIONS

"(a) TAX ON FOREIGN BUSINESS CORPORATIONS.—Part III of subchapter N of chapter 1 (relating to income from sources without the United States) is amended by adding at the end thereof the following new subpart:

"'SUBPART F—FOREIGN BUSINESS CORPORATIONS

"'Sec. 951. Definition of foreign business corporation.
"'Sec. 952. Gross, taxable, and reinvested foreign income of foreign business corporations.
"'Sec. 953. Reinvested foreign income account.
"'Sec. 954. Distributions, etc., from reinvested foreign income account.
"'Sec. 955. Foreign taxes.
"'Sec. 956. Special rules.
"'Sec. 957. Elected foreign branches of banks taxed as foreign business corporations.

"'SEC. 951. DEFINITION OF FOREIGN BUSINESS CORPORATION.

"'(a) FOREIGN BUSINESS CORPORATION DEFINED.—For purposes of this title, the term "foreign business corporation" means a domestic corporation which has elected the treatment provided by this subject and which for the taxable year satisfies each of the following requirements:

"'(1) It derives 90 percent or more of its gross income from sources without the United States.

"'(2) It derives 90 percent or more of its gross income from—

"'(A) the active conduct of a trade or business,

"'(B) dividends from a qualified payor corporation (as defined in subsection (c)) which are out of earnings and profits of any taxable year for which such corporation was a qualified payor corporation (or would have been such a corporation but for the 10 percent stock ownership requirement of subsection (c)(1)(A)),

"'(C) income (other than dividends) from a qualified payor corporation, and

"'(D) compensation (other than compensation to which subparagraph (A) or (C) applies)—

"'(i) for the rendition, without the United States, of technical, managerial, engineering, construction, scientific, or like services; and

"'(ii) for the use of, or for the privilege of using, without the United States, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other like properties (but this clause shall apply only to the extent that the compensation described in this clause does not exceed 25 percent of the corporation's gross income).

"'(3) It derives not more than 10 percent of its gross income from the sale of articles which are sold by it for ultimate use, consumption, or disposition in the United States.

"'(4) It is not an ineligible corporation (as defined in subsection (d)).

"'(5) It furnishes for the taxable year, and for prior taxable years affecting (or affected by) an election under this subpart, such information with respect to such corporation as the Secretary or his delegate has prescribed by forms or regulations as necessary to carry out the provisions of the income tax laws.

"'(b) ELECTION.—

"'(1) IN GENERAL.—An election under this subpart may be made for any taxable year to which this subpart applies and for which (after making the election) the taxpayer is a foreign business corporation. An election, once effective, shall continue in effect for all subsequent taxable years of the corporation making the election up to and including—

"'(A) the taxable year for which the election is revoked by the filing of a notice of revocation, or

"'(B) the taxable year for which the election is terminated by reason of the fact that (i) such corporation was not a foreign business corporation for both such taxable year and the preceding taxable year, or (ii) such taxable year is the last taxable year of the corporation.

"'(2) WHEN ELECTION MUST BE MADE, ETC.—An election under this subpart may be made by a corporation for any taxable year at any time during the first month of such taxable year or at any time during the month preceding such first month. Such election shall be made in such manner as the Secretary or his delegate shall by regulations prescribe.

"'(3) NOTICE OF REVOCATION.—A notice of revocation (with respect to any taxable year) of an election under this subpart may be made only in such manner, and before such time, as the Secretary or his delegate shall by regulations prescribe.

"'(c) QUALIFIED PAYOR CORPORATION DEFINED.—

"'(1) IN GENERAL.—For purposes of this subpart, a domestic or foreign corporation shall be treated, with respect to another corporation, as a qualified payor corporation for any of its taxable years (including taxable years beginning before January 1, 1961) with respect to which—

"'(A) at least 10 percent of its voting stock is owned by such other corporation,

"'(B) it satisfies the requirements described in paragraphs (1), (2), (3), and (4) of subsection (a), and

"'(C) it derives 50 percent or more of its gross income from sources without the United States from the active conduct of a trade or business.

For purposes of determining the tax of the taxpayer, no corporation shall be treated as a qualified payor corporation, with respect to the taxpayer or any other corporation, unless the taxpayer furnishes such information with respect to such corporation as the Secretary or his delegate has prescribed by forms or regulations as necessary to carry out the provisions of this subpart.

"'(2) DISQUALIFICATION FOR INSUFFICIENT FOREIGN INVESTMENT AND PAYROLL.—A corporation shall not be a qualified payor corporation for any taxable year if, on determining a percentage under section 954(b) with respect to such corporation (whether or not such corporation is a foreign business corporation), such percentage exceeds 20 percent. For purposes of the preceding sentence, a corporation shall be treated as engaged in only one trade or business.

"'(3) OTHER SPECIAL RULES.—For purposes of determining under paragraph (1) of this subsection whether a corporation is a qualified payor corporation—

"'(A) income from another corporation shall be treated as from a qualified payor corporation if such other corporation satisfies the requirements of paragraph (1) (without regard to subparagraph (C) thereof), and

"'(B) a foreign corporation shall be treated as an ineligible corporation if it is a foreign personal holding company.

"'(d) INELIGIBLE CORPORATION.—For purposes of subsection (a)(4), each of the following (as determined without regard to this subpart) is an ineligible corporation:

"'(1) A corporation exempt from taxation under subchapter F.

"'(2) A corporation organized under the China Trade Act, 1922.

"'(3) A regulated investment company subject to tax under subchapter M.

"'(4) A personal holding company (as defined in section 542).

"'(5) A life insurance company (as defined in section 801).

"'(6) An unincorporated business enterprise subject to tax as a corporation under section 1361.

"'(7) An electing small business corporation (as defined in section 1371(b)).

"'SEC. 952. GROSS, TAXABLE, AND REINVESTED FOREIGN INCOME OF FOREIGN BUSINESS CORPORATIONS.

"'(a) GROSS INCOME AND TAXABLE INCOME OF FOREIGN BUSINESS CORPORATION.—For purposes of this title (other than section 170,

relating to charitable contributions or gifts, subchapter G of this chapter, relating to corporations used to avoid income tax on shareholders, subpart C of this part, relating to Western Hemisphere trade corporations, and section 951)—

"'(1) The gross income of a foreign business corporation shall be the sum of—

"'(A) the gross income from sources within the United States, and

"'(B) the amount (which shall be treated as an item of income derived from sources without the United States during the taxable year) subtracted from its reinvested foreign income account for the taxable year, as determined under section 953.

"'(2) The taxable income of a foreign business corporation shall be the amount determined under paragraph (1), minus the sum of the deductions allowed by this chapter to the extent deductible under part I of this subchapter (relating to determination of sources of income), as modified by this subpart, in determining taxable income from sources within the United States.

"'(b) REINVESTED FOREIGN INCOME DEFINED.—

"'(1) IN GENERAL.—For purposes of this subpart, the term "reinvested foreign income" means the taxable income from sources without the United States (as determined under part I of this subchapter, with the modifications provided by this subpart).

"'(2) SPECIAL RULES.—In determining the reinvested foreign income for any taxable year—

"'(A) No deduction shall be allowed for income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States.

"'(B) There shall be included, as an item of income derived from sources without the United States during the taxable year, an amount equal to the taxes which (on applying section 955(c)) are deemed paid under section 902.

"'(C) If the net long-term capital gain from sources without the United States exceeds the net short-term capital loss from such sources, then the reinvested foreign income for such taxable year shall be the sum of—

"'(i) the reinvested foreign income (computed without regard to this subparagraph) reduced (but not below zero) by the amount of such excess, and

"'(ii) the amount ascertained by multiplying the amount of such excess by the percentage obtained by subtracting from 100 percent the sum of the normal and surtax rates applicable to such taxable year.

This subparagraph shall apply only if the amount of reinvested foreign income determined under this subparagraph is less than the amount determined without regard to this subparagraph.

"'SEC. 953. REINVESTED FOREIGN INCOME ACCOUNT.

"'(a) IN GENERAL.—Each corporation making an election under this subpart shall, for purposes of this subpart, establish and maintain a reinvested foreign income account. The amount in such account as of the first day of the first taxable year to which the election applies shall be zero.

"'(b) ADDITIONS TO ACCOUNT.—The amount added to the reinvested foreign income account for any taxable year for which the corporation is a foreign business corporation shall be an amount equal to the reinvested foreign income for such taxable year.

"'(c) SUBTRACTIONS FROM ACCOUNT.—

"'(1) ORDER OF SUBTRACTION.—Any amount subtracted from the reinvested foreign income account of a corporation for any taxable year shall be treated as made first out of the addition to such account for such year, to the extent thereof, and thereafter out of the most recently added amounts which have not previously been subtracted.

"'(2) AMOUNT OF SUBTRACTION.—Except as provided in paragraph (3), the amount of the subtraction from the reinvested foreign income account of a corporation for any taxable year shall be the sum of—

"'(A) the amount which is treated under this subpart as distributed from such account for such year, plus

"'(B) whichever of the following amounts is the larger:

"'(i) the amount by which the tax imposed by this chapter for the taxable year is increased by section 952(a)(1)(B) or 956(b), or

"'(ii) the ratable portion of the income, war profits, and excess profits taxes paid or accrued to foreign countries and possessions of the United States during the taxable year of the addition out of which the subtraction is made.

If a subtraction from the reinvested foreign income account for any taxable year is out of more than one addition to such account, subparagraph (B) shall be applied separately with respect to each taxable year of addition out of which the subtraction is made.

"'(3) ENTIRE AMOUNT SUBTRACTED IN CASE OF REVOCATION OF TERMINATION.—Except as provided in section 381(c)(23), if an election under this subpart is revoked or terminated, the entire amount in the reinvested foreign income account shall be subtracted from the account for the last taxable year for which such election was in effect.

"'(4) ACCOUNT NOT TO BE REDUCED BELOW ZERO.—Amounts subtracted under this subsection shall not reduce the reinvested foreign income account below zero.

"'SEC. 954. DISTRIBUTIONS, ETC., FROM REINVESTED FOREIGN INCOME ACCOUNT.

"'(a) GENERAL RULE.—For purposes of this subpart, the amount of any distribution to shareholders shall be treated as made out of the reinvested foreign income account. For purposes of this subsection—

"'(1) the term "distribution" includes any distribution in redemption of stock or in partial or complete liquidation of the corporation, but does not include any distribution made by the corporation in its stock or in rights to acquire its stock; and

"'(2) the amount of any distribution shall be the fair market value of the property distributed.

"'(b) DISTRIBUTION BY REASON OF UNITED STATES INVESTMENT AND PAYROLL.—

"'(1) IN GENERAL.—Under regulations prescribed by the Secretary or his delegate, there shall be treated as distributed to shareholders for the taxable year, out of the reinvested foreign income account, one-half of the amount determined by multiplying the portion of the reinvested foreign income for the taxable year which is attributable to the active conduct of a trade or business by the percentage determined by dividing—

"'(A) the sum of (i) the adjusted basis of the taxpayer's property within the United States, and (ii) an amount 2 times the amount paid or accrued during the taxable year for labor and personal services performed within the United States, by

"'(B) the sum of (i) the adjusted basis of the taxpayer's property wherever located, and (ii) an amount 2 times the amount paid or accrued during the taxable year for all labor and personal services.

For purposes of the preceding sentence, only real property and tangible personal property (other than property described in section 1221(1)), and labor and personal services, which are ordinary and necessary for carrying on the trade or business shall be taken into account. In the case of a taxpayer engaged in two or more separate and distinct trades or businesses, separate computations shall be made under this subsection with respect to each such trade or business.

"'(2) PARAGRAPH (1) INAPPLICABLE WHERE PERCENTAGE IS LESS THAN 10 PERCENT.—If the percentage determined under paragraph (1) with respect to any trade or business for any taxable year is less than 10 percent, paragraph (1) shall not apply to such trade or business for such taxable year.

"'(c) HOLDING OF PROHIBITED PROPERTY TREATED AS DISTRIBUTION.—

"'(1) PROPERTY HELD BY FOREIGN BUSINESS CORPORATION.—If the taxpayer holds prohibited property at any time during the taxable year, it shall be treated as having made a distribution to shareholders out of its reinvested foreign income account for such taxable year.

"'(2) PROPERTY HELD BY CERTAIN OTHER CORPORATIONS.—If the taxpayer owns (directly or through one or more other corporations) 10 percent or more of the voting stock of another corporation, it shall be treated for purposes of paragraph (1) as holding a corresponding percentage of the property held by such other corporation which would be prohibited property if such other corporation were a foreign business corporation.

"'(3) AMOUNT OF DISTRIBUTION.—

"'(A) MAXIMUM AMOUNT TO BE TAKEN INTO ACCOUNT.—This subsection shall be applied, with respect to the taxpayer, at that time during its taxable year when it results in the maximum amount of prohibited property.

"'(B) AMOUNT TAKEN INTO ACCOUNT WITH RESPECT TO PARTICULAR PROPERTIES.—For purposes of this subsection, the amount taken into account with respect to any property shall be the adjusted basis of such property, reduced by the sum of—

"'(i) any liability to which such property is subject, and

"'(ii) the aggregate amount treated as distributions for prior taxable years by reason of such corporation's holding such property. For purposes of clause (ii), a distribution for a prior taxable year shall be treated as attributable first to the properties constituting prohibited property which were held at the close of such taxable year.

"'(4) PROHIBITED PROPERTY DEFINED.—

"'(A) IN GENERAL.—For purposes of this subsection, the term "prohibited property" means any property other than—

"'(i) tangible or intangible property which is ordinary and necessary for carrying on a trade or business of the taxpayer (but only if for the taxable year or for the preceding taxable year 90 percent or more of the gross income of such trade or business is derived from sources without the United States),

"'(ii) securities of another corporation which is a qualified payor corporation (or a corporation, at least 10 percent of the voting stock of which is owned by the taxpayer, with respect to which an election under this subpart is in effect) for its taxable year ending with or within the taxpayer's taxable year or for the immediately preceding taxable year of such other corporation.

"'(iii) obligations of foreign governments, but only to the extent that the aggregate adjusted basis of all such obligations does not exceed 15 percent of the taxpayer's earnings and profits accumulated after December 31, 1960 (determined as of the beginning of the taxable year),

"'(iv) obligations of the United States, money, and deposits with persons carrying on the banking business, and

"'(v) any loan to which subsection (d) applies.

"'(B) SECURITY DEFINED.—For purposes of subparagraph (A), the term "security" means any share of stock in any corporation, certificate of stock or interest in any corporation, note, bond, debenture, or evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foregoing.

"'(5) SPECIAL RULES FOR APPLICATION OF PARAGRAPH (2).—

"'(A) NO ATTRIBUTION THROUGH A FOREIGN BUSINESS CORPORATION.—Paragraph (2) shall not apply to—

"'(i) stock held in a corporation with respect to which an election under this subpart is in effect, and

"'(ii) stock and other property which (but for this clause) would be treated as held by the taxpayer solely by reason of holding stock described in clause (i).

"'(B) NO DUPLICATION IN ATTRIBUTION THROUGH ANOTHER CORPORATION.—If (but for this subparagraph) any corporation would be treated under paragraph (2) as holding prohibited property by reason of—

"'(i) stock in another corporation, and

"'(ii) stock or other property held by such other corporation,

there shall be taken into account under such paragraph only the amount determined with respect to clause (i) or clause (ii), whichever is the greater.

"'(C) FAIR MARKET VALUE TAKEN INTO ACCOUNT WHERE INFORMATION IS NOT FURNISHED.—For purposes of this subsection, the amount taken into account for any taxable year by the taxpayer with respect to any other corporation described in paragraph (2) shall be the fair market value of its direct or indirect stock holdings in such corporation, unless the taxpayer furnishes such information with respect to such corporation as the Secretary or his delegate has prescribed by forms or regulations as necessary to carry out the provisions of this subpart.

"'(d) TREATMENT OF CERTAIN LOANS.—

"'(1) IN GENERAL.—For purposes of this subpart, if any corporation makes a loan to another corporation which owns (directly or through one or more other corporations) 10 percent or more of the voting stock of the lending corporation, then—

"'(A) If the lending corporation is a foreign business corporation (or a corporation with respect to which an election under this subpart is in effect), it shall be treated as having made a distribution to shareholders, in an amount equal to the loan, out of its reinvested foreign income account for such taxable year.

"'(B) If the borrowing corporation is a foreign business corporation, an amount equal to the loan shall be treated, for purposes of determining reinvested foreign income, as an item of gross income received at the time the loan was received.

For purposes of applying this paragraph, each corporation in a chain of ownership (other than the lending and the borrowing corporations) shall be treated as having received, and in turn distributed, an amount equal to such loan.

"'(2) OUTSTANDING LOANS WHICH HAVE NOT BEEN TREATED AS DISTRIBUTIONS.—If any loan described in paragraph (1) remains outstanding in any taxable year of the ending corporation after the taxable year in which made, such loan shall be treated (for purposes of paragraph (1)) as made in such succeeding taxable year in an amount equal to the amount so outstanding, but the amount taken into account with respect to any corporation shall be reduced by the amount treated as distributions by such corporation for prior taxable years by reason of such loan.

"'(3) CERTAIN OPEN ACCOUNTS AND OTHER COMMERCIAL LOANS EXCEPTED.—This subsection shall not apply in the case of any loan arising in connection with the sale of property, if the amount of such loan outstanding at no time during the taxable year exceeds the amount which would be ordinary and necessary to carry on the trade or business of both the lending corporation and the borrowing corporation had the sale been made between unrelated corporations.

"'(e) LIMITATION ON AMOUNT TREATED AS DISTRIBUTED BY REASON OF PROHIBITED PROPERTY AND LOANS.—The amount treated as distributed under subsections (c) and (d) for any taxable year shall not exceed the amount of a distribution to shareholders which (after the application of subsections (a) and (b)) would reduce the amount in the reinvested foreign income account to zero.

"'SEC. 955. FOREIGN TAXES.

"'(a) YEAR FOREIGN TAXES TAKEN INTO ACCOUNT.—

"'(1) IN GENERAL.—For purposes of this chapter (other than this subpart)—

"'(A) any income, war profits, and excess profits taxes paid or accrued during any taxable year to any foreign country or to any possession of the United States by a foreign business corporation shall not (except as otherwise provided by this subsection) be taken into account for such taxable year, and

"'(B) where an amount is subtracted from the reinvested foreign income account of any corporation, a ratable portion of such taxes paid or accrued to foreign countries and possessions of the United States during the taxable year of the addition out of which the subtraction is made shall, for purposes of subpart A and section 164, be treated as paid or accrued during the taxable year for which the subtraction is made.

"'(2) YEAR FOR WHICH NO REINVESTED FOREIGN INCOME.—Paragraph (1)(A) shall not apply to a foreign business corporation for any taxable year for which no amount is added to the reinvested foreign income account.

"'(b) FOREIGN TAX CREDIT—OVERALL LIMIT TO APPLY.—In the case of a corporation to which an election under this subpart applies—

"'(1) section 904(a) shall not apply,

"'(2) the total amount of the credit in respect of taxes paid or accrued to all countries and possessions shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to its entire taxable income for the same taxable year, and

"'(3) the reference in section 904(c) to subsection (a) of section 904 shall be treated as a reference to paragraph (2) of this subsection.

In applying section 904(c), no amount paid or accrued for a taxable year to which an election under this subpart applied shall (except for purposes of determining the number of taxable years which have elapsed) be deemed paid or accrued under section 904(c) in any year for which an election under this subpart does not apply.

"'(c) TREATMENT OF DEEMED TAXES.—For purposes of this subpart—

"'(1) IN GENERAL.—If any amount is added to the reinvested foreign income account of any foreign business corporation for any taxable year, the amount of taxes deemed paid by such corporation for such taxable year under section 902 (relating to dividends received from certain foreign corporations), by reason of taxes paid (or deemed paid) by any foreign corporation, shall be determined without reduction by reason of the ratio which the accumulated profits of the payor foreign corporation bear to its total profits.

"'(2) FOREIGN TAXES INCLUDE DEEMED TAXES.—Any reference to income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States shall be treated as including such taxes deemed paid under section 902, as modified by paragraph (1) of this subsection.

"'SEC. 956. SPECIAL RULES.

"'(a) SURTAX EXEMPTIONS.—In the case of a corporation to which an election under this subpart applies, the surtax under section 11(c) for the taxable year shall be determined by substituting for "exceeds $25,000" the following: "exceeds $25,000 (or, if smaller, the taxable income computed without regard to the amount subtracted from the taxpayer's reinvested foreign income account)".

"'(b) GROSS INCOME FOR TAXABLE YEAR FOR WHICH CORPORATION IS NOT A FOREIGN BUSINESS CORPORATION.—For purposes of this title (other than section 170, relating to charitable contributions or gifts, subchapter G of this chapter, relating to corporations used to avoid income tax on shareholders, subpart C of this part, relating to Western Hemisphere trade corporations, and section 951), if an election under this subpart is in effect with respect to any corporation for any taxable year for which such corporation is not a foreign business corporation, the gross income of such corporation shall include (as an item of income derived from sources without the United States during the taxable year) the amount subtracted from its reinvested foreign income account for the taxable year.

"'(c) APPLICATION OF SECTIONS 172 AND 1212.—

"'(1) COMPUTATION OF REINVESTED FOREIGN INCOME.—In computing reinvested foreign income for any taxable year—

"'(A) no net operating loss carryover or carryback, and

"'(B) no capital loss carryover,

shall be allowed from a taxable year for which the corporation was not a foreign business corporation.

"'(2) LIMITATION ON YEARS TO WHICH FOREIGN SOURCES MAY BE CARRIED.—Except as provided in paragraph (3)—

"'(A) no net operating loss carryover or carryback, and

"'(B) no capital loss carryover,

which is from a taxable year for which the corporation was a foreign business corporation, and which is attributable to sources without the United States, shall be allowed for any taxable year for which the corporation is not a foreign business corporation.

"'(3) ADJUSTMENT IN CARRYOVERS ON REVOCATION OR TERMINATION OF ELECTION.—If an election under this subpart is revoked or terminated for any taxable year, then—

"'(A) the net operating loss carryover from any taxable year for which the corporation was a foreign business corporation (hereinafter in this subparagraph referred to as "loss year") to taxable years succeeding the last taxable year for which the election was in effect shall include the net operating loss carryover (reduced as provided by section 172(b)) from the loss year from sources without the United States, and

"'(B) in determining the short-term capital loss provided by section 1212 for taxable years succeeding the last taxable year for which the election was in effect, a rule similiar to the rule provided by subparagraph (A) shall be applied.

"'(d) LIMITATION ON INFORMATION REQUIRED TO BE FURNISHED.—No information shall be required to be furnished with respect to any corporation under section 951(a)(5), 951(c)(1), or 954(c)(5)(C), for any of its taxable years beginning after December 31, 1960, unless such information is of a character which was required to be furnished under the forms or regulations in effect on the first day of such taxable year.

"'SEC. 957. ELECTED FOREIGN BRANCHES OF BANKS TAXED AS FOREIGN BUSINESS CORPORATIONS.

"'(a) GENERAL RULE.—Subject to the qualifications in subsection (b), an election may be made by a bank (as defined in section 581) which during the taxable year operates a branch in a foreign country, permitting such branch to be subject to taxation as a foreign business corporation for such year and subsequent years as provided in subsection (e). Such election shall be made in accordance with regulations pre-

scribed by the Secretary or his delegate. Each branch with respect to which such electing bank has made an election under this subsection shall be an "elected branch" for purposes of this section.

"'(b) QUALIFICATIONS.—The election described in subsection (a) may not be made with respect to a foreign branch unless such branch—

"'(1) derives 90 percent or more of its gross income from sources without the United States; and

"'(2) derives 90 percent or more of its gross income from the active conduct of a trade or business, which for purposes of this paragraph shall include commissions and interest and all income and gains from loans and investments ordinary and necessary for the carrying on of such trade or business.

"'(c) CORPORATE PROVISIONS APPLICABLE.—Under regulations prescribed by the Secretary or his delegate, an elected branch shall, except as provided in subsection (g), be considered a corporation for purposes of this subtitle with respect to operation, distributions, and any other purpose; and the electing bank shall be considered the sole shareholder thereof.

"'(d) DURATION OF ELECTION.—The election under subsection (a) may be made for any taxable year beginning after December 31, 1962, and shall continue in effect for all subsequent years until terminated, either by notice of revocation filed by the taxpayer, or by failure of the elected branch for two successive taxable years to qualify under this section.

"'(e) IMPOSITION OF TAXES.—An elected branch shall be treated as a corporation with respect to which an election under this subpart is in effect.

"'(f) COMPUTATION OF TAXABLE INCOME.—In computing the taxable income of an elected branch, there shall be allowed only such deductions and credits as are properly allocable to the operation of the business of such branch.

"'(g) PROVISION INAPPLICABLE.—An elected branch shall not be considered a corporation, nor shall the electing bank be considered a shareholder, for purposes of subchapter C, except with respect to—

"'(1) contributions of property, constituting either paid-in surplus or contributions to capital; and

"'(2) part I thereof (relating to distributions).

"'(h) MULTIPLE BRANCHES.—

"'(1) COMBINING BRANCHES IN 2 OR MORE COUNTRIES.—If, at the time of making its first election under this section, a bank makes such election with respect to branches in more than one foreign country, it may (for purposes of this section) elect to make one or more combinations of such branches and to treat each such combination as a single elected branch. If, thereafter, a branch becomes an elected branch for the first time, such branch may be combined with any other elected branch (whether separate or combined).

"'(2) BRANCHES IN SAME COUNTRY MUST BE COMBINED.—For purposes of this section, each branch in any one foreign country shall be treated as included within any election made under this section with respect to any other branch in such country.

"'(3) TREATMENT TO BE CONTINUED.—If a bank for any taxable year elects to treat its branch in any foreign country separately or in a specified combination, such treatment shall (except as provided in the last sentence of paragraph (1)) be continued for all subsequent taxable years, unless the Secretary or his delegate consents to a different treatment.

"'(i) DIVIDENDS RECEIVED OUT OF REINVESTED FOREIGN INCOME ACCOUNT.—In the case of an electing bank which receives a dividend from an elected branch out of its reinvested foreign income account, there shall be allowed as a deduction an amount equal to 100 percent of the amount received as a dividend.'

"(b) CERTAIN DIVIDENDS RECEIVED OUT OF REINVESTED FOREIGN INCOME ACCOUNT.—

"(1) Section 243 (relating to dividends received by corporations) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"'(c) DIVIDENDS RECEIVED OUT OF REINVESTED FOREIGN INCOME ACCOUNT.—If—

"'(1) a domestic corporation receives a dividend from another corporation out of such other corporation's reinvested foreign income account (within the meaning of section 953), and

"'(2) the recipient corporation, or another domestic corporation, is in control (within the meaning of section 368(c)) of the payor corporation,

then there shall be allowed as a deduction an amount equal to 100 percent of the amount received as a dividend.'

"(2) Section 243(a) is amended by striking out 'In the case of a corporation (other than a small business investment company operating under the Small Business Investment Act of 1958)' and inserting in lieu thereof the following: 'Except as provided in subsections (b) and (c), in the case of a corporation'.

"(c) CARRYOVERS.—Section 381(c) of the Internal Revenue Code of 1954 (relating to items of distributor or transferor corporations taken into account) is amended by adding at the end thereof the following new paragraph:

"'(23) SUCCESSOR FOREIGN BUSINESS CORPORATION.—If the acquiring corporation is a foreign business corporation (as defined in section 951), there shall be taken into account (to the extent proper to carry out the purposes of this section and subpart F of part III of subchapter N, and under such regulations as may be prescribed by the Secretary or his delegate) the reinvested foreign income account, and the items related thereto (including income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States), of the distributor or transferor corporation.'

"(d) PERSONAL HOLDING COMPANY INCOME.—Section 543 (relating to personal holding company income) is amended by adding at the end thereof the following new subsection:

"'(d) DIVIDENDS, ETC., RECEIVED BY FOREIGN BUSINESS CORPORATIONS.—

"'(1) IN GENERAL.—Subsection (a)(1) shall not apply to dividends, interest, or royalties (other than mineral, oil, or gas royalties) received or accrued by a corporation which (on applying this subsection) is a foreign business corporation for the taxable year if—

"'(A) during its entire taxable year more than 50 percent in value of its outstanding stock is owned by a domestic parent corporation;

"'(B) such domestic parent corporation, for its taxable year which ends with (or within which ends) the taxable year of the foreign business corporation—

"'(i) is not a personal holding company; and

"'(ii) would not be a personal holding company if such domestic parent corporation itself had derived its proportionate share of each item of gross income derived by each subsidiary for the taxable year of such subsidiary which ends with or within the taxable year of the domestic parent corporation; and

"'(C) the dividends, interest, and royalties referred to in subsection (a)(1) are received or accrued by the foreign business corporation from another corporation—

"'(i) in which the foreign business corporation owns, directly or indirectly, more than 50 percent in value of the outstanding stock (or such lesser percentage as is the maximum percentage which the foreign business corporation may own under the law applicable to it or to such other corporation), and

"'(ii) which, for its taxable year which ends with or within the taxable year of the foreign business corporation and for its two preceding taxable years (or for such part thereof as it was in existence), has derived 70 percent or more of its gross income from sources without the United States and from the active conduct of a trade or business.

"'(2) SPECIAL RULES FOR APPLICATION OF SUBSECTION.—

"'(A) For purposes of this subsection, the term "foreign business corporation" includes a corporation with respect to which an election under section 951 is in effect.

"'(B) For purposes of paragraph (1)(B), a corporation is a subsidiary of the domestic parent corporation if it is a domestic corporation and if (at any time during the subsidiary's taxable year referred to in paragraph (1)(B)) the domestic parent corporation held more than 50 percent in value of its outstanding stock; and the proportionate share with respect to any item of gross income of such a subsidiary is that percentage which equals the percentage of stock ownership at that time (during the subsidiary's taxable year referred to in paragraph (1)(B)) when such ownership by the domestic parent corporation was the greatest.

"'(C) For purposes of paragraph (1)(C), if the trade or business referred to in clause (ii) thereof is of the same or similar or related character as the trade or business conducted by the domestic parent corporation, the percentage in clause (i) thereof shall be 25 percent in lieu of 50 percent.'

"(e) FOREIGN BUSINESS CORPORATIONS NOT INCLUDIBLE CORPORATIONS IN AFFILIATED GROUPS.—Section 1504(b) (relating to definition of includible corporations for purposes of consolidated returns) is amended by adding at the end thereof the following new paragraph:

"'(8) A corporation with respect to which an election under subpart F of part III of subchapter N (relating to foreign business corporations) is in effect.'

"(f) TECHNICAL AMENDMENTS.—

"(1) The table of subparts for part III of subchapter N of chapter 1 is amended by adding at the end thereof the following:

"'Subpart F. Foreign business corporations.'

"(2) Section 901(d) is amended by adding at the end thereof the following new paragraph:

"'(4) For special rules relating to foreign business corporations, see section 955.'

"(3) Section 903 (relating to credit for taxes in lieu of income, etc., taxes) is amended by striking out 'For purposes of this subpart and of section 164(b),' and inserting in lieu thereof 'For purposes of this subpart, subpart F, and section 164(b),'.

"SEC. 3. CERTAIN TRANSFERS TO FOREIGN CORPORATIONS AND TO FOREIGN BUSINESS CORPORATIONS.

"(a) AMENDMENT OF SECTION 367.—Section 367 (relating to foreign corporations) is amended—

"(1) by striking out 'In determining' and inserting in lieu thereof the following:

"'(a) GENERAL RULE.—In determining'; and

"(2) by adding at the end thereof the following new subsections:

"'(b) EXCEPTION FOR CERTAIN TRANSFERS TO FOREIGN BUSINESS CORPORATIONS.—Subsection (a) shall not apply in the case of any exchange referred to in subsection (a) if such exchange arises out of, or in connection with, a transfer (whether or not in liquidation) of substantially all of the properties of a foreign corporation to a foreign business corporation (as defined in section 951(a)). In

the case of such an exchange, the accumulated earnings and profits, if any, of the foreign corporation shall be treated (except for purposes of section 951) as having been distributed immediately before the exchange or liquidation to the foreign business corporation as a dividend.

"'(c) EXCEPTION FOR CERTAIN TRANSFERS BY FOREIGN BUSINESS CORPORATIONS.—

"'(1) IN GENERAL.—Subsection (a) shall not apply in the case of any exchange referred to in subsection (a) if such exchange arises out of, or in connection with, a transfer of foreign business property by a foreign business corporation (as defined in section 951(a)) to a foreign corporation in exchange for stock of such foreign corporation, if for its first taxable year beginning after such exchange such foreign corporation—

"'(A) is controlled (as defined in section 368(c)) by one or more foreign business corporations, and

"'(B) is a qualified payor corporation (as defined in section 951(c) with respect to each such corporation.

"'(2) FOREIGN BUSINESS PROPERTY DEFINED.—For purposes of paragraph (1), the term "foreign business property" means any property which is transferred for use, and within 6 months after the transfer is in use, by the transferee in the active conduct of a trade or business; except that such term does not include—

"'(A) property described in section 1221 (1),

"'(B) stock in a domestic corporation, and

"'(C) stock in a foreign corporation, unless such stock is voting stock in a qualified payor corporation as to the foreign business corporation for its last 3 taxable years ending before the exchange and, for its first taxable year beginning after the exchange (i) is a qualified payor corporation as to the foreign corporation, and (ii) derives 50 percent or more of its gross income from sources without the United States from the active conduct of a trade or business.

For purposes of this paragraph, stock which qualifies as property under subparagraph (C) shall be deemed property used in the active conduct of a trade or business.'

"(b) AMENDMENT OF SECTION 1492.—Section 1492 (relating to nontaxable transfers) is amended to read as follows:

"'SEC. 1492. NONTAXABLE TRANSFERS.

"'The tax imposed by section 1491 shall not apply—

"'(1) if the transferee is an organization exempt from income tax under part I of subchapter F of chapter 1 (other than an organization described in section 401(a));

"'(2) if the stock transferred is "foreign business property" as defined in section 367(c) (relating to certain transfers by foreign business corporations); or

"'(3) if before the transfer it has been established to the satisfaction of the Secretary or his delegate that such transfer is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.'

"(c) TRANSFER OF INVENTORY TO FOREIGN BUSINESS CORPORATIONS AND FOREIGN CORPORATIONS.—

"(1) Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"'SEC. 78. TRANSFER OF INVENTORY TO FOREIGN BUSINESS COPORATIONS AND FOREIGN CORPORATIONS.

"'(a) GENERAL RULE.—If any person transfers property which, in his hands, is property described in section 1221(1)—

"'(1) to a corporation for which an election is in effect under subpart F (relating to foreign business corporations) of part III of subchapter N, or

"'(2) to a foreign corporation,

in exchange for stock or securities in such corporation or as a contribution to the capital of such corporation, then such person shall be treated as having exchanged such property for stock in such corporation having a fair market value equal to the fair market value of the property so transferred.

"'(b) NONAPPLICATION OF SECTION 351.—Section 351 shall not apply to any transfer of property described in subsection (a).'

"(2) The table of sections for such part II is amended by adding at the end thereof the following:

"'SEC. 78. Transfer of inventory to foreign business corporations and foreign corporations."

"(3) Subsection (d) of section 351 (relating to transfer to corporation controlled by transferor) is amended by adding at the end thereof the following new paragraph:

"'(5) For nonapplication of this section in the case of inventory transferred to a foreign business corporation or a foreign corporation, see section 78(b).'"

Mr. BOGGS. Mr. Chairman, by direction of the Committee on Ways and Means, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BOGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOGGS. Mr. Chairman, the bill now being considered, of course, is a committee amendment to the whole bill; so this amendment is offered, I presume, in the form of an amendment to the substitute amendment; is that correct?

The CHAIRMAN. That is correct.

The Clerk read as follows:

Amendment offered by Mr. BOGGS to the committee substitute: Page 23, strike out the period at the end of the first line after line 17 and insert ", etc."

Page 24, strike out the period at the end of line 1 and insert, ", ETC."

Page 24, strike out lines 7 and 8 and insert:

"'(1) It derives 90 percent or more of its gross income from sources within less developed countries (within the meaning of subsection (e))."

Page 24, lines 23 and 24, strike out "without the United States" and insert "within less developed countries".

Page 25, line 2, strike out "without the United States" and insert "within less developed countries".

Page 27, line 13, strike out "without the United States" and insert "within less developed countries".

Page 27, lines 22 and 23, strike out "FOREIGN" and insert "LESS DEVELOPED COUNTRIES".

Page 29, after line 8, insert:

"'(e) LESS DEVELOPED COUNTRY DEFINED; ALLOCATION OF ITEMS TO SOURCES WITHIN OR WITHOUT LESS DEVELOPED COUNTRIES.—For purposes of this subpart—

"'(1) LESS DEVELOPED COUNTRY DEFINED.—A less developed country is any foreign country (other than an area within the Sino-Soviet bloc) or any possession of the United States with respect to which, on the first day of the taxable year, there is in effect an Executive order by the President of the United States designating such country or possession as an economically less developed country for purposes of this subpart. For purposes of the preceding sentence, an overseas territory, department, province, or possession may be treated as a separate country.

"'(2) CERTAIN COUNTRIES EXCLUDED.—No designation shall be made under paragraph (1) with respect to Austria, Belgium, Canada, Denmark, France, Federal Republic of Germany, Italy, Japan, Luxembourg, Monaco, Netherlands, Norway, Portugal, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland.

"'(3) SOURCE RULES.—Items of gross income, expenses, losses, and deductions shall be allocated to sources within or without less developed countries under regulations prescribed by the Secretary or his delegate. Such regulations shall, to the extent of the Secretary or his delegate finds practicable, be consistent with the principles of part I of this subchapter (relating to determination of sources of income)."

Page 29, strike out lines 20 and 21 and insert:

"'(A) the gross income from sources without less developed countries, and".

Page 30, strike out line 3 and all that follows through line 4 on page 31, and insert:

"'(2) The taxable income of a foreign business corporation shall be the amount determined under paragraph (1), minus the sum of the deductions allowed by this chapter which are allocable to sources without less developed countries.

"'(b) REINVESTED FOREIGN INCOME DEFINED.—

"'(1) IN GENERAL.—For purposes of this subpart, the term "reinvested foreign income" means the taxable income from sources within less developed countries.

"'(2) SPECIAL RULES.—In determining the reinvested foreign income for any taxable year—

"'(A) No deduction shall be allowed for income, war profits, and excess profits, and excess profits taxes which are allocable to sources within less developed countries and which are paid or accrued to any foreign country or to any possession of the United States.

"'(B) If the net long-term capital gain from sources within less developed countries exceeds the net'.

Page 33, strike out lines 4 through 8, and insert:

"'(ii) the ratable portion of the income, war profits, and excess profits taxes which are allocable to sources within less developed countries and which are paid or accrued to foreign countries and possessions of the United States during the taxable year of the addition out of which the subtraction is made."

Page 34, strike out lines 14 and 15, and insert:

"'(b) DISTRIBUTION BY REASON OF INVESTMENT AND PAYROLL WITHOUT LESS DEVELOPED COUNTRIES.—'"

Page 34, line 25, strike out "within the United States" and insert "without less developed countries".

Page 35, line 3, strike out "within the United States" and insert "without less developed countries".

Page 37, line 20, strike out "without the United States" and insert "within less developed countries".

Page 42, strike out lines 16 through 22, and insert:

"'(A) any income, war profits, and excess profits taxes which are allocable to sources within less developed countries and which are paid or accrued during any taxable year to any foreign country or to any possession of the United States by a foreign business corporation shall not (except as otherwise provided by this subsection) be taken into account for such taxable year, and' ".

Page 43, beginning in line 1, strike out "such taxes paid or accrued to foreign countries and possession of the United States" and insert "such taxes so allocable and so paid or accrued".

Page 44, after line 3, insert: "For purposes of paragraph (2), the taxable income from sources without the United States shall be determined by including the amount sub-

tracted from the reinvested foreign income account for the taxable year and, if the corporation is a foreign business corporation for the taxable year, by excluding the items referred to in section 952(b) (relating to definition of reinvested foreign income)."

Page 44, strike out line 10 and all that follows through line 2 on page 45, and insert:

"'(c) FOREIGN TAXES INCLUDE DEEMED TAXES.—For purposes of this subpart, any reference to income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States shall be treated as including such taxes deemed paid under section 902."

Page 46, line 17, strike out "without the United States" and insert "within less developed countries".

Page 47, lines 6 and 7, strike out "without the United States" and insert "within less developed countries".

Page 48, line 1, strike out "a foreign country" and insert "a less developed country".

Page 48, line 13, strike out "without the United States" and insert "within less developed countries".

Page 50, strike out "foreign" in lines 5, 14, and 19, and insert "less developed".

Page 52, line 15, strike out "paid" and insert "which are allocable to sources within less developed countries and which are paid".

Page 54, lines 12 and 13, strike out "without the United States" and insert "within less developed countries (within the meaning of section 951(e))".

Page 58, line 19, strike out "without the United States" and insert "within less developed countries (within the meaning of section 951(e))".

Mr. BOGGS (during the reading of the amendment). Mr. Chairman, I ask unanimous consent to dispense with the further reading of the amendment.

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

Mr. GROSS. Mr. Chairman, reserving the right to object, I would like to address a parliamentary inquiry to the Chairman. Would the amendment offered by the gentleman from Louisiana be subject to a point of order?

The CHAIRMAN. The Chair desires to inform the gentleman from Iowa that under the resolution which we are considering this bill, House Resolution 468, committee amendments shall be in order, any rule of the House to the contrary notwithstanding.

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

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

There was no objection.

Mr. BOGGS. Mr. Chairman, the amendment which has just been offered does two things. First, it eliminates the so-called gross up on dividend income. When that was last referred to on the floor of this body, someone thought it referred to our friend, the gentleman from Iowa, but, of course, our good friend the gentleman from Iowa [Mr. GROSS] knows that it does not. This provision was written into this proposed legislation having to do with the technical matter of computing the foreign tax credit on income earned abroad. Since that time, we have held hearings before the full Committee on Ways and Means to look into the question of whether or not this formula should be changed. The committee has come to no resolution on that proposed legislation, and it was our feeling that whatever is done should apply across the board, and as I think the gentleman from New York made the point here in the original debate, if we kept this language as to the gross up in the bill H.R. 5 and did not incorporate it into any other legislation, then rather than equalizing the position of American investors abroad as compared with foreign investors competing abroad, we would actually penalize American investors to a greater extent than is now the case under existing law.

Mr. BOSCH. I might say the gentleman has put the proposition correctly.

Mr. BOGGS. The second proposition has to do with the so-called underdeveloped countries. In the debate a moment ago I read a list of the countries which are defined by the executive branch of the Government as developed countries. I might say that as far as I was concerned, again the gentleman from Iowa talks about being on the ropes and so forth. That may be true. I may still be. The only thing I am seeking to do is to pass a constructive piece of legislation which will be helpful to American business and competing abroad and not competing at home for American jobs.

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

Mr. BOGGS. I yield.

Mr. DENT. Is there any restriction in this legislation on a corporation that builds its plant in a so-called underdeveloped country and expands it under the new amendment you are adding and then ships its products to the developed country in competition with its product it is now shipping to those developed countries all over the world from its U.S. production facilities.

Mr. BOGGS. I would say there are a number of kinds of restrictions over which we have no control; the so-called developed countries have their own tariff regulations and their own import restrictions and quotas and so on. I cannot answer the gentleman's question categorically. It has been the effort of our Government and governments all over the world, working through a General Agreement on Trade and Tariffs, to reduce as much as possible restrictions on trade.

Mr. DENT. One of the main weaknesses of this legislation is that it gives to a corporation the right to go into an undeveloped country and build a plant and produce without restriction and ship to a developed country that we are now selling to. It does so under free tariff rules that you are talking about, because certain countries do not have any restrictions and no tariff laws against them. We can ship into any of the so-called undeveloped countries.

Mr. BOGGS. I would say to the gentleman that he does not correctly define the situation. In order to qualify as a corporation the American company must meet a whole list of qualifications. An American corporation engaged in the practice outlined by the gentleman would not be able to enjoy tax deferral on such income.

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

Mr. BOGGS. I yield.

Mr. BRAY. Has this amendment been printed? I have not been able to get a copy of it.

Mr. BOGGS. The amendments were put in the CONGRESSIONAL RECORD on April 28. I have a copy of them here.

Mr. BRAY. Have there been any committee reports on this amendment?

Mr. BOGGS. No, because the committee report was previous to these amendments.

Mr. KNOX. Mr. Chairman, I rise in opposition to the amendment and take this time to inquire a little more deeply into the question which has just been raised under the provision of this particular bill relative to an American corporation locating in a foreign country, to determine where in the bill it prohibits this corporation from shipping manufactured goods from that particular plant into any other foreign country.

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

Mr. BOGGS. Let me try to answer the question first.

Under the so-called area of investment provision of H.R. 5 if there is a sale of these products to any third country it would constitute what is called distribution and that would disqualify the corporation for the income preferral. It is set out very specifically.

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

Mr. KNOX. I yield.

Mr. BAKER. If the gentleman from Michigan will yield, I offered an amendment in the committee which was adopted adding the word "ultimate". The section now reads with that amendment in the bill: The third test which must be met by a domestic corporation if it is to be classified as a foreign business corporation is that it derives not more than 10 percent of its gross income from the sale of any articles for ultimate use, consumption, or disposition in the United States. The word "ultimate" certainly would not permit the shipping of goods to a third country and back to the United States. This is found on page 4 of the report.

Mr. KNOX. I agree with the gentleman from Tennessee, it certainly would not permit the corporation to export to another foreign country and then that foreign country export to the United States. What I am concerned about, however, is the fact that this foreign corporation could start to absorb our export market that we had in other foreign countries by the goods manufactured in this one country being shipped to another country to which we ordinarily export from the United States. I have some reservations about this legislation, and I expounded on it when the bill was before the House some 4 or 5 weeks ago. One of them is the export of dollars and the export of jobs. Just recently by the medium of the press we were informed that the United States is still $3 billion short in dollar payments. This is a matter of chief concern as far as I am concerned.

I think we may have some problem in taking care of some of our own depressed areas, and possibly we should look after them before we start to look after the underdeveloped areas of the world.

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

Mr. KNOX. I yield.

Mr. HIESTAND. One other point which I think the gentleman has just touched upon, as I understand, the bill provides a limitation of imports to 10 percent of the American manufacture. There is, as I understand, no limitation for a competing Japanese, German, or South American manufacturer; they can ship in all they want to, but we are limiting the American over there. Is that correct?

Mr. KNOX. They can ship in as much as they may desire and meet the tariff imposed by the United States.

Mr. HIESTAND. But the American cannot.

Mr. KNOX. Under the provisions of this bill the American corporation will be limited to 10 percent of the goods manufactured in a foreign country and shipped directly or indirectly into the United States.

Mr. HIESTAND. That is, 10 percent of his production?

Mr. KNOX. Ten percent of that production.

Mr. HIESTAND. There is no limit on the foreign producer?

Mr. KNOX. The foreign producer is involved in the payment of tariff. They have to pay our tariffs in order to ship their goods into this country.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BOGGS. Mr. Chairman, I offer another committee amendment.

The Clerk read as follows:

Committee amendment: Page 29, after line 8, insert:

"'(f) DISQUALIFICATION FOR SUBSTANDARD LABOR CONDITIONS.—

"'(1) IN GENERAL.—For purposes of this subpart, a corporation referred to in subsection (a) or (c) shall be treated as an ineligible corporation within the meaning of subsection (d) for any taxable year during which it operates in any less developed country under substandard labor conditions. Any determination that this paragraph applies to any corporation for any taxable year shall be made by the Secretary of Labor. Any such determination shall be final, except that it shall be subject to review by the courts (including the Tax Court of the United States) in a proceeding for the recovery of income tax or for a redetermination of a deficiency in respect of income tax.

"'(2) SUBSTANDARD LABOR CONDITIONS.—For purposes of this subsection, the term "substandard labor conditions" means aggregate remuneration (including remuneration other than in money) for employment which is—

"'(A) below the minimum standards required under the laws of the country concerned, or

"'(B) if there are no such minimum standards—

"'(i) below the average standards prevailing for other employers in the same industry in such country or (if there are no other employers in the same industry) for other employers in similar industries in such country, or

"'(ii) where there are no average standards referred to in clause (1), substantially below the standards generally prevailing in the industries of such country.

"'(3) DETERMINATION AND CERTIFICATION BY SECRETARY OF LABOR.—

"'(A) INVESTIGATIONS.—On application of any affected domestic party (if the Secretary of Labor has reason to believe that the conditions described in this subparagraph exist), or on his own initiative, the Secretary of Labor shall make an investigation to determine whether any corporation referred to in subsection (a) or (c) has operated in any less developed country under substandard labor conditions.

"'(B) ATTENDANCE OF WITNESSES; PRODUCTION OF DOCUMENTS.—For the purpose of any investigation under subparagraph (A), the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C., secs. 49 and 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary of Labor or any officers designated by him.

"'(C) CERTIFICATION.—If, pursuant to any investigation under subparagraph (A), the Secretary of Labor determines that a corporation has operated in any less developed country under substandard labor conditions during any taxable year, he shall promptly certify such determination to the Secretary of the Treasury or his delegate.

"'(D) ADMINISTRATIVE PROCEDURE ACT INAPPLICABLE.—The Administrative Procedure Act shall not apply with respect to investigations and determinations by the Secretary of Labor under this subsection.

"'(E) TAXABLE YEARS AFFECTED.—No determination shall be made by the Secretary of Labor with respect to any corporation for any taxable year unless, during such taxable year, the taxpayer has been notified that an investigation under subparagraph (A) has begun, or is continuing, with respect to such corporation for such year.

"'(F) REGULATIONS—The Secretary of Labor may prescribe such regulations as may be necessary to the performance of his functions under this subsection.

"'(4) CROSS REFERENCES.—

"'For provisions relating to the authority of the Secretary or his delegate to require the taxpayer to furnish information, see subsection (a)(5) and the last sentence of subsection (c)(1)."

Mr. BOGGS. Mr. Chairman, I rise in support of the committee amendment.

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

Mr. BOGGS. I yield to the gentleman from Arizona.

Mr. UDALL. As the gentleman from Louisiana knows, it was my privilege to cosponsor the original bill which he introduced, and I want to state that I think the amendments he has proposed to it, and which the committee has approved, will strengthen the bill. I would further like to say that I am surprised at the tenor of the discussion here today. We are having a review of practically all our general trade policies. I think the real issue at stake—and I would like to ask my colleague from Louisiana if he agrees with me—is whether, in encouraging economic development of the underdeveloped areas, that narrowing the scope of the legislation was a very wise move by the committee. The real issue confronting us is whether the genius of American private enterprise, which we all boast about, will be given an opportunity toward helping the underdeveloped areas, and that is what we are concerned with here today. Our commerce today leaps over State lines; it goes abroad. American capital is already abroad. There is some competition, but when the balance sheet is totaled up at the end of the year we come out ahead of the game. But this legislation does not concern American foreign-trade policy. This legislation concerns putting private funds to work in helping the underdeveloped countries. Is that not a fact?

Mr. BOGGS. The gentleman could not be more accurate, and I thank the gentleman for his contribution.

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

Mr. BOGGS. I yield to the gentleman from West Virginia.

Mr. BAILEY. I rise in opposition to the amendment, and I oppose the legislation in general.

Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAILEY. On what ground may I get recognition for the purpose of opposing the legislation?

The CHAIRMAN. The Chair recognized the gentleman from Louisiana [Mr. BOGGS] for 5 minutes in support of the committee amendment, so the gentleman from Louisiana would have to yield to the distinguished gentleman from West Virginia.

Mr. BAILEY. At the expiration of the 5 minutes allowed the gentleman from Louisiana, may I be recognized to discuss the amendment?

The CHAIRMAN. If no other member of the committee rises in opposition to the amendment, the Chair will recognize the gentleman.

Mr. BAILEY. I thank the chairman.

Mr. BOGGS. Mr. Chairman, just one brief explanation of this amendment. This amendment simply puts into the law another condition in order to qualify for deferral. What it says in essence is that any American firm that goes abroad, to another country, should faithfully execute and uphold the labor standards of that country. I think from the point of view of the reputation of our country that it is wise that our people who operate in these countries should at least conform to the standards existing in those countries. There is no punitive intent involved in this proposed amendment at all.

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

Mr. BOGGS. I yield to the gentleman from California.

Mr. ROOSEVELT. While I have serious doubts about the bill, I think the gentleman's amendments have most certainly strengthened it in many ways. I am not quite clear, and I wish the gentleman would elaborate for a moment, what the Secretary of Labor does to ascertain in a country what the minimum wages in that country are. Assume that the country has no minimum wage.

Mr. BOGGS. Of course, in that case he has to look to the standards prevailing in the industry.

Mr. ROOSEVELT. Average wage scales and so forth.

Mr. BOGGS. I might say to the gentleman under the procedures adopted some time ago by the President, the Labor Department has the responsibility for determining wage standards in other countries. This applies in the preparation of lists for trade agreement negotiations and so forth. So, the machinery is already in existence in the Department of Labor working through the labor attachés connected with our embassies.

Mr. ROOSEVELT. May I ask the gentleman whether the amendment he has submitted is acceptable to the organized labor movement?

Mr. BOGGS. It is; very much so.

Mr. PELLY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. PELLY moves that the Committee do now rise and report the bill back to the House with its enacting clause stricken out.

The CHAIRMAN (Mr. NATCHER). The Chair desires to inform the gentleman that his motion is not in order.

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. GROSS moves that the Committee now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

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

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

Mr. PELLY. Mr. Chairman, I should like to ask the opinion of the gentleman from Iowa; I should like to ask him whether he does not agree with me that perhaps this is a case when we should ask for the reading of the engrossed copy of the bill so that some of us may have the opportunity to study these amendments. Under the conditions that exist at the moment, there is a limitation on amendments and we cannot inform ourselves properly on what is in this bill.

Mr. GROSS. I think the best procedure, let me say to the gentleman from Washington, would be to adopt the motion to strike out the enacting clause. Failing in that, I think the next best course would be to recommit the bill to the Ways and Means Committee for this session of Congress. What the proponents of this bill want is to get the well-known tail in the crack in the door. That is all they want. They would accept anything; even down to the enacting clause, take it over to the other body, get what they want, and then bring it back here under the semigag rule of a conference report.

We have heard this amendment read. There has been almost no explanation, and there has been no opportunity to study it. There are not a dozen Members on the floor of the House who know what this amendment means, much less the one preceding it.

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

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

Mr. DENT. For the information of the gentleman, this amendment is strictly a face-saving amendment. There is not anything in it enforcible. There is not any law you can point to that would guarantee anything. If it does guarantee anything, all it guarantees is that any American who invests money in Hong Kong can pay 9 cents an hour and be perfectly all right under the law. All it guarantees in any instance is a repetition of this very thing that is happening now.

Here is a letter that just came in against the minimum wage law in these United States. And what does it say? It comes from the Maidenform company. I think some of the ladies would know what I am talking about, perhaps the men do not. But the letter says that the corset and brassiere industry now is losing 17 percent of its industry to the Hong Kong market. There is nothing in this bill, there is nothing in this amendment that will protect an American worker.

Three years ago we imported 3 million cases of glass into the United States. In the past year we imported 8 million cases of glass. I want to say that if you continue to buy retail and sell wholesale you will not have to worry about being in business.

Mr. GROSS. Keep right on talking; I want to hear more. The gentleman from Pennsylvania is providing facts that all Members ought to know.

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

Mr. GROSS. I yield to the gentleman from West Virginia who has been trying to get time under this virtual gag rule and has not succeeded.

Mr. BAILEY. Mr. Chairman, for the information of the gentleman, I have been desirous of speaking on this legislation to say that it is not in the interest of our national security. Russia claims she has 75 crack divisions ready to take the field at an hour's notice. We have 21 divisions operative in NATO, including our own divisions. Within 30 days after the outbreak of hostilities those 75 Russian divisions would overrun the continent of Europe and seize all of the modern American plants that we have sent over there. They would not destroy them, but they would use them against us for the duration of the war.

This is the most silly, vicious legislation that has been proposed in Congress in the 14 years that I have been a Member of the House of Representatives.

Mr. O'KONSKI. Mr. Chairman, will the gentleman yield?

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

Mr. O'KONSKI. I think it would be interesting to know what companies already in existence would be the beneficiaries of this legislation. I think if we learn that, we would have a sad story.

Mr. GROSS. I would like to have a lot of information about this bill and what it purports to do. Practically nobody here today knows.

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

Mr. GROSS. I yield to the gentleman.

Mr. COLLIER. As a practical matter, let us assume we had a firm here doing $800,000 worth of business a year at the present time. Let us assume further that they are exporting $400,000.

Under this bill, would it not be possible for them to cut their production in half and establish a foreign plant and produce the goods over there, and ship it from a foreign nation, and thereby reduce by half the employment in the industry established in this country?

Mr. GROSS. I have no doubt the gentleman is correct. I make no profession of knowing what is in this bill now since it has been loaded with committee amendments that were never considered when there was general debate last March. I say again, I doubt if there are a dozen Members of the House who know what is now in this bill. This is a sad and sorry way to legislate. The bill is being written on the floor of the House and that is an irresponsible way to handle important legislation.

The enacting clause ought to be stricken and this proposal considered under full and free debate at some future time, if ever.

Mr. BOGGS. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, this legislation has been before the House of Representatives all of this session. I will say to my good friend from Washington, who complained about not having an opportunity to study the language of the bill or any amendments, that these amendments were printed in full on April 28 in the CONGRESSIONAL RECORD, with a full explanation of them.

In addition, and this is something I seldom do, I circulated all of the Members of our body attempting as best I could to explain what is involved in these amendments. Believe me, there is no intention here, no effort, and no desire to do anything that is not completely, totally above board, that anyone cannot examine under any conditions.

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

Mr. BOGGS. I yield to the gentleman from Washington.

Mr. PELLY. I know the gentleman has not tried to limit discussion, but many things have been brought up here which have brought questions from me. Under the manner in which this bill is being considered we cannot offer the usual pro forma amendments and then ask questions.

Mr. BOGGS. I have done the best I could to yield and to explain the legislation as best I could.

Let me say this: We live in difficult times. I would be the last person on earth to advocate exporting American jobs.

How do we judge so many of these matters? This is a piece of legislation which has the following support in the business community. It has the support of the U.S. Chamber of Commerce. It has the support of the National Association of Manufacturers.

And in the farm community it has the support of the farm groups, the Farm Bureau Federation and so on.

It has the support of all the labor organizations. I read you a letter which I have in my hand dated May 4, 1960, signed by Mr. Andrew J. Biemiller, director of the department of legislation, American Federation of Labor and Congress of Industrial Organizations. He says among other things,

Several days ago the House Ways and Means Committee adopted two amendments which it proposes to offer to H.R. 5 when the House resumes consideration of the bill. The first of these amendments is designed to restrict the benefits of the measure to foreign investment in "less-developed" countries so designated by the President. This change will hopefully increase capital investment by American business in underdeveloped nations.

The second amendment is the one we are talking about now.

He says:

This amendment will hopefully assure adequate minimum labor standards.

Mr. KEOGH. Mr. Chairman, if the gentleman will yield, does not the letter to which the gentleman refers close with a statement of approval?

Mr. BOGGS. Yes, it does. It closes with this statement:

The AFL–CIO urges you to support these amendments and upon their adoption to vote for H.R. 5.

I say to my colleagues, it is very difficult for us to comprehend some of the problems involved here. But the idea that this is some device or some scheme to deprive people of work in our country is just wrong. What this really means is that the genius of American business, as the gentleman from Arizona so beautifully stated a moment ago, can be employed in this cold war with the Soviets. The gentleman from West Virginia talks about the defense implications.

Well, anyone who thinks that the cold war is over just has to read the press and see what is happening at this very moment in Paris. I say to you, we must use every device we have at our command.

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

Mr. BOGGS. I yield to the gentleman from New York.

Mr. STRATTON. May I ask the gentleman from Louisiana if this bill is designed to funnel these investments to the less-developed countries in the world, if the gentleman does not recognize that in many industries and the glove industry, for example, jobs are being taken away from people in this country precisely into these less-developed countries because of the fact that there is a great differential between the wages paid in those areas and the wages paid here in America and, therefore, this bill would, in fact, continue to take jobs away from this country?

Mr. BOGGS. No; that is not the purpose of the bill and I do not think it would have such a result.

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

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

The CHAIRMAN. The Chair must inform the gentleman that is not in order at this time.

The question is on the preferential motion offered by the gentleman from Iowa [Mr. GROSS].

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 101, noes 93.

Mr. BOGGS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOGGS and Mr. GROSS.

The Committee again divided, and the tellers reported there were—ayes 107, noes 101.

So the motion was agreed to.

The CHAIRMAN. The Committee will rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance, had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is, Shall the enacting clause be stricken out?

Mr. BOGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 160, nays 232, not voting 40, as follows:

[Roll No. 96]

YEAS—160

Abbitt	Fallon	Lane
Abernethy	Feighan	Langen
Adair	Fenton	Latta
Alger	Flood	Lennon
Andersen, Minn.	Flynt	Lesinski
Andrews	Fogarty	Levering
Ashmore	Forrester	Lipscomb
Bailey	Garmatz	McCulloch
Baldwin	Gavin	McDonough
Bates	George	McGinley
Baumhart	Glenn	McIntire
Becker	Gray	Macdonald
Belcher	Griffiths	Marshall
Bennett, Mich.	Gross	Martin
Berry	Gubser	Mason
Blatnik	Haley	May
Bosch	Hargis	Meyer
Bow	Harmon	Michel
Bray	Hays	Miller, Clem
Brock	Hechler	Moeller
Broomfield	Hemphill	Moore
Brown, Ga.	Henderson	Morris, N. Mex.
Brown, Ohio	Hess	Moulder
Budge	Hiestand	Mumma
Burke, Mass.	Hoeven	Nelsen
Canfield	Hoffman, Ill.	Norblad
Chenoweth	Holland	Norrell
Collier	Huddleston	O'Hara, Mich.
Cunningham	Jennings	O'Konski
Curtin	Jensen	Oliver
Daniels	Johansen	Ostertag
Davis, Ga.	Johnson, Calif.	Pfost
Delaney	Jonas	Philbin
Dent	Kastenmeier	Pilcher
Derounian	Kearns	Pirnie
Devine	Kee	Prokop
Diggs	Kelly	Rabaut
Dingell	King, Utah	Rains
Dixon	Kirwan	Ray
Donohue	Kitchin	Rhodes, Ariz.
Dorn, S.C.	Knox	Riehlman
Dowdy	Kowalski	Riley
	Kyl	Rogers, Colo.
Rogers, Mass.	Slack	Vanik
Rooney	Smith, Calif.	Van Pelt
Roush	Staggers	Van Zandt
St. George	Stratton	Weaver
Saylor	Sullivan	Whitener
Schenck	Taber	Whitten
Scherer	Teague, Calif.	Wier
Selden	Thomson, Wyo.	Winstead
Shipley	Tollefson	Withrow
Siler	Trimble	Younger
Simpson	Utt	

NAYS—232

Addonizio	Fisher	Monagan
Albert	Flynn	Montoya
Alford	Foley	Moorhead
Anderson, Mont.	Ford	Morgan
Anfuso	Fountain	Moss
Arends	Frazier	Multer
Ashley	Frelinghuysen	Murphy
Aspinall	Friedel	Murray
Auchincloss	Fulton	Natcher
Avery	Gallagher	Nix
Ayres	Gary	O'Brien, Ill.
Baker	Gathings	O'Brien, N.Y.
Barr	Giaimo	O'Hara, Ill.
Barrett	Goodell	O'Neill
Barry	Granahan	Osmers
Bass, N.H.	Grant	Passman
Bass, Tenn.	Green, Pa.	Pelly
Beckworth	Griffin	Perkins
Bennett, Fla.	Hagen	Poage
Bentley	Halleck	Poff
Betts	Halpern	Porter
Boggs	Hardy	Powell
Boland	Harris	Preston
Bolling	Harrison	Price
Bolton	Healey	Pucinski
Bowles	Herlong	Quie
Boykin	Hoffman, Mich.	Quigley
Brademas	Hogan	Randall
Breeding	Holifield	Reece, Tenn.
Brooks, La.	Holt	Rees, Kans.
Brooks, Tex.	Holtzman	Reuss
Brown, Mo.	Horan	Rhodes, Pa.
Broyhill	Hosmer	Rivers, Alaska
Burdick	Hull	Rivers, S.C.
Burke, Ky.	Ikard	Roberts
Burleson	Inouye	Robison
Byrne, Pa.	Irwin	Rodino
Byrnes, Wis.	Jarman	Rogers, Fla.
Cahill	Johnson, Md.	Roosevelt
Cannon	Johnson, Wis.	Rostenkowski
Carnahan	Jones, Ala.	Rutherford
Casey	Jones, Mo.	Saund
Cederberg	Judd	Schneebeli
Celler	Karsten	Schwengel
Chamberlain	Karth	Sikes
Chiperfield	Kasem	Sisk
Church	Keith	Smith, Iowa
Clark	Keogh	Smith, Miss.
Coad	Kilday	Smith, Va.
Coffin	Kilgore	Spence
Cohelan	King, Calif.	Springer
Colmer	Kluczynski	Steed
Conte	Lafore	Stubblefield
Cook	Laird	Teague, Tex.
Cooley	Libonati	Teller
Corbett	Lindsay	Thompson, N.J.
Cramer	Loser	Thompson, Tex.
Curtis, Mass.	McCormack	Thornberry
Curtis, Mo.	McFall	Toll
Daddario	McGovern	Tuck
Dague	McSween	Udall
Dawson	Machrowicz	Ullman
Denton	Mack, Ill.	Vinson
Derwinski	Madden	Wainwright
Dooley	Magnuson	Wallhauser
Dorn, N.Y.	Mahon	Wampler
Downing	Mailliard	Watts
Doyle	Matthews	Weis
Dulski	Meader	Westland
Dwyer	Merrow	Wharton
Edmondson	Metcalf	Widnall
Elliott, Pa.	Miller, George P.	Wilson
Everett	Miller, N.Y.	Wolf
Evins	Milliken	Wright
Farbstein	Mills	Yates
Fascell	Minshall	Young
Fino	Mitchell	Zablocki
		Zelenko

NOT VOTING—40

Alexander	Green, Oreg.	Santangelo
Allen	Hébert	Scott
Barden	Jackson	Shelley
Baring	Johnson, Colo.	Sheppard
Blitch	Kilburn	Short
Bonner	Landrum	Smith, Kans.
Brewster	Lankford	Taylor
Buckley	McDowell	Thomas
Chelf	McMillan	Thompson, La.
Davis, Tenn.	Morris, Okla.	Walter
Durham	Morrison	Williams
Elliott, Ala.	Patman	Willis
Forand	Pillion	
Gilbert	Rogers, Tex.	

So the enacting clause was not stricken out.

The Clerk announced the following pairs:

On this vote:

Mr. Baring for, with Mr. Hébert against.
Mr. Scott for, with Mr. Morrison against.
Mr. Alexander for, with Mr. Thompson of Louisiana against.
Mr. Bonner for, with Mr. Johnson of Colorado against.
Mr. Sheppard for, with Mr. Elliott against.
Mr. Williams for, with Mr. Santangelo against.
Mr. Barden for, with Mr. Gilbert against.
Mr. Durham for, with Mr. Buckley against.
Mr. McMillan for, with Mr. Davis of Tennessee against.

Until further notice:

Mr. Walter with Mr. Allen.
Mrs. Green of Oregon with Mr. Short.
Mr. Willis with Mr. Taylor.
Mr. McDowell with Mr. Kilburn.
Mr. Brewster with Mr. Smith of Kansas.

Mrs. GRANAHAN, Mr. LOSER, and Mr. FRIEDEL changed their vote from "yea" to "nay."

Mr. WITHROW changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The Committee resumed its sitting.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 5.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose, there was pending the amendment offered by the gentleman from Louisiana [Mr. BOGGS] to the Committee amendment in the nature of a substitute. The gentleman from Louisiana [Mr. BOGGS] had consumed 5 minutes in support of the amendment.

Mr. MEADER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEADER. Mr. Chairman, is it permissible for someone to speak for 5 minutes in opposition to the amendment?

The CHAIRMAN. The Chair will recognize the gentleman for 5 minutes in opposition to the amendment.

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

The CHAIRMAN. The gentleman is recognized.

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

Mr. MEADER. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOGGS. First, Mr. Chairman, I ask unanimous consent that this not be taken out of the gentleman's time, but at the conclusion of the 5 minutes granted to the gentleman from Michigan, it is my understanding that all debate will have expired and that we will vote on the committee amendment and then return to the House; is that correct?

The CHAIRMAN. The gentleman is correct. The vote will be on the amendment to the committee amendment in the nature of a substitute and then on the committee amendment as amended.

Mr. MEADER. Mr. Chairman, I sought this time for the purpose of speaking briefly on the amendment, and also for the purpose of expressing my support of the legislation as a whole.

The amendment, as I understand it, simply requires that American foreign business corporations pay the going rate of wages abroad, which does not mean a great deal. I do not think the amendment is necessary to the bill at all.

I commend the gentleman from Louisiana [Mr. BOGGS] for having pressed for this legislation because it seems to me this is a practical step to enlist American private capital in the job of developing the underdeveloped countries of the world. That is a theme that I have been preaching ever since I came to the Congress 10 years ago.

It seems to me that economic development and the promotion of economic and political stability in the underdeveloped areas of the world and for the peoples who are emerging from colonialism and seeking to establish themselves in the world community, that that job of economic development, pursuant to our American traditions, belongs primarily to the private business community. This legislation, Mr. Chairman, would foster, encourage and stimulate private capital investment for the economic development of the underdeveloped areas of the world. It should be the role of government merely to support, encourage, and facilitate this natural economic process.

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

Mr. MEADER. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. Did the gentleman from Michigan get up and ask for time to speak in opposition and would that include any of us who are opposed to the bill, since he is speaking in favor of the bill?

The CHAIRMAN. Under the rule, no one else can be recognized.

Mr. MEADER. Mr. Chairman, if the gentleman from Pennsylvania wants me to yield to him to make a statement, I will be glad to do so.

Mr. DENT. I do not think that is it. I just want to know if the rules of the House allow the time to be usurped by those in favor of the bill when some time is supposed, under the rules of the House, to be allocated to those who are opposed to the billl.

The CHAIRMAN. The Chair wishes to inform the gentleman from Pennsylvania that the gentleman from Michigan stated that he rose in opposition to the amendment, and the Chair recognized the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. MEADER. I yield to the gentleman.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. HOFFMAN of Michigan. Is there any rule that permits any Member of the House to shape your argument?

Mr. MEADER. I think I am capable of making my own argument.

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

Mr. MEADER. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. VANIK. Mr. Chairman, regardless of what anyone says, this bill does one thing.

It reduces taxes for somebody; American business abroad.

The only issue is whether that somebody deserves this priority of treatment.

I think not. If we are to consider a reduction of taxes, there are other areas of more justifiable need.

My principal objections to this bill as amended are the provisions under which the tax deferral privilege is extended to the income of branch banking activities of American banks in foreign countries. There is no reason why the tremendous profits of these banking operations in these countries should escape normal taxation.

These banking investments are made under considerable protection of the American flag and are frequently interwoven with loans made by the Development Loan Fund, the Export-Import Bank, and the World Bank. The high risk portion of these loans are usually assumed by these other institutions which are supported by the American taxpayer.

The interest rates under which these American funds multiply in foreign lands are scandalous. They range as high as 20 percent in Peru, 24 percent in Chile, 36 percent to 40 percent in Argentina, and as much as 48 percent in Brazil.

If American capital is participating in the extortion of such exorbitant rates of interest in the underdeveloped areas of the world, the profits of such investment should certainly be subject to normal taxation, since these practices are incurring a tremendous injustice which the American people will have to correct in other ways at a cost many times the taxes involved.

I just want to say to the gentleman in respect to the amendment, I do not think the amendment improves the legislation enough to warrant its adoption because, regardless of what anyone says, this bill does one thing—it reduces taxes for somebody.

One issue is whether that somebody deserves this priority treatment. I think not. I think we have a great many other areas to think about first. It is for this reason that I oppose this legislation.

Mr. MEADER. I yield to the gentleman from New York.

Mr. BARRY. Does this not just defer taxes?

Mr. MEADER. This simply defers taxes, but it does stimulate money going into these countries.

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

Mr. MEADER. I yield.

Mr. DENT. Is it not true under this bill that any profits made by an American investor in a foreign country can be used for planned expansion and for plant construction in another undeveloped country without paying taxes in the United States on any profit whatsoever?

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

Mr. MEADER. I yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman from Pennsylvania [Mr. DENT], continues to make these statements that have no foundation in fact. The answer to the gentleman from Pennsylvania is "No." He would not qualify under the provisions of the act.

Mr. DENT. Will you show me in this legislation where you prohibit, instead of encourage, development of underdeveloped countries, by taking the profits made by an investment company? I can read the bill.

Mr. BOGGS. Will the gentleman yield again?

Mr. MEADER. I yield.

Mr. BOGGS. The gentleman from Pennsylvania [Mr. DENT], has made this argument all afternoon. There is a formula set out in the bill called payroll and investment, and unless you qualify under that formula and other equally restrictive provisions, you cannot get tax deferment. As the gentleman stated, this is not a tax reduction.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has expired.

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

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

There was no objection.

Mr. BECKER. Mr. Chairman, I just listened to the gentleman from Michigan rise to oppose the second amendment offered by the chairman of the subcommittee, the distinguished gentleman from Louisiana [Mr. BOGGS]. In the course of opposing the amendment, which according to the chairman of the subcommittee, was designed to greatly improve the bill, the gentleman from Michigan then proceeded to support the bill. This, Mr. Chairman, is what has happened to this bill from the first day it came on the floor about 6 weeks ago.

At that time, this bill, H.R. 5, was debated for many hours and then, because of the great opposition with no chance of passage, in the form the bill was offered, the Committee rose and the bill was set aside for future discussion. Now, today, the bill, H.R. 5, comes before the House, but we are told it is no longer that bill; that the subcommittee chairman, the gentleman from Louisiana, is offering two lengthy amendments that changes a great part of the bill. Under the rule today, each amendment has had 5 minutes of so-called explanation. Many Members protested that this explanation was certainly nowhere sufficient to clarify the many important issues involved.

Therefore, I feel that, when I am asked to vote on legislation of this magnitude and with a completely new concept, I cannot vote for it with any degree of understanding or intelligence, I am constrained to vote against this bill. When the original H.R. 5 was debated, there was no question in my mind that this would not only save taxes for certain industries, but would also jeopardize, to the greatest degree, employment in our country. This I cannot tolerate.

Perhaps if there had been sufficient time to debate and study the amendments that we were told would clarify this view, a more intelligent understanding might have taken place.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point for the purpose of including an explanation of these amendments.

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

There was no objection.

Mr. BOGGS. This analysis is as follows:

The Committee on Ways and Means adopted two amendments to H.R. 5.

The first amendment deals with two subjects: First, it limits the provisions of H.R. 5 to income earned and reinvested in the less developed countries; second, it eliminates the so-called gross-up with respect to the dividend income received by foreign business corporations.

Limiting the provisions of H.R. 5 to the less developed countries conforms the bill to the suggestions of the Treasury Department and of the President in his budget message to the Congress this year. Under the bill as reported by the committee, the tax deferral privilege is available where the foreign business corporation derives most of its income from sources outside of the United States. Under the committee's amendment, this privilege is available only where most of the income is derived from the less developed countries. The foreign business corporation must earn at least 90 percent of its gross income within less developed countries and its subsidiaries must meet the same test in order for these subsidiaries to be qualified payor corporations.

The committee amendment limiting the provisions of the bill to less-developed countries also provides that the distribution rule relating to investment and payroll situated outside of the United States and also the rule relating to prohibited investments in the United States are to be amended to refer to investment and payroll situated in the less-developed countries and to prohibited investments outside of the less-developed countries. As a result the foreign business corporation will have the privilege of tax deferral with respect to its income from the active conduct of a trade or business only to the extent determined in relation to the ratio of its payroll and assets situated in the less-developed countries to its worldwide payroll and assets. Similarly a distribution will result if certain property situated outside of the less-developed countries is acquired by the corporation. The committee amendment does not affect, however, the provision presently in the bill which provides that not more than 10 percent of a foreign business corporation's income may be from the sale of articles which are sold by it for ultimate use, consumption, or disposition in the United States.

Under the committee's amendment the President of the United States is empowered to designate which foreign countries and which possessions of the United States shall be regarded as less-developed countries except that he may not designate any area within the Sino-Soviet bloc. An overseas department, province or possession of a country may be designated as a less-developed country even though the mother country would not be so designated. The committee amendment also specifies certain countries, in view of the fact that they are considered to be economically developed, which may not be designated as less-developed countries by the President for the purpose of this bill. These are: Austria, Belgium, Canada, Denmark, France, Federal Republic of Germany, Italy, Japan, Luxembourg, Monaco, Netherlands, Norway, Portugal, Sweden, Switzerland, United Kingdom of Great Britain, and Northern Ireland. This does not necessarily mean, however, that all countries other than the ones mentioned will be designated by the President as less-developed countries. This is a matter left to the discretion of the President.

The second part of the first amendment as I previously indicated eliminates the so-called gross-up with respect to the dividend income received by foreign business corporations. The committee has held hearings on the possibility of extending the gross-up concept to all dividend income received by American corporations from subsidiaries. This is now under consideration by the Committee on Ways and Means. In view of this it was concluded that it would be desirable to withdraw the gross-up provision in the present bill and apply the same rule in the case of foreign business corporations as is applied generally with respect to the gross-up for dividend income received from foreign subsidiaries. As a result, income on which the tax is deferred and which is placed in the reinvested foreign income account will not be increased by the amount of the foreign taxes paid with respect to this income. Also, the taxes which will be deemed paid with respect to this income will be only the portion of the taxes attributable to the income after the foreign tax. In other words, the concept laid down in the American Chicle Corp. case will continue to apply.

The second amendment relates to substandard labor conditions. A corporation will not be eligible to be treated as a foreign business corporation, or as a qualified payor corporation, for any taxable year if the Secretary of Labor determines, and certifies to the Secretary of the Treasury or his delegate, that such

corporation has during the taxable year operated in any less developed country under substandard labor conditions.

Procedures: The determination of the Secretary of Labor shall be final as to whether a corporation is ineligible by reason of operation in any less developed country under substandard labor conditions except that it will be subject to review by the courts—including the Tax Court of the United States—in a proceeding for the recovery of income tax or for a redetermination of the deficiency in respect of income tax.

An investigation may be undertaken by the Secretary of Labor, on his own initiative, or upon the application of any affected domestic party if the Secretary has reason to believe that a corporation has been operating in any less developed country under substandard labor conditions. It is not contemplated that the Secretary of Labor will undertake investigations unless he has sufficient information to warrant an investigation. Furthermore, in order for a domestic party to file an application for an investigation it must demonstrate, to the satisfaction of the Secretary of Labor, that it is affected by, and has an economic interest in, the question of whether the foreign business corporation—or the qualified payor corporation—is operating in any less developed country under substandard labor conditions. For this purpose an economic interest, for example, might involve the loss of sales, production, or employment due to the fact that a foreign business corporation or a qualified payor corporation is operating under substandard conditions.

It is not the intention of your committee that this provision be administered in a punitive fashion. Rather, it is anticipated that this provision will serve to make corporations that may have been operating under substandard labor conditions conform their labor standards to the required standards. Thus, in interpreting the language "for any taxable year for which" it is expected that the Secretary of Labor will wish to be satisfied that there is a pattern of operation under substandard labor conditions before making any determination.

The Secretary of Labor is also proscribed from making a determination with respect to any corporation for any taxable year unless the taxpayer has been notified during such taxable year that an investigation is underway. Should an investigation continue into the succeeding taxable year, the Secretary of Labor must notify the taxpayer that the investigation is continuing during such succeeding taxable year and is applicable for such taxable year as well. It is also anticipated that the Secretary of Labor will expedite the completion of investigations that he has undertaken and, insofar as possible, limit the course of the investigation to the taxable year under consideration.

Standards: The term "substandard labor conditions" is defined by comparing the aggregate remuneration for employment paid by a corporation against minimum standards obtaining in the less-developed country in which the corporation is operating. If such aggregate remuneration is below such standards, then substandard labor conditions are deemed to exist. It should be noted that the aggregate remuneration for employment includes all payments to or on behalf of employees, whether in money, services, goods, and so forth. This term comprehends not only direct wages but also fringe benefits and other payments for employment. The amendment provides a number of standards against which the aggregate remuneration is to be compared. The first standards are the minimum standards required under the laws of the country concerned. The standards required under the laws of the country are those that are applicable and generally in effect with respect to employers under the laws of the country concerned.

If there are no minimum standards required under the laws of the country, then the standards to be employed will be the average standards prevailing for other employers in the same industry in such country. If there are no other employers in the same industry because the corporation in question is the sole employer in this industry, then the standards shall be the average standards prevailing for other employers in similar industries in such country.

If the standards referred to above are not available for use, then the standards to be employed shall be the standards generally prevailing in the industries of the country concerned.

Mr. Chairman, I ask unanimous consent that all Members may have permission to revise and extend their remarks.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Chairman, I am not a member of the great Ways and Means Committee on which Illinois is so outstandingly represented by our beloved dean, Congressman THOMAS J. O'BRIEN, and I would not presume to speak on the pending bill were it not for the fact that this is in a field of legislation in which I have some understanding from service on other committees and a great interest running back to the 81st Congress and the first year of the Truman administration.

Perhaps I should explain. President Truman had electrified the Nation with his point 4 program. The concept of that program appealed to the common sense of the American people.

In the development of that plan it was not intended that peoples in other and foreign lands could be helped by giving them doles. The concept was, and this is what appealed to the common sense of the American people, that they best could be helped by helping them to help themselves.

We thought, and I think soundly, that the best job could be done by encouraging private American capital to make investments in these undeveloped areas much as private capital in the developed areas of our own country earlier had made investments in the less developed areas. We thought that this would open the doors of opportunity and give challenge to the ambition of these peoples in undeveloped areas exactly as in an earlier period they had done to the peoples in our own then undeveloped areas.

But because of the risk of governments that might not be too stable and of currency problems a plan was devised of an insurance program guaranteeing American investors from these unusual risks. The jurisdiction then was in the Banking and Currency Committee, of which I was a new member. The present Secretary of State, the Honorable Christian A. Herter, then a Member of the House, was among the witnesses that appeared before our committee during the public hearings on a bill to establish a program of insurance for private American capital invested in these then undeveloped areas. Although a new Member of the Congress and of the committee, through the graciousness of Chairman Spence and Ranking Minority Member Jesse Wolcott, who in my appraisal constituted a team of statesmen of superlative quality, I was permitted to participate in the hearings and in the discussions in the measure of my great interest in the subject. I was enthusiastically for the program, but I did not wish it to operate without consideration of the necessity of protection for labor. That is, then as now, I could see the danger to the labor of our own country if, in the development of other countries, we were not concerned that the wages of the workers should be brought, as prosperity came to those regions, to something of our own scale.

Mr. Chairman, I think that my colleagues would find it informative and illuminating to read the public hearings of the Banking and Currency Committee when first this genuine type of legislation was before the Congress.

When I became a member of the Committee on Foreign Affairs I was no stranger to the foreign investment insurance program, jurisdiction over which had been transferred from the Banking and Currency Committee, where it had originated, to the Committee on Foreign Affairs. The program had worked well. It had not only paid its own way but it had made a profit and there were substantial reserves. I would say that its record pretty well compares with that of the Export-Import Bank, which itself at the outset had been controversial but which now is acclaimed by everyone. Mind you, this is insurance, not given away, but fully paid for by the premiums.

But last year the administration of the program, overconfident because of past successes when policies were sound, was reaching out for new and perilous worlds to conquer. It proposed to increase its coverage, without adequate additional premiums, to an extent that would have spelled complete ruin. When I presented the matter to the attention of the House in its consideration of the mutual security bill of last year I was very happy that my colleagues by an overwhelming vote struck out the provision that would have wrecked the entire program. I say happy, Mr. Chairman, not in a personal sense, but in a sense that this program seemed to me

so important if we were to work out a program of helping undeveloped areas to help themselves we could not permit the instrumentality of our effort to be destroyed by reckless administrative ambitions.

Now, Mr. Chairman, why were we interested in attracting private investments and private American businesses to these undeveloped areas? The answer is so simple that it should easily be understood by a child. We want a happy and a prosperous world. Wherever there is poverty there is unrest and there is danger. If we have goods to sell we can find no market for them in a country where there is only poverty. American ingenuity and American know-how can do so much wherever they are given a chance, and what it does in regions now undeveloped will bring back to us the blessings of a widened market and a spiritual lift of friendship.

H.R. 5, as I vision it, and strengthened by the amendments offered today, is just another forward step in the program that electrified the American people in the first year of the Truman administration. It gives American private capital a better chance to do the job. I urge its passage.

We cannot, with due respect for our taxpayers and the menace that lies in a constantly and alarmingly growing national debt, continue indefinitely to invest the public funds in helping undeveloped countries.

The money that we have put to such use, it has always seemed to me, is as water put in to prime the pump. Now that the pump is getting fairly started on the way to being primed we should not hesitate about helping the primed pump to function. I fail to see how my colleagues who have been loudest in crying out against our expenditures in our mutual security program in its economic phase can find consistency in opposing this bill which looks forward to the end of the necessity of such mutual security expenditures.

I might add, Mr. Chairman, that the general purpose of H.R. 5 is well understood in the city of Chicago. Some months ago, and I think by arrangement of our beloved dean, TOM O'BRIEN, the author of the bill, the gentleman from Louisiana [Mr. BOGGS] addressed a tremendous audience of the leaders of Chicago, giving in detail the contents of his bill. It was a most representative audience. The exporters and the importers and the manufacturers and the leaders of labor, and the experts of Chicago in foreign trade and other fields were there. In the week following Congressman BOGGS' address in Chicago I received 63 letters urging my support of this bill.

I am happy that the gentleman from Louisiana and the full membership of the Ways and Means Committee have seen fit to present amendments that meet the objections of those who have given it thoughtful study. I am especially happy that the gentleman from Louisiana has accepted an amendment protective of labor and that the bill as amended now carries the endorsement of organized labor as well as the organizations of manufacturers and other groups of our citizenry. It is essential to the well-being of our own people, as well as those in the undeveloped areas, that we keep vigilantly in mind that no permanent good will comes to them or to us unless a broadening prosperity in those areas is reflected in the wages and working conditions of the workers, more and more approaching our own.

The CHAIRMAN. The question is on the committee amendment to the amendment.

The committee amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance, pursuant to House Resolution 468, he reported the same back to the House with an amendment adopted in the Committee of the Whole.

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

The question is on agreeing to the amendment.

The amendment was agreed to.

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

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

Mr. MASON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MASON. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mr. MASON moves to recommit the bill H.R. 5 to the Committee on Ways and Means.

Mr. BOGGS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The motion to recommit was rejected.

Mr. DENT. Mr. Speaker, I rise to ask whether or not I can clear the record by reading from the bill one line where I was questioned as to veracity?

The SPEAKER. All debate on the bill has expired.

The question is on the passage of the bill.

Mr. BAILEY. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 196, nays 192, not voting 44, as follows:

[Roll No. 97]

YEAS—196

Addonizio	Fino	Moorhead
Albert	Flynn	Morrison
Anderson, Mont.	Foley	Multer
Anfuso	Ford	Murphy
Arends	Frazier	Natcher
Ashley	Frelinghuysen	Nix
Aspinall	Fulton	O'Brien, Ill.
Auchincloss	Gallagher	O'Brien, N.Y.
Avery	Gary	O'Hara, Ill.
Ayres	Gathings	O'Neill
Baker	Giaimo	Osmers
Barr	Goodell	Ostertag
Barrett	Granahan	Pelly
Barry	Grant	Poage
Bass, N.H.	Green, Pa.	Poff
Bass, Tenn.	Griffin	Porter
Beckworth	Hagen	Preston
Bennett, Fla.	Halleck	Price
Bentley	Halpern	Pucinski
Betts	Hardy	Quie
Boggs	Harris	Quigley
Boland	Harrison	Randall
Bolling	Healey	Reece, Tenn.
Bolton	Herlong	Rees, Kans.
Bowles	Hoffman, Mich.	Reuss
Boykin	Holt	Rhodes, Pa.
Brademas	Holtzman	Rivers, Alaska
Breeding	Hosmer	Rivers, S.C.
Brooks, La.	Hull	Roberts
Brown, Mo.	Ikard	Robison
Burke, Ky.	Inouye	Rodino
Byrne, Pa.	Irwin	Rogers, Fla.
Byrnes, Wis.	Jarman	Roosevelt
Cahill	Johnson, Md.	Rostenkowski
Cannon	Jones, Mo.	Rutherford
Carnahan	Karsten	Saund
Casey	Karth	Schneebeli
Cederberg	Kasem	Schwengel
Celler	Keogh	Sisk
Chamberlain	Kilday	Smith, Miss.
Chiperfield	King, Calif.	Smith, Va.
Church	Kluczynski	Spence
Clark	Lafore	Springer
Coffin	Laird	Stubblefield
Cohelan	Libonati	Teller
Conte	Lindsay	Thompson, N.J.
Corbett	McCormack	Thompson, Tex.
Cramer	McGovern	Thornberry
Curtis, Mass.	McSween	Toll
Curtis, Mo.	Machrowicz	Tuck
Daddario	Mack	Udall
Dague	Madden	Ullman
Dawson	Magnuson	Wainwright
Derwinski	Mahon	Wallhauser
Dixon	Mailliard	Watts
Dooley	Matthews	Weis
Dorn, N.Y.	Meader	Westland
Downing	Merrow	Wharton
Doyle	Miller, George P.	Widnall
Dulski	Miller, N.Y.	Wilson
Dwyer	Milliken	Wolf
Elliott, Pa.	Mills	Wright
Everett	Minshall	Yates
Farbstein	Mitchell	Young
Fascell	Monagan	Zablocki
		Zelenko

NAYS—192

Abbitt	Cook	Gross
Abernethy	Cooley	Gubser
Adair	Cunningham	Haley
Alford	Curtin	Hargis
Alger	Daniels	Harmon
Andersen, Minn.	Davis, Ga.	Hays
Andrews	Delaney	Hechler
Ashmore	Dent	Hemphill
Bailey	Denton	Henderson
Baldwin	Derounian	Hess
Bates	Devine	Hiestand
Becker	Diggs	Hoeven
Belcher	Dingell	Hoffman, Ill.
Berry	Donohue	Hogan
Blatnik	Dorn, S.C.	Holifield
Bosch	Dowdy	Holland
Bow	Edmondson	Horan
Bray	Evins	Huddleston
Brock	Fallon	Jennings
Brooks, Tex.	Feighan	Jensen
Broomfield	Fenton	Johansen
Brown, Ga.	Fisher	Johnson, Calif.
Brown, Ohio	Flood	Johnson, Wis.
Broyhill	Flynt	Jonas
Budge	Fogarty	Jones, Ala.
Burdick	Forrester	Kastenmeier
Burke, Mass.	Fountain	Kearns
Burleson	Friedel	Kee
Canfield	Garmatz	Keith
Chenoweth	Gavin	Kelly
Coad	George	Kilgore
Collier	Glenn	King, Utah
Colmer	Gray	Kirwan
	Griffiths	Kitchin

Knox	Moss	Selden
Kowalski	Moulder	Shipley
Kyl	Mumma	Sikes
Lane	Murray	Siler
Langen	Nelsen	Simpson
Latta	Norblad	Slack
Lennon	Norrell	Smith, Calif.
Lesinski	O'Hara, Mich.	Smith, Iowa
Levering	O'Konski	Staggers
Lipscomb	Oliver	Steed
Loser	Perkins	Stratton
McCulloch	Pfost	Sullivan
McDonough	Philbin	Taber
McFall	Pilcher	Teague, Calif.
McGinley	Pirnie	Thomson, Wyo.
McIntire	Powell	Tollefson
McMillan	Prokop	Trimble
Macdonald	Rabaut	Utt
Marshall	Rains	Vanik
Martin	Ray	Van Pelt
Mason	Rhodes, Ariz.	Van Zandt
May	Riehlman	Wampler
Metcalf	Riley	Weaver
Meyer	Rogers, Colo.	Whitener
Michel	Rogers, Mass.	Whitten
Miller, Clem	Rooney	Wier
Moeller	Roush	Winstead
Montoya	St. George	Withrow
Moore	Saylor	Younger
Morgan	Schenck	
Morris, N. Mex.	Scherer	

NOT VOTING—44

Alexander	Gilbert	Santangelo
Allen	Green, Oreg.	Scott
Barden	Hébert	Shelley
Baring	Jackson	Sheppard
Baumhart	Johnson, Colo.	Short
Bennett, Mich.	Judd	Smith, Kans.
Blitch	Kilburn	Taylor
Bonner	Landrum	Teague, Tex.
Brewster	Lankford	Thomas
Buckley	McDowell	Thompson, La.
Chelf	Morris, Okla.	Vinson
Davis, Tenn.	Passman	Walter
Durham	Patman	Williams
Elliott, Ala.	Pillion	Willis
Forand	Rogers, Tex.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Baring against.

Mr. Elliott for, with Mr. Scott against.

Mr. Santangelo for, with Mr. Alexander against.

Mr. Buckley for, with Mr. Bonner against.

Mr. Gilbert for, with Mr. Sheppard against.

Mr. Johnson of Colorado for, with Mr. Barden against.

Mr. Brewster for, with Mr. Williams against.

Mrs. Green of Oregon for, with Mr. Durham against.

Mr. Judd for, with Mr. Taylor against.

Mr. Davis of Tennessee for, with Mr. Kilburn against.

Mr. Thompson of Louisiana for, with Mr. Smith of Kansas against.

Until further notice:

Mrs. Blitch with Mr. Allen.

Mr. Landrum with Mr. Baumhart.

Mr. Vinson with Mr. Short.

Mr. Walter with Mr. Jackson.

Mr. Morris of Oklahoma with Mr. Bennett of Michigan.

Mr. Willis with Mr. Pillion.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THREE HUNDREDTH ANNIVERSARY OF INCORPORATION OF CITY OF MARLBORO, MASS.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution (H. Res. 535), which I send to the desk.

The Clerk read the resolution, as follows:

Whereas the year 1960 marks the three hundredth anniversary of the incorporation of the city of Marlboro, Massachusetts, as a town on May 31, 1660; and

Whereas from the time of its first settlement in 1657 the people of Marlboro have figured conspicuously in the founding, growth, and defense of this Nation; and

Whereas the observance of the tercentenary anniversary of Marlboro will be celebrated June 10 through June 19, 1960, with impressive community ceremonies, large public gatherings, and widespread participation of Massachusetts citizens and visitors from other States and places; and

Whereas Marlboro is a beautiful community rich in historic interest, well known for its patriotic contributions, noted for its many famous sons and daughters who distinguished themselves in many fields of endeavor and many facets of American civilization: Now, therefore, be it

Resolved, That the House of Representatives extends its greetings and felicitations to the people of Marlboro, Massachusetts, on the occasion of the three hundredth anniversary of this community and the House of Representatives further expresses its appreciation for the splendid services rendered to the Nation by the citizens of Marlboro during the past three hundred years.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, and I do not expect to object, I have reserved the right to object to find out if we are going to have any more legislative business today.

Mr. McCORMACK. There is no further legislative business today.

Mr. BROWN of Ohio. This will be the final legislative action?

Mr. McCORMACK. The gentleman is correct.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MARLBORO TERCENTENARY

Mr. PHILBIN. Mr. Speaker, May 31 of this year marks the 300th anniversary of the incorporation as a town of the city of Marlboro, Mass., in my district, and I am truly gratified that the House is making note of this outstanding event by extending its congratulations to the people of this historic Massachusetts community.

Actually, the history of Marlboro goes further back in time than the 300 years of progress which will be celebrated with impressive exercises from June 10 through 19. Marlboro is located in an area of Massachusetts which was settled by pioneer colonists in the very earliest days of American history.

Courageous bands of early settlers as early as 1657 carved out Marlboro from the wilderness and today many descendants of these pioneers still reside in the community. These brave settlers helped to establish a civilization, a tradition, a way of life, and a history which live to this very day in the heritage which is so fortunately ours.

These early settlers of Marlboro helped to establish for all America the basic institutions of democratic government. They helped to forge a record of magnificent achievement that lives to this day.

It is therefore fitting, Mr. Speaker, that the House should make note of the struggles and bitter sacrifices of the pioneer people of Marlboro so that we and our posterity may benefit from the remarkable legacy of accomplishment these early settlers have left us. In recognition of the incorporation of Marlboro as a town, Mr. Speaker, the House today pays profoundly felt tribute to this community and its people by the adoption of my resolution, which reads as follows:

Whereas the year 1960 marks the three hundredth anniversary of the incorporation of the city of Marlboro, Massachusetts, as a town on May 31, 1660; and

Whereas from the time of its first settlement in 1657 the people of Marlboro have figured conspicuously in the founding, growth and defense of this Nation; and

Whereas the observance of the tercentenary anniversary of Marlboro will be celebrated June 10 through June 19, 1960, with impressive community ceremonies, large public gatherings and widespread participation of Massachusetts citizens and visitors from other States and places; and

Whereas Marlboro is a beautiful community rich in historic interest, well known for its patriotic contributions, noted for its many famous sons and daughters who distinguished themselves in many fields of endeavor and many facets of American civilization: Now, therefore, be it

Resolved, That the House of Representatives extends its greetings and felicitations to the people of Marlboro, Massachusetts, on the occasion of the three hundredth anniversary of this community and the House of Representatives further expresses its appreciation for the splendid services rendered to the Nation by the citizens of Marlboro during the past three hundred years.

It is not possible for me in these brief remarks to recite in full the glorious history of Marlboro, but I would like to bring to the attention of my colleagues some of the highlights of this progressive community which I have the great honor to represent in the Congress.

Marlboro was incorporated as a town in 1660 by the Massachusetts General Court on petition from pioneer settlers from nearby Sudbury which was settled as early as 1639. It took its name after Marlboro town in Wilts County, England.

Marlboro, which became a city in 1890, now comprises about 21 square miles. The 1960 census gives Marlboro 18,759 residents, an increase of 3,003 over the 1950 count.

Like famed Rome, Marlboro is located on seven hills. It overlooks the gentle rolling valley of the Assabet in the central Massachusetts area. It is said that on a clear day landmarks some 40 miles away can be discerned in every direction from Sligo Hill since local claims have it that the city is the highest elevation 30 miles inland along the entire eastern

Atlantic seaboard. Few, if any, other communities have disputed this claim since Marlboro is 400 feet above sea level and is known as the Highland City.

Marlboro is known throughout the Nation for its famous shoe industry which dates back to 1836. By 1917, Marlboro was the world's eighth largest shoe manufacturing city, some 20,000 pairs being made daily. A few years later, it became the fifth largest shoe center in the United States, a remarkable achievement in comparison to the much larger cities manufacturing shoes. Shoe manufacturing is still one of the city's basic industries, but diversification has taken place in recent years, so much so that Marlboro now makes automobile batteries, metal stampings and dies, set-up paper and jewelry boxes, wire products, miners' lamps, industrial scale models, metal polishing plates, and industrial chemicals.

Mr. Speaker, in observance of its 300th anniversary, Marlboro has planned an elaborate program of events beginning June 10 and extending through June 19. Among the highlights of the observance will be a historical pageant with a large local cast to depict the growth and development of Marlboro from the time of its early settlement, the Revolutionary War, the Civil War, the industrial expansion, through to the World Wars I and II and Korean conflict of the present century.

In addition, a huge parade will take place on June 12 with participating units from the Army, Navy, and Air Force. Present plans call for one of the largest parades ever to be conducted in the central Massachusetts area.

At the request of the general chairman of the Marlboro Tercentenary Committee, Mr. Louis F. Ghiloni, I was privileged to extend invitations to the Marlboro celebration to the armed services and it has been gratifying indeed to obtain such splendid cooperation from the various branches of the service.

Maj. Gen. William J. Verbeck, commanding general of Fort Devens, will be reviewing officer at the parade, to which he has assigned the Fort Devens band, a platoon of troops, and color guard. In addition, Maj. Gen. J. F. R. Seitz, chief of staff, Headquarters 1st U.S. Army, Governors Island, N.Y., has requested a U.S. Army exhibit unit for display during the Marlboro celebration.

Rear Adm. Carl F. Espe, commandant of the 1st Naval District, Boston, is making available the Boston Naval Base band, a color guard, and Navy marching unit.

Col. William C. Lewis, commander, Westover Air Force Base, is insuring Westover participation in the Marlboro event. Rear Adm. Edwin J. Roland, commander, 1st U.S. Coast Guard District, Boston, is endeavoring to work out Coast Guard participation.

In addition, plans are being made for a flyover of C–119G type aircraft over Marlboro in the early evening of June 10, opening day of the tercentenary observance, through the cooperation of Lt. Col. Gardner W. Mills, Air Force Reserve, commander, 732d Troop Carrier Squadron, Medium—Reserve, Grenier Field, Manchester, N.H.

Marlboro is a city of beautiful homes and honest, industrious, hardworking people comprised of numerous, different racial backgrounds who work together with unity and loyalty to further the welfare of their beautiful city.

It is its people throughout the many generations which have transpired since its establishment who have made Marlboro the great city that it is, and is to these people, from the beginning to the present, that we pay our tribute today for what they have done in each succeeding generation down to this very hour to make this fine Massachusetts city stand out so brightly in the firmament of American communities. Godspeed to them all.

I would like to express my deep personal thanks to my good friend and colleague, the distinguished gentleman from Massachusetts, Majority Leader JOHN W. MCCORMACK, whose great interest and effective help have made possible the passage of this resolution.

I am also most grateful to Minority Leader CHARLES HALLECK; the Honorable EMANUEL CELLER, chairman of the Judiciary Committee; and the ranking minority member of this committee, the Honorable WILLIAM MCCULLOCH; and also the distinguished members of the Rules Committee, Chairman HOWARD SMITH; and ranking minority member, the Honorable LEO ALLEN, without whose kind assistance the necessary action on this resolution could not have been taken at this time.

I am especially thankful to you, Mr. Speaker, for permitting the House to depart from today's heavy schedule so that the good wishes and felicitations of this Chamber might be conveyed to the city of Marlboro on the occasion of its 300th anniversary.

NATIONAL FUELS POLICY

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

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

There was no objection.

Mr. CHIPERFIELD. Mr. Speaker, I have introduced House Concurrent Resolution 666, which is designed to insure that America's fuels industries will be able to meet successfully the challenge of the future, in either peace or war.

The proposal will, when approved by the House and the Senate, establish a joint congressional committee to study the energy industries of the United States and make recommendations to the Congress for a national fuels policy. Such a policy would establish guidelines for the future conduct of America's basic energy industries—oil, coal, natural gas, and atomic power.

The Nation now has many separate policies affecting the fuels industries, but these policies are a crazy quilt of overlaps, conflicts, and loopholes administered by many different agencies. The consequent confusion is a detriment to the national security of the United States and threatens its capacity for the expansion necessary to keep pace with its growing population and ever-rising standard of living.

What is needed is a single, integrated policy covering America's vital fuels industries and this would be the end result of my resolution.

Immediate action on the national fuels policy resolution is necessary because the situation of all three domestic fuels industries is rapidly becoming critical. The petroleum industry is suffering from a huge oversupply of oil and prices have been declining for the past 3 years. The ills of the coal industry are well known, and the natural gas industry is the victim of artificially depressed prices. Unless these trends are stopped, and stopped soon, the future of this vital segment of the American economy appears exceedingly gloomy.

The following four reasons dictate the formulation and adoption of a national fuels policy without delay:

This step has been proposed by every independent commission or study group to investigate the problem of American energy resources.

This step will enable the United States to maintain a sound domestic economy capable of the expansion demanded by the dynamic years ahead.

This step will be invaluable aid in the current economic cold war with the Soviet Union.

This step is vital to provide a strong, stable energy base to meet the needs of a possible future national emergency.

This resolution is particularly important to the State of Illinois. In 1958, the last year for which figures are available, the value of fuel production in my State was nearly half a billion dollars. Consequently the health of the energy industries is vital to Illinois' economy.

I am hopeful this resolution will find speedy approval on the floor of the House and feel a similar proposal in the Senate should also be approved during the present session of Congress.

DEDICATION OF THE HORACE HARDY LESTER REACTOR FOR MATERIALS RESEARCH

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, under unanimous consent I include the following address made by me at the dedication of the Horace Hardy Lester Reactor for Materials Research, Watertown Arsenal, Watertown, Mass., May 17, 1960:

Brigadier General Rust, Major General Schomburg, Mrs. Horace Hardy Lester, the Rev. Raymond Calkins, distinguished visitors, ladies and gentlemen.

It is not unusual for me to visit the Watertown Arsenal. I have been coming out here and working with the commanding general of the arsenal for many years. Together we

have worked out many problems not only of interest to the arsenal and the people of Watertown and the surrounding communities, but also of great importance to the defense of the United States. So it is not uncommon for this Member of Congress to visit the arsenal for various considerations and for various occasions.

Today, however, the situation is different. Today this is a great occasion. At this time we are here to mark a great milestone in scientific production here at the Watertown Arsenal. For me to have a part in this great occasion is not only a deeply felt honor but I believe it is somewhat a recognition of the labors that have been devoted to the work of this great arsenal operating in the defense of the Nation.

Today we are dedicating something new. In doing this it is my desire to pay tribute to those responsible for this work. As it always has been, as it is now, and as it will be in the future, the creation of something new requires the cooperation of many minds and many hands all the way from the dreams to the final reality.

The blazing of a new trail always requires complete cooperation of many people. There are those who plan it, those who get the operations under way, those who engineer and invent the processes and elements that must be developed, and finally, those who must do the work. A tremendous amount of time is required before this atomic reactor is actually ready to be constructed. Many persons have had a part. It is to all these people, the planners and the workers here at the Watertown Arsenal, we must give our thanks and appreciation for their interest, their loyalty, and their workmanship. I am sure that everyone here will agree with me that at the Watertown Arsenal is to be found some of the finest employees and loyal workers in the entire United States. Dedicated to their work, and dedicated to their country, they strive to do a perfect job. For this, not only the United States Army, but the people of this country, are grateful. Employees of this caliber and of this quality are invaluable in the defense of our country.

In the directing of our attention toward those largely responsible for this dedication today, we must give notice to the outstanding contributions and labors of the distinguished commanding general, of the Watertown Arsenal, Brig. Gen. C. E. Rust. The work he has accomplished, the contributions he has made, the problems he has surmounted, are worthy of the highest commendation. In one year, General Rust has done an outstanding and a most remarkable job at the Watertown Arsenal. It is men of his quality and ability that provide this Nation with a sense of security and confidence in their military forces. I am proud and pleased to have had the opportunity, as brief as it has been, to work with General Rust and to know him and his charming and capable wife. I wish them every success in their future undertakings.

In this dedication today it is our purpose to show our appreciation as a Nation and to honor the late Dr. Horace Hardy Lester, who lived to observe and indeed to participate in the early phases of one of the greatest scientific revolutions people of this earth have ever experienced. We are gathered here at the site of this nuclear reactor, evidence in itself of what has been happening so fast to our way of life—nuclear energy for economical power production is near and perhaps we'll see the harnessing of the energy of the sun tomorrow.

Here with us today, participating in this dedication, is Mrs. Horace Hardy Lester, the able and charming wife of Dr. Lester. All through the years of scientific research Dr. Lester was indeed fortunate to have constantly at his side the encouragement and the inspiration of his wonderful wife. Just as he did, she too has lived to observe and to experience at first hand some of these great scientific developments which mean so much to people all over the world. Just as many of you are, I am extremely pleased to meet Mrs. Lester and to have her here with us today.

Dr. Lester saw all of this nuclear development in his day. It was not until 1896 that Wilhelm Conrad Roentgen discovered X-rays and 1903 saw the discovery of radioactivity. A nuclear reaction consumes the fuel of this reactor and releases radiation in the form of neutrons for research yet the neutron was not discovered until 1932, less than 30 years ago.

Radiation from this reactor will enable your scientists here to study, understand, and repair fundamental defects in the materials used for the production of weapons of the future. The same studies will be applicable to the needs of all of us in our daily life. Materials Research is receiving much attention and emphasis by the Department of Defense and the scientific groups of the Nation. Our military requirements in particular are extremely demanding in this age of space. The very best equipment designed by the experts is limited by the quality of available materials from which the hardware must be manufactured. This limitation is one of extreme importance to the national defense. Progress must be made in this area—we must go forward and produce more basic knowledge to apply in this area. We must do this with optimism and confidence. Your record here at Watertown warrants such optimism.

It is indeed commendable that your Materials Research Office here at Watertown employs a scientific staff of such competence that the Atomic Energy Commission has awarded license to build and operate a nuclear reactor. I know how severe the requirements of this agency must be and I am pleased, but not surprised, to find such a basic scientific capability at the Watertown Arsenal.

It is estimated that new knowledge available for adaptation to the needs of man now doubles about every 10 years. New knowledge derives directly from basic research. Dr. Lester was a strong promoter of basic research and a recognized pioneer in industrial radiography. Early in his career at Princeton he worked with the great Thomas A. Edison. Any Army officer who knew him will say that he begged willingly, prodded, and argued incessantly for better laboratories and equipment here at Watertown Arsenal. As your representative I was not spared and spent much time here and in Washington obtaining support for work inspired by people like Dr. Lester.

Dr. Lester wanted to keep this arsenal, our arsenal, in the front lines of progress and we have, with the help of such dedicated men, accomplished much. In 1948 the American Society for Metals, the largest metal society of the Nation, credited Watertown Arsenal with eight milestones of progress from 1900 to 1950, more firsts than any other single contributor. These included the first large alloy steel weldments for gun carriages, and centrifugally cast cannon tubes in the 1920's. In 1922 Dr. Lester was personally responsible for the development of radiography for foundry control. Later the spectrograph was developed for routine chemical analysis. Molybdenum high-speed steel was a Watertown Arsenal first as were cast armor plate and carbide cored ammunition. In the 1950's inspired by Dr. Lester this arsenal led the way in the development of the new metal titanium.

Now in 1960 we have here the first Army research reactor. Research must precede development and production and throughout the years it has been this capability to do high-quality research which has given us much of our workload in the shops. The welded gun carriage of 1929 helped to keep us active in depression days—the centrifugally cast cannon tube made possible an increase in our production capability in World War II of many hundreds of percent. We are now in the missile business.

It is important that the arsenals keep an "in house" capability to advise the Chief of Ordnance, prepare technical specifications for procurement of weapons and inspect the items purchased. These responsibilities cannot be delegated. To keep such a capability you must do some of the research, development, and production yourselves. Only by practicing your professions and trades can you remain capable and progressive. You are a vital part of the science-industry-ordnance team which is so important to the defense of our country. To this extent our capability for preparedness depends upon you.

You are indeed fortunate to live here in one of the most important centers of technical knowledge in the world. Within a 50-mile radius of Watertown Arsenal are 45 educational, 26 electronic, and 28 research, development, and engineering organizations. Your position offers mutual opportunity for important exchange of technical views between universities, the industry, and the Army, a rare opportunity indeed to cross the communication barrier and tell the Army's story, its needs, and its problems to the scientific community.

My message to you today is this: Continue through the efforts of dedicated people like Dr. Lester to demonstrate new and progressive ability and I assure you that I will continue as I have these many years to fight for your cause here, and in Washington in the Halls of Congress.

AREA ASSISTANCE BILL

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks in the body of the RECORD and may include extraneous matter.

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

There was no objection.

Mr. WIDNALL. Mr. Speaker, today I am offering for consideration a new administration area assistance bill, H.R. 12286. This proposal incorporates eligibility criteria that the President in his veto message of May 13, 1960, stated he would accept. You will recall at the time the depressed areas bill was debated by the House, I pointed out that for 5 years the administration had been endeavoring to obtain passage of sound legislation that would be helpful to the chronically blighted and depressed areas. At that time, I offered as a substitute the administration bill that had been introduced by the gentleman from New York, Representative CLARENCE E. KILBURN. As the President said:

> The people of the relatively few communities of chronic unemployment—who want to share in the general prosperity—are, after 5 years, properly becoming increasingly impatient and are rightfully desirous of constructive action. The need is for truly sound and helpful legislation on which the Congress and the Executive can agree. There is still time and I willingly pledge once again my wholehearted cooperation in obtaining such a law.

If there is a genuine desire to be helpful to these chronic areas certainly there

is sufficient time for Congress to act. I would like to point out at this time the major items in the new bill:

First. The new eligibility criteria includes 1 more major area and 11 smaller areas than would the criteria in the original administration bill. In a spirit of compromise these criteria are those contained in the bill as it originally passed the Senate.

Second. The bill authorizes $75 million in loan assistance for the construction or refurbishing of industrial plants. It should be pointed out that the vetoed bill also provided $75 million for this purpose.

Third. Federal loan assistance is limited to 35 percent of the aggregate cost as in the original Administration bill and State or local participation must not be less than 15 percent. The balance of the funds would come from private sources and certainly a 50 percent participation can be expected for any project that offers promise of lasting benefits to the community.

Fourth. Housing and Home Finance Agency public facilities loan authorization would be doubled from $100 million to $200 million. The Agency would be required to give a first priority to applications for public facilities that will truly serve an industrial plant construction or refurbishing project authorized by the act. It also requires HHFA to accord next an equal priority to applications from (a) areas of substantial and persistent unemployment designated under the act, (b) small municipalities—which hold the only priority under existing law.

Fifth. A new section authorizes $1.5 million annually for vocational education assistance in areas eligible under the act. The original administration bill contained no specific dollar authorization.

Sixth. An authorization of $1.5 million annually for technical assistance includes studies of economic growth potential to eligible areas.

Seventh. Two million dollars is authorized annually for technical assistance to low-income rural areas and one-industry small towns to help them develop manufacturing activities and to diversify so that their economic vulnerability may be reduced.

Eighth. The bill provides Presidential appointment and Senate confirmation of an Area Assistance Administrator in the Department of Commerce. The President pointed out in his veto message that—

> S. 722 would have created a new Federal agency and would in consequence mean many unnecessary additions to the Federal payroll and a considerable delay in the program before the new agency could be staffed and functioning effectively.

Mr. Speaker, the people in these truly critical areas have a right to expect speedy action on the part of the Congress. As outlined by the President in his veto message, this is a bill that can become law.

GENERAL LEAVE TO EXTEND

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill H.R. 7155 under consideration earlier today.

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

There was no objection.

THE LIMESTONE INDUSTRY

Mr. KASEM. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. STAGGERS] may extend his remarks at this point in the RECORD, and include extraneous matter.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, the wave of destiny demands a strong America. To have a strong America, we must have strong agricultural production. We are being threatened by too many sources in the world today, and this means that we must remain stronger at home.

With agriculture holding the responsibility of keeping the "breadbasket" of the United States and the world filled, I would like to point out the following as recommended reading for each and every Member of the Congress today:

WE NEED THE LIMESTONE INDUSTRY ON OUR TEAM

(Talk by George H. Enfield, Extension Agronomist, U.S. Department of Agriculture, before the 15th annual convention of the National Limestone Institute, Inc., Washington, D.C., on January 19, 1960)

Bob Koch called me this last spring and he said, "How would you like to appear on the Limestone Institute Convention program?" You know, I was delighted. Back when I first started in agriculture after graduating at Purdue, my first job was to go into the laboratory and make tests on limestone for neutralizing value and fineness. So I thought it would be nice if I could come here and talk about your industry—the industry which makes the farmer a profit. Then I thought that I would like to come and give you an idea of what Extension really is. I thought, too, that it would be nice to come and see if there was not a possibility in making some changes. You see, we can always get crazy ideas and unless you get an idea now and then, there is no chance for change. You may think that some of these things are actually crazy. It doesn't make much difference to me though.

Now, really what is Extension? Extension is getting the agricultural and home economic information in usable form and out to the people. It is to furnish them with facts so they can make wise decisions and try to get farmers to change. Now we have been trying to get them to do something about agricultural limestone but it seems like an uphill proposition. Recently the Extension Service looked over their job and said—what is the major field of our endeavor—where should we put the emphasis?

Efficiency in agriculture was first. Further progress in the direction of improved efficiency in agricultural production is not only necessary, but mandatory. That was mandatory from the laws in the beginning. Limestone has long been recognized as one of the first steps in developing an efficient crop production program. To accomplish efficiency in all fields of agriculture, Extension has tried to cooperate with industry and other governmental agencies to hasten the adoption of proven practices and to get them universally accepted by all. As production technology increases there is a need for changes in farming practices. Those who accept change have a real opportunity to not only help themselves but to help the community and the Nation as well. Research results help us to achieve higher standards of living only if we actually get these new practices put into effect.

Efficiency in marketing and distribution is second. In this field we hope to accomplish several things. We hope to reduce the cost of marketing farm products, we are trying to expand the market, and we are trying to help people understand the marketing system. If we are able to develop a better atmosphere for the limestone salesmen to operate in, we believe we will have accomplished one of the things which we set out to do. If your salesman is the right kind of a man and we are able to keep the right kind of a frame of mind in the farmer, it should make it possible for your products to be moved more easily into the market and the farmer will be as happy to pass the time of day with your salesman as he was with the merchants in the old time grocery store.

Next is conservation, development, and use of natural resources. The close-knit interdependency of soil, water, minerals, plants, animals, and man constitutes a seamless web of life, and it defies the efforts to deal with one of these resources effectively while ignoring the other. The pressures on our resources are growing year to year. We hope to encourage the development of these resources and help plan for their wise use. This is emphasized in our efforts to use limestone products on the soil for the purpose of establishing adequate conservation crops or covers for our land.

Proper management on the farm and in the home is important. The decisions to be made on the farm today are probably as numerous and more varied in subject than in any area of industry. The alternatives are many and unless all the factors are carefully considered, the choice may not result in a greater achievement or a greater satisfaction to the family. Extension tries to make the facts available to farmers so that he and his family might make decisions that are more than satisfying to the whole family.

In family living Extension's duty is not only to make more money for the farmer but its ultimate goal is to develop a citizen that is more cognizant of his obligation to his community and the Nation. Much of the work of this area is done in the field of home economics. Our efforts are with the idea of making the home life more meaningful to all.

Youth development is another of Extension's objectives. The rapid increase in the number of youths calls for a specially oriented program. It may be a surprise to some that the ultimate goal in 4-H clubs and older youth groups is not as it was in the past—which was to make its members better farmers for tomorrow. Today we try to better equip youth for the challenge of tomorrow, whatever his field of endeavor might be. It is significant, I think, that 9 out of every 10 boys on the farm today will need to find some other livelihood than on the farm if he is going to have a job by 1975. 4-H aims to help the young people acquire knowledge and skills, enjoy useful work, develop talent, appreciate values, recognize the importance of science in agriculture and home economics, explore career opportunities, appreciate nature, cultivate principles of healthful living, strengthen personal standards, and gain abilities and understanding to work cooperatively with others.

Leadership development is one of Extension's major contributions that will be so necessary in the future. The interdependence of the farmer on the other segments of society makes it imperative that the lead-

ership be developed to act as a catalyst for the group action and the betterment of society itself and to his community.

In the Extension Service there are countless opportunities for leaders to gain stature and at the same time perform a great service to others. Leaders are not born, they are developed. In this respect Extension has not only afforded the opportunity but tries to help, encourage, and train.

Community improvement and resource development need assistance. Extension has the responsibility of developing and organizing programs that have benefited both the farmer and nonfarmer resident. Community improvement ideally should involve all the people within the area. It must be developed to achieve the greatest rewards to society as a whole and geared to the speed of change acceptable to those affected. These efforts should result in the achievements that are satisfying and mutually beneficial. In short, it should make living more worth while.

We also believe Extension has a part to play in public affairs. The complexity of public problems has brought Government intervention in many fields. People traditionally desire freedom from such actions. Extension has been looked to for a long time for help—not for the decision—on how people should think, but for the facts and all the facts so they can make a better appraisal of the situation themselves. This is really a new field, but it must be given attention if the farm people are going to be able to make the kind of decisions they will need to produce their greatest satisfaction for them.

Now let's look a little at the aglime situation. But, first, our clientele. Our clientele are farm families primarily, but it may include urbia, suburbia, and it includes farm organizations. It includes all organizations that are interested in the farm and the farm people. It includes the handlers of farm products and suppliers. This is the limestone producer, the trucker, the railroad man, and it also includes institutes like the NLI that try to help make liming meaningful to the American farm. What is the situation about lime in this country? Sure there's a need for lime. Here are two examples: New York and Tennessee. In New York from about 28,000 soil samples they find that about 70 percent of their agricultural lands are acid enough to need lime. Go to Tennessee—with twice as many soil samples tested—and you get the same kind of a picture. There is a need for more agricultural lime. Why isn't this need noticed? Why do people fail to recognize this need? Is there no profit in it? Let's look at the results from one State—Pennsylvania. This is not just a 1-year trial, but the average of 28 years. This soil is not extremely acid; it's only medium acid, a pH of 5.5. You Hoosiers know that there are many soils in your State with pH even below 4.0. Now, as a result for applying aglime there is a large increase from 64 bushels up to 80 bushels of corn. Oats are not affected much. However, the hay was increased greatly. The gross yearly return per acre, $39 compared to a $7 cost. Almost $31.50 per acre per year more than the unlimed land. Now I'm certain that even up in Vermont, where they package agricultural limestone in beautiful bags and spread it with some of the best equipment that I know of, you don't charge delivered and spread on land as much as $125 a ton. Now that's what that limestone is actually worth—7 tons spread over a 6-year period and it returned back to the farmer a little over $880. It's a dandy product that you have. Limestone—how much do we recommend and how much do we use? I didn't bring any figures because it varies from time to time, and who makes the recommendations? The recommendation, you may say, is 80 million tons annually. Some others may say 50 million tons annually. How much do we use? Sixteen to twenty-two to twenty-five million tons. But really what does that mean? It means that if you would do the job for 10 years in a row, you would just barely have the job completed. Our land needs more than 80 million tons. You need to get the job done now, not 10 years from now. Ten years from now you've got to do the job all over again.

Let's get down to farm size. I picked a 240-acre farm. And what do we see on this farm? They started out to make an estimate of how much limestone it really needed. Forty acres does not need any limestone at all. Twenty acres need 3 tons to the acre. And it looks like another 80 acres needs 4 tons to the acre; and another 100 acres needs about 2 tons to the acre. Can you see the reason for soil tests in a situation like that, and this is not exaggerated. In fact, it should be chopped up more than that. Actually, you will probably find that much difference in any one field rather than that one farm. If you put limestone on according to what you find in one field, or what the average is for the farm we would need about 3 tons per acre. Put 3 tons on fields that need two tons or less—what do you get? Too much investment and the farmer doesn't get the returns on the investments he really expects. You put 3 tons down when you need 4 tons and then what happens? You think that your darned old limestone is no good. You put 3 tons on where you don't need any at all and then what do you say? Limestone is worthless. That's the reason we recommend that you have a soil test—in order to get satisfied customers from the good product that you people are producing and selling. I have here an example now as to what we are doing. I want to show you what it's costing this farmer. Let's say he starts buying limestone like he normally does at the present time. He gets about one-tenth as much as he needs. That's about what he buys each year. Now it doesn't cost him very much over the period of time if he just keeps adding on a little bit of limestone and provided we have someone to pay for about 50 percent of the cost of the limestone delivered and spread for him. This is based on limestone normally selling for $5 a ton. I use $5 because that's about the average in the United States. Then I had someone pay for 50 percent of it. So actually our product only costs the farmer $2.50 a ton but he put on about one-tenth of what he needs to complete the job in 1960. By 1975, where will he be? This man would have about $25,000 more money to handle it but you see it is not how much do you handle, it's how much profit do you make. The profit line looks just about the same. Limestone costs a little bit; the returns are great. You say that $31.50 is too high. I didn't use that figure. I cut it less than half. It was only $15 an acre that I used in calculating these results. How much does a man really make? He has a little over $22,000 profit by 1975, enough to buy him a brandnew home or a new car every 5 years from the use of the product which you men are now producing. Now that's the way we have been trying to sell limestone in this country. Let's take a look at another situation. Now I'm going to say to Mr. X, "The sale's off. You don't buy limestone any longer for $2.50 a ton out of your pocket and $2.50 a ton paid by someone else. I'm going to charge you $6 a ton." You see, that's a dollar above the average. All right, what does it really cost? "Oh," he says, "I don't have the money." "Well, go down to the bank and borrow it. It costs you 7 percent if you go down to the bank and borrow money for limestone, that's if you can borrow it and I think you should." So if there's a little increase in the cost down here, it should cost you roughly $3,000 to get this farm limed all at one time. Now, what did he do? He bought 540 tons for 180 acres and slapped it all on according to need as indicated by the soil test. Now that's in the year 1960. Then about 8 years later he came along and put on 2 tons more on the land. You need that much for maintenance. So he put on another investment. How about his returns? His income goes up $35,000. Now let's just say the costs are high compared with the first example where the farmer never got his farm limed. Let's look at the profits if you wish. The profit situation in the first 3 years looks a little bad. You don't make money out of limestone the first year you put it on. You hardly make anything the second year. You've got to grow the crops and then harvest them and feed them to the livestock to get the return. But, after that he's $6,000 better off.

Are you limestone merchants trying to do the best job for your farmer customers and for yourselves? Why not tell him the whole benefit? Why try to clip the dog's tail off as fast as the hair grows out? The way we've been trying to sell limestone is to get the farmer to use enough limestone to correct the acidity found each year. You have been advertising limestone sales—50 percent off. Now that's what the man really hears before he opens his eyes and you haven't taken that sign down for the last 10 years. He says, "How much does it cost?" You see, he's not caring whether there's 50 percent off or not. But he finally reads the sign—limestone $5 a ton—cost now $2.50. But then let's look at what he really sees when he looks at the whole story. All sales limited to about one-tenth of the farmers' needs—see that's the way we've been trying to correct soil acidity in this country. You limit the quantity he can get. You've fenced him in.

Limestone is about the only product sold on the basis first ton one-half price—the remainder full price. What do we find in Kansas? This is a very recent survey too. One out of six farmers say at the end of the survey their neighbors are not using enough limestone. Why, they don't know very much about their neighbors—that's the only thing that that tells us. We know very well that the neighbors need more lime than that. They're very modest about what they think their neighbors need.

Three out of four people say they have never seen an ad for limestone for agricultural purposes. That is promotion work. Thirty-eight percent say they have seen demonstrations. We believe that Extension is doing as well as industry. You're getting 25 percent of the people—we're getting about 38 to 40 percent of them. Now, four out of five say they have used some limestone in the last 5 years—so they recognize the need for it. I'd ask you to remember two words—need and want. If they recognize the need, and that's something that Extension should do, want is created by a salesman. here's what we really need in this country today. Four thousand full-time limestone salesmen that are able to sell ten trainloads of limestone a year. You say that's just outrageous and no one can do it. All he needs is to sell 40 customers, on the examples I showed you, 500 tons each and he's got the job done. If you will put that many salesmen on the road—you notice I charged a dollar more for your product than the $5 average selling price. You ought to have the faith in your product and the ability of a good salesman. You need this extra dollar. This salesman ought to be an $8,000-a-year man and you may want to get on the road yourself. And then you should followup with another $2,000 expense account so he can operate like a real salesman. And then you'll need another $2,000 for promotional materials. You need another $1,000 for some research to keep your program before the people, even if it's no more than public relations. The trucker needs $2,000 extra money so he too has an incentive to do a good job when he spreads the limestone. Add another

$1,000 to the secretaries' salary so she will answer that telephone with a cheerful voice when those orders come rolling in. This will leave $2,000 for the stockholder and an extra $2,000 for the business manager.

This is our story. This is our suggestion. Let's see what industry has done. Fertilizer companies, I know, recognize the need for lime. More nitrogen is being pushed on our farmland year by year and every time they sell nitrogen they feel the need for a little more lime. If I were to go out today and try to sell limestone, I believe I would sell nitrogen because sooner or later I know they would have to come to come to me and buy lime. The more nitrogen we use the more acid our soil gets but this is no reason to stop using nitrogen. See how you create a customer? That's the way to do it—sell the other man's product and they'll come and buy yours. This is the situation I think for today. The fertilizer industry would like to have you on their team; Extension would like to have you on their team; but we need 4,000 players from your field. That's what we really need from the industry to make a success.

Gentlemen, it's been a pleasure for me. I hope it has given you some thoughts you can use.

COLLAPSE OF THE SUMMIT CONFERENCE

Mr. KASEM. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. VANIK] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. VANIK. Mr. Speaker, I want to take this time to call the attention of this body to today's substantial gains of defense industry stocks with the collapse of the summit conference.

It is indeed a strange paradox that bad news for the world should be such good news for the stock market. The defense group of stocks, aircrafts, missiles, and electronics, as well as steels, took a sharp rise in the trading which was the heaviest in more than a year, as the ticker tape ran considerably behind floor transactions.

If prosperity in America depends on expanded defense production, it is time that we find a more suitable alternative.

BIRTHDAY GREETINGS TO SENATOR JAVITS AND SENATOR KEATING

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

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

There was no objection.

Mr. HALPERN. Mr. Speaker, it is my great pleasure to call to the attention of the House the fact that today, May 18, is the birthday of our two distinguished Senators from New York, JACOB JAVITS and KENNETH KEATING. I believe that it is a unique situation that both Senators from the same State will cut a birthday cake on the same day.

We in New York are intensely proud of our two Senators both of whom were former Members of this House. Their able representation of the people of the Empire State has earned them a richly merited acclaim.

I am proud to count JACK and KEN among my good friends and I want to express my heartiest congratulations and every best wish to them on this their doubleheader birthday.

In so doing, Mr. Speaker, I am certain that every Member of this House shares the warm feeling, high regard, and deep affection for both of these fine gentlemen and great legislators, and join in this sincere wish for many, many happy returns of this significant day.

ONE HUNDREDTH ANNIVERSARY OF NOMINATION OF ABRAHAM LINCOLN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 2 hours.

Mr. SCHWENGEL. Mr. Speaker, I know of nothing that the people of our country need more than an intelligent and understanding patriotism.

I believe that the study of history can be not only a most effective teacher of patriotism but maybe the only teacher of real patriotism. Our early forefathers understood this. Their successors endorsed this idea when they, in various ways, demonstrated their belief in the importance of history, including required study of American history in our public schools. They knew, as we should, that the more we know about the struggles of our Nation, the great men who initiated great ideas and led it and the better we understand the principles which sustain its people in periods of crises the deeper will be our feeling for our country.

We need to understand, too, Mr. Speaker, that our idea about patriotism can and maybe should change; ours, I believe, has changed. It has broadened since the time of Andrew Jackson and even since the Civil War period. The age we are privileged to live in may require a further extension of our idea of patriotism.

Therefore, Mr. Speaker, and because it is historically significant, with your consent and with consent of this House, I have chosen to speak today on a subject of great moment.

THE POLITICAL COVENTIONS OF 1860, OTHER THAN THE REPUBLICAN

On February 2, 1860, Jefferson Davis introduced into the Senate of the United States a set of resolutions which were intended as a final statement of the terms on which the South would consent to remain in the Union. They were as follows: First, the Northern States must repeal their Personal Liberty Acts; second, the fugitive slave law must henceforth be rigorously enforced; third, Congress must assume and discharge absolute responsibility for the protection of slavery in every territory of the United States; and fourth, the freeport doctrine, as enunciated by Stephen A. Douglas in his debates with Abraham Lincoln in the summer of 1858, must be finally and formally repudiated.

The Democratic conventions of the spring and summer of 1860 began with the meeting at Charleston, S.C., on April 23. Although the committee on the platform approved the Davis resolutions of the preceding winter, the majority of the delegates—as opposed to the party machinery—rallied to the support of Douglas, who, without a single dissenting vote was the choice of the northern Democrats. Thereupon the Alabama delegation, headed by the fiery William L. Yancey, haughtily arose and marched out of the hall, followed by the majority of equally wrathful delegations from South Carolina, Georgia, Florida, Mississippi, Louisiana, Arkansas, and Texas. This left Douglas with less than the two-thirds support traditionally necessary for nomination by a Democratic convention; the remaining members accordingly adjourned, to meet at Baltimore on June 18.

Soon after the Charleston convention adjourned, to reassemble in Baltimore, the Constitutional Union Party held its first and only general convention, at Baltimore, on the 9th of May. Most of the States were represented, though not in all cases by delegates duly elected in primary meetings and conventions. Young as it was, the party was divided into two wings. The southerners, mostly representatives of the still surviving native American sentiment, desired to nominate Gen. Sam Houston, of Texas. The old Whigs of the North did not relish such a candidacy. They were adjured not to pay too much attention to gentility, but to take a candidate who, rough as he might be, would carry many of the Southern States.

Two votes only were necessary to effect a nomination, and on the second ballot John Bell, of Tennessee, secured the nomination as President and Edward Everett, of Massachusetts, was the unanimous choice for second place on the ticket.

The following month in Baltimore the Democratic regulars split, the majority reaffirming their support of Douglas, and the bolters naming John C. Breckinridge, of Kentucky. Alexander H. Stephens, of Georgia, one of the ablest statesmen of the South, destined himself to be the Vice President of the Confederacy, an ardent foe of secession, declared that "within a 12-month of the disruption of the Democratic Convention at Charleston the Nation would be engaged in a bloody civil war." So it proved, and meanwhile Mr. Lincoln's prediction, when his friends remonstrated against what they thought his reckless "House Divided" speech in accepting the Republican senatorial nomination in 1858, declared:

> Gentlemen, I am out for bigger game. If Douglas answers this question [Can the people of a U.S. territory lawfully exclude slavery prior to the adoption of a State constitution?] he can never be President, and the battle of 1860 is worth a hundred of this.

LINCOLN'S NOMINATION—100 YEARS AFTER

On this 18th day of May in 1860—100 years ago—the Republican Party's national convention in a place called the

Wigwam in Chicago, nominated Abraham Lincoln, of Illinois, for the presidency of the United States.

Today and at the outset I want to give my thanks very personally to you, Speaker SAM RAYBURN, in particular, and to the leadership on both sides of the aisle, Republican and Democratic alike, for the help and encouragement you gave my idea for commemorating the 150th anniversary of Lincoln's birth and now this historic nomination by some commentary in this hour here on the floor of the House of Representatives which I hope will be appropriate and which will be shared with my colleagues on both sides of this aisle.

For nothing is more significant about the immortality of Abraham Lincoln than the profoundly accepted fact that while he was given to the political world by the Republicans, he belongs almost as much to the other party and that he transcends them both. He has become our most American American and he emerges in his unique greatness as the undying embodiment of democracy itself under the republican form of government.

Lincoln is now the symbol of a political credo for all mankind.

The Lincoln symbol is the credo of integrity and decency, executive strength extraordinary, and benevolence and compassion in government.

His symbol is the credo of freedom for men everywhere.

No individual in the whole of recorded history, without exception, has done what Lincoln has done in the concrete to give to politics and government, to terms like liberty and equality, such depth and the moving coloration of a compelling religious spirituality to the body politic. This divine union of an abstract idea, with action and the living reality, and the prophetic and kindly fire that touched his utterances, have placed him—and consequently the American tradition—in the very forefront of man's march to freedom everywhere on this earth.

Today we take this hour or so to do honor to his memory and to the Republican convention that launched him on the world stage and among the greatest immortals of all time.

The focus of this commemoration—I repeat—is the single fact in the life of Lincoln that this day a century ago saw him nominated on the Republican ticket to the Presidency. The reason I took it upon myself, Mr. Speaker, to ask that a special note be taken of this event and the work of this convention is because it has seemed to me that its enormous strategic importance for the destiny of our country and mankind has somehow been overlooked in the total impact of Lincoln's life and the immense tragedy of his death. For we have to remember that the logical Republican candidate in 1860 was the redoubtable William H. Seward, of New York.

There were, besides him, some other formidable personalities also seeking the Republican nomination. They were such great men as Salmon P. Chase, of Ohio; Simon Cameron, of Pennsylvania; Edward Bates, of Missouri, and John McLean of Ohio.

Lincoln, it is true, had made a remarkable impression upon those who would become the delegates to this convention and to the people in his debates with Stephen A. Douglas and in his Cooper Union speech. But he was hardly to be compared as a public figure of national significance with the eminence—as of then—of so distinguished and so well known a personality as Seward: the Seward who had been Governor of New York; the Seward who had been a Senator since 1848, the Seward who was known everywhere as the leader of the Republican Party and as an outstanding fighter for the containment of slavery and against its extension. Of course it was held against Seward that he was too radical in his views on slavery. He had frightened some of his supporters with his prophecy of an "irrepressible conflict" and shocked others with his avowal, as he put it, "of a law higher than the Constitution."

This was presumed to alienate several States from his support.

As for the other seekers-after-the-presidency it was held against Chase that he was even more radical in his opposition to slavery than Seward although he, too, had had gubernatorial experience—two terms as Governor of Ohio, and had served one term in the Senate. Bates, of Missouri, did not fit with the strong German element in the Republican Party. McLean, a member of the Supreme Court, enjoyed the following of the conservatives but was regarded as too old. Lincoln's assets were the weaknesses of his opponents, and, in part, the limited knowledge the country had of his views. Thus he was free of any labels for either extremism or conservatism. Not having held national office, except for one term in Congress, he had no record upon which political agitators could seize for anti-Lincoln ammunition. That he came from Illinois—a doubtful State—proved another asset. The fact that he was a real moderate—not an extremist on the slavery question—a man if elected who would be safe was also a very important factor in his nomination. In addition he had the rustic and the humble background that would endear him to tens of thousands of voters. Warm and affectionate slogans that attached themselves to his name such as "railsplitter" and "Honest Abe" were not only effective but they were wholly true. Yet the overall fact remains that the nomination of Lincoln is one of the greatest phenomena in the history of American politics. Lord Charnwood, among the greatest of the Lincoln biographers, writing from the objectivity and the perspective of an Englishman, says of it:

> This was the most surprising nomination ever made in America.

Perhaps one of the greatest motivating forces for the nomination of Lincoln was the basic feeling in that convention that this was the man to beat Stephen A. Douglas, the Democratic nominee.

What actually happened in that 3-day Chicago convention was as real, as true, as indigenous a demonstration of the process of representative government—good and bad—as the history of political conventions records in the annals of political life on this continent. There were some clever off-beat political shenanigans. There were rough and tumble maneuvers. There were intensely emotional doings inside and outside that $7,000 especially built cavernous barn called the Wigwam.

But, accepting all that, I am still very partial to a more contemplative and a more penetrating judgment. It is, it seems to me, that in the last analysis either an incredible and almost impossible combination of events vaguely described by some people as luck, or, as I believe, more simply and appropriately, the finger of God, determined the results of this convention. In spite of the fact that it was in the midst of so much shouting, in the tumult and the difficult confusion in that great wooden tabernacle in Chicago the right decisions prevailed. I know of few decisions in the life of man so pregnant for the good of our country and the fate of mankind as the decision by those that nominated—and therefore elected—Abraham Lincoln President of the United States in that dread, awful eve-year of the Civil War a century ago.

After the fact—and especially 100 years after the fact, it seems easy to reduce the complexities of the event down to simple analysis. Today we have whole shelves of books with detail and minutia, diagrams and diaries on the event. There is a whole library of commentary. But even now there are facets of that nomination about which, to the end of time, we can guess and speculate. But we know definitely and for certain this: Men who are free and men who are yearning to be free will everlastingly thank God for the decision by those voluntary and free citizens at that convention that vital May 18, 1860.

The Wigwam was an immense wooden box anchored against a brick wall. A hundred feet on one side and 180 feet on the other, it had excellent acoustics for an age before loudspeakers and given to stentorian oratory. It could hold 10,000 people. Perhaps four times that many sought admission. The political leaders, the delegates, the people, the roisterers and the bullies, represented the boiling point of a democratic ferment that extolled the great aims of the newly created Republican Party.

That Republican Convention represented in its composition, in its aims and in its platform the rich and the humble. It represented the vast wealth and sophistication of the East. It represented the burgeoning expansion of the West. It was industrial and agricultural and frontier. The spectacle of the country in 1860—4 score and 4 years after that great document for freedom, the Declaration of Independence—would have amazed and excited the interest and strained to the limit the capacity for wonderment of the Founding Fathers who, through implementing the spirit of that statement, set the stage for the immense growth and progress of this Nation.

For America now had the steamboat.

It had the photograph.

It had the telegraph.

It had the greatest wonder drug of its day—ether as an anesthesia.

There were farm implements within average reach.

There was the new marvel of the home and the factory; the sewing machine.

There were tools for carpentry beyond the wildest dreams of the colonial frontier: nails, spikes, screws, axes.

American firearms were being used by the royal bodyguards in China. They were preferred by the combatants in the Crimean War above all others.

There was the impact of the railroad integrating the Nation.

There was the engineering genius in the building of bridges that startled the world.

Boston had come up with an improved printing press unequaled in its day.

Many of the new things were widely available and relatively cheap.

Clocks cost little.

Steamers were fast.

Implements of all kinds saved human muscle and did much more in far less time.

That Wigwam in Chicago in 1860 reflected the immense and explosive energies for the common good released by the forces of freedom. It was the end product of free government under a Constitution the infinite decency of which—as we sit here today—is still the last great hope of mankind.

This was America.

But outside the Wigwam rumbled the impending peril of civil war. Here was the brink of war that very well might spell the doom of all that man and God had wrought on this soil in those incredible 4 score and 4 years during which America had grown from 3½ million to over 31½ million. And inside the Wigwam were men who had effected the passage a week before this National Republican Convention, of a resolution by the Illinois State Republican convention. This Illinois State resolution declared that:

> Abraham Lincoln is the choice of the Republican Party of Illinois for the Presidency.

The resolution instructed the delegates "to use all honorable means to secure his nomination by the Chicago Convention, and to vote as a unit for him." When the young Republican Party gathered for its national convention, the second in its history, on Wednesday, May 16, 1860, there was a resolute and alert, and grimly determined and dedicated group of Lincoln leaders and strategists. For example, there were at the so-called Lincoln headquarters in the Tremont House, volunteers for the Lincoln candidacy: O. H. Browning, Judge David Davis, R. J. Oglesby, Leonard Swett, Jesse K. Dubois, Charles Ray and Norman B. Judd, who was to nominate Lincoln.

There also were William H. Herndon, Gen. John M. Palmer, Ozias M. Hatch, Stephen T. Logan, Gustavus Koerner, Ward Hill Lamon and Jesse Fell. In the hands of these men—and especially of Judge David Davis—rested a mission for posterity they successfully accomplished under circumstances of the great doubt and in a crisis not fully appreciated until later. There were, to be sure, internal problems in the Lincoln strategic command—while the candidate throughout the convention was in Springfield—and there were some basic differences on procedure with the candidate himself. But the voluminous record shows that loyalty and integrity held fast within the moral context of the time. History shows that an enormous victory of immense meaning for the ages—greater than these men could possibly know—was won the fatefully consequential day.

There is a strong temptation to read the story of the Wigwam and Chicago in 1860 and imagine—out of proportion—the extent of the boisterousness and the consumption of liquor. Of course there was a good deal of that. But it could hardly be said that it was that kind of a convention. The soberest judgments and the most careful decisions were being made. Men worked at a cruel pace and afterwards—like Judge Davis—they wept almost as if they could peer down the corridors of time and envisage the greatness of their victory. That convention—that Republican Convention—dealt with many problems of its time and not alone with slavery.

The platform proper, or the discussions at the convention, or both, dealt with the issues and the ideals and principles of the time head on. While slavery was the shadow that clung like a cloud over the deliberations, yet that convention—for all its great concern with the slavery issues—had a wider and a deeper scope. Pertinent to the slavery issue finally was the reaffirmation in the platform of the thunder from the Declaration of Independence. "That all men are created equal"—giving that quotation in full. It proclaimed itself against disunion declaring the concept, I quote, "abhorrent."

The platform clamored for economy in the Federal Government asking for a return to, I quote, "rigid economy and accountability."

The platform demanded duties upon imports because, said the platform:

> Sound policy requires such an adjustment of these imports as to encourage the development of the industrial interests of the whole country.
>
> We recommend—

Said the platform—

> that policy of national exchanges, which secures to the workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers any adequate reward for their skill, labor and enterprise, and to the Nation's commercial prosperity and independence.

The platform favored the, I quote, "complete and satisfactory homestead measure," which at the time of the announcement of the platform had already passed the House. The platform stood against any proposed restrictions to the rights of the newly naturalized foreigners and to any changes—impairing their rights in the naturalization laws.

The platform favored appropriations by Congress for river and harbor improvements "of a national character."

The convention in this platform declared a railroad to the Pacific Ocean "imperatively demanded by the interests of the whole country."

This was a young Republican Party that looked brilliantly to the future with hope and with optimism, with action and with enthusiasm.

There was without a doubt a certain foreboding over the meaning of the monumental stakes that confronted the country. This played its part in the doubtful techniques that today engage the criticism as well as the fascination of the scholar. This manipulation of episodes on the lower level of events, and the generally rugged, frontier atmosphere of the 1860's lend themselves too invitingly to overemphasis by the journalistic approach. This is the approach that seeks more to be interesting than to be objective.

Representative government on this continent was young; it was tough; it was brazen, and it was brassy. It laved in its enthusiasms and its amazement with its own prowess. For the United States this republican form of government—by any standards—was, even then, the greatest success since Rome. If the Republican convention of 1860 proved anything it proved that what was here demonstrated, with all its tumult, its political guile, its uninhibited devices, was that government by consent of the governed—for all its imperfections—had basic soundness and was tough and flexible.

A catastrophic, bloody and dreadful test was in the offing.

But the words "conceived in liberty," and the words "dedicated to the proposition that all men are created equal"—soon to be magnificently reaffirmed—were real words, as actual and as demonstrable as life itself.

Those rock-ribbed Republicans, whether Seward men or Lincoln men, or supporters of any of the other candidates, mirrored pretty genuinely the genius of the America of that day. That Republican Convention was a nucleus of the United States in 1860: Industry, agriculture, finance, law, politics, journalism, culture—and just people. There were many examples of the so-called common man jammed inside and outside the great Wigwam. There were also so-called forgotten men, I am sure they were there, too, and in force.

Even if we had never heard of the phrase "smoke-filled room" in the political conventions of our own times, I think an excellent case could be made proving that nominating conventions, Republican and Democratic, have on the whole neither deteriorated nor improved since the convention that named Lincoln. They were basically sound and honest then, and they are basically sound and honest today, the superficial imperfections altered only by changes in habits, not changes in morals.

What were some of the episodes in 1860 moralists might frown upon?

The Seward camp appeared to have a more ear-splitting claque than the Lincoln camp was at first able to muster. They pressed close, shoulder to shoulder and fore and aft, in the rear and the galleries, and they created a vast volume of pro-Seward noise, in that hot and steaming assemblage. The Lincoln board of strategy under the generalship in this case of Ward Hill Lamon and Jesse Fell, circumvented this imbalance by the surreptitious use of a hastily acquired printing press. By this process hard-bitten Lincoln men gained admission to the Wigwam with counterfeit tickets and simulated official signatures. By being on the job earlier they took up space in the Wigwam that crowded out the Seward men who struggled to get in later.

Another incident was the mechanism of delay to achieve the defeat of Seward.

This had to do with the actual or the pretended difficulty of counting the presidential ballots because of the declared absence at that instant of the needed tally sheets. The platform had at long last been adopted. The Seward men were anxious for the balloting for candidates at once. It was a practical certainty at the time that were a vote taken immediately the atmosphere of the convention was such that Seward would be nominated.

For precisely that reason the opposition to Seward—the Lincoln group and the others—sought delay.

The circumstance of the tally sheets provided a motive. The problem was communicated, amidst the hubbub, to the Chair by the secretary, and to the assembly by the Chair. Thus the Chair announced that while the presidential tally sheets were in fact prepared—they were not yet at hand, "but will be in a few minutes."

In the confusion came the motion to adjourn "until 10 o'clock tomorrow morning." There are questions about just how the vote to adjourn happened to carry. It was reported that there was, I quote, "very little voting being done either way." Nevertheless, the Chair announced that the adjournment motion had carried. And maybe it had. That delay may have meant the difference between Lincoln and Seward as the 16th President of the United States.

William Baringer in his book, "Lincoln's Rise to Power," writes:

> Fortunate indeed for Abraham Lincoln that some Sewardites just then cared more for supper than for Seward.

Upon such sensitive and uncertain details hung what I like to think is one of the greatest decisions in the history of man.

Other incidents may be mentioned such as the seemingly reckless bartering of Cabinet posts for delegate support. They reveal the political acumen or—if you like—the human failings concentrated in a climate of great contest and explosive emotions. This is inherent in masses of people struggling under diverse leadership for great goals. But none of these incidents, nor all of them together, can, from the vantage point of a whole century mar the essential grandeur, the essential integrity, the powerful conviction, that marked the Republican Convention in the Wigwam in Chicago in 1860. And all of it expressed itself with a granite honesty, and with force and meaning, in the personality of Abraham Lincoln.

Much can be said from today's perspective of the platform. More may be said on the detailed maneuvers that ended with victory for Lincoln.

I find, for instance, electrifying the debate that ended finally by the inclusion of some eloquent passages from the Declaration of Independence into the platform. I find moving the words of a German immigrant, a citizen and a delegate named Hassaureck, of Ohio. He captured the imagination of the convention with his eloquent appeal that the platform contain the words of Jefferson on "inalienable rights" and "the pursuit of happiness." And he won.

I marvel as all Americans must, how certain seemed the nomination of Seward. Reluctantly Horace Greeley, a resident of New York but a delegate from Oregon, wired his New York Tribune after a thorough canvass—we call them polls today. I quote:

> My conclusion, from all that I can gather tonight, is, that the opposition to Governor Seward cannot concentrate on any candidate, and that he will be nominated.

Young Murat Halstead, to whose writings I am much indebted for part of the materials in this address, telegraphed to the Cincinnati Commercial:

> Every one of the 40,000 men in attendance upon the Chicago convention will testify that at midnight of Thursday-Friday night, the universal impression was that Seward's success was certain.

The same guesses were made by James Watson Webb of the New York Courier and Enquirer, and by Henry Raymond of the New York Times, and they so wrote their respective newspapers.

There is some moody and interesting comment by Lincoln himself on this relation to his candidacy for the Presidency. In 1858, 2 years before the convention we commemorate today, he observed wistfully:

> Just think of such a sucker as me as President.

On another occasion he put his lurking ambition in these words. He said:

> The taste is in my mouth a little.

As for the convention proper, his position is stated best in his own words. They include his formula for victory. He wrote:

> If I have any chance, it consists mainly in the fact that the whole opposition would vote for me, if nominated.

Lincoln added here:

> I don't mean to include the proslavery opposition of the South, of course.

Then Lincoln goes on:

> My name is new in the field, and I suppose I am not the first choice of a very great many. Our policy, then, is to give no offense to others; leave them in a mood to come to us if they shall be compelled to give up their first love. This, too, is dealing justly with all, and leaving us in a mood to support heartily whoever shall be nominated.

It is to this statement of Lincoln's more directly that I referred when I spoke of his granite honesty and the basic integrity that governed the convention.

Lincoln's political captains at the convention paid no attention to sleep—only to victory.

The story of that third and climactic day is thrilling. The meeting opened with a prayer by the Reverend Mr. Green, of Chicago. Sensing the need of his country, the feeling of so many people at the grassroots, the great responsibility that rested on the delegates at this convention, thinking probably that he may be praying for Seward, who would have to carry out the decisions of the convention, but no doubt hoping it would be Lincoln, he gave to the convention delegates a spiritual uplift and to Americans a wonderful heritage with the following prayer:

> O, we entreat Thee, that at some future but not distant day, the evils which now invest the body politic shall not only have been arrested in its progress, but wholly eradicated from the system. And may the pen of the historian trace an intimate connection between that glorious consummation and the transaction of this convention.

To catch some of the spirit of the Wigwam, I lift the following from Murat Halstead's excellent report:

> The New Yorkers were exultant. Their bands were playing, and the champagne flowing at their headquarters as after a victory.
>
> But there was much done after midnight and before the convention assembled on Friday morning. There were hundreds of Pennsylvanians, Indianians, and Illinoisans, who never closed their eyes that night. I saw Henry S. Lane at 1 o'clock, pale and haggard, with cane under his arm, walking as if for a wager, from one caucus room to another, at the Tremont House. He had been toiling with desperation to bring the Indiana delegation to go as a unit for Lincoln. And then in connection with others, he had been operating to bring the Vermonters and Virginians to the point of deserting Seward. Vermont would certainly cast her electoral vote for any candidate who could be nominated, and Virginia as certainly against any candidate. The object was to bring the delegates of those States to consider success rather than Seward, and join with the battleground States—as Pennsylvania, New Jersey, Indiana, and Illinois insisted upon calling themselves. This was finally done, the fatal break in Seward's strength having been made in Vermont, and Virginia, destroying at once, when it appeared, his power in the New England and the slave State delegations. But the work was not yet done. The Pennsylvanians had been fed upon meat, such that they presented themselves at Chicago with the presumption that they had only to say what they wished, and receive the endorsement of the convention. And they were for Cameron. He was the only man, they a thousand times said, who would certainly carry Pennsylvania. They were astonished, alarmed, and maddened to find public opinion settling down upon Seward and Lincoln, and that one or the other must be nominated. They saw that Lincoln was understood to be the only man to defeat Seward, and thinking themselves capable of

holding that balance of power, so much depended upon, and so deceptive on those occasions, stood out against the Lincoln combination. Upon some of the delegation, Seward operations had been performed with perceptible effect. The Seward men had stated that the talk of not carrying Pennsylvania was all nonsense. Seward had a good tariff record, and his friends would spend money enough in the State to carry it against any Democratic candidate who was a possibility. The flood of Seward money promised for Pennsylvania was not without efficacy. The phrase used was, that Seward's friends "would spend oceans of money."

After the preliminaries of the opening session everybody was more impatient to begin the work.

I continue quoting from Murat Halstead's report:

Everybody was now impatient to begin the work. Mr. Evarts, of New York, nominated Mr. Seward, Mr. Judd, of Illinois, nominated Mr. Lincoln. Mr. Dudley, of New Jersey, nominated Mr. Dayton. Mr. Reeder, of Pennsylvania, nominated Simon Cameron. Mr. Cartter, of Ohio, nominated Salmon P. Chase. Mr. Caleb Smith, of Indiana, seconded the nomination of Lincoln. Mr. Blair, of Missouri, nominated Edward Bates. Mr. Blair, of Michigan, seconded the nomination of William H. Seward. Mr. Corwin, of Ohio, nominated John McLean, Mr. Schurz, of Wisconsin, seconded the nomination of Seward. Mr. Delano, of Ohio, seconded the nomination of Lincoln. The only names that produced "tremendous applause" were those of Seward and Lincoln.

Everybody felt that the fight was between them and yelled approvingly.

The applause, when Mr. Evarts named Seward, was enthusiastic. When Mr. Judd named Lincoln, the response was prodigious, loud, and raging far beyond the Seward shriek. Presently, upon Caleb Smith seconding the nomination of Lincoln, the response was absolutely terrific. It now became the Seward men to make another offensive when Blair, of Michigan, seconded his nomination:

"At once there rose so wild a yell,
Within that dark and narrow dell;
As all the fiends from Heaven that fell
Had pealed the banner cry of hell."

The effect was startling. Hundreds of persons stopped their ears in pain. The shouting was absolutely frantic, shrill, and wild. No Comanches, no panthers ever struck a higher note, or gave screams with more infernal intensity.

Now the Lincoln men had to try it again, and as Mr. Delano, of Ohio, on behalf "of a portion of the delegation of that State," seconded the nomination of Lincoln, the uproar was beyond description. Imagine all the hogs ever slaughtered in Cincinnati giving their death squeals together, a score of big steam whistles going (steam at 160 pounds per inch), and you conceive something of the same nature. I thought the Seward yell could not be surpassed; but the Lincoln boys were clearly ahead, and feeling their victory, as there was a lull in the storm, took deep breaths all 'round, and gave a concentrated shriek that was positively awful, and accompanied it with stamping that made every plank and pillar in the building quiver.

The result is history.

Two hundred and thirty-three votes were needed to nominate.

Seward got 173½ on the first ballot. Lincoln got only 102.

Pennsylvania wavered, then moved from Cameron to Lincoln.

The second rollcall showed 184½ votes for Seward and 181 for Lincoln.

After the third balloting Lincoln was nominated. As everybody now knows a switch of four Ohio votes from Chase to Lincoln did it. A New Yorker named Evarts rose to regret the failure to nominate Seward but nevertheless moved that the nomination be made unanimous. However, there is no evidence that the motion was ever put before the convention. Browning of Illinois made a speech for Lincoln.

Drama, good sportsmanship, and statesmanship was never better displayed than when Austin Blair, of Michigan, made the speech of the hour by telling the convention:

Michigan, from first to last, has cast her vote for the great statesman of New York. She has nothing to take back. She has not sent me forward to worship the rising sun, but she has put me forward to say that, at your behests here today, she lays down her first, best loved candidate to take up yours, with some beating of the heart, with some quivering in the veins (much applause); but she does not fear that the fame of Seward will suffer, for she knows that his fame is a portion of the history of the American Union; it will be written, and read and beloved long after the temporary excitement of this day has passed away, and when Presidents themselves are forgotten in the oblivion which comes over all temporal things. We stand by him still. We have followed him with an eye single and with unwavering faith in times past. We martial now behind him in the grand column which shall go out to battle for Lincoln.

The spirit of the Lincoln men was dramatically described by Halstead with the following quote:

A Lincoln man who could hardly believe that the "Old Abe" of his adoration was really the Republican nominee for the Presidency, took a chair at the dinner table at the Tremont House, and began talking to those around him, with none of whom he was acquainted, of the greatness of the events of the day. One of his expressions was, "Talk of your money and bring on your bullies with you—the immortal principles of the everlasting people are with Abe Lincoln, of the people, by —." "Able Lincoln has no money and no bullies, but he has the people by —." A servant approached the eloquent patriot and asked what he would have to eat. Being thus recalled to temporal things he glared scornfully at the servant and roared out, "Go to the devil—what do I want to eat for? Abe Lincoln is nominated, G— d— it; and I'm going to live on air—the air of Liberty by —." But in a moment he inquired for the bill of fare, and then ordered "a great deal of everything"—saying if he must eat he might as well eat "the whole bill." He swore he felt as if he could "devour and digest an Illinois prairie." And this was one of thousands.

The job was done.

In Springfield during the day where Lincoln waited, a hundred guns were fired. In the evening there was a mass meeting. When someone suggested a book on Lincoln's life, Lincoln replied:

There is not much in my past life about which to write a book, as it seems to me.

Later, with a glance toward his home, he said:

Well, gentlemen, there is a little short woman at our house who is probably more interested in this dispatch (announcing his victory) than I am; and, if you will excuse me, I will take it up and let her see it.

Mr. Speaker, this National Republican Convention which I have so sketchily described is what we commemorate here on the floor of the House of Representatives today. It was undoubtedly true that, as Seward prophesied, the War Between the States was as he said "irrepressible" and inevitable. It may very well be that in any event the Union would have been preserved under Seward as under Lincoln. But the record shows that Seward, as Lincoln's Secretary of State, was a man of considerable stature but hardly of the stature of Lincoln. This we know: Had Lincoln failed of nomination much of the greatest and the most treasured wealth of the American tradition would have been lost to us and to mankind. We would have had no second inaugural. We would have had no Gettysburg Address. The Emancipation Proclamation would undoubtedly have been different. We would have lacked the enormous weight of Lincoln's thinking. The name Lincoln has touched all the world with fire and moved men seeking freedom to prodigious effort. Russia's Tolstoy, China's Sun Yat-sen, India's Nehru find inspiration in this greatest of all Americans.

Mr. Speaker, it is good to ask ourselves—and I mean especially and particularly the Republican Party of today—it is decisive and pertinent to ask ourselves what can we take from this convention 100 years ago to guide us in this hour. I believe that the Republican Party can take some of the toughness and the ruggedness, the honesty and the decision as an inspiration to guide it in this hour. I believe that the Republican Party can take some of the progressive outlook of that day and make it applicable now. It was not a convention of special interests, and not a convention that sought to poise industry against labor, or labor against industry. It was not a party wedded to the past. The Republican convention of 1860 sought the good of the railroads, of agriculture, of labor, of business in general, of home products, and of the good and welfare of all the people. The monumental and inescapable evidence of what I say is the result of the fight for the nomination itself. When, I ask, when, in the history of any people, was a choice for leadership made more emblematic of a whole people, than the nomination of Abraham Lincoln? As we reflect on our own glorious history, let us note the rich heritage that is ours. May the spirit of unselfish sacrifice for the great ideal of freedom by those people we respectfully call our forefathers—especially that of Lincoln—have full sway in our political life. This will kindle our desire, inspire our faith, and make strong our judgment. Having done this, the attainment of a trinity of true greatness that Lincoln had and we need—courage, wisdom, and goodness—will be realized. Goodness to have the right; wisdom to know the right; and courage to do the right.

Probably the statesmen and all people who have influence on the world scene would do well to study the life of this great man.

The Republican Party of 1860, Mr. Speaker, did a service for humanity that will live through the ages and it is good that this distinguished body takes this occasion to commemorate the event.

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

Mr. SCHWENGEL. I yield to the gentleman from Maine.

Mr. McINTIRE. Mr. Speaker, I am happy to join with the distinguished gentleman from Iowa in calling the attention of the Members of the House to this very historic occasion.

Mr. Speaker, 100 years ago today Abraham Lincoln was nominated by the Republican Party at a national convention in Chicago to be the party's candidate for the President of the United States. At the same national convention Hannibal Hamlin, of Maine, was also nominated for the office of the Vice Presidency.

That Hannibal Hamlin was truly a great man there can be no question, for history and authentic records reveal that he moved in a multitude of ways to preserve the well-being of our Nation and to advance the dignity of the American citizenry.

BORN IN PARIS, MAINE, AUGUST 27, 1809

A citizen of Hampden, Maine, Hannibal Hamlin dedicated the major part of his adult life to public service, serving in high offices at both the Federal and State levels of government.

His political career had its inception when he was elected to represent his hometown of Hampden in the State legislature. Serving with distinction, he was elected speaker of this body, acting in that capacity for three terms.

In 1842 Hamlin was elected to the House of Representatives where, in the course of his service, he became recognized as an authority on parliamentary law and custom.

The early years of his congressional service were marked by his firm stand on slavery, and he asserted his opposition to slavery well in advance of the time when the major political parties of the time took a party position thereon. "Freedom," he said, "is national, and slavery is sectional." He branded slavery as a curse and a moral wrong, something to be endured only so far as the Constitution required it to be maintained.

Hanibal Hamlin typified the noblest type of American manhood, having a striking appearance that glowed brightly against a background of many personal attainments. He was a tall and graceful figure, having black and piercing eyes, a skin almost olive-colored, hair smooth and thick, and a manner that was always courteous and affable. He was a human claypot into which providence had poured generous portions of talent and personality.

Being a man steady of purpose, he was fixed with strong convictions. Possessed of a soul of peace and strength of character, he clung tenaciously to his ideals and values, thereby keeping himself free from the storms of uncertainties and doubts. So constituted, he was always firmly fixed on the object of his views, always able to concentrate all of his energies in devising ways and means to make his hopes and plans materialize.

We find his steadfast nature evidenced at a time when the effort was advanced to repeal the Missouri Compromise. As a reward for his support of this repeal, he was promised liberal offers of patronage and other special forms of benefits from fellow legislators. However, believing as he did that slavery was an insidious institution, he could not be moved to enhance his personal fortunes through a sacrifice of his ideals, and he forthrightly turned these offers aside. He was a man who could not sell his soul for pieces of silver.

Hanibal Hamlin was elected Governor of the State of Maine in 1854, leaving this office after only a brief term of service when he was elected to a seat in the Senate of the United States.

His career in the Senate was no less spectacular than his previous service in other public offices, and he continued to gain high respect for his arduous application to official duties. Although a convincing speaker, he took the Senate floor infrequently, for he preferred, as he many times stated, to be "a working rather than a talking Member" of the U.S. Senate.

That he was held in high esteem by his colleagues in the Senate is indeed a rich compliment for this man, because he served in company with legislators who were remarkably astute and able. Among them were profound lawyers, eloquent orators, keen debaters, skillful parliamentarians, highly educated and scholarly men, and men whose strong native powers compensated for the lack of polish of formal education. Hamlin and his fellow Republicans were a minority in the Senate, only 20 in number. But what men they were, for the roster boasted the names of Sumner and Wilson, Foster and Dixon, Hale and Bell, Collamer and Foot, Seward and King, Simmons and Fessenden; also Simon Cameron, Ben Wade, Zach Chandler, Durkee and Doolittle, Lyman Trumbull, and James Harlan.

The crowning point of Hannibal Hamlin's colorful political life was his nomination and subsequent election to the high office of Vice President of the United States. The nomination proceedings during which Abraham Lincoln and Hannibal Hamlin were selected to represent the Republican Party as candidates for these high offices pose as one of the most exciting events in the annals of early political history.

Before the Chicago convention of 1860 the nomination of Seward was considered a foregone conclusion, but Hannibal Hamlin had determined that the man to cope with the troubled times was the great son of the West—Abraham Lincoln.

He realized that the advancement of Abe Lincoln as the Republican Party's candidate for the Presidency represented a herculean task, for the sentiment of his own State of Maine was strongly disposed toward Seward. Further compounding the complexity was the fact that Hamlin was himself a very good friend and ardent admirer of Seward.

Nonetheless, Hamlin did not feel that Seward was the man of the hour, being convinced that he was neither a strong enough candidate to win the election nor an individual possessed of the qualities required of a President for those turmoiled days. Thus subordinating his personal feelings to a deeper cause, Hamlin worked to advance the nomination of Abraham Lincoln.

A total of 203 votes was essential to a choice on the ballot, and the first ballot saw Seward, Lincoln, Bates, and Cameron fall far short of a vote necessary to nomination. And all the while the balloting was being conducted Hamlin busied himself advertising the merits of his candidate from the West, striving to convince refractory delegates that Lincoln was not only politically potent but admirably equipped to cope with the pressures of the Presidency.

That he was making progress in his efforts was reflected in the second ballot, with Lincoln claiming a percentage gain in votes substantially larger than Seward's. The second ballot had, in fact, brought Lincoln essentially abreast of his nearest rival.

Hamlin persisted in his efforts, endeavoring to pierce the armor of resistant delegates not with the hammer of harangue but with the lance of persuasion. His labors finally bore rich fruit when he succeeded in striking home with the delegates of the pivotal states of Pennsylvania, Illinois, and Indiana.

On a call of the third ballot, a general stampede took place in favor of Lincoln, the force of which swept the rail splitter into the nomination. On this ballot Seward gathered only 181 votes, while Lincoln harvested 228, this being 25 votes more than the 203 essential to the nomination.

Then, on the second ballot, Hamlin was selected as the Republican Party's candidate for the Vice Presidency.

There was a remarkable resemblance in these two men who were subsequently elected to occupy the highest offices of the land. Each was self-educated, each had sought after and practiced the law, and each had the quality of remaining firmly fixed in convictions derived from deep ponderings and critical examination.

Perhaps it was a dictate of destiny that these two men possessed of flintlike natures would stand at the wheel to steer our ship of state through the then turbulent waters of domestic and world uncertainty, each serving to bolster the other in the gigantic task of preserving the Union.

During their administration the shadow of civil war fell upon the land, and it is recorded that Lincoln frequently turned to Hamlin for encouragement, advice, and inspiration during those dark days. And Hamlin, himself possessed of soldierly instincts, enlisted in Company A of the Maine State Guards early in the Civil War, serving in the ranks several weeks when this company was ordered to duty.

It was a quirk of fate that prevented Hannibal Hamlin from becoming President of the United States, for had he continued in the Vice Presidential office during Lincoln's second term, he would have, with Lincoln's assassination, been elevated to that high office.

That Hamlin did not succeed to the Vice Presidency during Lincoln's second term was in no way owing to any act of Abraham Lincoln. In fact, when Lincoln was approached as to his choice of

candidate for that office, he made it abundantly clear that it was his private and personal belief that a renomination of the old ticket would best serve the interests of the Nation. However, political forces operating far beyond the reach of either one of these two men catapulted Andrew Johnson into the office of Vice President of the United States.

That Hannibal Hamlin harbored no resentment over the selection of Johnson to succeed him is evidenced by his conduct during the political campaign of that period. Stumping throughout the Nation, Hamlin lauded the Vice Presidential candidate, proclaiming him to be a man of real virtue and one deserving of trust.

After leaving the office of Vice President, Hannibal Hamlin was appointed collector of customs at the port of Boston in 1865. A year later he resigned that office, occupying himself with building the Piscataquis Railroad and in preparing for a senatorial contest in 1869. Successful in that election, he once again found himself in the Senate, and exercising the diligence that marked his previous legislative career, he was reelected with insignificant opposition at the end of his Senate term.

At the age of 72, after a long and varied career in public service, Hannibal Hamlin voluntarily retired from the Senate of the United States. Remarkably alert and seasoned with years of valuable legislative experience, he was urged by friends to continue in public service. He reasoned, however, that it was best that he depart the public scene at a time when his people wanted him to stay, rather than lingering on until they wanted him to go.

He retired to his quiet home on the Penobscot, submerging himself in his community where respect, honor, and love followed him wherever he walked. He emerged from retirement briefly to accept an appointment as Minister to Spain, an appointment tendered him by President Garfield. After serving a year in this capacity, he once again returned to Maine to renew his association with the friends he loved so well.

His last public effort was directed toward having Abraham Lincoln's birthday declared a national holiday, and it is reported that his powers of persuasion attained rare heights as he pleaded for this Nation to extend to Lincoln this tribute of remembrance and gratitude.

He died in 1891, on July 4, departing this earth on the birthday anniversary of this Nation, as did Jefferson and Adams. The memories of these founders of the Republic and of those, like Hamlin, who strived so hard to save it, these memories connected with the national holiday serve to deepen and heighten the day's significance as a sanction of the imperishable nature of the Union.

Great men have appeared on our national scene, being remembered by Americans because they gave of themselves something that enriched our Nation and ennobled human nature. There must be counted among these such a man as Hannibal Hamlin of Maine.

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

Mr. SCHWENGEL. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also that all Members may have 5 legislative days in which to extend their remarks.

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

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, first of all I should like to commend the gentleman from Iowa [Mr. SCHWENGEL] for a very eloquent and provocative address on a truly great American, Abraham Lincoln. I requested this time to comment on the role which the New Jersey delegation played at the historic Chicago convention.

Compared to some of the more populous States, New Jersey sent relatively few delegates to the Chicago convention. At a meeting in Trenton on March 8, 28 delegates had been chosen, each with half a vote. There had been considerable interest, both in and outside of the State, regarding the choice of delegates. It was generally recognized that New Jersey, together with Pennsylvania, would have an unusual amount of influence at Chicago, especially if their delegations were uncommitted.

The State convention at Trenton was referred to as the "Opposition" or "Black Republican" convention. Among those chosen were Marcus L. Ward, later Governor of New Jersey, and John Insley Blair, of Warren County, the railroad magnate who played a key role in the development of the Delaware Lackawanna and other railroads. Blair kept a diary at this time which, along with other papers, is now in the possession of the New Jersey Historical Society.

One of three delegates at large was my great-grandfather, Frederick T. Frelinghuysen, at the time a 43-year-old lawyer from Newark. He later served as a U.S. Senator from New Jersey, and as Secretary of State under President Chester Arthur. According to one newspaper account, some extremists criticized the selection of Frelinghuysen, despite his "high political character," because he had cooperated at a union meeting. If I may be excused a personal reference, my twin brother, Harry O. H. Frelinghuysen, has been selected to go out to Chicago this year as an alternate delegate from New Jersey.

In any event efforts were made at Trenton to instruct the delegation to support William Lewis Dayton, former U.S. Senator from New Jersey and in 1856 Republican candidate for Vice President. The effort failed, apparently, because it was generally felt that the delegation should be unpledged and unprejudiced toward any candidate. After agreeing that hearty support should be given whoever was nominated at Chicago, the meeting broke up with cheers for New Jersey's two favorite sons, William Dayton and William Pennington, then serving as Speaker of the U.S. House of Representatives. Perhaps significantly, the only public figures of truly national significance who were also cheered were William Seward and Abraham Lincoln.

The scene now turns to Chicago as delegates gather to help choose the next President. The New Jersey delegation had its headquarters, including a handsome parlor for conferences, at Richmond House, where the followers of William Seward also gathered. Plans had been made for New Jerseyans living in Chicago to offer the visitors a warm reception, but since some delegates arrived as early as Friday, May 11, and others not until the 15th, this proved difficult to arrange.

On May 15, however, after most of the New Jersey delegates had arrived at Richmond House, they were formally welcomed to the city. Responding for the delegates, Frelinghuysen gave what was described as "an impromptu but exceedingly well-expressed speech." The visitors were then escorted on a tour of the city.

Making plans for the transportation of some 40,000 visitors to Chicago must have required real thought. Every effort was made to make the trip attractive. One newspaper advertised a $35 rate from Newark, N.J., to Chicago and return. A correspondent for the Newark Advertiser has left us an account of the special train which transported many of the New Jersey delegation, others from New York, and the delegates from Boston who brought their own band. The passengers, generally of a high order of intelligence and standing, were apparently soon able to overcome the usual taciturnity of strangers because of the common cause which brought them together.

After a rendezvous in Buffalo at the invitation of the mayor, a special train, properly decorated, with special accommodations for the delegates, left for Chicago at 6 a.m. on Monday, May 14. Crossing the suspension bridge wrapped in mists from Niagara Falls, the train was soon speeding along through the verdant, virtually untouched Canadian countryside. After taking the ferry at Windsor, the passengers continued the journey on the Michigan Central road. Every effort seems to have been made to insure a speedy trip. On two occasions engines were changed simply by disconnecting the exhausted engine and switching it off the track, with the train itself picking up the fresh engine under its own momentum. En route the inhabitants of villages and farms greeted the train with cannon, music, and cheers. At the occasional stopping places, not surprisingly perhaps, time was found for short speeches by the traveling dignitaries.

On the evening of the 15th the New Jersey delegation held its first caucus. By this time, of course, the political maneuvering was in full swing. As the leading contender, Seward naturally had many supporters active on his behalf. One evening Seward's headquarters at Richmond House was the scene of an elaborate champagne supper in the gentlemen's parlor, with everybody cordially welcome. General Nye of New York, ac-

companied by the well-known pugilist Tom Hyer, was reported to have invaded the headquarters of other hopefuls, "swinging $500 in his hands" and offering even bets on Seward. There was only one taker. Tom Hyer, incidentally, had come out on the special train. He was evidently sufficiently well known to attract the attention of the local residents, who crowded around to seek a glimpse of his "finely developed frame."

The New Jersey delegates agreed informally to support their favorite son, William Dayton, on the first ballot. Thereafter they were to be "governed by circumstances." An informal poll showed that there were six votes for Seward with eight opposed to the New Yorker. As far as the New Jersey delegation was concerned, Lincoln's name was not directly involved at this stage. According to the New York Times, the New Jersey delegates were divided in sentiment. Nonetheless they were reported to have joined with Pennsylvania and Illinois delegates in a formal call on the Massachusetts delegation to point out Seward's unpopularity.

When the balloting began, New Jersey, represented by Thomas H. Dudley, who was serving on the Committee on Resolutions, offered the name of William Dayton. All 14 New Jersey votes went to their favorite son. In that count Dayton stood fifth, with Seward first and Lincoln second.

The swing to Lincoln began on the second ballot. When the tally was made, Seward and Lincoln were almost in a dead heat. New Jersey split its votes, with 10 still voting for Dayton and 4 voting for Seward. On the crucial third ballot, the New Jersey delegation gave eight votes to Lincoln, five to Seward, with one vote holding to Dayton.

As Blair put it in his diary, and with his own spelling:

> Politicians had but little Influence. The delegates appeared animated with but one Mind. That was to Take no Trading Politicians. Lincoln & Hamlin are Such Men Taken from the People.

The Jersey delegation seems to have been animated more by a desire to "stop Seward" than to support Lincoln, about whom little was known in the East. Seward was weak in New Jersey because of his extreme views on the slavery issue. Lincoln's relative moderation on the question seems to have made him more acceptable to many members of the delegation. At any rate, the nomination was satisfactory to the rank and file of the opposition party and he was endorsed by most of the party's newspapers following the nomination.

The May 19 editorial in the Newark Evening Journal indicates why Lincoln was a generally popular choice:

> Mr. Lincoln deserves and will have the support of the common people, for he is one of them. Born and lived in poverty, he had no time for the education of the schools. What he possesses, he has got by hard knocks, as he has his position in society by untiring self-cultivation, industry and effort. * * * His personal history and rise are so extraordinary and even romantic as must touch the hearts of the great mass of the people. * * * Then he is a conservative and safe man. Whatever he does is judicious and marked with sterling common sense—a staunch friend of our institutions, the Constitution and the Union. * * *

The nomination of this eloquent and popular man has taken politicians by surprise. It crossed the wishes and efforts and contradicted the predictions of some of the most managing and skillful in such things. The people may be said to have made it themselves, and will therefore take care to make his election sure. Wherever the news was received it was celebrated with real enthusiasm. This city was a scene of tumultuous jubilation.

Meanwhile, a committee of delegates from the various States represented at the Chicago convention was selected to go to Springfield and officially notify Lincoln that he had been chosen. Ephraim Marsh, of Jersey City, and John I. Blair were among the members of this group. Blair described the incident in his diary:

> We * * * called over to see the President and lady. We spent about 1 hour. * * * We found him quite a plain man, very intelligent and cautious. His lady was quite talkative and sociable. We left with the impression that they each could fill their stations with credit to the Nation. Mr. Lincoln is not to be called handsome; says he is 6 feet 3½ inches, spare and bony, indicates a hard-working man. His lady is short, full face. I told him and her when I left that I expected to call on them at Washington when they got in the White House, but I should ask for no office. I found he was very temperate—they gave us cold water, nothing else. He neither drinks rum, chews, or smokes.

Mr. SCHWENGEL. Mr. Speaker, the distinguished gentleman from New Jersey [Mr. FRELINGHUYSEN] has been very modest in his comments about his ancestors. I should like to say that I discovered, in reading history, that the name "Frelinghuysen" is about as great and as common in the early history of our country as the name Adams. I have prepared some remarks dealing with the history and the lives of these people a little more in detail than the gentleman has, and I ask unanimous consent that they be placed in the RECORD at this point.

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

There was no objection.

(The document reads as follows:)

GREAT-GREAT UNCLE OF PETER FRELINGHUYSEN

Theodore Frelinghuysen, son of Frederick Frelinghuysen. He was a Senator from New Jersey; born in Millstone, N.J., March 28, 1787; pursued classical studies and was graduated from Princeton College in 1804; studied law; was admitted to the bar in 1808 and commenced practice in Newark, N.J.; served as captain of volunteer militia in the War of 1812; attorney general of New Jersey from 1817 to 1829, when he resigned; declined the office of Justice of the Supreme Court in 1826; elected as an Adams Democrat in the U.S. Senate and served from March 4, 1829, to March 3, 1835; resumed the practice of law in Newark, N.J.; mayor of Newark in 1837 and 1838; chancellor of New York University, 1839–50; president of the American Board of Commissioners for Foreign Missions, 1941–57; president of the American Tract Society, 1842–48; vice president of the American Colonization Society; unsuccessful Whig candidate for Vice President on the ticket with Henry Clay in 1944; president of the American Bible Society, 1846–61; president of Rutgers College, New Brunswick, N.J., from 1850 until his death in New Brunswick, N.J., April 12, 1862; interment in First Reformed Church Cemetery.

GREAT-GREAT-GREAT GRANDFATHER OF PETER FRELINGHUYSEN

Frederick Frelinghuysen, father of Theodore Frelinghuysen. He was a delegate and a Senator from New Jersey; born near Somerville, Somerset County, N.J., April 13, 1753; was graduated from Princeton College in 1770; studied law; was admitted to the bar in 1774 and commenced practice in Somerset County, N.J.; member of the Provincial Congress of New Jersey in 1775 and 1776; served in the Revolutionary War; was commissioned first major in the Minutemen, February 15, 1776; captain of the Eastern Company of Artillery, New Jersey State Troops, March 1, 1776; colonel of the 1st Battalion, Somerset County Militia, February 28, 1777; served as aide-de-camp to Brig. Gen. Philimon Dickinson; Member of the Continental Congress in 1778, 1779, 1782, and 1783; clerk of the common pleas court, Somerset County, from 1781 to 1789, when he resigned; member of the State general assembly in 1784 and 1800–04; member of the New Jersey convention that ratified the Federal Constitution in 1787; member of the State council, 1790–92; appointed by President Washington brigadier general in 1790 in the campaign against the western Indians; elected as a Federalist to the U.S. Senate and served from March 4, 1793, to November 12, 1796, when he resigned; commissioned major general in 1794 during the Whisky Insurrection; trustee of Princeton College, 1802–04; died in Millstone, N.J., April 13, 1804; interment in the Old Cemetery, Manville, N.J.

NEPHEW OF PETER FRELINGHUYSEN'S GREAT GRANDFATHER—NOT A DIRECT RELATION TO PETER BUT A MEMBER OF THE FAMILY

Joseph Sherman Frelinghuysen, cousin of Frederick Theodore Frelinghuysen. He was a Senator from New Jersey; born in Raritan, Somerset County, N.J., March 12, 1869; attended the public schools; interested in insurance companies; served in the Spanish-American War in 1898 as second lieutenant, first lieutenant, and ordnance officer; chairman of the Somerset County Republican executive committee, 1902–05; member of the State senate, 1906–12; president of the senate in 1909 and 1910 and acting Governor of New Jersey ad interim; member of the Republican State committee, 1914–16; member of the New York Chamber of Commerce, 1912–26 and of the New Jersey Chamber of Commerce, 1914–25; president of the State board of agriculture, 1912–25; president of the State board of education, 1915–19; elected as a Republican to the U.S. Senate and served from March 4, 1917, to March 3, 1923; unsuccessful Republican candidate for reelection to the U.S. Senate in 1922; trustee of Rutgers College, New Brunswick, N.J., 1918–28; delegate to the Republican National Conventions in 1916, 1924, 1936, and 1944; reengaged in the insurance business until his death in Tucson, Ariz., where he had gone for his health, February 8, 1948; interment in St. Bernard's Cemetery, Bernardsville, N.J.

Frederick Frelinghuysen, great-great-great-grandfather of Peter, his son was Theodore Frelinghuysen, great-great-grandfather of Peter, his nephew and adopted son was Frederick Theodore Frelinghuysen, this man is the great-grandfather of Peter, his nephew was Joseph Sherman Frelinghuysen.

GREAT-GRANDFATHER OF PETER FRELINGHUYSEN

Frederick Theodore Frelinghuysen, great-grandfather of the present distinguished Member of the House, PETER FRELINGHUYSEN, also of New Jersey, was the nephew and adopted son of Theodore Frelinghuysen and cousin of Joseph Sherman Frelinghuysen.

He was a Senator from New Jersey; born in Millstone, N.J., August 4, 1817; was graduated from Rutgers College, New Brunswick, N.J., in 1836; studied law; was admitted to the bar in 1839 and commenced practice in Newark, N.J.; city attorney in 1849; member of the city council in 1850; trustee of Rutgers, 1851–85; member of the peace convention of 1861 held in Washington, D.C., in an effort to devise means to prevent the impending war; appointed attorney general of New Jersey in 1861; reappointed in 1866 and resigned the same year; appointed and subsequently elected as a Republican to the U.S. Senate to fill the vacancy caused by the death of William Wright and served from November 12, 1866, to March 3, 1869; unsuccessful candidate for reelection in 1868; appointed U.S. Minister to England by President Grant in July 1870; confirmed after considerable opposition from Senators Sumner and Wilson, but declined the appointment; again elected to the U.S. Senate and served from March 4, 1871, to March 3, 1877; appointed a member of the Electoral Commission created by act of Congress approved January 29, 1877, to decide the contests in various States in the presidential election of 1876; unsuccessful candidate for reelection; resumed the practice of law in Newark, N.J.; appointed Secretary of State in the Cabinet of President Arthur and served from December 19, 1881, to March 6, 1885; president of the American Bible Society in 1884 and 1885; died in Newark, N.J., May 20, 1885; interment in Mount Pleasant Cemetery.

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

Mr. SCHWENGEL. I am happy to yield to the gentleman from California.

Mr. KASEM. Mr. Speaker, I rise on the Democratic side simply that we may join in tribute to the man Abraham Lincoln, to whom the gentleman has paid tribute today and that we may, oddly, extend our thanks and gratitude to that convention that nominated Abraham Lincoln to the Presidency.

We admire Abraham Lincoln for many qualities. We admire him for his vision when he, as the minority leader of the Illinois Legislature, worked hard toward the improvement of the natural resources of Illinois at a time when a primitive State was growing and needed to make investments in its roadways and harbors along the rivers.

We admire him because of his great compassion and his firm conviction on the equal dignity of every human being.

We admire him for his courage when as the President of the United States it became his responsibility and he stepped out and made a firm decision in the Emancipation Proclamation which forever ended one of the most shameful institutions in our history.

We admire him for his intellectualism; he was a deep and a profound man, and all of his statements and writings reflect that.

We admire him for his great articulateness. I, for one, have always felt that Abraham Lincoln has never received appropriate recognition in the field of writing. I think he was one of the greatest American prose artists. Also I feel that this rises out of the basic solid quality and genuineness of the man.

As the gentleman has so well said, his greatness transcends party and we like to claim him with the Republican Party as a great American institution.

Mr. SCHWENGEL. I thank the gentleman.

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

Mr. SCHWENGEL. I am glad to yield to the gentleman.

Mr. HECHLER. Mr. Speaker, I desire to join in complimenting the gentleman from Iowa for his thorough research on this very, very important episode in history, the 100th anniversary of this nomination which we celebrate today. I think the gentleman has very well recaptured the spirit of the Wigwam. I think he has demonstrated that he is one of the really great Lincoln scholars in this body. I believe that in unfolding this account he has made it live in a very dramatic way.

I wonder if the gentleman would care to comment a little on some of the sources he used in the preparation of this excellent material. The gentleman has referred to Rear Admiral Halsted. I wonder of the gentleman would care to add anything as to some of the excellent sources which he used.

Mr. SCHWENGEL. Much of the material used has come from my own collection. I have in my office a list of books that I used as reference and there were newspapers that were used as sources. I think the New York papers are very good; the Cincinnati papers and, of course, the Chicago papers. I have quite a file of those. Most of my material was gathered from those sources. There is a new book written recently by a young man by the name of Don Johnson of the University of Iowa, which is fine source material also. It is a book on "Political Conventions in American History." The Library of Congress has been very helpful—a Mr. William Coblenz helped prepare most of the material in its final form. David Mearns and Lloyd Dunlap checked the manuscript for accuracy.

Mr. HECHLER. I think the gentleman has done an outstanding job in bringing to us not only the account of the convention but also its current meaning today. I thank the gentleman.

Mr. SCHWENGEL. I thank the gentleman for his contribution.

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

Mr. SCHWENGEL. I yield very gladly to the gentleman from Michigan.

Mr. BENTLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include as part of my remarks the text of three papers, the first one being a paper entitled "The Michigan Delegation at the Republican National Convention of 1860," prepared for me by Mr. George S. May, research archivist of the Michigan Historical Commmission; second, an address given before a joint convention of the Michigan legislature on February 13, 1958, by Mr. Arthur M. Smith, of Dearborn, president of the Abraham Lincoln Civil War Roundtable of Michigan; and third, a paper dated April 1960 entitled "Michigan and the Republican Convention of 1860," prepared by Mr. Lloyd C. Nyman, of Grosse Point Woods, Mich.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BENTLEY. Mr. Speaker, I would like to speak very briefly about Michigan's part in this famous 1860 convention. It is a particular pleasure for me to do so at this time because this week happens to be Michigan Week and it is indeed appropriate that I should mention briefly the part played by the distinguished Michigan delegation at the Wigwam in Chicago 100 years ago.

Our delegation was headed by Austin Blair of Jackson, Jackson being, of course, the place where the Republican Party had been formed under The Oaks only 6 years earlier, and who subsequently became our war Governor of the State of Michigan.

The Michigan delegation was instructed to support the presidential nomination and candidacy of William H. Seward of New York, and adhered to that position throughout the three ballots which were taken at Chicago. As has been pointed out, of course, by the gentleman from Iowa and other speakers, a switch of four Ohio votes on the third ballot gave the nomination to Mr. Lincoln.

Austin Blair, who had been one of the strongest of Mr. Seward's supporters, having made for him the seconding speech, then arose and, with what the gentleman from Iowa has termed correctly good sportsmanship, made one of the outstanding addresses of the convention, a portion of which I should like to read at this time. I quote from Austin Blair's remarks following the nomination of Abraham Lincoln in Chicago 100 years ago:

> Like my friend who has just taken his seat, the State of Michigan, from first to last, has cast her vote for the great statesman of New York. She has nothing to take back. She has not sent me forward to worship the rising sun, but she has put me forward to say that, at your behests here today, she lays down her first, best loved candidate to take up yours, with some beating of the heart, with some quivering in the veins; but she does not fear that the fame of Seward will suffer, for she knows that his name is a portion of the history of the American Union; it will be written, and read, and beloved long after the temporary excitement of this day has passed away, and when Presidents themselves are forgotten in the oblivion which comes over all temporal things. We stand by him still. We have followed him with a single eye and with unwavering faith in times past. We marshal now behind him in the grand column which shall go out to battle for Abraham Lincoln, of Illinois.
>
> Mark you, what has obtained today will obtain in November. Lincoln will be elected by the people. We say of our candidate, God bless his magnanimous soul. I promise you that in the State of Michigan, which I have the honor to represent, where the Republican Party from the days of its organization to this hour, never suffered a single defeat, we will give you for the gallant son of Illinois, the glorious standard bearer of the West, a round 25,000 majority.

It so happens, Mr. Speaker, that in spite of an obvious feeling of disappointment and perhaps an early lack of enthusiasm in Michigan for Mr. Lincoln, nevertheless in the election of that year in November, Michigan gave Lincoln a margin of 23,413 votes over Mr. Douglas, the candidate of the Democratic

Party, which was almost the 25,000 majority promised by Governor Blair in his famous speech in Chicago.

It is a pleasure to speak here on this occasion. I want to commend our distinguished friend from Iowa for his having prepared this time and made these very moving remarks about the convention. I certainly express my appreciation to him for permitting all of us on both sides of the aisle to join this afternoon in calling attention to this historic centennial. I thank the gentleman very much.

Mr. SCHWENGEL. I thank the gentleman from Michigan for his appropriate remarks. I am sure the address he referred to by the great Governor of Michigan at that time was a real mark of statesmanship, one of our great heritages, of which we ought to be very proud.

Mr. BENTLEY. Mr. Speaker, the matters which I earlier secured permission to include with my remarks are as follows:

THE MICHIGAN DELEGATION AT THE REPUBLICAN NATIONAL CONVENTION OF 1860

Michigan was represented at the Chicago convention of the Republican Party of 1860 by the following delegates: Austin Blair, Jackson; Walton W. Murphy, Jonesville; Thomas White Ferry, Grand Haven; and J.J. St. Clair, Marquette, were delegates at large. Delegates from the State's four districts included J. G. Peterson, Detroit; Alex D. Crane, Dexter; Jesse G. Beeson, Dowagiac; William L. Stoughton, Sturgis; Francis Quinn, Niles; Erastus Hussey, Battle Creek; D. C. Buckland, Pontiac, and Michael T. C. Plessner, Saginaw.

Ferry was chosen vice president of the convention to represent Michigan. Stoughton was chosen secretary to represent the State. Murphy was appointed to the Committee on Permanent Organization, Quinn to the Credentials Committee, and Blair to the Resolutions Committee.

Austin Blair, who was chairman of the Michigan delegation, was shortly nominated by the Republicans as their candidate for Governor. He was elected, serving two terms from 1861 through 1864, and, because he was Michigan's "war Governor," he is one of the State's most famous Governors. Several of the other members of the delegation also had distinguished careers as public servants. Ferry was later a Congressman and a U.S. Senator from Michigan, and was acting Vice President in 1876–77. Stoughton rose to the rank of brigadier general during the Civil War and afterwards served two terms in the U.S. House of Representatives. Hussey had been president of the famous Jackson convention of 1854 where the Republican Party was formed "under the oaks," and he held numerous public offices on the State and local level.

Michigan's delegation was pledged to support William H. Seward of New York for the Republican Presidential nomination. This pledge reflected the personal preferences of most of the members of the delegation and apparently also reflected the feelings of most Michigan Republicans. There are several reasons for Seward's popularity in Michigan. He was well known in the State, having visited and spoken in Michigan on numerous occasions. He was a New Yorker, which brought him close to the thousands of Michiganites who had been born and raised in that State. Finally, before the Republican Party had been formed in 1854, Seward, as a leading Whig, had enunciated most forcefully the antislavery principles which became such an important part of the Republican platform. Lincoln, on the other hand, had spoken only once in Michigan, at Kalamazoo in 1856 on behalf of John C. Fremont.

Before and during the convention of 1860 strong efforts were made to get Seward supporters to drop him in favor of one of the other candidates. The main argument used against Seward was that although he was strong in the so-called safe States (such as Michigan) he could not carry the doubtful States. Particularly, it was said he could not carry Pennsylvania and Indiana. Both States held their elections in October, and it was said that Fremont's poor showing in these States in October 1856 caused serious defects among his supporters which led to his defeat nationally in the November elections in the other States. However, the Michigan delegation remained steadfast in its support of Seward.

William W. Evarts placed Seward's name in nomination, and his speech was received enthusiastically. Lincoln followers then greeted the nomination of Lincoln by N. B. Judd with what the official record described as "immense applause." The Seward and Lincoln forces then engaged in a duel to see which one could arouse the most enthusiasm for their candidate. Blair seconded Seward in what one member of the convention many years later still remembered as "one of the outstanding speeches of the convention." The Seward supporters followed Blair's speech with a tremendous demonstration. "No Comanches, no panthers ever struck a higher note, or gave screams with more infernal intensity," a convention observer declared. But then Lincoln's nomination was seconded and the demonstration that followed outdid the best the Seward forces could muster. "New York, Michigan, and Wisconsin delegates sat together and were in this tempest very quiet," the same observer reported. "Many of their faces whitened as the Lincoln yawp swelled into a wild hozanna of victory."

On the third ballot, on May 18, a switch of four votes in the Ohio delegation gave Lincoln the required number to win the nomination. Evarts, speaking for the Seward forces, arose and moved that Lincoln's nomination be made unanimous. Blair then arose, and spoke for the Michigan delegation which had cast its 12 votes for Seward on each of the three ballots. The eminent historian, William Hesseltine, has called the speech Blair now made "the speech of the hour." It showed "evidence of real sincerity" in pledging Michigan's support of Lincoln.

Blair said to the members of the convention:

"Like my friend who has just taken his seat, the State of Michigan, from first to last, has cast her vote for the great statesman of New York. She has nothing to take back. She has not sent me forward to worship the rising sun, but she has put me forward to say that, at your behests here today, she lays down her first, best loved candidate to take up yours, with some beating of the heart, with some quivering in the veins [much applause]; but she does not fear that the fame of Seward will suffer, for she knows that his name is a portion of the history of the American Union; it will be written, and read, and beloved long after the temporary excitement of this day has passed away, and when Presidents themselves are forgotten in the oblivion which comes over all temporal things. We stand by him still. We have followed him with a single eye and with unwavering faith in times past. We marshal now behind him in the grand column which shall go out to battle for Abraham Lincoln, of Illinois.

"Mark you, what has obtained today will obtain in November next. Lincoln will be elected by the people. We say of our candidate, God bless his magnanimous soul. [Tremendous applause.] I promise you that in the State of Michigan, which I have the honor to represent, where the Republican Party from the days of its organization to this hour, never suffered a single defeat, we will give you for the gallant son of Illinois, and glorious standard bearer of the West, a round 25,000 majority."

So hectic was the convention proceedings that it appears uncertain whether Evarts' motion was ever properly put and acted upon. Despite what Blair said, it appears that the Michigan delegation and the hundreds of Michiganites who were at the convention were sorely disappointed at Seward's defeat. The Michigan delegation returned home by railroad and tried to work up enthusiasm for Lincoln. One who accompanied the train recalled later: "We started out in a train trimmed with Lincoln banners, but in spite of the banners and in spite of Blair's earnest speeches, we did not get a cheer for Lincoln all the way from Niles to Detroit." In November, however, Michigan gave Lincoln a margin of 23,413 votes over the Democrat Douglas, almost the 25,000 majority promised by Blair at Chicago.

LINCOLN AND MICHIGAN

(Address by Mr. Arthur M. Smith, of Dearborn, president, Abraham Lincoln Civil War Round Table of Michigan, before joint convention of the Michigan Legislature, February 13, 1958)

(Foreword, by Hon. Louis C. Cramton, State representative from Lapeer County: "Mr. President, Mr. Speaker, members of the Senate and House of Representatives of Michigan: Abraham Lincoln was born on the 12th day of February, 149 years ago in a frontier cabin with one window and a dirt floor, and through this joint session of its legislative bodies, the State of Michigan today pays tribute to this preeminent world figure ever to be revered as democracy's exemplar. We are fortunate to have with us a notable Michigan authority on Lincoln, Mr. Arthur M. Smith, of Dearborn, president of the Abraham Lincoln Civil War Round Table of Michigan, who will address us on the subject 'Lincoln and Michigan.' ")

Mr. Cramton, Mr. President, Mr. Speaker, members of the senate and house and friends, Abraham Lincoln was born 149 years ago yesterday. He lived but 56 short years. For 21 years of this time he was at home, the dutiful son of what today we call an underprivileged family. In the remaining 35 years of his life he was to become the symbol of America in the hearts of millions here and abroad. Today we pause in a troubled world to pay homage to his memory. It is altogether proper that we should do so, for Abraham Lincoln symbolizes as does no other historical figure the triumph of a man and his ideals over his environment and the partisan struggles of his time.

The Legislature of Michigan is to be especially commended on this splendid custom of meeting in joint convention to commemorate the anniversary of his birth. I am very honored, indeed, to have been asked to address you today on the subject, "Lincoln and Michigan."

The able speakers on like occasions in previous years have given you inspired word pictures of Abraham Lincoln the man. These addresses, supported by scholarly research have been executed with admirable skill. Today I shall not attempt to duplicate these efforts. Instead, I shall speak to you about Abraham Lincoln the inventor and Abraham Lincoln the statesman—because in both capacities he was so closely associated with Michigan backgrounds.

As an inventor Abraham Lincoln made it his lifelong habit to inquire into the nature of things. He exhibited what he called the habit of invention; the habit of observation and reflection. As a statesman

he relied upon these observations and reflections as he formulated those policies which preserved the Union in his time and which can save the world in our time.

Today the world needs leaders who like Lincoln are both inventors and statesmen. As inventors they can observe and reflect upon the technology which has given us jet planes, radio, radar, and television. They can see more than destruction in the release of atomic energy. Space to them is more than a tactical weapon in an unrelenting war of ideologies. Probing the world about them, inventors specialize in doing the impossible. They have vision. They have a will to do. They have initiative.

When the knowledge and skills of the inventor are combined with the attributes of statesmanship, realistic political policies will emerge—policies which the world must have very soon if mankind is to survive.

Abraham Lincoln blended the mind of the inventor with the skills of the statesman in such perfect proportions that he stands today as the one great American to whom we can turn for timely inspiration, counsel and guidance.

Here is the secret for the growth of the so-called "Lincoln Cult." There are many students and collectors of Lincolniana in Michigan who, in common with other members of this cult, share the sentiment recently expressed by the eminent director of the Lincoln National Life Foundation of Fort Wayne, Ind., Dr. R. Gerald McMurtry.

"Abraham Lincoln," says Dr. McMurtry, "seems to take hold of people as no other historical character does. He is someone they can tie themselves to. He possessed a true nobility of character, yet he was like the rest of us in so many human ways. We feel that we really know him. Yet Abraham Lincoln remains a paradox." [1]

Michigan met Abraham Lincoln as an inventor in 1848 when he looked upon our beautiful peninsula from the deck of the lake steamer *Globe*. Michigan met Abraham Lincoln the statesman when he addressed the Kalamazoo rally of Young Republicans for Fremont in 1856. This combination of inventor and statesman is indeed a paradox.

Rumor and speculation has it that Lincoln in his lifetime also appeared at Bay City, Pontiac, and Detroit. These visits have not been verified by acceptable proofs. In common with every Lincoln student in Michigan, I would like to see these visits verified. As of today, however, we know nothing about the reasons for such alleged visits nor do we know anything about Lincoln's part in them.

Despite the fact that other States were more fortunate in their contacts with Abraham Lincoln during his lifetime, Michigan today possesses a rich store of Lincoln materials and has made significant contributions to recent Lincoln studies. Thomas I. Starr found the long lost Kalamazoo speech and made it available to Lincoln students. He also published his historical researches on Lincoln and the Detroit River. Bruce Catton, noted author on Lincoln and Civil War themes is a native son of Petoskey. Carl Sandburg wrote his masterful "War Years" while living at Harbert. Valuable collections of Lincolniana are located at the Clements Library in Ann Arbor, in the Burton historical collections at Detroit, and in the Dwight B. Waldo collection at Western Michigan University of Kalamazoo. There are, in addition, a number of privately owned collections of Lincoln materials in Michigan, several of which are nationally known.

One of the best publicized bits of Lincolniana in Michigan is the Logan County Courthouse in Greenfield Village. Henry Ford, born 2 years before the death of Abraham Lincoln, was, like Lincoln, both an inventor and a statesman. We know him best as an inventor but I am sure history will also know him as a statesman. The careful restoration of the Logan County Courthouse and the choice Lincoln items collected by Henry Ford reveal the close philosophical kinship which existed between these two inventor-statesmen.

There is a strong urge to tell you more about these fascinating aspects of Lincoln and Michigan but they are a part of another story. Let us then return to the two episodes previously mentioned—Lincoln's visit to Michigan as an inventor in 1848, and his visit to Kalamazoo as a statesman in 1856.

In Kalamazoo in 1856 Lincoln said the key to the greatness of America was that "Every man can make himself." Here is the philosophy of Abraham Lincoln, the self-reliant inventor. But at the same time Abraham Lincoln, the statesman, added the qualification that such a man must be free; free that is from both physical and mental shackles and must be living in a nation, such as America, in which the government assures him the freedoms which he must have if he is to "make himself."

This blending of the philosophic inventor with the practical statesman in Abraham Lincoln provided the leadership which was extolled by Woodrow Wilson in his Chicago address at the centennial celebration of Lincoln's birth. Then as now we can join in Wilson's fervent plea, "God send us such men again." [2]

The balanced combination of inventor and statesman in Abraham Lincoln is not unique in American history. Before his time it had been possessed by Benjamin Franklin, George Washington, and Thomas Jefferson. Possessing it, each had blended an inventor's vision with practical statesmanship to leave to this Nation the political philosophy and the structure of government so revered by Abraham Lincoln.

I have told you that Michigan first met Abraham Lincoln as an inventor. As a first-term Congressman from Illinois, Lincoln returned from Washington to Springfield by way of the New England States and the Great Lakes. In the early fall of 1848 he visited Niagara Falls and embarked at Port Buffalo as a passenger on the lake steamer *Globe*. The *Globe* reported at Detroit on September 29, 1848.[3] A story in the Detroit Free Press the next day recounts that the steamship *Canada* in going down the river on Thursday night had run ashore on Fighting Island and was there when the *Globe* came up.

Here then was the spectacle—two great steamers in a great river—one passing safely to its destination, the other aground on a shoal. What visions this must have conjured in Lincoln's memory. What reflections this observation must have inspired. Here was a need. Here was a problem. Lincoln had had a personal, firsthand contact with the problems of river navigation. He had once floated a flatboat stuck on the Rutledge Dam in New Salem by the simple expedient of securing an auger from the shore and drilling a hole in the end of the boat which extended over the dam. This had allowed the water to drain out of the boat, and so increased its buoyancy that it floated over the dam after which the hole was plugged, and the boat continued on its trip to New Orleans.

Obviously, such an expedient was not possible with a Great Lake steamer trapped on the shoals off Fighting Island. There was no place to transport the cargo or passengers. There was no way to lighten the load. Lincoln must have closely observed the activities of the crew of the *Canada* in wedging under the sides of the gunwales, empty casks, barrels, and even bales of straw to increase the buoyancy of the ship and float her off the shoals.

Lincoln reflected on this problem and decided to do something about it. When he returned to Springfield, he described these events to his partner "Billy" Herndon who in after years was to write [4] that Lincoln, continued to think about this problem of riverboat navigation. As a result, he suggested attaching a kind of bellows on each side of the hull of the craft just below the waterline.[5] By a system of ropes and pulleys, whenever the keel grated on the sand these bellows were to be lowered to the water and inflated and thus buoyed up the vessel was expected to float clear of the shoal.

When Lincoln reached home, Herndon tells us that, "he at once set to work to demonstrate the feasibility of his plan. Walter Davis, a mechanic having a shop near our office, granted him the use of his tools, and likewise assisted him in making the model of a miniature vessel of the arrangement as above described. Lincoln manifested ardent interest in it. Occasionally, he would bring the model in the office and while whittling on it would descant on its merits and the revolution it was destined to work in steamboat navigation." [6] This model is now preserved and can be seen in Washington at the Smithsonian Institution.

Gains Paddock, an old resident of Springfield, remembered that when the boat model was completed, Lincoln, to prove his assertion that the Sangamon River was navigable, demonstrated his boat in one of the public watering troughs in the public square at Springfield.[7]

This invention was no passing fancy with Lincoln. When he returned to Washington early in 1849, he took the model with him and secured the services of a Washington patent attorney, Zenos C. Robbins. The model was filed, an application for patent was made, and on May 22, 1849, Abraham Lincoln was granted U.S. Patent No. 6,469.

Many Lincoln scholars have ignored these events, or have treated this invention as something of a curiosity. This I am unwilling to do. From an intimate professional association with inventors for nearly 32 years, I know that an inventor will not carry an idea as far as did Abraham Lincoln unless he is sustained by some broader vision. In all cases, the invention patented is but a means to an end—a mechanism, if you please, to give reality to a vision.

I am certain that Lincoln must have had a broader vision which caused him shortly after the war-threatened first inaugural, to think about his boat model and to have one of the Patent Office employees find it for him.[8]

What, then, can we say now, nearly 110 years later, motivated Abraham Lincoln, the inventor, to make this invention? Part of the answer to this question is found in the

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[1] Saturday Evening Post, p. 92, "The Lincoln Cult" by Charles W. White.

[2] Centennial address of Dr. Woodrow Wilson, Chicago, Ill., Feb. 12, 1909, as quoted in "Lincoln Lore No. 659," Nov. 24, 1941.

[3] "The Detroit River and Abraham Lincoln," Thomas I. Starr. Bulletin of the Detroit Historical Society, vol. III, Nov. 5, February 1947.

[4] Herndon incorrectly tells the story as involving the "ship Lincoln was on." There is no record of the *Globe* having been involved in this episode except as passing the stranded *Canada*.

[5] This is also incorrect. Both the model and the patent show the bellows to be above the waterline.

[6] Abraham Lincoln, Herndon & Weik—2 vol. ed., D. Appleton & Co. 1926. Vol. I, pp. 298–299.

[7] Lincoln Lore No. 843, June 4, 1945 "Congressman Lincoln's Patent."

[8] "Sights and Secrets of the National Capital," by Dr. John B. Ellis, published Jones, Jenkin & Co., Chicago, Ill.—1869, p. 348.

platform upon which he waged his first campaign for the State legislature. Even at that time he had promised to work for improvement of the rivers. Lincoln was first of all a riverman who knew rivers from years of firsthand contact with them. He knew what rivers had meant to him. He knew them as nature's right-of-way to places where man wished to go. He knew the shallow streams which led to the greater rivers. He knew these great rivers as they joined the cities, villages, and peoples of the separate States and territories into one great and united Nation. He knew the need for transportation to the West. I believe he saw in the western rivers and in his little boat a ready answer to the problem of western exploration and western expansion.

Certainly to a riverman of Lincoln's experience, vision, and ability, the Detroit River with a great steamship fast on a shoal presented a challenge to his inventive mind. That his solution may have been impractical is beside the point. He had demonstrated what he was later to call the habit of invention; that is, the habit of "observation and reflection." [9]

The riverboat is but one example of Lincoln's scientific abilities. In the Lincoln Museum in Washington, D.C., there is a model of a small wagon which is attributed to Abraham Lincoln as the inventor. To date his inventorship has not been documented. If it can be established, then Abraham Lincoln was fully 20 years ahead of the art in his development of the type of vehicle steering which is common in the automobiles of today and in which each front wheel turns about its own spindle.

Many who knew him said he was a man of decided scientific bent of mind. Dr. Joseph Henry, one of America's greatest scientists, came to know Lincoln well by serving as his "scientific adviser" during the Civil War, and said that he "marveled at the President's grasp of scientific matters." [10]

Recently, I was privileged to examined the original longhand statement of Dr. John Allen which is now preserved as a part of the Robert Todd Lincoln collection in the Library of Congress. I was interested to note that this longtime friend of Abraham Lincoln had written in 1860, that Lincoln's mind was of a "metaphysical and philosophical order," and that Lincoln had made geology and other sciences a special study. Dr. Allen also comments on the fact that Lincoln "has an inventive faculty—is always studying into the nature of things." [11]

"Behind the solemn, furrowed countenance of Abraham Lincoln was an inquisitive mind," writes Benjamin P. Thomas in his foreword to the recent book "Lincoln and the Tools of War." "It ranged" writes Thomas, "over the abstract and the infinite, the absolute and the immediate. It was philosophical, and at the same time was intensely practical."

"On the practical level," Thomas continues, "Lincoln's curiosity directed itself, among other things, to mechanical devices." Thomas quotes a fellow lawyer of Lincoln's who remembered that whenever Lincoln encountered a new piece of farm machinery on his rounds of the old eighth circuit, "he would carefully examine it all over, first generally and then critically; he would sight it to determine if it was straight or warped; and if he could make a practical test of it, he would do that; he would turn it over or around and stoop down or lie down, if necessary, to look under it; he would examine it closely, and then stand off and examine it at a little distance; he would shake it, lift it, roll it about, upend it, overset it, and thus ascertain every quality and utility which inhered in it, so far as acute and patient investigation could do it."

"Living on the periphery of the machine age in America," Thomas observes, Lincoln "was keenly aware of the technological advances that were taking place about him. He pondered on the impact of those advances on mankind." [12]

After reviewing Lincoln's interest in the mechanical arts to provide superior arms for the north, Thomas writes: "That many of these devices failed does not mean that Lincoln was naive or absurdly a visionary. In many instances he was on the right track but simply ahead of his time." [13]

In today's frenzied race to train "scientists," let us remember that crash programs in scientific education may give us technicians but they cannot give us inventors or statesmen. For this we must train students in the fine art of observation and allow them the time necessary for reflection. While necessary to inventors, both are essential for statesman.[14]

Lincoln's abilities as an inventor become of added significance when they are blended with his skills as a statesman. The inventor's habit of observation and reflection gave a special quality to the statesmanship of Abraham Lincoln which the distinguished historian, Allan Nevins, comments on in "The Statesmanship of the Civil War". "The special quality of Lincoln's statemanship", says Allan Nevins, "was its extraordinary realism or practicality." Dr. Nevins then points out that what set Lincoln apart from other statesmen of his time was "his grasp of what was practicable at any given moment".[15]

It was as such a statesman that Abraham Lincoln paid a visit to Kalamazoo, Mich., on August 27, 1856. There, on that day, Lincoln delivered his address "Against Extending Slavery" and demonstrated how much he had observed and how much he had reflected upon the problems of that time. Here he was playing the role of a statesman. Standing before a large gathering, billed as a "foreign" speaker, he was to be "tested" as he faced an audience made up mainly of the more enthusiastic and radical elements of the new Republican Party.

As we now read his Kalamazoo speech, we see how patiently and how skillfully Lincoln there developed those fundamental positions which he was to state more fully and more eloquently 2 years later in 1858 in his "House Divided" speech at Springfield, Ill., and still again 2 years later in 1860 in his Cooper Institute speech at New York City.

What he observed at Kalamazoo must have been the subject of much reflection by Abraham Lincoln, the statesman.

To many in the crowd at Kalamazoo, Abraham Lincoln was nothing but a name—they had come to hear the Battle Creek Glee Club and bands from Detroit, Ann Arbor, Jackson, and elsewhere. They had come to hear their idol "Zack" Chandler declare, "Let Kansas come in as a slave State and the North will make it a desert".[16] The majority of the crowd echoed the sentiments of George C. Bates who declared that day, "Sooner than see another foot of slave territory added to the Union," he would "dash it to atoms". "Sooner", said he, "than to have the ship of state carry a crew of slaveholders, let her go down with all aboard".[17]

The crowd at Kalamazoo, as the crowds later were to do at Gettysburg and at the second inaugural, listened but did not comprehend the message of Abraham Lincoln, the statesman.

In his Kalamazoo address, Lincoln, the statesman, recognized the problems then before the people. He saw the dividing lines formed between the slave States and the free States; between the North and the South; between the abolitionists and the supporters of slavery. He knew this division threatened the Union.

Recognizing these things in his speech at Kalamazoo; sensing that he was not speaking the sentiments of the crowd; Lincoln, the statesman, urged the crowd to forget these differences and join him in the most important issue of all; the preservation of the Union. Lincoln, the statesman, saw this as the only course if this Nation was to achieve the destiny which he was certain a divine providence had planned for it.

In his speech in Kalamazoo, Lincoln urged all to come forward, and help to maintain the Constitution "for," said Lincoln, "it is the only safeguard of our liberties."

Lincoln then concluded, "Come, and keep coming. Strike, and strike again." "So sure as God lives," he said, "the victory shall be yours." [18]

The Kalamazoo Gazette reported that "Mr. Lincoln * * * made a very fair and argumentative address, but was far too conservative and Union-loving in his sentiments to suit his audience." [19]

Lincoln, at Kalamazoo, had not yet attained the stature of a national spokesman on these issues. This was yet to come in the "House Divided" speech, the Lincoln-Douglas debates, and finally in the acclaim with which the audience received his speech at Cooper Institute. In Kalamazoo, Abraham Lincoln was, at best, a successful lawyer and something of a local politician from a neighboring State. He was just beginning to be noticed as a national figure. There were those in the audience at Kalamazoo who remembered him as the politician whose devastating attack in 1848 on the venerable Lewis Cass [20] had been a deciding factor in defeating Michigan's only bid to place one of its sons in the White House.

There also were those in the audience who, like "Zack" Chandler, were offended by Lincoln's conservative views, and who were to become so openly hostile to Lincoln that 4 years later they were to hold the Michigan delegation for Seward when Lincoln was nominated for the Presidency.

I doubt if many in the crowd in Kalamazoo appreciated that they were observing the early flowering of Lincoln as a statesman. Yet, it was truly a statesman who proclaimed to the crowd:

"We are a great empire. We are 80 years old. We stand at once the wonder and admiration of the whole world, and we must inquire what it is that has given us so much prosperity, and we shall understand that to give up that one thing, would be to give up all future prosperity. This cause is that every man can make himself." [21]

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[9] Lecture on "Discoveries & Invention"—The Collected Works of Lincoln. Roy P. Basler—Rutgers University Press, 1953, vol. III, p. 356.

[10] Quoted by Benjamin P. Thomas in the foreword to "Lincoln and the Tools of War" by Robert V. Bruce; Bobbs-Merrill Co., Inc., 1956, p. X.

[11] Robert Todd Lincoln Papers, vol. I, p. 10. Library of Congress.

[12] "Lincoln and The Tools of War", supra, pp. VII–VIII.

[13] Ibid., p. IX.

[14] See, "Man Is Not Primarily a Fact," Dr. Glenn Olds, Saturday Review, Feb. 15, 1958, p. 18.

[15] The Statesmanship of the Civil War, Allan Nevins, the Macmillan Co., 1953, p. 60.

[16] Kalamazoo Gazette, Aug. 29, 1956, as quoted in Starr-Lincoln's Kalamazoo address against extending slavery, p. 31.

[17] Ibid.

[18] Starr—Lincoln's Kalamazoo Address, pp. 45–46.

[19] Ibid., p. 42.

[20] Lincoln's remarks on Cass may be found in Clifton M. Nichols "Life of Abraham Lincoln," Most, Crowell & Kirkpatrick (1896), p. 107 et seq.

[21] Starr, supra, p. 39.

Lincoln, the statesman, also spoke of our deep and abiding interest in keeping the territories open for homes of free people. "There is another thing," said Lincoln, "and that is the mature knowledge we have—the greatest interest of all. It is the doctrine, that the people are to be driven from the maxims of our free Government * * *."[22]

The vision, the thoughts and sentiments of Lincoln, the statesman, at Kalamazoo find further expression in his "House Divided" speech. Remembering the problem of so expressing them as to reach his audience in Kalamazoo, we find Lincoln, the inventor, suggesting certain technical analogies and arguments based thereon which lie at the very heart of the "House Divided" speech.

It is Lincoln as a technician, an inventor if you please, who suggests the analogy of the sand casting mold and the frame timbers[23] to support so effectively the conclusions of Lincoln the statesman, in the "House Divided" speech that the combination of the Nebraska doctrine and the Dred Scott decision was an effective machine for the extension of slavery.

The close-knit fusion of the inventor and the statesman in Lincoln is seen also in his lecture on "Discoveries and Inventions" given before the Phi Alpha Society, of Illinois College in Jacksonville, Ill., on February 11, 1859.[24]

If time permitted, I should like to take you through this entire lecture for I believe it has a great deal of significance in the Lincoln story. One noted Lincoln scholar told me a few days ago, "That is the speech of a well educated man" Coming as it does between the "House Divided" speech and the "Cooper Institute" speech it shows the scope of Lincoln's interests and the intellectual growth which was to become so apparent in the "Cooper Institute" speech.

Let us turn our attention to some of the significant portions of this speech which reveal Lincoln as an inventor and as a statesman.

"I have already intimated my opinion," said Lincoln, in this lecture, "that in the world's history, certain inventions and discoveries occurred of particular value, on account of their great efficiency in facilitating all other inventions and discoveries." These included among others the discovery of America, and the introduction of patent laws.[25]

After considering the problems in the inventing of writing, Lincoln saw it as a means of recording and preserving important observations, thus possibly leading "to an important invention, years and even centuries" later. "In one world," said Lincoln, "by means of writing, the seeds of invention were more permanently preserved, and more widely sown."[26]

Lincoln was concerned about the inequality felt by uneducated people; about how such people looked upon the educated few as superior beings. "To emancipate the mind from this false and underestimate of itself," said Lincoln, "is a great task which printing came into the world to perform."

He then speaks of how difficult it is "for us, now and here to conceive how long it took to break its shackles" in order, as he put it, "to get a habit of freedom of thought, established." "It is," said Lincoln, "a curious fact that a new country is most favorable—almost necessary—the emancipation of thought, and the consequent advancement of civilization and the arts."[27]

After reviewing the course of invention through Asia and the older countries, this lecture continues on a very modern theme. "* * * we here in America," said Lincoln, "think we discover, and invent, and improve, faster than any of them. They may think this is arrogance; but they cannot deny that Russia has called upon us to show her how to build steamboats and railroads."[28]

To Lincoln, the discovery of America was "an event greatly favoring and facilitating useful discoveries and inventions."[29]

The "strong slavery of the mind" which concerned Lincoln in this speech, had to be broken before "freedom of thought" could be established. America was the new country so necessary to this "emancipation of thought."

This, then, brings us back to Kalamazoo and to the great empire whose cause he there stated as being "that every man can make himself."

Lincoln's message at Kalamazoo, and his lecture at Jacksonville, Ill., have particular applicability to the dilemma of free men in our troubled world today. Last November, Howard Fast, after leaving the Communist Party, wrote an article, in which he stated:

"Whatever the Communist Party once was, today it is a prison for man's best and boldest dreams. Tomorrow belongs to those who break down the prison walls that enclose the minds of man, not to those who support such walls. For mankind, the promise of tomorrow always has been and always will be the widening of intellect and horizon—in ever greater vistas of individual freedom."[30]

The mental slavery as well as the physical slavery demanded by communism was abhorrent to the mind of Lincoln. The Communist ideology can exist only so long as it can forge and hold its subject peoples in the shackles of mental and physical slavery. Lincoln's concern about extending slavery into free territories as he expressed it at Kalamazoo, was "that the people are to be driven from the maxims of our free Government." Today, I am certain his concern would be directed toward communism—and this for the same reason—that it drives people from the "maxims of our free Government."

The voice which spoke through Abraham Lincoln in stating this issue at Kalamazoo still speaks to us today, but we must listen closely if we are to hear it above the noise and clash of ideologies and the shoutings of rabid partisans seeking to separate man from man and nation from nation.

The voice today, as it did in the time of Abraham Lincoln comes from the soul of a great man who is a scientist, dedicated to serving "God's lowliest creatures," and living today in primitive surroundings, beside a river which he knows well. He speaks to us today against a frontier background. With a belief in God, and a devotion to the cause of all mankind Albert Schweitzer has given us a philosophy for today and tomorrow in his "Reverence for Life," and last year in his "Declaration of Conscience." In these writings I hear not the voice of Albert Schweitzer—nor the voice of Abraham Lincoln—but the voice of a Divine Providence again speaking patiently to us, to caution, to direct and to inspire us in the never ending search for a solution to our problems of survival, in a world terrified by what yesterday were but scientific curiosities discovered in its course of man's unrelenting search for knowledge.

I believe it is symbolic of our times that today replicas of the sculptured busts of Abraham Lincoln and Albert Schweitzer sit side by side in a showcase in the Smithsonian Institution at Washington.

We need to understand the great principles and the idealism of these great thinkers if we are to profit from their example.

Turn your ears to Lambarene in equatorial South Africa, or to Gunsbach in Alsace-Lorraine when Albert Schweitzer is there. Listen as he speaks. You, too, can hear the voice. It is the voice we heard speaking through Lincoln at Jacksonville and at Kalamazoo but the words are Albert Schweitzer's:

"A man's ability to be a pioneer of progress," says Schweitzer, "that is, to understand what civilization is and to work for it, depends on his being a thinker and on his being free.

"Material and spiritual freedom are closely bound up with one another," Schweitzer asserts and then says, "Civilization presupposes free men, for only by free men can it be thought out and brought to realization."[31]

Lincoln the inventor—Lincoln the statesman—gave us the vision, gave us the courage and gave us the leadership which enabled this Nation to survive the tragedy of the Civil War and to become a world power dedicated to the principle that people are not to be driven away from "the maxims of our free Government." As an inventor, Abraham Lincoln supported other inventors in developing the war-born technology of the Civil War from which has grown the awesome technology of today whose imperative voice demands that we firmly establish here and now the principle stated by Lincoln speaking as a statesman in Kalamazoo; that peoples shall not be driven from "the maxims of our free Government."

John Wilkes Booth cut short the life of Abraham Lincoln just 41 days after the second inaugural. It is one of the ironies of history that Abraham Lincoln, the inventor and statesman, could not have lived to see and to have directed the conversion of the many war-born inventions into devices for the peacetime uses of all mankind. Lincoln, the inventor, and Lincoln, the statesman, would have seen in this a vision come true—a nation strong and united; a nation dedicated to the principles of freedom.

In his writings, Abraham Lincoln, the statesman, fixed a course of freedom for this Nation and for all "other nations so conceived and so dedicated."

Denied in life the opportunity to see the Nation strong and physically united, Abraham Lincoln, the inventor, still had one last role to play.

The crowds which viewed his funeral car; the throngs which saw the train bearing the body of the beloved leader from Washington to Springfield, Ill., viewed all that was mortal of Lincoln in a setting new and strange to them. The car which carried the body of Abraham Lincoln on this last journey was the "Pioneer," the first luxury sleeping car built by George M. Pullman.[32] Appropriately, this car was drawn by a locomotive named the "Union."[33]

Lincoln, the inventor, would have been pleased to know that the railroads along the funeral route, in order to accommodate this new car, had to lay many miles of standard gage track, widen their bridges, and cut down their station platforms. This sad last journey supplied the impetus necessary to force standardization of tracks and equipment on the railroads of America.

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[22] Starr, supra, p. 39.

[23] Quoted from p. 165, "The Life of Abraham Lincoln" by J. G. Holland; published by Gurdon Bill, Springfield, Mass., 1866.

[24] "The Collected Works of Lincoln"—Roy P. Basler—Rutgers University Press, 1953, New Brunswick, N.J., vol. III, p. 356.

[25] Ibid.

[26] Ibid.

[27] Ibid.

[28] Ibid.

[29] Ibid.

[30] "On Leaving the Communist Party," by Howard Fast, Saturday Review, Nov. 16, 1957, p. 15.

[31] Albert Schweitzer, "Decay," p. 16, reprinted p. 5. Albert Schweitzer, an Anthology, the Beacon Press, 1947.

[32] S. Giedion, Mechanization Takes Command—Oxford University Press, New York 1948, p. 453.

[33] Holland, supra, p. 530.

Thus, even in death, Abraham Lincoln, inventor, dreamer, prophet, and statesman, played an important part in achieving his vision of a Nation closely knit together.

Yes, the persistence of Lincoln, the inventor, has been rewarded. His beloved United States of America became united with the rails supplementing the rivers to join all of its parts into one great and indivisible Union. The little river boat of 1849 had been Lincoln's dream of one means to achieve this end. But the inventor of the boat became a prophet of the rails.

The eminent Lincoln scholar, the late James G. Randall, in "Mr. Lincoln," published last year, supports the picture of Abraham Lincoln as an inventor-statesman.

"Abraham Lincoln of Illinois," Randall says, "made it his business in the period preceding his presidential nomination to emphasize the peacetime pursuits of his country and to recover for his own day some of the Nation building stimulus of the fathers." "He was concerned with problems of slavery," Randall continues, "and with such a handling of those problems as would allay strife, as he hoped, but this was not all. He turned his thoughts also to discoveries and inventions, to the 'iron horse,' to 'hot-water power' harnessed to help mankind, to the '70 or 80 thousand words' of the English language to influences that tend to 'bring us together' and 'make us better acquainted,' to the harvest machine and the 'steam plow,' to the problem of 50 bushels of wheat to the acre."[34]

In passing, may I here express the hope that as the forthcoming Civil War Centennial is observed in Michigan, the Planning Commission proposed in pending Senate bill 1111 will focus public attention on these peacetime pursuits of Lincoln's day and emphasize the way in which the citizens of Michigan worked with the citizens of the other States to recover the Nation building stimulus of the fathers as the swords of the Civil War were beaten into plowshares of the peace which followed.

Today our science and technology, also born of a great war, have forced upon us new dimensions of time and space and wholly new concepts of energy. There were no sputniks in Lincoln's time; there were no intercontinental ballistic missiles; there were no atom bombs; there were no H-bombs. There were, however, grapeshot and shrapnel; explosives; gases and fire. The rifles of the Civil War had neither the range nor the awful destruction of a modern rifle. The cannons of that war had neither the range nor the frightfully destructive powers of a guided missile. The observation balloons and the crude electromagnetic telegraph of the Civil War were a far cry from the jet bombers, the space platforms, the radar, and the radio of the present age. Yet, as in all wars, all these things had this in common: they are used to kill young men; they are used to maim young men, and their use in war will solve no problems.

Today, we have the power, not only to kill and maim our enemies, but we can inflict our wrath on generations yet unborn. Upon all the generations of mankind yet to come we can inflict the terrible burdens of genes permanently damaged by the lethal rays of our atomic bombs. The inventors of the world have given us this power. With such power comes responsibility—the responsibility of world leadership.

If we are to learn but one lesson from our past history, it is that the gracious hand of an all-knowing providence has guided and directed the affairs of this great Nation through devoted and dedicated leaders, such as Abraham Lincoln, divinely inspired to accomplish, in the darkest moments of despair and gloom, the task of keeping faith in America and in keeping faith in those ideals which have made this country great.

Abraham Lincoln, the inventor; Abraham Lincoln, the statesman, has given us the pattern for such a leader. Michigan is proud today that Abraham Lincoln found here the inspiration for his invention of the river boat; the birthplace of the party which elected him to the Presidency; and the platform that day over 100 years ago, in Kalamazoo, from which emerged Abraham Lincoln, the statesman.

"God send us such men again."

Michigan and the Republican Convention of 1860

(By Lloyd C. Nyman)

The Republican convention of 1860 has found its place in the pages of history as a part of the written record of the life of Abraham Lincoln. As it was significant as a momentous event in his life, so it is significant in the history of our Nation. It was an important link in the dramatic events that preceded the Civil War. There is no doubt that the results of the convention added fuel to the flames that were smouldering in the South. It also marked the dedication of a young and powerful political party to a platform and a candidate opposed to the extension of slavery.

The role of the Michigan delegation in the Chicago convention became a minor one due to the simple fact that they had backed the wrong man. From the first they had supported William A. Seward of New York, and shared with their neighbor delegation from Wisconsin the distinction of unwavering loyalty to his cause until the last vote of the convention was cast.

The published historical events of the convention have been gathered by many authors from the Chicago newspaper files of that day, and it is doubtful if much more can be found to add to that part of the story. But, for the events relating to the Michigan Republicans, history and biography tell us little, and we must rely on the Michigan newspapers for the story of their activities. For the pungent editorials and colorful descriptions of the reporters of 100 years ago, we express our gratitude and our admiration.

A review of the editorials reveals the sharp political differences among the newspapers, and presumably, their readers. The Detroit Free Press, the Democratic paper, was solidly behind Stephen A. Douglas, the leading candidate for the Democratic nomination. The Detroit Tribune and the Detroit Daily Advertiser were pro-Seward, pro-Republican, and strongly antislavery. The Advertiser was also anti-Horace Greeley.

While it is not the intention of the writer to determine the "why" of the strong Seward sentiment in this State, mention should be made of contributing causes.

William A. Seward of New York was a popular political figure, commanding the respect of a large segment of the Republican voters. He had been Governor of New York, and was then serving in the Senate as an able statesman and adversary of the advocates of slavery. He was a leader of the "radical" antislavery group of Republicans, although he had alienated the more moderate Members by his statement that "there is a higher law than the Constitution." His campaign was in the hands of a clever political manipulator, Thurlow Weed, whose efforts to secure preconvention delegate commitments seemed to have brought Seward to the threshold of the nomination weeks before the convention.

In addition, it is pointed out by Thomas I. Starr that Zachariah Chandler was a strong factor in holding "Michigan in the Seward column at the Chicago convention of 1860, despite every influence that could be brought to bear upon its delegates by other western groups."

Chandler had spoken in Kalamazoo in 1856 when Lincoln had made his only appearance in the State, speaking in behalf of Fremont for President. "Particularly did Lincoln trample on the toes of Zachariah Chandler. * * * From that day onward Chandler never could speak or think of Lincoln except contemptuously."

Although Chandler's biographer reveals that he had cast one of the four Michigan votes for Lincoln for Vice President in 1856, Chandler, a powerful political force, apparently changed his mind, and his enmity of Lincoln may have been the strongest reason for the Seward strength in Michigan.

Abraham Lincoln was just emerging as a national figure. He was well-known in Illinois as a State legislator, a one term Congressman, and a skillful lawyer and public speaker. He had achieved prominence only 2 years before in the senatorial battle with Douglas. The celebrated "debates" were carried in newspapers across the land. Although Lincoln lost the election in the legislature (as was the procedure then), he carried the majority of the popular vote, and more importantly, brought his name before the country as the champion of the principle that slavery should not be extended to the new States and Territories.

If he nursed further political ambitions, he remained discreetly quiet. In November of 1859 he wrote in a letter, "I have enlisted for the permanent success of the Republican cause; and, for this object, I shall labor faithfully in the ranks, unless, as I think not probable, the judgment of the party shall assign me a different position."

In February of 1860, he traveled to New York and delivered the famous address at Cooper Union in which he established himself as a leader of the Republican Party, and gave the eastern politicians the impression of a man to be reckoned with.

Although his Illinois friends were urging him to declare himself on the nomination, and despite the clamor of the friendly newspapers in Illinois, he would not commit himself. He received two offers to manage his candidacy, but he replied to one offer—"Even my friends, so far as I know, have yet reached a point of staking any money on my chances of success."

But less than a month before the Chicago Convention he wrote to Senator Trumbull: "As you request, I will be perfectly frank. The taste is in my mouth a little."

The Republican State convention in Illinois named him as their unanimous choice as the "rail-splitter candidate," but even then he was cautious. He would admit only that "the Illinois delegation will be for me from the start, and no other delegation will."

But in Michigan Lincoln was not mentioned in the newspapers until a day or two before the convention. On May 2, 1860, the Republican State convention met in Detroit at 11 a.m. at Merrill Hall, situated at the northeast corner of Woodward and Jefferson, now the site of the City-County Building, and placed its faith in William H. Seward. The platform adopted that day read in part:

"ARTICLE 9

"*Resolved*, That William H. Seward, the tried and lifelong supporter of the Republican principles; the statesman of his time; eminently conservative and national in his views; commanding in private and in public life the men of all parties, North and South, is our first choice as a candidate for the Presidency; and under his leadership we shall enter the contest with an unvarying hope that a glorious triumph awaits us over the broken and unorganized factions of the Democracy.

"ARTICLE 10

"*Resolved*, That our delegates are hereby instructed to cast the vote of Michigan for

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[34] Mr. Lincoln—James G. Randall edited by Richard N. Current, Dodd, Mead & Co. New York, 1957, p. 3.

him as a unit, and use all honorable means to secure his nomination."

The following delegates were selected to meet in Chicago:

First District: Delegate at large, Hon. Austin Blair, of Jackson; alternate, G. W. Lee, of Livingston. District delegates: J. G. Peterson, of Wayne; H. T. Backus, of Wayne; A. D. Crane, of Washtenaw; D. Cramer, alternate.

Second District: Delegate at large, W. W. Murphy, of Hillsdale; alternate, W. B. Montgomery. District delegates: Jesse J. Beeson, Cass; alternates, D. Larbelere; Wm. S. Stoughton, St. Joseph; alternate, N. D. Sheets, Branch.

Third District: Delegate at large, J. W. Ferry, of Ottawa; alternate, J. H. Andrews, of Van Buren. District delegate: Francis Quinn, of Berrien; alternates, A. H. Cary, Erastus Hussey, of Calhoun; Seth Sprague, Montcalm.

Fourth District: Delegate at large, J. J. St. Clair, Marquette; alternate, Morgan Bates, Traverse City. District delegates: D. C. Buckland, Oakland; A. T. Grossman, Geneseo; alternates, Michael T. C. Pressner, Saginaw; C. P. Parkhill, Shiawassee.

The platform commended the growth and vigor of the party, condemned the reckless expenditures of the administration in Washington, attacked the corruptness of the opposition, and significantly denounced the treachery involved in the admission of Kansas as a State.

A communication dated April 30 was read from the Sons of Michigan in Chicago, former residents of Michigan, advising that they had "secured for the use and accommodation of your delegates during the session of said convention, very desirable apartments in the Adams House of this city, one of our finest hotels * * * and tender to our Michigan friends who may be in attendance at that convention, their individual hospitality and personal service."

Advertisements in the Detroit papers announced that half-fare rates on the railroads be extended to those going to the Chicago convention. An item in the Detroit Daily Tribune of May 11 stated:

"A special train on the Grand Trunk Railroad will arrive in Detroit on Saturday morning with about 300 ladies and gentlemen, from the northern New England States, including the delegates to the convention. A special train over the Great Western Railway Monday noon will bring the remaining New England and New York delegation. A portion of the Michigan delegation will join them here.

"Mr. Thurlow Weed and ladies have engaged rooms at the Russell House for this Friday night. Persons going to Chicago from the interior will be accommodated by taking trains at 4:30 and 8 p.m. leaving Detroit."

On May 14 the Tribune noted:

"A special train over the Great Western Railway, which left Suspension Bridge (at Niagara Falls) at 6:05 this morning arrived at Windsor at 12:30. Portions of the distance were run at the rate of a mile a minute. Portions of the New York, California, Vermont, Connecticut, and Massachusetts delegations—and the whole accompanied by Gilmore's Band of Boston."

Among the delegates listed were Wm. Evarts, chairman of the New York delegation, the notorious Tom Hyer, ex-Governor King, ex-Governor Fish, and General Nye.

"The Detroit Light Guard Band played 'Hail Columbia' as the passengers passed from train to the ferryboat *Union* and the large body of Republicans who were on hand from this side of the river made the welkin ring with cheers of welcome. The passengers, while eating the splendid dinner prepared for them on the *Union* * * * were entertained by the Light Guard Band, and as soon as the steamer * * * under the command of Capt. Henry Abbot, neared the Michigan Central docks, the guns boomed and cheer after cheer went up for Wm. H. Seward and the delegations. As soon as the boat reached the dock, a rush was made for the Central train, composed of six large coaches, and all hands were seated. About two-thirds of the delegates wore Seward badges and a large silk banner, bearing upon its face a portrait of the New York statesman, was borne aloft by the accompanying New York delegation. The sight of the banner caused much enthusiasm. The feeling for Seward is very strong in all delegations. There being a few minutes to spare in the Michigan Central Depot, the Boston band played some national airs and Gen. Nye said a few words expressing the hope that he would on his return be able to stop at Detroit, and assist in ratifying the nomination of Seward. The train moved off at about 1 o'clock. The time to be made in about 8¼ hours."

The newspaper accounts of the next 2 days told of the excursion trains moving across Michigan at 40 miles an hour with demonstrations "at every stopping place." One train left Detroit with six coaches "densely crowded" and arrived in Chicago with twelve coaches. Several trains embarked from Detroit with four to six coaches. We can imagine the gay scenes as the trains, loaded with delegates and visitors, banners and flags festooning the engine and cars. "Cannons and banners met the train at all principal stations." Jackson, the birthplace of the Republican Party, must have put on a real show, with Austin Blair, chairman of the State delegation, and soon to become Governor, making a speech at the station.

"On the line of the road, the greatest excitement prevailed. In the cities, in the villages, in the hamlets, in the fields, and on the road, whether the train waited at a station or glided like a mete on by, waving handkerchiefs, swinging "tiles" (high silk hats) and shouting throats gave evidence of the deep sympathy universally felt in the cause and a Godspeed to the mission which it was bound. Those expressions were always responded to by the delegation."

From the Kalamazoo Telegraph a dispatch to the Tribune gave this interesting sidelight:

"Master Mechanic Sweet rode all the way to Marshall on the cowcatcher * * * and invited others to ride but no one accepted. * * * The train made five stops—Ann Arbor, Jackson, Kalamazoo, Niles and Calumet (Indiana). At Marshall the train changed engines at full speed. The Challenge raced ahead * * * the Racer started on * * * the train in pursuit of the new locomotive and without slacking speed the two were united without jar or confusion way to the west of Marshall. The same feat was also performed at Michigan City. * * * Tom Hyer raised $75.89 as a purse for the four engineers among the passengers."

The Detroit Daily Advertiser reported that the delegation from Hillsdale brought a curiosity made by J. D. Meers of that city, "a chair made from 24 different kinds of wood—one kind to represent each State represented in the Convention, and to be presented to the successful candidate for President."

The Niles Republican of May 19 related:

"The delegates from the New England States to the Chicago convention passed through this place on Monday en route to the Chicago Black Republican Convention. Speeches were made and cannon were fired. Massachusetts delegates were there full of treason abroad as at home. * * * The New York delegation wore Seward badges. Tom Hyer, the bully, accompanied the delegation to protect them. One of them got left by the cars and he had an opportunity to cool off in a strong anti-Seward city."

From further remarks, it can be deduced that the Niles Republican, despite its name, was a strong Democratic paper.

But the Detroit Tribune paused in its description of the gaiety to sound a sober note. "The common bond of the party is opposition to the extension of slavery in the Territories of the Union. * * * With five new Territories now awaiting organization and five more organized and still maintaining a territorial form of government, these are the strongest reasons presented why the Republican Party should be specially true to its early policy in relation to the exclusion of slavery from the Territories and the Union."

One of the rarities uncovered from the files of the Detroit Tribune was a Seward song, "On the excursion from Portland to Chicago by the Grand Trunk and Michigan Central Rail Roads" to the tune of the "Star Spangled Banner."

"The Great Bridge is finished, 'Victoria' its name,
So wood up the tender and let loose the brakes,
The engine is ready we start with the train,
From the gem of the sea to the queen of the lakes,
To Chicago we dash with the speed of the wind,
More swift than the bird with the dark raven wing,
Leaving ocean, and city, and mountain behind,
For the prairies that bloom in the verdure of spring.

"Then gather in strength then ye men of the North,
Light the watch fires of freedom from seashore to mountain,
From East, South, and West, go gallantly forth,
Up the Father of Waters, from outlet to fountain,
In liberty's voice shall the Nation rejoice,
As the sons follow right in their father's first choice,
And the white flag of freedom waves proudly and free,
From the queen of the lakes to the gem of the sea.

"The heart of the Nation beats full, free, and strong,
For freedom and justice let all men unite,
While the Empire State speaks in defiance of wrong,
And the Keystone stands firm in defense of the right.
No slavedriver's whip shall subdue the Northwest,
Or taskmaster's footsteps pollute the fresh sod,
For New England is ready to join with the West
In devotion to duty, to freedom, and God.

"If Seward or westward we following chase
Or Fremont or Fessenden lead in the race,
We pledge to the cause our thought and our days,
And follow our leader and honor the man.
Our triumph shall cease when New York's finest son,
The ablest of statesmen, the purest of men,
Shall proclaim to the Nation our victory won,
And peace and content must resume their mild reign.

"So harness the steam horse and fill up the car,
We sweep to Chicago, we annihilate space,
By the river of Erie, the distance so far,
Is spanned in 2 days of this wonderful race.
The sea and the West are united in one,
So fill up the firebox and lower the brakes,
We sweep to the West with the speed of the sun,
From the gem of the sea, to the queen of the lakes."

Whether this song was actually sung is doubtful, but certainly we can be sure that Seward's name was on every lip, and his name must have found its way into more than one melody of the day.

Thus did these trains and others bring 3,000 delegates and visitors from Michigan to Chicago—"all of the finest, and truest, and most earnest kind, and all Seward Republicans, from the crown of their heads to the soles of their feet, first, last and all the time."

Chicago was then a city of only 100,000 inhabitants, and a very young city at that. When Lincoln came to Illinois only 30 years before, the State was but sparsely inhabited, and Chicago but a village. Even in 1860 the State was just emerging from a pioneer prairie wilderness, and much of its land was still to be cultivated.

As the delegations arrived at the 12th Street depot in Chicago, they were greeted with a rousing reception. A Chicago paper reported that the "depots beat like great hearts with their living tides * * * a brilliant festival * * * an army with banners."

The accounts go on, "Michigan Avenue was finely illuminated, and as the train neared the 12th Street depot, a brilliant rocket announced it to the crowd. Another rocket streamed from Jackson Street; a cannon boomed across the basin; the bands struck up, and hearty cheers from the thousands of throats welcomed the train now nearing the depot. And the Wide Awakes (the Republican marching societies of young men) with gleaming torches, as well as the crowd, took up their line of march."

The delegates were escorted to the Adams House by the Seward men with torches blazing and bands beating a martial air. If there was any travel weariness in the bones of the delegates, it was soon washed away in the tide of the joyous welcome.

The 42 hotels and innumerable boarding houses in Chicago were jammed with upward of 30,000 visitors. One account stated that the population of the city doubled. The more than 1,000 saloons and grog shops did a land-office business, although one reporter claimed seriously, "We have yet to meet the first individual with any appearance of intoxication." Men slept in hotel lobbies, on pool tables, and wherever they might lay their weary heads.

The eve of the convention found Seward leading all the straw votes. Reports of polls taken on the trains indicated he was far ahead. Even the Democratic Detroit Free Press advised its readers that in the forthcoming "Black Republican Convention" "Seward will lead, Bates will come next, Mr. Chase will run third, Mr. Cameron next, and then Mr. Lincoln." But the possibility of Seward's nomination caused many to tremble, and the Detroit Tribune of May 17 editorialized that "the fact that a majority of the convention is in favor of Seward no one denies, but it is also certain that a majority of the convention look fearfully to the election in case he is nominated."

This was the crux of the situation. They must nominate a man who could carry the "doubtful" States—solidify the East with the Midwest—and satisfy the overwhelming ambitions of the various candidates and their powerful backers. But, interestingly enough, in the same paper in which the Tribune announced the nomination of Lincoln, it carried an item from its correspondent in Chicago that "Seward will receive 200 votes on the first ballot, and I do not think it possible to beat him, and yet there may be such a combination to do it."

The convention was held in the Wigwam, an auditorium expressly built for the purpose by a group of Chicago citizens and decorated by a committee of local ladies. It was a wooden structure, two stories high, and measured 100 by 160 feet. By our modern standards, this would be a small building, but for that day it was huge. But large or small, it was able to hold more than 10,000 people. The Detroit Daily Advertiser cites a very careful account of the number inside the building on the day of the nomination.

In the galleries	3,550
On the stand	980
Under the galleries	5,870
On the stairs	650
Within the railing	1,100
Total	12,150

And "outside the building stood an earnest impatient excited crowd of 12,000 men, making the whole number of persons in the Wigwam and around it nearly 24,000."

The building was designed to take advantage of a slope in the land by providing a series of landings on which the spectators stood "jammed in so tightly that they could scarcely move." At the rear of the hall was a wide platform on which were seated over 500 delegates and newsmen. Running around three sides of the building was a gallery so pitched that "from every part a perfect view of the stage could be had." Here sat the ladies with their gentlemen who had accompanied them, and although designed to seat 1,200, the preceding report indicates that it was extremely crowded. One reporter counted 5,800 in this section.

There were amusing tales of men bribing women to take them into the gallery to meet the rule that men were allowed only in the company of the ladies.

There was the story of the Irish washerwoman who, seeing the gentleman to his seat, retired with her bundle and her fee. However, when an Indian squaw who was selling moccasins outside was pressed into service, it was more than the doorkeepers could stand. They decided that she was no lady.

The committee of Chicago ladies decorated the interior of the Wigwam with wreaths of evergreen and other festoons. It is said that some of the evergreens were brought by one of Charles Mear's ships from his logging camp on the west coast of Michigan. Colossal statuary paintings on arched panels decorated the back of the stage. On the sides of the pillars supporting the roof were pictures of famous and distinguished men. The auditorium was lighted with gas which made it "brilliant in the extreme."

Telegraph was used for the first time at a national convention, and wires were extended into the building so that reports of the convention could be sent by an operator who was seated among the reporters on the stage.

On the opening day of the convention, the Advertiser reported that "20,000 people assembled around the Wigwam waiting for it to open and when it was thrown open the rush for the inside was like the breaking loose of a mighty river. In 3 minutes after the main entrances were thrown open, not less than five thousand people entered the hall, running and leaping like men fleeing from some great danger."

The Detroit Free Press stated that "the morning opens with much excitement. The streets are crowded, and several processions have been formed, headed by bands of music. By invitation of the Michigan delegation, the New York delegates and visitors gathered at the Adams House to march together to the Wigwam. The procession was a striking reature of the morning. They marched in sections of four, consisting of two New Yorkers and two Michigan men, numbering between 3,000 and 4,000, all wearing badges inscribed 'New York Republican Association,' 'Michigan Republican Association,' and with the name of Seward for President, a banner with Seward's likeness being carried at the head."

The proceedings of the first day, May 16, were typical of political conventions. Little transpired of interest unless it was the long debate concerning whether the convention should accept the invitation of the Chicago Board of Trade to entertain the delegates with an excursion ride on the lake, an event which would have interfered with the evening session.

The morning session of the second day, May 17, was taken up with the familiar reports of standing committees and the arguments pertaining to the seating of delegates. The slave-holding States were very nearly unseated, and the redoubtable Cassius Clay led the fight to see the border delegates take their place in the balloting. In the afternoon, the convention was aroused by the report of the platform committee which failed to include a reference to the Declaration of Independence. Battle-scarred old Joshua Giddings, of Ohio, a veteran of the antislavery fight, "took a walk" after an impassioned oration demanding that it be included. Then Delegate Curtis of New York made an eloquent speech that resulted in the insertion of the phrase "that all men are endowed with certain inalienable rights, etc.," and "venerable Giddings returned to the convention amid a great ovation."

When the platform was adopted there was a wild demonstration for about 10 or 15 minutes. When this had subsided, a motion was made to nominate a candidate for the presidency.

This, it is claimed, was the crucial point of the convention. If the nominations had proceeded, Seward would likely have been nominated on the first ballot. But, it was announced from the rostrum that the tallies necessary for recording the vote were not ready and that there would be a slight delay. At this point, a "voice" from somewhere was heard "moving that this convention adjourn until 10 o'clock tomorrow morning."

Thus was Abraham Lincoln saved for the great victory.

All that night the State delegations met in caucus. Judge David Davis, of Illinois, Lincoln's manager, strove with his coworkers to mend their political fences. Despite Lincoln's refusal to be bound by any deals, Senator Cameron, of Pennsylvania, was promised a Cabinet post. Other promises were made, and the doubtful States were one by one brought into the Lincoln camp. Horace Greeley, the famous New York publisher, shunned by the New York delegation and seated as a delegate by proxy from Oregon, of all places, worked among the Eastern States to defeat Seward. Many began to see now that Seward could not win the election without the support of the powerful Northern States. The cocksure attitude of the Seward crowd was becoming a deterrent. The fact that it had appeared that he had the nomination "sewed up" was working against him. Thurlow Weed and his cronies had done their work too well.

That night Ward Hill Lamon and Jesse Fell, of Illinois, arranged for the printing of a large number of additional tickets and distributed them to the Lincoln men. The next morning, May 18, they lined up early and entered the Wigwam and filled the visitors seats. When the Seward crowd marched gaily to the doors, they found that they could not get in. If Illinois could not outvote Seward, they were determined to outshout him. "A Chicagoan reputedly able to shout across Lake Michigan was enlisted to take a strategic position in the hall and to bellow lustily whenever he received the signal. Another man, equally endowed, was placed in another part of the hall."

The conventions of that day were saved the long and dreary nominating speeches that must be endured today. Following Seward's nomination, Mr. Judd of Illinois said simply, "I desire, on behalf of the delegation from Illinois to put in nomination as a candidate for President of the United States,

Abraham Lincoln of Illinois." The other candidates were duly nominated and equally brief seconding speeches made, including that of Austin Blair of Michigan in behalf of Seward.

But the short speeches did not limit the demonstrations. The applause grew into cheers, then prodigious shrieks, and then pandemonium. Murat Halstead reports it thus: "Hundreds of persons stopped their ears in pain. The shouting was absolutely frantic, shrill, and wild. No Commanches or panthers ever struck a higher note or gave a scream of more infernal intensity. Thousands of hats flew over the hall * * * when Lincoln's nomination was seconded, the uproar was beyond description. Imagine all the hogs ever slaughtered in Cincinnati giving their death squeals together, and a score of big steam whistles going together, and you conceive something of the same nature. The Lincoln boys * * * took deep breaths all around and gave a concentrated shriek that was positively awful, and accompanied it with stamping that made every plank and pillar in the building quiver."

Then came the rollcall—233 votes out of a possible 465 were necessary for a choice. Seward received 173½, Lincoln 102, Cameron of Pennsylvania 50½, Chase 49, and "others scattering." Michigan cast its 12 votes for Seward.

Proceeding to the second ballot, Cameron withdrew. Seward polled 184½, a gain of 11 votes, but Lincoln tallied 181, a gain of 79.

As the third ballot began, the crowd became silent, and many watched their own tally sheets as the voting progressed. When every vote was counted, Seward had 180, but Lincoln polled 231½, only one and a half votes shy of nomination.

Joseph Medill of Chicago who had seated himself in the Ohio delegation, leaned over to whisper to David Cartter, chairman of the Ohioans: "If you can throw the Ohio delegation to Lincoln, Chase can have anything he wants." Cartter, a stammerer, bounded up excitedly: "I I a-arise, Mr. Chairman, to a-announce the ch-change of f-four votes from Mr. Ch-Chase to Mr. L-L-Lincoln."

The Chicago Tribune reported: "Deafening roar of stentorian applause arose from the immense multitude such as had never been equalled on the American Continent nor since the day that the walls of Jericho were blown down." A signal was given to the men on the roof, and the news was given to the crowd outside. A cannon fired a salute, and the crowd of 20,000 on the street greeted the news with a roar that could be heard above the din inside.

The Lincoln men were jubilant. The Seward adherants were crushed. But as the States, one by one, rushed to join the winning side, Mr. Evarts of New York moved that the nomination be made unanimous. Carl Schurz of Wisconsin and Austin Blair of Michigan joined in seconding the motion, and Blair made a "touching and effective speech."

"Like my friend who has just taken his seat (Schurz) the State of Michigan from first to last, has cast her vote for the great statesman of New York. She has nothing to take back. She has not sent me forward to worship the rising sun, but she has put me forward to say that, at your behest here today, she lays down her first, best beloved candidate to take up yours, with some beating of the heart, with some quivering in the veins (much applause) but she does not fear that the fame of Seward will suffer, for she knows that his fame is a portion of the history of the American Nation; it will be written and read, and beloved long after the temporary excitement of this day has passed away. We stand by him still. We have followed him with a single eye and with unwavering faith in times past. We marshal now behind him in the grand column which shall go out to battle of Abram (sic) Lincoln of Illinois. Mark you, what has obtained today will obtain in November next.

Lincoln will be elected by the people. We say of our candidate, God bless his magnanimous soul. [Tremendous applause.] I promise you that in the State of Michigan, which I have the honor to represent, where the Republican Party from the days of its organization to this hour never suffered a single defeat, we will give you for the gallant son of Illinois, and glorious standard bearer of the West, a round 25,000 majority."

In Detroit the Democratic Free Press commented that all the black Republicans were down in the mouth at the nomination of a man who was beaten by Douglas and "whose reputation as a beaten candidate would not desert him for years."

The Republican Detroit Daily Advertiser stated "that it took by surprise the majority of citizens * * * who had confidently expected the nomination of Seward." But it added that "the wisdom of the choice was readily seen and acknowledged. As soon as the nomination of Mr. Lincoln was confirmed by subsequent dispatches, without waiting for a choice for candidate for the Vice President, extensive preparations were made for celebrating the event in an appropriate manner."

"In less than a half an hour after the reception of the news, the two brass guns of the Frontier Guards had been rolled out on the Campus Martius, and each had been furnished with 50 full cartridges. Later in the evening the whole front of the Advertiser office was brilliantly illuminated and from a central window hung a banner with the words 'Lincoln and Hamlin' in large poster type, inscribed on it. A bonfire was started in the street, just in front of the office. The whole proceedings last night were terminated with one tremendous hurrah for Lincoln and Hamlin."

Around the State there were celebrations and mixed emotions. Owosso fired 100 guns, Kalamazoo 50 guns, and Pontiac, presumably less enchanted or short of powder, fired 33 salutes.

The returning delegations from Michigan met with mixed receptions. The Niles Republican cites the reception of Delegate Francis Quinn:

"Longer faces were never seen on Main Street. 'Abominable,' said one. 'Seward has been beaten by some contemptible trick,' said another. Finally after the elapse of a day or two, Quinn arrived from Chicago. He endeavored to rally the disappointed. He went around to get a subscription of powder. Some of them refused to give a cent. But enough was raised to make about 5 small charges, and handbills appeared announcing there would be a grand ratification meeting on Main Street in front of the Inquirer office. Saturday evening came. A large number of Democrats assembled, as it was in front of where they were to hold a meeting to nominate delegates to the county convention, and several Republicans and numerous boys. There being so few present, it was resolved that they adjourn to Kellogg's Hall. Up they went some one hundred and fifty to hear what excuse Mr. Quinn had to give for the defeat of Seward."

Thos. Starr notes: "So bitter was the anti-Lincoln feeling in Michigan, sponsored by Chandler, that the special train of the Massachusetts delegation to that convention, whose leader, John A. Andrew, won the Wigwam delegates to Lincoln on the third ballot, was all but mobbed at Detroit on its return trip over the Michigan Central Railroad."

In the South, the drums of war were heard more clearly. The gauntlet had been thrown down. The "house was now dividing," and the issue would soon be drawn whether it would be "all one thing or all the other."

In Springfield, Abe Lincoln had walked from home the morning of the nomination to the public square. He visited the office of a friend just returned from the convention and listened to his account of the early proceedings. Later, with one of his friends from the Illinois Journal, he tried to pass the time away at the bowling alley, but the alleys were all busy. They tried to play billiards, but the tables were all engaged. They then went to the newspaper office to hear the reports of the balloting. Shortly before noon, the wire came announcing a great victory. "We did it, glory to God," wired Delegate Knapp. Lincoln shook hands all around and then said:

"There's a little woman over yonder on Eighth Street who is deeply interested in the news. I will carry it to her."

And he might have pondered on the prophetic words of the invocation on that historic day of the convention:

"O, we entreat Thee, that at some future but not distant day, the evils which now invest the body politic, shall not only have been arrested in its progress, but wholly eradicated from the system."

And we might well ponder the concluding sentence: "And may the pen of the historian trace an intimate connection between that glorious consummation and the transaction of the convention."

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Niles Republican, 1860, from the files of the Niles Public Library, courtesy of Mrs. Janet H. Evart, curator, Fort St. Joseph Museum.

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

Mr. SCHWENGEL. I yield to the gentleman from New York.

Mr. ROBISON. I want to take just a moment to congratulate and commend all who have taken part in this commemoration. I particularly wish to pay my respects to my friend from Iowa, who has rendered this tribute, for his part in presenting such a beautiful and moving

tribute to Abraham Lincoln, a great Republican and a great American.

Mr. SCHWENGEL. Mr. Speaker, one of the best accounts I have read of Lincoln's nomination in 1860 is the article which Philip Van Doren Stern has written for the NEA Service and which appeared in the Iowa City (Iowa) Press Citizen recently.

Under permission granted to me, Mr. Speaker, I include the article:

CANNONS FIRED IN JOY AS LINCOLN NOMINATED 100 YEARS AGO

(By Philip Van Doren Stern)

When the Democratic National Convention met at Charleston, S.C., in the spring of 1860, the party was so strong that anyone it nominated for the Presidency was automatically elected.

Lincoln's lifelong rival, Stephen A. Douglas, was the obvious favorite. Most people, including Lincoln, thought Douglas would surely be the next Preseident. But Douglas had lost the support of the South, and the Buchanan administration opposed him. The whole political picture changed overnight when the Democratic convention, after dragging on for nearly 2 weeks, adjourned without agreeing upon a nomination.

The historically impregnable party split into dissident groups to hold three separate conventions to nominate three different candidates, making it difficult for any one of them to be elected. The new Republican Party, which had entered the national scene only 4 years before, now had a good chance to elect a President.

The obvious Republican candidate was William H. Seward, former Governor of New York, U.S. Senator, and distinguished member of the bar. There were other possibilities—Chase, of Ohio, Bates, of Missouri, Cameron, of Pennsylvania, and many more. Lincoln was among them, but despite the name he had made for himself with Cooper Union speech and the tour of New England that followed, he was far down on the list although he did admit to a friend that "the taste (for the presidency) is in my mouth a little." When he wrote those words, he knew the Democrats were in trouble.

Something happened then that caught the imagination of the public. Richard James Oglesby, who was to become a Civil War general and the Governor of Illinois, knew John Hanks, cousin of Lincoln's dead mother, Nancy Hanks. John Hanks had seen Lincoln grow up in Indiana and had helped him cut fence rails when the family moved to Illinois in 1830. Oglesby sought him out, and the two men made a trip to a clearing near Decatur to get a few rails from the 30-year-old fence.

On May 9, at the Republican State convention in Decatur, John Hanks, a lifelong Democrat—made a sensation by carrying two of the original Lincoln rails into the hall. Lincoln was there, and he immediately became the "rail-splitter" candidate. The name stuck and became popular.

Being nominated by the Illinois State Republican convention helped, but a long, hard struggle was to be expected at the Chicago national convention on May 16—Seward's 59th birthday.

A huge wooden structure, holding 10,000 people and called the Wigwam, had been built for the convention. To it streamed thousands of visitors, most of whom were unable to get inside the building.

It was a colorful occasion, even more colorful than a presidential convention is today. And since everyone knew that the man chosen might very well become the first Republican President, there was a tense air of expectancy.

The convention was quickly organized; then a platform denying the right to extend slavery to the territories was adopted. On the third day, May 18, the real business of picking a candidate began.

That morning a thousand of Seward's followers marched to the Wigwam led by a swaggering military band. In the big hall Evarts of New York presented Seward's name; Judd of Illinois named Lincoln; other States followed with their favorite sons.

Only Seward and Lincoln got loud applause. When their names were seconded, the applause and cheering rose to a tremendous crescendo. People threw hats and handkerchiefs into the air as the rival backers tried to outshout each other. Then, according to an eyewitness, a Lincoln supporter, "Henry Lane of Indiana leaped upon a table, and, swinging hat and cane, performed like an acrobat." He shouted, too, but his voice could not be heard in that mighty uproar.

After that wild outburst, the convention settled down to voting. The first poll gave Seward 173½ votes; Lincoln 102; with the others trailing. Needed for the nomination: 233 out of 465 votes.

A second ballot was taken. Lincoln gained New Hampshire and Vermont, then Pennsylvania. These gave him 181 votes against Seward's 184.

On the third and final ballot Lincoln ran up to 231½ with only 1½ needed to win. Cartter of Ohio rose to cast four of his State's votes, and the crowd suddenly became quiet. Cartter was known for his stutter, and he stuttered as he spoke:

"I rise—Mr. Chairman—to announce the change of four votes of Ohio from Mr. Chase—to—Mr. Lincoln."

The silence held for a brief moment, then the crowd roared out. Someone signaled to a man stationed on the roof with a signal cannon, yelling to him:

"Fire the salute. Abe Lincoln is nominated."

The cannon told thousands of people outside what had happened, and the Wigwam was suddenly surrounded by a sea of noise. The roar of the crowd was punctuated by the resounding boom of exploding gunpowder as the cannon was fired, reloaded, and fired again and again.

The smell of gunpowder drifted down to the people outside; it came in through the open doors of the Wigwam, and hung heavily in the spring air.

The acrid odor was soon to become familiar to many of the young men who were shouting their heads off in Chicago that day. And they would hear the sound of cannon again. Sumter was less than a year away.

Mr. Speaker, adding to the significance of this event is an address on Abraham Lincoln which was made last year by Dr. Mordecai W. Johnson, president of Howard University. The address was made before the Michigan Legislature as part of the sesquicentennial observance of Lincoln's birth and it certainly has a place among the words which have been spoken today. Under unanimous consent I include it in the RECORD as a part of these proceedings, as follows:

AN ADDRESS ON ABRAHAM LINCOLN BY DR. MORDECAI W. JOHNSON, PRESIDENT OF HOWARD UNIVERSITY, WASHINGTON, D.C., BEFORE JOINT CONVENTION OF THE MICHIGAN LEGISLATURE, FEBRUARY 12, 1959

(Foreword by Hon. Louis C. Cramton, Representative from Lapeer County: Mr. President, Mr. Speaker, distinguished guests, members of the senate and house of representatives of Michigan, through this joint session of the senate and house of representatives of the State of Michigan, which in 1861–65 gave such loyal and heroic support to Abraham Lincoln in his wise and courageous leadership in our Nation's greatest crisis, in his demonstration of the capacity of this Nation to rule itself, joins with the Nation and the wide world today in paying tribute to him as the exponent of real democracy, the worldwide symbol for human freedom. It was 150 years ago today that this great leader was born. On this great occasion we are highly privileged to have with us to voice the day's message, Dr. Mordecai Johnson, president of Howard University, Washington, D.C., a great institution, with worldwide influence; himself a splendid example of the rich heritage of human capacity and vision his race has brought to the world since Abraham Lincoln's leadership made this Nation actually a nation of free men. It is my privilege to present to you my very generous friend, Dr. Mordecai Johnson, who will give to us today's address.)

Mr. President, Mr. Speaker, Mr. Cramton, distinguished members of the Senate and House of the great State of Michigan, I am deeply grateful to you for the privilege which you give me today of joining you in meditative appreciation of our great leader, Abraham Lincoln—the man whose name is the greatest of all names connected with popular government in the history of the world. I have come to you today, bearing in my heart a deep sense of personal indebtedness to this man, for I am a child of slaves. My father was a slave and my mother was born a slave. Both of them were set free by Abraham Lincoln. Along with the deep sense of debt which I bear in my heart toward him is another which is akin to it, namely, the sense of debt which I bear toward you and for your kindred in this State who, under the leadership of Abraham Lincoln, made so very large an investment of devotion and suffering in that cause which made it possible for us to be free. I know that if that humble minority to which I belong could be aware that I am here today they would want me to tell you that they will never forget these things. They will remember the name of Abraham Lincoln and the citizens of these free States as long as they live, and they will cherish these revered memories and hand them down to their children and their children's children until the end of time.

I want to thank the members of this senate and house because your interest in this minority is still vibrantly alive. In recent years you have responded in a wonderful manner to the leadership of the Honorable Louis C. Cramton in the house, by crossing all party lines to establish a Fair Employment Practices Act in this State, which undertakes to provide an open door of economic opportunity for every citizen, regardless of his race, creed, color, or national origin. Several years ago I had the privilege of coming here to attend a banquet which was given in honor of Mr. Cramton, at which time outstanding Members of this body and your distinguished Governor heaped honors upon him for his diligent and unwearying devotion to the passage of this Fair Employment Practices Act and for the outstanding character of his devotion to the public good. My heart throbbed with joy at this banquet, for I have known and loved Mr. Cramton for 32 years. He is the best living example of Abraham Lincoln whom I know of in this world.

In undertaking to talk with you about Abraham Lincoln today I must approach him from that angle of his life which interests me most deeply. I am a teacher of young men and women. Among my graduates who give me greatest pride are a few who have become distinguished servants of humanity in the field of the public life. I am always searching for those qualities in men of distinction which have proved effective in the public life, hoping to be able to speak with my students about those qualities in such wise as to cause them to

study and to reflect upon them, with the purpose of making these qualities a part of the basic ingredients of their lives. Of all the men in the public life of the world who have deeply impressed me in this respect, Abraham Lincoln is one who grows on my affections year by year. The qualities of his heart and mind are remarkable, beyond measure, in their fitness and power to sustain and to transform the institutions of the democratic public life. Now if you will remember that this is a school teacher and a child of slaves talking with you, having perhaps a bigger message in his heart than he is able fully to articulate, you will try to think with me as I speak. In this way your own intuitions will supplement what I have to say and may turn an otherwise stumbling effort into a matter of power.

For the purposes of our mediation I want to divide the life of Abraham Lincoln into three periods. The first period, from 1809 to 1854, I would call the period of preparation during which his great personal powers were in the making. The second period, from 1854 to 1860, I would call the period of political creation, in which, under great difficulties, he nourished and brought to leadership in the Nation a political vehicle of decisive power. The third period, from 1861 to 1865, the period of victorious achievement, during which, under the pressure of violence, suffering, and death he obtained the great political ends for which the world reveres him—the emancipation of the slaves and the preservation of the Union.

THE FIRST PERIOD OF LINCOLN'S LIFE 1809–54

The great work of emancipating the slaves and the preservation of the Union, for which Abraham Lincoln will be remembered throughout the ages, was done in the last of the three periods from 1861–65, and the decisive political events preceding this great work were brought to pass in the period from 1854 to 1860. It has been customary to pass over this first period of 45 years in a cursory manner as if it were really of very little importance. It appears that Abraham Lincoln himself rather thought of it in this way. He was a man who spent very little time thinking about the days of his boyhood and early manhood. When people tried to make a great deal of it, he said, "Why, it is a great folly to attempt to make anything out of me or my early life. It can all be condensed into a single sentence, and that sentence you will find in Gray's Elegy: "The short and simple annals of the poor." When an effort was made, just before he became President of the United States, to have him speak about this period at great length, he did consent one time to sum it up in 500 words. He wrote these words as though his real life had begun in 1854. He spoke of the limited heritage which he received from his parents. His father and mother were poor. He was born in a log cabin and lived under very crude conditions in frontier communities of Kentucky, Indiana, and Illinois where there were many animals and few men. His father was a man of little learning, and in his own boyhood he had little chance for schooling. There was only a very simple three-R school with very poor teachers available, and he was able to get only about 12 months of schooling in that. He confessed that when he was about 21 years of age he did not know very much, and that thereafter he never had a chance to learn, except by his own efforts. He reviewed the two or three little jobs he had. He mentions with some pride and joy his experience as a captain in the Black Hawk War. He calls very brief attention to his three terms in the State legislature and his one term in Congress, speaking of them as if these terms of office had yielded very little satisfaction, because he left them both for the practice of law in the small towns and country circuits, not presenting himself again for either State or national office. He described himself modestly as a man 6 feet 4 inches tall, but he did not tell you that he was also a gangling, loose-jointed, long-legged man, with long arms and big hands, a great big head, with serious lines in his face, deep and melancholy. He probably wore his clothes as if his trousers were unpressed and coat hanging loose, as long as he lived. He was just an ordinary man. One of those who knew him well says, lately, that the father of his wife spoke of him with derogation as being a man of "the poor white trash" whom he did not want his daughter to marry. In fact, that is the way he would have been classified if he had lived in Virginia whence his father and mother came.

But there was a whole lot more to the life of Abraham Lincoln in those first 45 years than he himself took time to mention. For in those 45 years this man developed by his own efforts one of the most powerful groups of qualifications for political leadership ever to be found in history. These are the qualities which made him the power that he was from 1854 to 1861, when he became President of the United States, and which led him in the years 1861 to 1865 to become the Emancipator of the slaves and the preserver of the Union.

A VIVID AND POWERFUL ETHICAL DISPOSITION

Now what are those qualities? First of all, Abraham Lincoln developed in those early years a vivid and powerful ethical disposition which he made radically applicable to every human being whom he touched—whatever his race, color, creed, sex, or national origin—and he extended it even to animals. He was especially sensitive in the presence of cruelty, either to men or animals, and often found it impossible to pass by an animal in distress.

This was no quality merely given to him. Maybe the greatest part—the instinctive part—was given to him, but he cultivated the rest of it deliberately and thoughtfully. He had the same experience that most of us have when we pass by a man or an animal suffering from cruelty or distress. He got a message from his heart which told him: "This is your kinsman and he is hurt. Are you going to help him?" Again and again in his life he tried to pass by, but again and again he would come back deliberately, thoughtfully, and help that man or help that animal. He kept this up constantly until it became an habitual disposition of his life, and it never weakened until the day he died. He was never able to look on cruelty complacently. He was never able to look at men and women who suffered from any unjust cause without feeling identified with them. This is where he got his great conviction that slavery was wrong, that the cruelty connected with slavery was wrong, that a cruel thing like this had no business to exist on this earth, and that somehow or other it ought to be done away with. There is no place on record where he ever said anything different from that. He said it over and over again, because it was a considered judgment, arising from the heart, confirmed by the reflections of deliberate intelligence and nourished as a part of his life.

A THOROUGH ACCEPTANCE OF THE DECLARATION OF INDEPENDENCE

In the second place, Abraham Lincoln was a man who had a thorough grasp of the meaning of the Declaration of Independence, and he accepted the radically transitive universal ethics of that Declaration of Independence with all his heart. I do not mean merely that he accepted it intellectually. He accepted it as a part of his very being. Abraham Lincoln had one of the most precious habits that a man can have in this world—the habit of prolonged aloneness in meditation and in thought. Being impressed by the language of the Declaration of Independence, for example, he would go off with it by himself, or he would sit alone by the fire when there was no one at home but himself or when other people were sleeping. Then, wrapping his long legs around the chair and putting his arms on the back of the chair, he would read the words alone, asking himself, "Now, just what was it that these men had in mind when they wrote these words?" Of all the politically significant words written on paper, these were the most precious to him:

"We hold these truths to be self-evident: That all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter it or to abolish it, and to institute a new government."

These words he turned over and over in his mind until the spirit of them possessed him through and through, and until he felt the electric possibilities of them in all the aspects of his being—intellectual, moral, and spiritual. Of these words he said, "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence which gave liberty, not alone to the people of this country, but I hope to the world, for all future time. It was that which gave promise that in due time the weight would be lifted from the shoulders of all men."

Whenever you hear him speak about "the Union" this is what he is talking about. He is never talking merely about the physical union of men in the physical territory of the United States. He is talking about that Union "conceived in liberty and dedicated to the proposition that all men are created equal"—the most hopeful community of life, the most powerful community of life, the most creative community of life in the world. And when he said that, above all things, he wished to preserve the Union, this is what he meant. He felt that these words of the Declaration of Independence were the electric cord sweeping through the entire Declaration of Independence, the foundation and inspiration of the Constitution of the United States, and that there was no cruelty, no evil, no neglect of human rights or human welfare that could long endure in the presence of their moving and cleansing power.

A MASTERFUL POWER OF COMMUNICATION

In the third place, Abraham Lincoln acquired in early life a masterful power of communication. In all the history of public political speech there is no man in this country who ever had a greater power than Abraham Lincoln. It was an intellectual power, because he was a thoughtful man who gathered his facts and arranged his arguments with great care. He carefully studied grammar. He studied the language of the Bible and pondered it and absorbed it in his system. He studied mathematics, not in order that he might become a mathematician, but that he might reason precisely, consecutively, and with a clear and powerful relatedness. But there was something more than intellectual power in his speaking. There was a moral power and often persuasive moral beauty in what he said. He respected and loved the people to whom he was speaking. He believed in the capacity of the most ordinary man to understand the most profound ethical and political truths, if he needed them for his life. And when he spoke to such men he was not making an oration of words. He was speaking what he deeply believed. He was speaking directly and simply as if the fate of the World were depending upon his being understood.

Sometimes when he spoke his rugged, melancholy face would light up like a lamp and throw a glow of persuasive beauty to the very ends of the auditorium. People loved him, believed in him, flocked to him, because he bought their allegiance with the gold of sincerity and clarity that came to them from a pure heart.

HABITUALLY SIMPLE AND TRUTHFUL IN INDIVIDUAL RELATIONS

Another of his great qualities—the fourth—was his habituation of himself in his actions to simple and truthful relationships with individual human beings. You can see this nowhere better than in his practice of the law. If a client had a crooked or an unjust case, he would not take it if he knew it beforehand. If he took the case and found out afterwards that the cause was crooked or unjust, he would do everything consistent with the law to get out of it. He was helpless to use his best powers in the presence of the necessity to defend cruelty or crookedness. But if you had an honest case, very often the first thing he would try to do was to see whether he could adjust it without going into court, and especially if the case involved cruelty and injustice, he would put his whole life and soul into that case. He would address himself to the jury in simple, direct, and unadorned speech, and when he came to the cruelty involved, his language would sometimes burn with a fire of indignation as if to scorch the very ground on which he stood. And when he had finished, what did he charge you? Just about what it would take to buy the groceries and to take care of the most ordinary expenses of living. He did not take your case for the accumulation of money. He took it for the joy of setting things right, for the privilege of being vehicular toward the establishment of justice.

A SENSE OF HAVING GREAT UNSPENT POWER

Along toward the end of this preparatory period of his life, the fifth quality developed within him, which is remarkable to think about: he developed a sense of having great unspent power and a sense of melancholy distress because that power in him had never had a chance to be used up fully in some great cause. He walked about conscious of that power and with the feeling that some day the occasion would arise when he would use it for everything that he had in him. He respected that occasion and looked toward it, afar off, with melancholy hope, and because he respected that far off occasion, he never would sell his powers cheaply. He would not sell them for money. He was a poor man and the powers he had could have made him a great corporation lawyer and could have gotten him riches quickly, if he had gone to the big city; but he knew that what he had was too precious for money and he would not sell it so. He would not sell it either in order to cheat people out of their votes. In the first election in which he ever sought office, he said simply, "I am humble Abraham Lincoln. I have been solicited by my friends to become a candidate for the legislature. My politics are short and sweet. I am in favor of a national bank. I am in favor of the internal improvement system and a high protective tariff. These are my sentiments. If elected, I shall be thankful, if not it will be the same." And although he went to the State capital three times and to Congress once, as the elected representative of the people, he quit them both with very great dissatisfaction of heart, because he was occupying political power and moving about among men who accepted political power without having any great cause at stake. For him to be in political office with no great cause to use up his powers, was too cheap an occupation. He did not like it. He did not want it. He stayed at home, nourishing his powers, waiting for a great and worthy day to come.

Now I want to suggest that here in this preparatory period of his life Abraham Lincoln developed five of the greatest possible human qualities: (1) A vivid and powerful ethical disposition, livingly applied to every type of human being, urging him to respect them, to deal truthfully with them and to allow his compassion to go out to them whenever they were cruelly treated or left alone with struggles that they could not endure; (2) a wholehearted devotion to the Declaration of Independence, so that the city of justice which he saw when he read it lived in his mind's eye like a city built by God. He longed to be of great use to that city, and would rather have died than to have betrayed it; (3) remarkable powers of communication: simple and direct speech to people whom he loved, unadorned and never mixed with deceit; the marshaling of facts accurately and honorably, the drawing of conclusions with inexorable logic; reverent of truth, and at times throbbing with a passionate devotion to justice which caused his face to radiate with hope and expectancy; (4) a sustained habit of simplicity and truthfulness in his everyday actions affecting ordinary people. When he practiced law in a circuit of 14 different counties, he met and served a multitude of men whose names were without celebrity of any kind. He saluted them with courtesy, served them truthfully and honorably, loved them and enjoyed their trust. They called him "Honest Abe" and knew that he was a man who was utterly reliable, who when he gave his word meant what he said and would do it, whatever it cost him in time or effort or money; (5) a great sense of power residing in him—intellectual power, moral power, spiritual power locked up with an immense energy of devotion—but power waiting for a great and worthy occasion of use, not to be sold cheaply, not to be used for the heaping up of money, nor merely to buy high office. There was only one piece of goods he wanted most eagerly to buy—a great cause that would consume his powers as a great fire consumes wood. That cause came to him in 1854 when the Missouri Compromise was repealed. The whole country was shocked with a sense of crises that swept like wildfire into every State of the North and it swept into the heart of Abraham Lincoln. He knew that his hour had come. At once he laid aside everything and straightway went where he could place himself at the disposal of a powerful inward necessity to strengthen the people in this crisis, for the life and death struggle between slavery and the Union which he loved.

SECOND PERIOD OF LINCOLN'S LIFE—1854–60

One who reads the history of the second period of Abraham Lincoln's life, from 1854 to 1860 will find him giving an unparalleled devotion to political action. First of all, he made a decisive change in party allegiance. He was a Whig, but he saw that the struggle with slavery required something better than the split allegiance of Whiggism. He looked at the Democrat Party and saw that it had kneeled beyond recovery to the slave system. He looked at the possibility of coalition across the Whig and Democrat lines, and he saw the weakest, the most flabby, the most untrustworthy combinations of men on the basis of self-interest, and his heart repudiated what he saw. He looked around again and saw a new party, with only 120,000 votes over the entire Nation, but it had a program. It said in effect: "Our program has just two parts. One: slavery is wrong; two: we are going to stop it. We are going to leave it in the States where it is already established, because the Constitution provides that it has a right to be there, but we are going to shut the door to all the western territories, and not a step in that direction will it be allowed to advance." Abraham Lincoln liked that program. It was simple. It was unequivocal. It corresponded to the way he felt about slavery, corresponded to what he thought about the preservation of the Union. It constituted a cause to which he could devote all his powers. And this he unreservedly did.

SINGLE-MINDED AND IMMEASURABLE POLITICAL DEVOTION

Lincoln was not blind. He knew that it would normally take over two million votes to bring a party to national power in this country, but the difference between 120,000 votes and 2 million votes was not big enough to overawe him. He felt and knew that he was a man of power and that with the help of God he and his earnest associates, with single-mindedness devotion, could make up that difference. This capacity for single-minded and immeasurable devotion Abraham Lincoln most certainly had. In the history of parties in this country there is nowhere a record of devotion superior to that which this man Lincoln put into the building of the Republican Party between the years 1854 and 1860. In this undertaking he subordinated entirely his personal ambition to hold political office. He saw with clear eyes that unless a party devoting its whole life unequivocally to the restriction of the growth of the slave system and the deliverance of the Union from the danger of dominance by that system, could be brought to effective power, no office would be fit to have. And so when public office was set before him again and again he would not take it. "I have a duty to perform," he thought, "I must do everything in my power to put this party into shape to come to power. This is the power that alone can be decisive". Three times in 2 years he sacrificed his own personal ambition to put somebody else ahead of him because he believed it to be good for the party.

UTMOST USE OF HIS POWERS OF COMMUNICATION

He put all of his remarkable powers of communication at the disposal of his cause. He sought out and obtained direct confrontation with Douglas, the greatest proponent of slavery, and conducted a series of debates with him, which turned out to be one of the most determinative debates ever carried on in the world. He took the program of the Republican Party and expounded it from every helpful angle that deep moral conviction and logic could conceive; he defended it from every angle that sincerity and logic could command, until by his convictions and his thought he had established it in an impregnable and persuasive position.

When he began this series of debates and speeches in the Illinois senatorial campaign in 1858 he was scarcely known outside of Illinois. When he had completed them, the most intelligent and resourceful men on the eastern seaboard sent for this man of the one-horse towns and crowded Cooper Union in New York to hear him. If ever there were any of us who felt contemptuous toward a man of no university education—toward a poor man of no cultural family background and no university education—let us read again this speech produced by one who was called "the poor white trash." Let us read again his powerful putting together of historic facts; let us read again the masterful analysis of the arguments of the supporters of the slave system; let us observe again the intellectual power and moral sagacity with which he reduced the whole thesis of the slave masters to a demand that slavery henceforth be considered not only lawful but right. Then let us behold this gangling awkward son of the frontier, ignited from the depths of his being by moral conviction about the wrongness of slavery and its fateful danger to the Union,

and with his rude melancholy face glowing with persuasive light, holding this great audience of intelligent and resourceful New Yorkers and easterners in all but breathless silence, as he commandingly called them to put aside everything and support this Republican movement with all their hearts to halt the onward march of this wrong and evil thing and to put it in a place where it could no longer imperil the life of the Union. Here indeed, once again from the humblest depths of life, there had come a man of intellectual, moral, and spiritual power of the highest significance for all mankind.

AN UNCANNY SENSE OF STRATEGY

There is just one more quality appearing in this second period of Abraham Lincoln's life which I wish to comment upon. The man acquired an uncanny sense of strategy. In the Illinois senatorial elections of 1858, he daringly followed this sense of strategy against the advice of all his friends, in a manner which was decisive in securing the national political victory of his cause.

This remarkable sense of strategy grew out of a quality in his life which only appears in the lives of men who have an unusual faith in the operative power of moral sincerity. There is an opposite but corollary conviction which they have. It is the conviction that evil is incapable of perfect organization. This means that the supporters of righteous causes are not always obliged to overcome evil by the possession of overwhelming power to break it down and drag it out. There is always operating among the supporters of evil causes a tendency toward internal disintegration and self defeat. If they can be steadily confronted with the vigilant and sustained cohesion of men of righteous purpose, who give evidence of growing power, the supporters of the forces of evil will tend somewhere to crack internally and to facilitate their own defeat. There came a time when Lincoln saw this possibility at work in the proslavery forces.

He saw it in the initial and growing opposition of pro-slavery extremists, to one of the most honorable qualities in Stephen Douglas, the greatest leader of the proslavery forces; namely, against his disposition to affirm that the doctrine of "squatter" or popular sovereignty, in which he believed, admitted the possibility that a particular territory might, by its own vote, keep slavery out of its own boundaries. Douglas had honestly affirmed this opinion in the congressional debates on the Kansas constitution, and in doing so he had greatly angered the extreme pro-slavery forces in the South. Lincoln saw that if Douglas were skillfully questioned in the senatorial debates in Illinois, he would be led by his ambition to be reelected to the Senate, to reaffirm this belief in the right of a particular territory to exclude slavery, in spite of the language of the recent Dred Scott decision of the Supreme Court, which held that there was no lawful way in which a territory could do this. Lincoln saw that in so doing, Douglas this time would anger the extreme proslavery forces in the South. Lincoln saw that if Douglas were skillbeing unendurably angered, the extreme proslavery forces would split the Democrat Party rather than to support Douglas for the presidency in 1860, and that this split would open the way whereby in the national elections of 1860 victory would be possible for the Republican cause opposed to the extension of slavery. Lincoln meditated long upon a strategem to produce these results.

Lincoln's friends opposed such stratagem on the grounds that it would make it quite possible for Lincoln and the Republican Party to be defeated by Douglas in the Illinois senatorial elections. Lincoln admitted this possibility, but counting up the cost to himself and to his party he concluded that even such a loss would be worth enduring in order to bring the Republican Party and its cause to national victory in 1860. So, at Freeport, Ill., on August 27, 1858, in the second debate with Douglas, he proposed the determinative question. Just as he foresaw, Douglas answered honestly and unequivocally: "In my opinion the people of a territory can, by lawful means, exclude slavery from their limits prior to the formation of a State constitution. * * * It matters not what the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a territory under the Constitution, the people have the lawful means to introduce it or exclude it as they please."

This was the answer which Lincoln sought and foresaw. It came to be the most important question and answer in the entire series of debates, for it probably determined the destiny of the Nation in relation to slavery. In Illinois, the results turned out to be just what Lincoln's friends had feared. Even some Republicans in Illinois joined with the Democrats in elated support of Douglas, and Lincoln was defeated for the Illinois Senate.

But the national results which Lincoln foresaw came swiftly to pass. When the National Democratic Convention nominated Douglas for the Presidency on a platform in support of popular (squatter) sovereignty, the hard core of extreme proslavery forces in the South were so embittered that they walked out of the convention. They were not going to endure the folly of agreeing with any condition under which slavery could be shut out of any State or territory. This exodus split the Democrat Party. Thereafter, Breckenridge was nominated to represent the hard core of proslavery extremists, and two Democrat Parties went into the national election against the Republicans who had now nominated Abraham Lincoln for the Presidency. The election was further complicated by the entry of a four-splinter party.

The Republican Party, with its declared purpose of halting the extension of slavery had been so nurtured in solidarity—so strongly cohesive—that it came out of the election with 1,860,000 votes—almost 16 times the voters polled in 1852 and 40 percent more votes than they polled in 1856. And although the combined opposition of three parties polled an overwhelmingly larger volume of 2,810,000 votes, the split in the Democrat Party proved to be decisive. No one of the three opposition parties reached a higher vote than the 1,370,000 votes which went to Douglas. The Republican Party with 1,860,000 popular votes and 180 electoral votes had won the election. The cause dedicated to the halting of slavery was chosen to control the Nation.

Abraham Lincoln awoke one morning to find that in less than 6 years he had nurtured the Republican forces opposed to the extension of slavery into full maturity and had projected them into the control of the Nation. He stood there trembling like a boy—a man whose only previous experience in public administration had been the post office job of a one-horse town, where he could carry all the daily mail in his hat, had been elected to the Presidency of the United States. By one of the most remarkable rises to power in history, he now had come to the place where he had the power to do the one thing of all he most desired—to halt the westward march of the slave system and to place it back where it could no longer threaten the destiny of the Union which he loved.

COMPASSION FOR THE PEOPLE OF THE SOUTH

Now I come to the third and last period in the life of Abraham Lincoln. In this period I wish to concentrate attention entirely upon a quality which first appeared in the early days of his conflict with the slave system, but which reached its greatest development only in this third period; namely his compassion toward the people of the South.

In the earliest days of Abraham Lincoln's fight against slavery he learned how to do what is almost impossible; how to fight an evil cause without entertaining malice and enmity toward the men who support that evil cause. He hated slavery but he never hated the slaveowners or the people of the South as a group. When he agreed, as he did agree, that the Constitution required him to leave slavery alone in the Southern States, he did not agree to this merely for the sake of taking a political position. He agreed to it because he believed in the righteousness of this position and because he intended to be loyal to it. Abraham Lincoln did not feel that the people of the South were different in any fundamental respect from the people of the North. He did not feel that they supported the slave system, because there was some peculiar element in their human makeup which inevitably required them to do this. He knew that the people of the South had not hatched the slave system. The people of the North were just as much responsible for the development of the slave system as the people of the South. Moreover, he knew that there were hundreds of thousands and even millions of white people in the South who held no slaves, and would like to get rid of the slave system, but now that the slave system had come to be the only working economic system in the South, they did not know how to get rid of it. He was not sure that he himself would know how to get rid of the slave system if he were then so situated in the South. Instead of hating the southerners, therefore, his compassion went out to them with a loving heart. He knew that the slave system was injurious to them as well as to the Nation, and he wanted to bring it about some day that they would be in a position to put the slave system aside, and to unite freely in their hearts with their brethren of the North in support of the Union. He wanted to keep them in the Union so that a Union committed by majority leadership to the proposition that all men are created free and equal could be decisively helpful to them in working out a way to overcome the slave system and to establish complete freedom from it in their institutions and in their hearts.

One of the most beautiful things about Abraham Lincoln's thinking during this period of his life was this: that although he was obliged to approve the taking of arms, and to justify and to carry through the killing of men in battle, never did he, under any circumstances, allow the actualities of war to alter his compassion for the people of the South or to harden him into hating them or into despising them. When, on the one hand, some of his advisers urged him to despise them and to let them go their evil ways into secession, and when, on the other hand, some of his advisers urged him to take advantage of the secession, to break his personal and his party pledges and vindictively to free the slaves in spite of the Constitution to the contrary, his answer was always substantially the same, "I will not do it. They are still members of the Union. It is my purpose that they shall remain so. If we keep faith with them and do our full duty in bringing the expansion of slavery to an end, we can eventually find a way to do away with slavery in their midst, with their consent and cooperation. In all these matters I am the one who is responsible, and I must have some principle of my own to act upon. It is my duty to do this and I will do it."

Not only did he persist in his compassion, he reached out his hand in loving solicitude, endeavoring to persuade them. "Brothers," he said in effect, "you have made a great mistake. You have seceded from the Union, which is precious to us all. You have taken

up arms against your country in order to advance a cause which will destroy the Union. You would not have done this but for the evil influence of the system of slavery on your institutions and in your hearts. Come now, give up the slaves. I will have the Government of the United States compensate you with money in full for every slave that you give up." This was the length to which compassion took him and held him until the day when he met the Captain of Eternity in a decisive way.

There came a time when the Union's cause had lost so many battles that it looked as if victory was going to be impossible. He saw, instead, that the proslavery armies, with the help of 4½ million slaves, could possibly win the war, destroy the Union, and set up slavery permanently. A greater disaster was not conceivable to his mind. Down on his knees, he came to recognize that the hand controlling this war was not his own. The living God Himself was now in charge of events and through these events He was speaking to him, saying "Abe, I am vetoing your plan to leave slavery alone in the South. I want the slaves set free now. As Commander in Chief of the Armies of the Union you have the right to do it, and you have the power to do it. It will bless the slaves for you to do it. It will bless the South for you to do it, and it will save and bless the Union for you to do it. I want you, Abe, to do it now." And on his knees Abraham Lincoln heard the Captain of Eternity and rose with a reverent determination to do it. On a day thereafter when he took his pen in hand to sign the Emancipation Proclamation which could, supported by the 13th amendment, free all the slaves, and free the body and the soul of the South and of the Union from the curse of slavery, he found that his hand was trembling. "Wait, a moment," he is reported to have said to the man who was near him, "I am about to sign the most important paper that any man can sign in the world and my whole soul is in it. Let no trembling of my hand appear in this signature."

And so it came about that he who in all humility had seen no honorable way to deal with slavery except to halt its western progress while leaving it alone in the South—no doubt for years and years to come—now saw that God had given him the privilege to wipe it out entirely. And he did it with a heart full of gratitude and of trembling joy.

The suffering of Lincoln and of the Nation did not cease after the Emancipation Proclamation. The northern armies lost in battle, again and again. The number of the dead piled up and up. The monetary resources in the banks were giving out. The enormous cost of the war in men was so great that riots began happening in the Northern States and some men refused to register to go into the Army. Abraham Lincoln was about to lose the election, in the midst of divided counsel and for want of face. But just a few days before the election, Sherman marched into Atlanta. Grant and his men laid hold on some victories. The people, moved by these things, flew back to Lincoln because they trusted and loved him, and reelected him President by an overwhelming vote. With the armies moving toward victory and the people once again united, what did he do, when he came to his second inaugural address? What would you have done? What would Napoleon have done? What would any conqueror in the history of the world have done, that you know about? In all probability, he would have given his heart to the hardening process of war and would have stood up at the inaugural and said to the people of the South, "You can see all the suffering that you have brought upon yourselves and your country. You can see now that your cause is becoming hopeless. You can see that we are justified in the most ruthless dealings with you in order to bring this war to an end. You are not fit candidates for merciful dealings in any way." But he did not do this. No, his compassion for the people of the South was, by this time, too great for such thinking. He did not want them to be defeated in that way. He did not want them groveling in humiliation before his feet. What did he say?

"The Almighty has His own purposes. Woe unto the world because of offenses—for it must needs be that offenses come; but woe to that man by whom the offense cometh. If we shall suppose that American slavery is one of those offenses, which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove and that He gives both the North and South this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's 250 years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid with another drawn with the sword as was said 3,000 years ago, so still it must be said, 'The judgments of the Lord are true and righteous altogether.'"

What then did he do? His compassion was so deep and so thoughtful that instead of scorning and branding his brethren, instead of threatening and humiliating them, he put his arm around them in suffering and said, "This suffering that we are enduring together, we together have brought upon ourselves from the hands of a just God who is displeased with what both of us have done about slavery." The fact is that his compassion had deepened more than ever, for just a few days before the inaugural address he had once more sought to have his Cabinet promote a joint resolution in both Houses of Congress offering the Southern States $400 million in U.S. bonds, to be allotted among them in proportion to the property in slaves which each had lost. He saw the greatness of their suffering and his heart went out to them in their need. He wanted with all his heart to hasten their recovery, and to hasten their return to the Union.

When the war was over and the victory was won, and when his advisers wanted to know, "Whom shall we seek to hang; upon whom shall we lay the retribution of death?" "Nobody" was the answer of his compassionate heart. "These are our brothers. Tell them the gate is open. Let them come home and let us work together for the rebuilding of the Union."

An assassin killed him. But what more could it mean to him to be physically shot down? For 4 long years he had been killed all the day long by the continuing obligation to carry on a war against his brothers. For him to die was nothing. He knew all along that he was expendable and might have been killed at any time. Some men looked at him lying in death and said, "Well, at last he is dead. He ought to be dead. He should have been dead long ago. Blessed be the man who killed him." But today we all know that the Lord laid on him the iniquity of us all, that with his stripes we all were healed, and that with the 4 years of his dying and at length by his physical death, God redeemed this Union from slavery and purified her soul.

How beautiful upon the mountain are the feet of them that bear the glad tidings of emancipation, glad tidings of Union, but, above all, the glad tidings of a man inwardly driven by universal respect for all mankind, a man wholly committed to that Union which was "conceived in liberty and dedicated to the proposition that all men are created equal," a man masterful in sincere and simple communication of the truth, a man pure in his heart toward every individual human being with whom he came in contact, neglecting none, a man reverent of all his powers and using them up in a great cause as if they were but wax under a lamp, a man unequivocal in his beliefs, diligent in his purposes to restrict and to overcome evil, but filled with a compassion so deep and beautiful that he always loved his very enemies.

Do you tell me that the history of the United States says that slavery was abolished and the Union was preserved by the victory of the Civil War? I tell you it is not so. There was one place in America where the slave was always free; there was one place in America where the Union was never broken—there in the heart of Abraham Lincoln. That is why we love him, black and white, North and South. That is why they love him in every nation in the world. That is why they will love him a thousand years from today. For he was liberty. He was union. He was freedom.

"O, God, what can we ask Thee?
That in every legislature in the land,
In every Governor's chair, and in
The White House itself,
Again and again we may have
One more man like Abraham Lincoln."

Mr. Speaker, the following is an address by Dr. Allan Nevins:

LINCOLN AND DEMOCRACY

(Text of an address by Dr. Allan Nevins, annual Lincoln dinner, Willard Hotel, Washington, D.C., February 11, 1960, sponsored by the Lincoln group of the District of Columbia in cooperation with the Lincoln Sesquicentennial Commission)

With those people who think we make too much of the Lincoln anniversaries, it is difficult for a reflective man to feel any patience. As the ancient Roman household found inspiration in annually celebrating the natal day of its most illustrious ancestor, our American household finds refreshment each year in reverting to the example of its greatest exponent of democracy. For it is as the essential hero of democracy that we recall Lincoln. Any just definition of democracy would note the fact that it has a different meaning in America—we hope a richer meaning—than in other lands. Politically, it signifies a form of government in which the machinery is controlled as directly as possible by a majority of all the people.

In a broader sense, democracy represents a certain general condition of society rooted in our Anglo-American origins, shaped by circumstances in which the frontier and free immigration have been prominent, and involving not only the political tenet of popular sovereignty but a related group of corresponding tendencies covering the whole field of moral, social, and even spiritual life.

In either the narrow or broad sense, democracy denotes a revolutionary movement in human affairs, which has a set of determined opponents ranging from Sir Henry Maine to William Graham Sumner, and a body of ardent champions ranging from John Stuart Mill to Woodrow Wilson. Not for Americans alone, the name of Lincoln best typifies both political and social democracy.

Lincoln's life offers a panorama of contrasts as remarkable as any in history, and the author of a recent book, "The Lincoln That Nobody Knows," indeed calls it a study in contrasts. Among the facts of his life which conflict with preconceived notions of what is probable, one paradox holds a central place. It is this:

That a man who knew democracy so intimately, in a period when it was full of violence, crudity, and corruption, should have been so completely untouched by cynicism as to the system; nay, more, that a man too clearsighted ever to be fooled by surface pretensions, too realistic and honest to conceal his convictions, should have said so little in criticism of democracy and nothing in essential derogation of it.

More caustic statements on democracy as a form of government can be found in a paragraph of John Adams than in all Lincoln's speeches; more faultfinding with democracy as a social system in a page of H. L. Mencken than in all Lincoln's works. Yet Lincoln knew far more expertly than these men the seamy side of democracy.

Lincoln's faith in the people was so simple, spontaneous, and warmhearted that we tend to accept it as inborn and unchangeable. He himself—though actually it was changeable—gave it that interpretation with reiterated emphasis.

"This is essentially a people's war," he told Congress when it first met after Sumter. It was a contest, he went on, to preserve that form of government which would elevate the condition of all men, and he was "most happy to believe that the plain people understand and appreciate this." Throughout the war, even more than before it, the people were foremost in his thoughts. He declared at one point that he could never betray "so vast and so sacred a trust as these free people have confided to me."

In his policies, he was anxious to keep the mass of fairminded people with him, taking a position neither too conservative nor too radical. "I hope," he informed Zack Chandler, "to stand firm enough not to go backward, and yet not go forward fast enough to wreck the country's cause." In keeping the masses with him, he relied upon the persuasive logic exhibited in his State papers and letters. His evident object was not to make smart hits, or win rhetorical triumphs, but to reason with and convince commonsense folk. "If ever there could be a proper time for mere catch arguments," he wrote in his December message in 1862, "that time is surely not now. In times like the present, men should utter nothing for which they would not willingly be responsible through time and eternity."

As he stated in his letter to Greeley on saving the Union with or without slavery, he would correct errors when shown to be errors, and adopt new views so fast as they should appear true views; and when he did so, he would inform the people. Down to Appomattox, he clung to the maxim he had enunciated in Chicago in 1850: "Wisdom and patriotism, in a public office, under institutions like ours, are wholly inefficient and worthless, unless they are sustained by the confidence * * * of the people."

Men may believe fervently in liberty but reject democracy; Lincoln's position was a pole apart from that of such thinkers as Burke, a passionate libertarian but no democrat. Burke wrote that he never addressed himself to the vulgar nor to that which alone governs the vulgar, their passions. Lincoln pointedly addressed himself to the vulgar and to their reason. He never abused an honest opponent. He was so anxious not to repress honest discussion that he thought posterity would more likely criticize him for excessive leniency with copperheads and traitors than for excessive severity.

He was proud that the war neither postponed nor muted a single political campaign. "We cannot have free government without elections," he declared. Pitt was said to love England as an Athenian loved the city of the Violet Crown and a Roman the city of the Seven Hills; so it was that Lincoln loved the American democracy. His mind had not bent toward abstract thinking, and we look in vain in his writings for any body of generalizations on government. We meet rather an instinctive conviction, which experience never corroded.

Yet this man who so completely accepted his identification with the common people had taken laborious pains, from an early age, to raise himself above their level mentally and morally. When Herbert Croly remarked that the youthful Lincoln was as different from the ordinary Sangamon Valley citizen of his day as St. Francis of Assisi was from the ordinary Benedictine monk of the 13th century, he offered no explanation of the fact. The people about young Lincoln, busy with pioneer tasks, were hostile to intellectual effort; young men preferred the tavern or grocery to books, and boisterous sport to study. Dueling, Indian fighting and hunting made heroes, and the admired leader was the Davy Crockett type who distained personal restraint.

One illustration will exhibit the turbulent side of frontier manners. Andrew Jackson, when in the White House, told a friend how a Tennessee bully had once tried to pick a quarrel with him by treading thrice on his foot. "As quick as a flash," said President Jackson, "I snatched a small rail from the top of a fence, and gave him the pint of it full in his stomach. It doubled him up. He fell at my feet and I stomped on him. * * * If any villain assaults you, give him the pint in the belly." This was the spirit of too many backwoodsmen who reared log cabins on Congress land, fought Indians with long rifles, and subdued the wilderness with axe, sidemeat, whisky, and calomel.

Lincoln completely transcended this environment. Where others proved their manhood by intemperate speech and acts, he trained himself in kindliness, moderation, and generosity. We need not recall the hundred examples of his magnanimity; he always followed the principle which he finally summed up in his statement that he had never willingly planted a thorn in another man's pillow, and in his letter advising a young man against a quarrel, for quarreling befogged in the mind.

Meanwhile, among a rude folk at best indifferent to intellectual effort, he found means of systematic mental discipline. "Anybody who gives me a book," he said, "is my best friend," and his instinct for books useful in maturing his powers was unerring. He trained himself to think by Abel Flint's "System of Geometry and Triginometry" as well as Robert Gibson's "Theory and Practice of Surveying"; later, he said, he nearly mastered six books of Euclid. He nourished his imagination by "The Pilgrim's Progress," "Robinson Crusoe," and "Aesop's Fables," three volumes owned by his stepmother. He corrected his English by Kirkham's "English Grammar," for which Mentor Graham said he walked 8 miles—the very copy is now in the Library of Congress—Bailey's "Etymological Dictionary," and "The Kentucky Preceptor," with its classic selections. He improved his style and cadence, and enriched his mind, not only by the Bible, but by Shakespeare and Burns, to whom Jack Kelso introduced him. From Blackstone he drew a faculty of exact statement and something of the spirit of English history as well as a knowledge of legal principles.

Altogether, he could well admonish a student later in life that any youth can read as profitably in primitive communities as in cities: "The books, and your capacity for understanding them, are the same in all places." How wide his reading actually was in New Salem days, no one can say. F. Lauriston Bullard, a veteran student of Lincoln, hazarded the statement that in these years he probably gained as much in intellectural development as Henry Adams gained at Harvard; and at any rate, he never said that his New Salem years had been wasted, as Adams said of his Harvard sojourn.

The important fact is that he trained himself to reflect, and to express his well-pondered conclusions with precision. He had a deliberate but retentive mind; like a piece of steel, as he put it, "very hard to scratch anything on it, and almost impossible after you got it there to rub it out." According to a clergyman who rode on a Connecticut train with him just after the Cooper Union address, he remarked: "I am never easy now, when I am handling a thought, until I have bounded it north and bounded it south, and bounded it east and bounded it west". If he did say this, the Cooper Union speech perfectly illustrated the assertion.

Actually, no real mystery lies behind the ascension of Francis of Assisi or Lincoln above their fellow men. As Carl Sandburg shows us, the explanation lies in native bent and inherent genius. Lincoln resembled the Robert Burns he so much admired in his inborn capacity to distill from meager materials whatever strengthened the mind and ennobled the spirit. The Scottish plowboy poring over Pope's "Homer" and Allan Ramsay's poems at his Ayrshire fireside, and the Illinois railsplitter with his Blackstone and Shakespeare, were satisfying much the same thirst.

This kindling of an adolescent flame is happily no uncommon phenomenon. We meet it in the career of the Massachusetts Senator with whom Lincoln worked closely during the war, Henry Wilson. Bound out at 10 to a farmer who put him at drudgery, Wilson managed, before he gained his freedom at 21, to read a thousand books; he counted them. We find the same natural idealism and desire to excel intellectually and morally in a multitude of other poor lads. Some came to take Lincoln for a model; David Lloyd George, for example, the orphan whose cobbler uncle sent him to a penny school in Wales until he could educate himself by reading Cassell's "Popular Educator" and a host of other works, among them "The Life of Lincoln".

What is remarkable in Lincoln—what does defy easy explanation—is that he manifested so little consciousness of the superiority he had attained. Among rude, aggressive, selfish men, he became urbane, moderate, and generous. Among unlettered, impulsive, and unthinking people he was cultivated, restrained, and deeply reflective. Joseph H. Choate has told us how he and other New Yorkers went in 1860 to hear Lincoln at Cooper Union, expecting to be assailed by stump humor, special pleading, and frontier rhetoric, and how they were impressed instead by the sinewy strength of his plain argument. "It was marvelous to see how this untutored man, by mere self-discipline and the chastening of his own spirit, had outgrown all meretricious arts, and found his own way to the grandeur and strength of absolute simplicity." Yet of condescension to the vulgar, he never showed a trace. The humblest fellow townsman he treated as equal.

In one respect, to be sure, he did assert his superiority to his opponents: in perception of truth. He was scornful of Douglas' sophistries, of Pierce's casuistry, of Buchanan's evasions and cowardices. In every other respect, he took men on his own level. Miss Octavia Roberts of Springfield, gathering material for her book on "Lincoln in Illinois," talked with a Portuguese woman who had been a servant in the old Globe Hotel when the Lincoln family once stayed there. This woman recalled how quickly Mrs. Lincoln resented what she thought saucy talk. But there is a world of meaning in her comment on Lincoln: "He was common, like someone that is poor."

In social life sheer good nature might explain much of Lincoln's outlook; but in

politics he was far from good natured—he was savagely in earnest. The political paradox in his life is all the more remarkable. He believed firmly in political democracy, but just what was it in his time? In Illinois Gov. Thomas Ford, whom he knew, wrote a remarkable State History portraying democracy in repellent hues. Ford flayed such predecessors as Thomas Reynolds with a merciless scalpel; he showed that little men were leaders in the first generation of statehood, how mean their motives, how sordid some of their acts. Nor were the people exempt from acid criticism.

The Illinoisans had cruelly maltreated Black Hawk and his Sauk and Fox Indians; they had murdered Joseph Smith and his brother, and driven the Mormons across the Mississippi at the point of the musket; they had indulged in wild financial excesses during the internal improvement era, and had wavered on the brink of debt-repudiation later. The shabby side of political morals was lighted up by the conduct of Gov. Joel A. Matteson, one of the few men Lincoln despised, who, after nearly gaining that Senate seat that Lincoln sought was proved guilty of theft from the State treasury, and compelled to restore nearly a quarter of a million dollars. The Alton riots and murder of Elijah P. Lovejoy gave the Illinois Shield a sorry blotch.

In the Nation, political democracy had equally inedifying aspects. From Lincoln's point of view the Mexican War was impossible to defend. Slavery undermined the political integrity of the Government, and a succession of weak Presidents—the commonplace Fillmore, the forcible-feeble Pierce, the timid Buchanan—had no policy but one of dodge and delay.

Thaddeus Stevens said that the House of Representatives, when he entered it, was a place of Bowie knives, revolvers, and howling demons. It was a sad light that was cast on democracy by Bleeding Kansas, the assault of Brooks on Sumner, the eclipse of civil liberties throughout the South, the territorial greed embodied in the Ostend Manifesto, and the bloody raids of filibusters in Central America. For that matter, how the Civil War itself would have shocked the Fathers of the Nation as a negation of all their hopes. Punch published an apt cartoon which depicted the shade of George III poking the shade of Washington in the ribs against a background of fighting troops, and ejaculating: "What d'ye think of your fine Republic now? Eh? Eh?"

Lincoln of course had a large firsthand experience of the demagogic, log-rolling, planless side of democracy. As a young legislator, he had played his part in the craze which fastened an almost hopeless debt on the young State for a system of public works vote without surveys, estimates, or careful discussion; he had been one of the adroit lobbyists who had removed the capital from Vandalia to Springfield. He had seen all the vicious features of the spoils system in the Jacksonian Era, and the bad results of a blind party adherence to a military hero. As he expressed it, the Democrats were a horde of hungry ticks who stuck to the tail of the Hermitage Lion until after his death. He thought the acts and policies of the proslavery administrations just before the war disgraceful. "Our Republican Robe," he said, in his Peoria speech of 1854, "is soiled and trailed in the dust."

Nor should we forget that in his wartime dealings with democracy, Lincoln experienced three painful failures. His passionate desire during his first 5 weeks in office was to avert war, an end toward which he strove at any cost, save the sacrifice of principle; he was thwarted when the hotheaded southerners fired on Sumter. In the next 17 months, his principal effort, next to the prosecution of the war, was to persuade the Border States to accept his plan of gradual compensated emancipation. He put the utmost intensity of feeling into this effort. "Oh," he said to Isaac Arnold and Owen Lovejoy on July 13, 1862, "how I wish the Border States would accept my proposition. Then you, Lovejoy, and you, Arnold, and all of us, would not have lived in vain." He believed that acceptance would lead to an early termination of the war. But the very day after his conversation with Arnold, the border Congressmen said, "No."

Maryland, Delaware, Kentucky, and Missouri rejected his plan. In the ensuing 18 months his principal aim, next to conquering the South, was to persuade the majority in Congress to adopt a moderate scheme of reconstruction. Again, he failed, and in 1864 had to veto the vindictive Wade-David bill. The policies on which he most set his heart, in short, broke down.

Meanwhile, he might well have complained of public impatience, of the failure of the people to keep the armies sufficiently filled to avert a draft, of the widespread profiteering, cheating, and skulking, and of the mischievous effort of the Senate to dictate a new Cabinet after Fredericksburg.

He never complained except of individual men, and never lost faith. His best trusted associate, Secretary Seward, did sometimes grow utterly discouraged. We who bear the responsibility in Washington, Seward wrote his wife in 1862, see the war as a sad, painful, fearful reality. "To the public, who are not directly engaged in it, it is a novel, a play. * * * They weary and grow restive if the action of the war drags, or loses its intensity. They pronounce the piece a failure, and propose to drive the manager out of the theater. Who could believe that nations could be made or saved in civil war, when the people act like this?"

After the elections that year, Seward honestly feared that partisanship might effect the national ruin. On another occasion he wrote his wife that nothing preserved his faith in American democracy but reading history. "Selfishness crops out in everything, everywhere. It offends and alarms us constantly; but we learn from history that selfishness always existed, and always was more flagrant than now."

Gideon Welles likewise lost faith. When he watched the defeatist antics of Fernando Wood, he concluded: "But the whole city of New York is alike leprous and rotten." In such vicious communities, he thought, free suffrage was debased, and some outside control was needed. In his youth, he had believed that the popular voice was right, "but alas, experience has shaken the confidence I once had." In short, he doubted that democracy could succeed among "the strange materials that compose a majority of the population in our large cities," for demagogs would obtain the mastery.

Thaddeus Stevens felt a deeper mistrust. Called the Great Commoner, he was supposed to cherish a special feeling for democracy. Yet during and after the war, he came to a sardonic belief that misgovernment was chronic, and when near his end he sadly commented: "With all this great struggle of years in Washington, and the fearful sacrifice of life and treasure, I see little hope for the Republic."

These were men whose belief in democracy was shaken by the stormy time; many others never had a real faith in democracy. The planter statesmen of the South in the era of Jefferson Davis, Howell Cobb, Robert Toombs, and Judah P. Benjamin were like Calhoun in being natural antidemocrats. Representing a minority even in the cotton kingdom, they had to guard a great special interest, and so combated every theory of government and society which weakened their position.

By 1860, many of them openly repudiated the ideas of Jefferson. When Alexander H. Stephens, defending the Union before the Georgia Legislature in 1860, asked what form of government could be preferred to America's, Robert L. Toombs interjected: "England."

Of a different type were some of the Northern radicals, humanitarians and egalitarians, but not true believers in democracy. Of Charles Sumner, for example, it was truly said that he had unbounded sympathy for the poor Negro, but none to spare for the poor white man.

And in a still different category fall those who, reared in Lincoln's generation, turned against democracy as postwar materialism engulfed the land. Henry Adams, writing a novel entitled "Democracy," saw little hope for it. Ambrose Bierce, an Indianian sprung from the plain people, decided that popular government was one vast fraud. In "The Devil's Dictionary," he suggested his creed. "Politics: The conduct of public affairs for private advantage." "Deliberation: The act of examining one's bread to see which side it is buttered on." "Pocket: The cradle of motive, and the grave of conscience."

Mark Twain's disillusionment became so abysmal that in his last years, seeing war, greed, and cruelty rampant, he used to speak of "the damned human race." Doubtless he should not be judged by words he wrote after a long series of private misfortunes and bereavements had deepened his bitterness. But even when fairly young, he was cynical about democracy, as his novel, "The Gilded Age," shows. His approach to pioneer communities, to legislatures, to lobbyists, to business, to Mississippi steamboating and California mining, was primarily satiric. In "Life on the Mississippi," he wrote a paragraph on the frontier which Lincoln would have thought but wryly amusing:

"How solemn and beautiful is the thought that the earliest pioneer of civilization * * * is never the steamboat, never the railroad, never the newspapers, never the Sabbath school, never the missionary—but always whisky. Such is the case. Look history over; you will see. The missionary comes after the whisky—I mean, he arrives after the whisky has arrived; next comes the poor immigrant with ax and hoe and rifle; next, the trader; next the miscellaneous rush; next the gambler, the desperado, the highwayman, and all their kindred in sin of both sexes; and next, the smart chap who has bought up an old grant that covers all the land; this brings in the lawyer tribe; the vigilance committee brings the undertaker. All these interests bring the newspaper; the newspaper starts up politics and a railroad; all hands turn to and build a church and a jail—and behold, civilization is established forever in the land."

Of this cynicism, this disillusionment, we find not the slightest touch in all of Lincoln's writings. When he saw our Republican robe soiled and trailed in the dust, he blamed false leaders, not the people. We must purify the robe, he said, and as soon as he became Chief Magistrate, he set himself to the task. While he never defined his concept of democratic government in detail, it was undoubtedly that which John Stuart Mill had enunciated in 1835. "If the bulk of any nation possesses a fair share of * * * wisdom," wrote Mill, "the argument for universal suffrage is * * * irresistible; for the experience of ages, and especially of all great national emergencies, bears out the assertion that, whenever the multitude are really alive to the necessity of superior intellect, they rarely fail to distinguish those who possess it." They so distinguished in 1860; they chose even better than they knew. They elected a leader whose type of democratic leadership meant a happy blend of Jefferson's profound if rather uncritical faith in the people, and Hamilton's sense of the importance of a constructive plan.

It would be as hard for us to conceive of Lincoln writing sourly and satirically of the people and popular government as of Walt Whitman so writing. Whitman held that the entire Nation shared the guilt of slavery; he pictured the ugly, debasing side of war in contract-hungry cities, in Washington, and on the battle field with relentless pen. But he felt certain the people would emerge from their bloody ordeal with a truer bond of comradeship. With a perceptible degree of purification, Lincoln also felt that. He felt it much more strongly than Whitman, because he had a better understanding of the historic roots of democracy; for as a lawyer and politician, he had given careful study to the basic documents which between 1170 and 1790 established the American system. From the time he first read them in an appendix to the volume of the Statutes of Indiana which he early acquired, he had steeped himself in these writings of the founders of the Nation. To him, they were sacred. Of the Constitution, he said in Congress in 1848, that it should not lightly be touched: "It can scarcely be made better than it is." For the Declaration of Independence he felt a still deeper reverence, and when its spirit warred with the letter of the Constitution, he stood by the Declaration. Every nation, he said in Chicago in 1856, needs a central idea. "The central idea in our political public opinion was, and until recently continued to be, the equality of men."

It is not enough, therefore, to say that Lincoln's spontaneous, optimistic belief in democracy was founded on the same rock as Whitman's, a sympathetic appreciation of the virtues of the common man. In part it was. He was a citizen, as Lord Charnwood says, of that far country where aristocrat and democrat are judged by simple worth alone; and like Whitman, like Burns, he had a profound sense of the greatness which is often found in men of low as of high station. Mere rank meant little to him, as he showed when he once offended Secretaries Stanton and Welles by sending them a document with the endorsement: "Referred to Mars and Neptune."

But an important part of the foundation rock of Lincoln's conviction was his thorough study of the theory and early development of democratic government. How well he appropriated what is valuable in the teachings of Washington and Adams, of Jefferson, Hamilton, and Madison is evident in the Cooper Union Address and First Inaugural. Compared with Whitman, he was an expert political scientist. He also had, what Whitman lacked, a powerful sense of ideological world mission of democracy. He knew that democracy might not be so efficient in a brief crisis as a dictatorship, of which men like General Hooker spoke longingly during the war. But he also knew that in the long run, government of the people has greater endurance and stability, and a larger power to call forth and educate talent, than any other; and at Gettysburg he expressed his long-held confidence that its example would ultimately convert and conquer other peoples.

But the largest reason, I think, for Lincoln's fervent belief in democracy reached a little deeper than the considerations just named: it lay in his increasing conviction, from 1848 onward, that the masses of the North were becoming possessed by a great moral idea, which would ultimately regenerate the country. They were rising to meet the demands of a cause larger than any they had known since 1789.

Other men caught glimpses of this ocean-heave of American democracy. Carl Schurz, for example, wrote a German relative just after the election of 1856:

"The last weeks were a time when public matters made much more demands than ordinarily upon the American system. You over there in your decrepit Europe can hardly imagine how a great idea can stir up the masses of the people to their depths, and how an enthusiastic struggle for principle can thrust aside for a certain time all other interests, even the materialistic ones. * * * A general struggle of opinions among a free people has in it something unbelievably imposing; and you never see with greater clearness what a far-reaching influence political freedom exercises upon the development of the masses."

This German Forty-eighter knew inspiration when he saw it. Just the same view was expressed by the illustrious English liberal, Richard Cobden, who toured the United States in 1859. He found the North in the grip of stirring emotions. They were a sign, he saw, of vigorous health. "The concentrated earnestness with which political parties were at work in the United States," he wrote later, "inspired me with full faith that the people of the country would, in spite of the difficulties and dangers of their political issues, work out their salvation."

Lincoln felt the popular pulse begin to beat with new energy when the Wilmot Proviso almost passed Congress. He felt the movement grow in urgency and strength as Mrs. Stowe published "Uncle Tom's Cabin," as the Underground Railroad gave defiance to the Fugitive Slave Act, as millions of Northerners rose in wrath against what they deemed Douglas' betrayal of freedom in the Kansas-Nebraska Act, as the new Republican Party swiftly became a giant of crusading idealism. This popular espousal of a new moral idea gave Lincoln's house-divided speech and his debates with Douglas a grip on the attention of the whole Nation. The North was presenting the impressive spectacle which gave the French liberal, Elie Gasparin, his title for the powerful book he published early in the war, "The Uprising of a Great People."

The war brought the upheaval to its climax. It was no surprise to Lincoln that depressing as was the amount of confusion, selfishness, and limpness revealed by the conflict, far greater was the display of heroism, devotion, and generosity.

The plain people rose to save the Union and vindicate the type of government which would elevate the condition of all men. Countless soldiers proved ready to give the last measure of dedication. Countless mothers were proud to lay their costliest sacrifice on the national altar. Proud was the word the mother of Robert Gould Shaw used when she was told that Governor Andrew had offered him the command of the Negro regiment, the 54th Massachusetts: She said, "I would be nearly as proud to hear that he had been shot." Later she heard that too.

There were countless fathers like Commodore Smith, who, said Hawthorne, uttered the finest short speech of the war. His son commanded the frigate *Congress* in Hampton Roads when the *Merrimac* began battering her to pieces, and the old commodore knew that his boy would die before he hauled down the colors. When informed that the *Congress* had surrendered he said, "Then Jo's dead"—and Jo was dead.

There were countless public officers as devoted as the much-tried Stanton, whom an aid once surprised with his head bowed on his desk, weeping and exclaiming over and over, "God help me to do my duty." In the face of a nation giving so much to a sacred cause, Lincoln would have felt it treason to humanity to utter a word that would be construed as disheartened or cynical.

When the war ended, the historian John Lothrop Motley wrote from Austria to a Boston friend to say how glad he was that the nightmare of fire and blood had ended. "Believing in no government but that of the people, respecting no institutions but democratic institutions," he felt sure "that the future of the whole world is in our hands if we are true to ourselves." He paid tribute to Grant as a master of the art of war: "What could be more heroic than his stupendous bashfulness?" Of Lincoln he wrote that he was afraid to speak for fear of overenthusiasm. "But I am sure that through all future ages, there will be a halo around that swarthy face, and a glory about that long, lean uncouth figure such as history only accords to its saints and sages."

We may be certain that Lincoln would have shrunk from this as overenthusiasm indeed. But the President would heartily have endorsed the statement which Motley sent at the same time to the author of "Tom Brown at Rugby":

"MY DEAR HUGHES," it ran, "the true hero of the whole war—the one I respect and admire even beyond Lincoln and Grant (although I have not yet found anyone who is willing to go quite as far as I do in regard to both these men)—is the American people."

Mr. SCHWENGEL. Mr. Speaker, in closing may I close with words on this subject that were used in this Hall by that great historian-poet, Carl Sandburg, incidentally, the only private citizen who never held high office who has ever addressed a joint session of the Congress. The speech he made on that occasion has now been translated in over 34 languages at the request of that many foreign countries to be used in their educational institutions and in their public libraries.

Mr. Speaker, you will recall at the close of that great speech he asked:

And how did Lincoln say he would like to be remembered? Something of it is in this present occasion—in the atmosphere of this room. His beloved friend, Owen Lovejoy, had died in April of 1864. Friends wrote Lincoln and he replied that the pressure of duties kept him from joining them in efforts for a marble monument to Lovejoy, the last sentence of his letter reading:

"Let him have the marble monument along with a well assured and more enduring one in the hearts of those who love liberty unselfishly for all men."

Today we may say, perhaps, that the well assured and most enduring memorial to Lincoln is invisibly there—today, tomorrow, and for a long, long time yet to come. It is there in the hearts of lovers of liberty—men and women—this country has always had them in a crisis—men and women who understand that wherever there is freedom there have been those who fought, toiled, and sacrificed for it.

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include various newspaper articles, and speeches.

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

There was no objection.

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

Mr. SCHWENGEL. I yield to the gentleman from Iowa.

Mr. JENSEN. Mr. Speaker, Abraham Lincoln has for a century been the most popular subject in America.

I will not belabor this afternoon's memorial to him with more than a few

words. But to me they are significant. They concern Mr. Lincoln's connections with an enterprise of great importance to the largest market area in my southwestern Iowa congressional district.

And in a collateral sense it is important to the whole Nation, because it involves the vital railroad industry.

Lincoln made an important contribution to the history of railroading in Iowa and America when, as President of the United States, he was confronted with the problem of locating the eastern terminus of the Union Pacific.

While stopping at Council Bluffs in 1859, he had met Gen. Grenville M. Dodge, who had just completed extensive railroad surveys west of the Missouri for the Rock Island Railroad. Lincoln recalled this visit when Congress passed the act providing for a transcontinental railroad and promptly called General Dodge to the White House for a conference.

These two meetings with Grenville M. Dodge, now of revered memory in Council Bluffs, more than perhaps anything else, fixed Council Bluffs, Iowa, as the eastern terminus of the Union Pacific.

A memorial to Lincoln has been erected on the bluff at Council Bluffs overlooking the Missouri River, where he and his Iowa friends stood in 1859 and looked westward across Nebraska.

A painting of the historic conference between Lincoln and Dodge occupies the most prominent place in my personal office. I am never more than a few moments distant from a thought of Lincoln. I consider that his unrivaled spot in human history is due to the fact that he belongs to everyone. We Republicans regard him as our patron saint, but we can share him with the whole world. He was truly America's right man at the right time.

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

Mr. SCHWENGEL. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker, we, in Indiana, are especially proud of Abraham Lincoln because it was in the rolling hills of southern Indiana where Lincoln grew up and developed his great character which is now revered throughout the world.

We are also proud of the part that our State played in the Republican National Convention that nominated Abraham Lincoln for President in the "Wigwam" in Chicago a hundred years ago today.

From a very early age I have heard Hoosiers talk of Indiana's part in the nomination of Lincoln. A few days ago I had the opportunity to discuss Indiana's activities at that national convention with Mr. Hubert Hawkins, secretary of the Indiana Historical Society, which organization, incidentally, is 130 years old. Mr. Hawkins gave me a brief account of Indiana's part in that important convention. This account was documented by Kenneth M. Stampp's "Indiana Politics During the Civil War," published by the Indiana Historical Bureau, 1949; an article by Charles Roll, "Indiana's Part in the Nomination of Abraham Lincoln for President in 1860," published in Indiana Magazine of History, March 1929; and Reinhard H. Luthin's "The First Lincoln Campaign," 1944.

Moderation on the slavery issue and the sectional conflict typified the Indiana Republican Party in 1860. The failure of John C. Fremont in 1856 to carry the State was remembered as an evidence of the weakness of the extreme antislavery position with Hoosier voters. Consequently, the candidacy of William Seward of New York evoked little enthusiasm in Indiana. Friendly consideration was, however, given to Edward Bates of Missouri, Abraham Lincoln of Illinois and Judge John McLean of Ohio. Schuyler Colfax of South Bend led a strong group of Hoosier editors in supporting the Missourian and he enjoyed the influential backing of Horace Greeley. Bates' prospects for Hoosier support were weakened by the sturdy opposition of the German element in the Indiana Republican Party led by Theodore Hielscher, editor of the Indianapolis Freie Presse, who refused to forget his cooperation with the Know Nothings, a nativistic movement. Consequently, the Indiana delegation to the Chicago Convention was uninstructed.

With an electoral vote of 13 and 26 votes in the Republican convention Indiana constituted a prize worth any candidates seeking. With the same number of electoral votes as Massachusetts, Indiana ranked fifth in the Nation and only Ohio had a stronger political voice in the Old Northwest. Hoosier support was all the more sought after because of Indiana's status as a doubtful State. Lincoln recognized this point in a letter to Caleb Smith:

> We might succeed in the general results without Indiana, but with it failure is scarcely possible.

Lincoln's adherents in Indiana worked hard in his behalf between the mass convention at Indianapolis and the Chicago convention. Cyrus M. Allen, Henry S. Lane, and Caleb B. Smith spearheaded the Lincoln drive.

The Indiana delegation reached Chicago on May 12. Representatives of Bates, Lincoln, and other candidates assiduously wooed the Hoosiers. An informal poll on May 15 indicated that Lincoln was in the lead. The final decision was made on the morning of May 17. A Bates supporter, John Defrees explained:

> We Bates men of Indiana concluded that the only way to beat Seward was to go for Lincoln as a unit.

After the 17th, the Indiana delegation was solidly behind Lincoln.

Once committed the Hoosiers did yeoman service in rallying additional support of the Illinoisan. Henry S. Lane, Republican candidate for Governor of Indiana and chairman of the Philadelphia convention, was one of those who spent the night of the 17th seeking votes from undecided delegations. One witness saw Lane "at 1 o'clock, pale and haggard, with cane under his arm, walking from one caucus room to another, at the Trement House." Lane told the delegates that Seward's nomination would insure his defeat in Indiana. A report was widely circulated that the Republican candidates for Governor in Indiana, Illinois, and Pennsylvania would give up their candidacies if Seward were nominated. Being well aware of the Hoosiers natural love of politics, I can picture in my mind the great zest and love of political battle with which that Hoosier delegation entered into that great drama that would influence world history, the nomination of Abraham Lincoln. I envy those Hoosiers of a century ago.

On Friday the 18th Lincoln's nomination was seconded by Caleb Smith and Henry Lane led the Hoosiers into the wild demonstration. When the balloting began, Indiana's 26 votes were cast for Lincoln. This vote was pivotal. Only one other State, Illinois, demonstrated such unanimity in support of Lincoln on the first ballot and it undoubtedly had an important psychological impact.

Indiana never wavered in the subsequent balloting and Lincoln was nominated on the third ballot. The Hoosiers returned home with the jubilant consciousness that they had contributed decisively to the nomination of Abraham Lincoln, a candidate who had spent 14 important years of his life in Indiana. They were even more elated by the conviction that they had secured a nominee who could carry Indiana in November.

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

Mr. SCHWENGEL. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I appreciate the fact that the gentleman from Iowa [Mr. SCHWENGEL] has called the attention of the House and the country to the 100th anniversary of the nomination of Abraham Lincoln as the Republican candidate for the Presidency. As it has been pointed out, Ohio had a great deal to do with Lincoln's nomination. Realizing this, I asked the Canton Repository, one of Ohio's outstanding newspapers, in my congressional district, to check on the editions of their paper of a hundred years ago to determine what part, if any, our congressional district might have had in this nomination. It turned up some very interesting facts.

Abraham Lincoln's nomination 100 years ago today as the Republican candidate for the Presidency was assured by the dramatic announcement of an influential man from Massillon, Ohio, in my congressional district.

He was David K. Cartter, chairman of the Ohio delegation to the Republican national convention in Chicago's huge wigwam.

The wooden wigwam, which could hold 10,000 persons, was constructed especially for the 1860 Republican convention.

U.S. Senator William H. Seward, the preconvention favorite, led Lincoln on the first two ballots.

Seward's margin on the second ballot was three votes—184 to 181—with 233 of 465 votes needed for the nomination.

The third ballot began. New York switched its vote from Seward to Lincoln, whose total rose to 231½, only 1½ votes away from the nomination.

Mr. Cartter commanded the attention of the packed convention hall as he rose. He possessed a booming voice and he stuttered.

What he then was to say would start the tall, unhandsome man from Illinois on the way to the White House.

"I rise, Mr. Chairman," began Mr. Cartter, "to announce the change of four votes of Ohio from Mr. Chase, of Ohio, to Mr. Lincoln."

The nomination was assured. A cannon was fired on the Wigwam's roof to tell the world that "Honest Abe" was going to represent the young Republican Party at the election the next November.

After the delegates made Lincoln's nomination unanimous, Mr. Cartter submitted the name of Hannibal Hamlin, of Maine, for nomination as Vice President.

Hamlin was nominated on the second ballot, according to the account in the May 22, 1860, edition of the weekly Ohio Repository.

Lincoln remembered Mr. Cartter after he got into the White House as the Nation's Civil War President. He appointed the Massillon man as Minister to Bolivia and as chief justice of the Supreme Court of the District of Columbia.

According to an account in E. T. Heald's "The Stark County Story," Mr. Cartter was active in a move to bring the railroad through Massillon.

The charter under which the Ohio Legislature granted construction rights to the Ohio & Pennsylvania Railroad was the result of a meeting in Massillon in November 1847.

The meeting was called after Mr. Cartter headed a committee which in a meeting at Pittsburgh in 1846 failed to convince officials of Pittsburgh and Allegheny, Pa., that a railroad should be constructed through Massillon from Pittsburgh to Chicago.

Dr. Isaac Steese, a prominent Massillon banker and landowner, attended the convention with Mr. Cartter as a delegate. Dr. Steese's vote likely was one of those which Mr. Cartter switched over to Lincoln.

Dr. Steese and others organized the First National Bank of Massillon during the decade before the memorial convention in the Wigwam. He was president of the bank—then Stark County's largest—until his death in 1874.

"It was said that not 20 men in the Nation were better informed on politics in the large sense of the word," wrote Mr. Heald of Dr. Steese. He also was interested in farming and other business undertakings.

Dr. Steese's daughter, Annie, married Frank L. Baldwin. She later donated her home and grounds for the Massillon Public Library and Museum.

Another Stark Countian who attended the 1860 convention was Thomas W. Saxton, junior editor of the Repository. He was the son of John Saxton, founder of that newspaper.

I am indebted, indeed, to the Canton Repository for the research which made the facts I have cited here available to me.

I think it is most interesting to know that my congressional district, which gave the Nation William McKinley, was also responsible for the nomination of Abraham Lincoln, and that the same man who cast the votes to assure the nomination of Lincoln placed in nomination Hannibal Hamlin, of Maine, as Lincoln's running mate.

Mr. PIRNIE. Mr. Speaker, in the sequence of events preceding the War Between the States, few had such profound significance as the nomination of Abraham Lincoln for President of the United States. Today we celebrate the centennial of that nomination.

One of the finest contemporary newspaper reports of the Republican Convention of 1860 was published by the Washington Evening Star. This account has been reprinted in the Sunday, May 15, edition of that newspaper with an excellent commentary by Staff Writer John W. Stepp. This article accurately depicts the drama and excitement surrounding the convention, and inclusion in the RECORD will assure proper preservation of this succinct account of one of the most momentous events in America's rich political heritage:

THE STAR STORY OF THE EVENTS LEADING UP TO THE CIVIL WAR—THE REPUBLICAN CONVENTION OF 1860

(By John W. Stepp)

The Republicans were confident of prevailing in the 1860 presidential election, regardless of their choice of a candidate. After all, the northern and southern factions of the Democratic Party had split—hopelessly, it seemed—on the slavery issue in their convention 2 weeks earlier in Charleston, S.C.

As the Republicans convened on May 16, the man who seemed most likely to become their standard-bearer was William H. Seward, Senator and former Governor of New York, who was resolutely antislavery in his views.

Abraham Lincoln's celebrity, such as it was, stemmed chiefly from his debates with Stephen A. Douglas, the Illinois Democrat, in the 1858 senatorial campaign, and from his address in February 1860 in New York's Cooper Union.

Missouri Judge Edward Bates' appeal was to the conservative wing of the party.

[From the Evening Star, Wednesday, May 16, 1860, p. 3, col. 6]

THE LATEST NEWS—TELEGRAPHIC—THE REPUBLICAN CONVENTION—SPECULATION AS TO CANDIDATES

CHICAGO, May 15.—Nothing is of course determined as to the candidates. The friends of the different men proposed are all confident of the success of their favorites.

Lincoln is urged by the delegates from Illinois, but his alleged want of administrative ability is the objection raised against him. After a complimentary vote for him, Illinois will likely go for Bates.

[From the Evening Star, Thursday, May 17, 1860, p. 3, col. 6]

THE REPUBLICAN CONVENTION

CHICAGO, May 16.—Long before the hour for the meeting of the Republican Convention today, the vicinity of the wigwam was thronged with thousands eager to gain admittance to its spacious enclosure. It is estimated that 30,000 strangers are in the city. Within the scene was very exciting.

As soon as the doors were opened the body of the wigwam was solidly packed with men, whilst the seats in the galleries were packed with ladies. The interior was handsomely decorated with evergreens, statuary and flowers. It was estimated that 10,000 people were within the building.

[From the Evening Star, Friday, May 18, 1860, p. 3, col. 5]

THE REPUBLICAN CONVENTION, SECOND DAY

CHICAGO, May 17.—The platform, as reported, resolves as follows:

"Congratulates the country that no Republican Congressman has countenanced threats of disunion and denounces these threats as an avowal of contemplated treason.

"That the new dogma, that the Constitution carries slavery into the territories, is a dangerous political heresy.

"The reopening of the slave trade is denounced."

[From the Evening Star, Saturday, May 19, 1860, p. 3, col. 6]

THE REPUBLICAN CONVENTION, THIRD DAY

CHICAGO, May 18.—The convention now proceeded to ballot for a candidate for President. The first ballot resulted as follows: Seward 173, Lincoln 102, Bates 51, [Simon] Cameron 50.

There being no choice, a second ballot was had, as follows: Seward 184½, Lincoln 181½, scattering 38. Whole number of votes 404; necessary to a choice, 203.

The third ballot then took place, and a general stampede of all the forces opposed to Seward took place in favor of Lincoln. It resulted as follows: Lincoln 228, Seward 181.

Mr. Lincoln was therefore declared the nominee. The result is said to have been brought about by the Pennsylvania friends of Mr. Cameron. [Mr. Cameron was a political boss of the Keystone State.]

During the preliminary proceedings, Lincoln's friends exerted their lungs to the utmost, and showed a noisy predominance over Seward's forces.

. . . On motion . . . the nomination of Mr. Lincoln was made unanimous.

. . . On the second ballot Senator [Hannibal] Hamlin [of Maine] was nominated [for Vice President].

HOW THE NOMINATION WAS RECEIVED

The intelligence of the nomination, when conveyed to the people outside the wigwam, created a scene of the wildest excitement which beggars description. Cheer upon cheer rent the air, while cannon sent forth their roar after roar. At least thirty thousand people participated in the excitement.

SKETCH OF MR. LINCOLN

The Hon. Abram [sic] Lincoln, of Illinois, who has so unexpectedly become the nominee of the Republican party for the Presidency of the United States, is known to a very limited extent, never having exhibited any ability as a statesman, or particularly distinguished himself in any other way. He was born in Hardin County, Ky., February 12, 1809; received a limited education; adopted the profession of the law; was a captain of volunteers in the Black Hawk war; at one time a postmaster of a small village; four times elected to the Illinois Legislature; and a representative in Congress from Illinois, from 1847 to 1849. A couple of years ago he was the Republican candidate for U.S. Senator, in opposition to Mr. Douglas. Both gentlemen stumped the State, and their discussions excited much attention throughout the country, as they were marked by great ability. The contest resulted finally in the return of a Democratic Legislature, and the reelection of Mr. Douglas to the U.S. Senate. Since that time, Mr. Lincoln has been prominent as a politician and traveling stump orator in behalf of republicanism, having within a few months past delivered several political lectures in various cities and towns at the North. He is a speaker of considerable ability.

Mr. WIDNALL. Mr. Speaker, there is more than sentiment for Abraham Lincoln in our thoughts as we observe today

the 100th anniversary of Lincoln's nomination as Republican candidate for President of the United States. There is, more importantly, the recognition that many of the great advances that have resulted in the United States becoming the foremost power in the world today—economically, culturally, militarily—can be attributed to sound principles as set down and adopted at that second Republican Convention in Chicago, May 16, 17, and 18, 1860.

Today, 100 years after Lincoln's nomination as Republican candidate for President and subsequent election, this Nation celebrates a century of progress—continual advancement for a better and more purposeful life.

Lincoln, one of the most quoted of all Americans, is popularly known for his many immortal phrases on moral issues. Among the sagest of all his counsel was the following statement that is so timely and carries such import for us today:

"That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; that a return to rigid economy and accountability is indispensable to arrest the systematic plunder of the public Treasury by favored partisans."

Mr. Speaker, a sound fiscal policy is today as much a part of the Republican Party's philosophy as it was 100 years ago, and we who are privileged to be affiliated with that party are as dedicated to its principles as were the first Republican leaders. Last year, in what unquestionably was the greatest expression of public opinion directed at Congress in my 11 years on Capitol Hill, Mr. and Mrs. America, with singleness of voice and purpose, demanded that their duly elected Representatives in both Houses of Congress live within the Nation's collective means. The public insisted that wasteful, deficit spending be halted and that the Federal Government demonstrate fiscal responsibility.

There are a number of vital items of legislation that this Congress must enact if it is to discharge its responsibilities and keep faith with its citizens. I urge my colleagues to be guided by these principles in the relatively few weeks remaining of the 86th Congress, and that all sincere effort be made to pass such legislation as we can reasonably expect will meet with the approval of the President. I am sure, in this connection, that his demands relating to the key bills before Congress are most reasonable.

Representative FRED SCHWENGEL is to be commended for taking this time so that we can all pay tribute to one of our Nation's most courageous leaders.

Mr. DOYLE. Mr. Speaker, if I could be permitted to repeat everything said by my distinguished colleagues, who have spoken so inspiringly and informatively of Abraham Lincoln on this 100th anniversary of his nomination for the Presidency of the United States, I would feel I would not be saying a bit too much about Abraham Lincoln and his influence on the life and destiny of our Nation; yes, Mr. Speaker, on the life and destiny of the whole world. In several nations where I have traveled officially as a member of the House Armed Services Committee, I could observe very attractive statues, lifesize, of this illustrious Civil War President.

For many years prior to my first coming to this great legislative body 14 years ago, I had the great privilege of being president of the Abraham Lincoln Club at Long Beach, Calif. I am sure that there are many thousands of Californians who are appreciative of his place in history for understanding between people of the human race which was the policy and practice of President Lincoln—both in and out of office.

One of the paragraphs in his message to Congress in 1861 which I always remember and emphasize as very, very appropriate always, is as follows:

> The prudent, penniless beginner in the world labors for wages awhile, saves a surplus with which to buy tools or land for himself, and at length hires another new beginner to help him. This is the just and generous and prosperous system which opens the way to all—gives hope to all, and consequent energy and progress and improvement of condition to all.

I love to read and reread this statement by him during the debates with Stephen Douglas in 1858:

> When I was a boy, I spent considerable time along the Sangamon River. An old steamboat plied on the river, the boiler of which was so small that when they blew the whistle, there wasn't enough steam to turn the paddlewheel. When the paddlewheel went around, they couldn't blow the whistle. My friend Douglas reminds me of that old steamboat, for it is evident when he talks he can't think, and when he thinks, he can't talk.
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> * * * * *
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> Senator Douglas is of worldwide renown. All the anxious politicians of his party have been looking upon him as certainly at no distant day to be President of the United States. They have seen in his round, jolly, fruitful face post offices, land offices, marshalships and Cabinet appointments, chargeships and foreign missions, bursting and sprouting out in wonderful exuberance ready to be laid hold of by their greedy hands. And as they have been gazing upon this attractive picture so long, they cannot bring themselves to give up the charming hope. On the contrary, nobody has ever expected me to be President. In my poor, lean, lank face, nobody has ever seen that any cabbages were sprouting out. These are disadvantages all taken together, that the Republicans labor under. We have to fight this battle upon principle, and principle alone.

I recall the following quotations of his:

> With malice toward none; with charity for all;
> With firmness in the right, as God gives us to see the right,
> Let us strive on to finish the work we are in;
> To bind up the Nation's wounds;
> To care for him who shall have borne the battle,
> And for his widow and orphan—
> To do all which may achieve and cherish,
> A just and lasting peace among ourselves
> And with all nations.

> Stand with anyone that stands right. Stand with him while he is right and part with him when he goes wrong.

Mr. Speaker, lastly, we Members of this great legislative body should not be remiss in remembering that Abraham Lincoln was a duly elected Member of the House of Representatives in his day and was a member of the Illinois delegation in the House from March 4, 1847, until March 4, 1849; and while he and his wife were here in Washington during that period they lived at Mrs. Spriggs boarding house here on the Hill where the Library of Congress now stands. In checking through my reference file about him, I find that on Tuesday, April 26, 1949, I made remarks in the House of Representatives entitled "Lincoln, Martyred Friend of the South." Every year since that it has been an inspiration to me to participate in doing something to remember him.

Mr. BASS of New Hampshire. Mr. Speaker, I am happy to join in this discussion led by my able friend and colleague from Iowa [Mr. SCHWENGEL] and relate to you something about Lincoln in New Hampshire.

We owe our chief knowledge of this subject to Judge Elwin L. Page's book, "Lincoln in New Hampshire," published in 1929. The author in his preface states that upon reading Dr. William E. Barton's "Life of Lincoln" he was struck by Barton's emphasizing the failure hitherto of Lincoln biographers giving adequate consideration to the effect of Lincoln's speeches during the latter's visit to New England in February and March, 1860.

In the winter of 1860 Lincoln delivered his famous speech at Cooper Union—the speech that first brought him seriously to the attention of the East; that predisposed the anti-Seward faction in Lincoln's favor, and which consequently brought about the latter's nomination the following May in Chicago.

Lincoln spoke at Cooper Union on the evening of February 27, 1860. The following evening he spoke before a large audience in Railroad Hall, Providence. The next day, February 29, he was on his way to what must have seemed to him a far northern country indeed—the State of New Hampshire. On Thursday, March 1, he spoke at Concord in the afternoon, and at Manchester in the evening. At Concord he was introduced by Gov. Frederick Smith, who presented him to his audience as "the next President of the United States." As Dr. Barton remarks, "Such an introduction was exceptional," and the author adds ironically that at Norwich, Conn., where Lincoln spoke later, the speaker who preceded Lincoln "went the full length of the general imagination and suggested Lincoln might be the next Vice President."

On Friday, March 2, Lincoln spoke at Dover, and finally, the next evening, at Exeter, spending Sunday with his son Robert, who was attending the famous preparatory school in the town. This speech in the little town on Saturday evening, March 3, 1860, marked the final appearance of Mr. Lincoln in the State.

In all, Lincoln spoke 11 times in New England. As Barton says, biographers of Lincoln have not considered adequately the effect of these New England speeches. Several of these biographers, for example, state that Robert Lincoln was at Harvard at the time of his father's tour of New England. On the

contrary, having failed to pass his entrance examinations for that institution, he was at Phillips Exeter Academy, "boning up." Robert did not enter Harvard until 7 months later; one of his father's reasons for coming East was to look into his son's situation; had Robert been safely matriculated at Harvard in the winter of 1860 his father might not have delivered the Cooper Union speech, and the New England tour might not have been made.

Barton describes the situation in the following words—his book was published in 1925, the year before Robert Todd Lincoln's death:

Robert T. Lincoln is a very reticent man, and for the most part declines to speak for publication concerning his father; but one thing he modestly affirms, which is that he made his father President. In the autumn of 1859, Robert went to Cambridge expecting to enter Harvard. He was required to submit to an entrance examination covering 16 subjects, and he failed in 15 of them. The Lincoln family wrote him not to return home, but to enter Phillips Academy at Exeter, N.H., and complete his preparation. This he did, and at the end of a year was able to enter Harvard and complete a regular course. But Mr. Lincoln was somewhat anxious about Robert's studies, and one of his reasons for being ready to visit New York and speak at Cooper Institute was to visit Robert and see how he was getting on at Exeter. Robert T. Lincoln believes that if he had failed in less than 15 studies his father might have been less solicitous, and might not have delivered the Cooper Union speech, or having delivered it, might have returned from New York direct to Springfield. As it was, he determined to visit Robert and make a few speeches in New England.

As to the Lincoln speeches themselves in New Hampshire, there are, alas, only two summaries in reportorial fashion—that is, in the third person. They, however appear to be fairly adequate, considering the lack of press facilities in little New England towns 100 years ago, and the probable lack of shorthand skill on the part of the reporters. The two summaries which have come down to us appear in the Manchester Daily American for March 2, 1860, and the Dover Inquirer for March 8.

The concluding portion of the Dover report is most certainly reliable, for it is, almost word for word, a literal transcription of the final exordium of the great Cooper Union address: indeed, it is quite possible that Lincoln read from proofs, or the morning issue of one of the several New York papers of February 28, which contained the full text of the address from the original manuscript Mr. Lincoln turned over to Horace Greeley's New York Tribune. Mr. Lincoln's last recorded words in New Hampshire, via the Dover Inquirer, were as follows:

To satisfy them [the slaveholding States] said Mr. Lincoln, is no easy task. We must not only cease to call slavery wrong, but we must join with them in calling it right. Silence will not be tolerated. Douglas' new sedition law must be enacted and enforced. We must arrest and return their fugitive slaves with greedy pleasure. We must pull down our free State constitutions. The whole atmosphere must be disinfected from the taint of opposition to slavery, before they will cease to believe that all their troubles proceed from us. Wrong as we believe slavery to be, we should let [it] alone in the States where it exists, because its extirpation would occasion greater wrongs, but we should not, while our votes can prevent it, allow it to spread over the national territories and overrun us in the free States. Neither should we be diverted by trick or stratagem, by a senseless clamor about "popular sovereignty," by any contrivances for groping for some middle ground between the right and the wrong—the "don't care" policy of Douglas—or Union appeals to true Union men to yield to the threats of dis-Unionists, which was reversing the divine rule, and calling, not the sinners but the righteous to repentance—none of these things should move or intimidate us; but having faith that right makes might, let us to the end, dare to do our duty.

To Judge Page's delightful and exceedingly valuable book "Abraham Lincoln in New Hampshire," which has rescued and preserved Lincoln's New England tour from obscurity, we owe the following charming account of Mr. Lincoln's last day in New Hampshire:

On that Sabbath just 1 year before his first inaugural, Abraham Lincoln shuffled off the thought of politics and gave himself to rest. Early in the morning he walked out Front Street and along the muddy road toward Kingston. Arriving at a fork some 2 miles out, he took the right hand, leaving Kingston road, and wandered on another mile. Then he heard the pleasant roar of a river a bit to the left. Following the sound, he bore off on a crossroad and came upon Pickpocket Bridge. There he found young William H. Belknap, an Exeter printer, hanging over the rail and watching the swollen stream tumble down the falls. Lincoln joined the youth in gazing at the fascinating spectacle. As seems usually to have been his custom when other human beings were near, he engaged the youth in conversation. What was said was of little moment and was soon forgotten, but that chat with Abraham Lincoln was a lifelong satisfaction to the future townclerk of Exeter. The story that during his Exeter stay Lincoln saw a small boy fishing for eels near the Great Bridge and borrowed his crude alder pole to try his luck may be untrue, but is in keeping with the simple manner of Lincoln's casual contacts with the townspeople.

Lincoln worshiped that Sunday in the Second Church of the New Parish. The meetinghouse stood in the corner of the Academy yard near the present site of the public library on Front Street. The edifice was removed years after Lincoln's visit, and the parish has ceased to exist. The pew in which he sat has been preserved with great care and is now in the First Church. It was the property of Commodore John Collins Long and Mary Olivia Long, true representatives of the Exeter aristocracy of the day. The minister of the church at the time was the Reverend Orpheus T. Lanphear.

After the service Lincoln walked with Robert to the boy's lodgings in the Clarke (or Simeon Folsom) house on Hemlock Square, at the corner of High and Pleasant Streets, just over the Great Bridge. In their crossings of the river, however, the two usually took the rather shorter way over the lower bridge at the island and thence out Pleasant Street. In the portion of the house fronting on this street, in the left-hand, second-story room, the Lincolns had their Sunday dinner.

During his days in Exeter, Lincoln was seen much in Robert's company. That is one point upon which the evidence is clear and full. The father entered with real zest into the boy's interests and his companionships with the other students. This was the prime object of his trip into New England, and in spite of political calls he accomplished it. For these purely private pursuits he had Wednesday evening, Saturday afternoon, and all of Sunday afternoon and evening.

Lincoln appears in these contacts with the boys and with the townspeople he ran across to have been ever simple and sociable, a man thoroughly enjoying his brief snatches of holiday. A story was told by Albert Blair of a little gathering of academy boys in Bob's room on Sunday evening. Into the chatter Lincoln entered with true boy-like spirit. Bob remarked that one of the party, Henry Cluskey, played the banjo. "Does he?" said Lincoln in his high-pitched voice. "Where is the banjo?" "In my room," replied Cluskey. "Can't you get it?" "Oh, I don't think you would care for it, Mr. Lincoln." "Oh, yes. Go get it." And so the owner of the banjo went and fetched it from his room several blocks away, and played upon it. Lincoln listened with unaffected pleasure. "Robert," he said, "you ought to have one." What the youngsters chiefly remembered about their friend's father was that when he talked with Bob, or the boys gathered around, the deep seams of his face broke into a series of twinkling lines. Every boy was at once drawn to him, as he was to them.

The holiday—

Writes Judge Page—

was all too short. At a few minutes before 7 on Monday morning, March 5, 1860, Lincoln boarded the train at Exeter for Hartford, where he was to deliver a major address. Never again would he breathe the bracing air wafted down from the White Mountains, to meet and mingle with that from the caves of the misty Atlantic.

And thus—

Concludes Judge Page—

Abraham Lincoln passed from the sight of New Hampshire, but not from her memory.

Mr. MACK. Mr. Speaker, all of us in Illinois, as throughout the Nation, Democrat and Republican alike, revere the memory of Abraham Lincoln.

It is fitting, therefore, that, although a Democrat, I feel privileged to join in this tribute to Lincoln on the occasion of the 100th anniversary of his nomination by the Republican Party of 1860 as its candidate for President of the United States.

However, I cannot let this occasion pass without paying tribute to another great American, another stalwart son of Illinois, that great leader of the Democratic Party, Stephen Douglas.

If, as many historians say, Lincoln's debates with Douglas gained him national stature and led to the presidential nomination, it was because Douglas already had risen to preeminence in the political life of this country.

It was the mark of the man that Douglas, once Lincoln became Chief Executive amid the flames of civil war, forsook partisanship and loyally supported his Commander in Chief.

An interesting account of this final episode in the stirring life of Illinois' "Little Giant" is given in the following account prepared at my request by Mr. John T. Rodgers, editorial specialist with the history and government division of the legislative reference service of the Library of Congress:

ABRAHAM LINCOLN: STEPHEN A. DOUGLAS

The great political battle, formally opened by the ominous "House divided" speech at Springfield, Ill., on June 16, 1858, was at last

decided—insofar as it could lawfully be decided—by the returns as they filtered through from the North on the evening of November 6, 1860.

And the defeated—but still indubitably great opponent of that most fateful political field? I cannot, I feel, do better than to quote from Miss Tarbell's "Life of Lincoln," which, after three score and 5 years, still casts an indefinable charm. Speaking of the inaugural ceremonies on that foreboding March 4, 1861, Miss Tarbell writes:

"A few moments' delay, and the movement from the Senate toward the east front began, the Justices of the Supreme Court, in cap and gown, heading the procession. As soon as the large company was seated on the platform erected on the east portico of the Capitol, Mr. Lincoln arose and advanced to the front, where he was introduced by his friend, Senator Baker, of Oregon. He carried a cane and a little roll—the manuscript of his inaugural address. There was a moment's pause after the introduction, as he vainly looked for a spot where he might place his high silk hat. Stephen A. Douglas, the political antagonist of his whole public life, the man who had pressed his hardest in the campaign of 1860, was seated just behind him. Douglas stepped forward quickly, and took the hat which Mr. Lincoln held helplessly in his hand. 'If I can't be President,' he whispered smilingly to Mrs. Brown, a cousin of Mrs. Lincoln and a member of the President's party, 'I at least can hold his hat.'

" 'Douglas' conduct cannot be overpraised,' wrote the 'Public Man' in his 'Diary.' 'I saw him for a moment in the morning, when he told me that he meant to put himself as prominently forward in the ceremonies as he properly could, and to leave no doubt on any one's mind of his determination to stand by the new administration in the performance of its first great duty to maintain the Union.' "

"Immediately after the firing on Fort Sumter, Douglas accompanied George Ashmun to the White House, at the latter's suggestion, to assure the President of his support. He was cordially received and heard the President read a draft of the proclamation calling for 75,000 volunteers to suppress rebellion. His only criticism was: 'I would make it 200,000.' Otherwise their accord was complete. In the columns of the newspapers next morning Democrats read the President's proclamation and a dispatch (written by Douglas) announcing the determination of Senator Douglas fully to sustain the President in the exercise of all his constitutional functions to preserve the Union. From this time on Douglas was in frequent conference with the President. It was on Lincoln's advice that he left the Capital to rouse the people of the Northwest to the seriousness of the crisis. He spoke twice on the way, both times with obvious emotion, deprecating secession and pleading for the support of the Government at Washington. On April 25, he made a remarkable speech to his own people in the capitol at Springfield. Fifty years later, men who had been his political opponents could not speak of it without emotion. 'I do not think it is possible,' wrote Horace White, 'for a human being to produce a more prodigious effect with spoken words' (Herndon-Weik, Lincoln II, 126–27). His great sonorous voice reverberated through the chamber until it seemed to shake the building, stirring men and women to a frenzy of excitement. In a few weeks that great voice was still. Stricken soon after with typhoid fever, he battled resolutely as ever with this last foe, but succumbed on June 3, 1861, his last words a message to his two boys bidding them to obey the laws and support the Constitution."

Thus did not the least of the sons of Illinois pass over the Great Divide, his last thought—his very last breath—in support of the Union he so dearly and zealously loved.

LINCOLN AND WISCONSIN

Mr. LAIRD. Mr. Speaker, the gentleman from Iowa has done a real service to take the leadership in commemorating the anniversary of President Lincoln's nomination as the first Republican President on May 18, 1860. I would like to add some Wisconsin Lincoln history to our proceedings today.

1. LINCOLN IN THE BLACK HAWK WAR

Mr. Speaker, on April 6, 1832, Black Hawk and his band of Sauk Indians crossed the Mississippi River from Iowa into northern Illinois, angry at the treatment his people had received and intending to start an Indian uprising if he could.

Upon news of the invasion, Gov. John Reynolds, of Illinois, called for volunteers. Abraham Lincoln, then 23 years old and living in New Salem, responded promptly to the appeal, and while serving in the campaign spent some 11 days in southern Wisconsin.

Telling later about his experiences, Lincoln said he served nearly 3 months in the war, met the ordinary hardships of such an expedition, but was in no battle, although he "had a good many bloody struggles with the mosquitoes."

On April 21, 1832, the recruits from New Salem met on a farm 9 miles from the village and formed a company of mounted volunteers with Lincoln as captain. A week later they were mustered into the State service, becoming a part of the 4th Illinois Regiment of Mounted Volunteers. After an excursion into northwestern Illinois, the company was sent to Ottawa on the Illinois River. There on May 26 Lincoln reenlisted for 20 days as a private and a day later transferred to still another company, the Independent Rangers, which company was mustered out on June 16.

Lincoln at once reenlisted for another 30 days in the Independent Spy Corps. On June 22 this company left for northwestern Illinois and began a march up the Rock River in pursuit of Black Hawk's main force.

On July 1, 1832, the army crossed Rock River at Turtle Village—today Beloit, Wis.—the soldiers sleeping on their arms behind log breastworks that night, to be ready for surprise attack. On July 6 the army marched up the east bank of Lake Koshkonong and made camp 4 miles above the mouth of the White Water River. There at General Atkinson's headquarters Lincoln and his comrades in the company were honorably discharged "with the special thanks" of the general on July 10.

Lincoln and a companion returned by horseback and canoe to New Salem, reaching the village soon after July 17.

Numerous stories of Lincoln in the war have been told, most of them without documentation. One is that while captain of the company the men reached a narrow gate. Unable to remember the command for single file, Lincoln ordered them to fall out for 2 minutes and reform on the other side. Another is that when asked if he was afraid of Black Hawk, Lincoln said, "Well, I guess not. I'm no chicken."

The experience did teach Lincoln to appreciate how fighting men thought and felt. In the war he faced danger, often expecting Indian attack at night. He learned what war meant to the common man, and perhaps carried his sympathy for the private soldier into the Civil War.

2. LINCOLN'S SECOND VISIT TO WISCONSIN, SEPTEMBER 30–OCTOBER 2, 1859

Mr. Speaker, on September 30, 1859, Lincoln delivered the annual State fair address in Milwaukee. The State fairgrounds then were located near what is now 13th Street near Wells.

The Milwaukee speech stands as Lincoln's only formal address on the subject of agriculture. It was carefully prepared, as though he fully appreciated its importance in a commanding agricultural State. It reveals Lincoln as one of clear vision on the future of farming; in fact, some of his prophecies now seem amazingly accurate in the light of present technical developments for scientific and less burdensome farming.

The speaker evaluated boldly the respective rights of labor and of capital as he saw them. He was outspoken also in advocating a broad educational policy for his fellow citizens, having particular reference to the need for a blending of schooling and occupational training for workers.

That evening Lincoln spoke extemporaneously at the Newhall House in Milwaukee and the next day, October 1, delivered two antislavery speeches in Rock County—one at Beloit in the afternoon and one at Janesville in the evening. The two local newspapers reported the speeches in the form of editorial reviews, with scarcely a direct quotation from the speaker.

The Beloit Journal—weekly—October 5, 1859, reported that a large crowd and a band met Mr. Lincoln at the station. At 2 o'clock a packed hall heard him introduced by Mr. Bannister, president of the Republican club.

"Then 'Old Abe' commenced the clearest and most conclusive vindication of Republican principles, as well as the most unanswerable demonstration of the fallacy and utter absurdity of the Douglas doctrines, which we ever listened to."

The Beloit address was heard by several prominent Republican leaders of nearby Janesville, including an ardent abolitionist, William H. Tallman, who persuaded Lincoln to ride with him in his carriage to Janesville and deliver an address that evening. Lincoln consented, and after the speech that—Saturday, October 1—night, spent the night, the next day, and the following night at Tallman's house.

The Janesville speech was reported in the Janesville Morning Gazette, October 4:

When Mr. Lincoln made his appearance he was greeted with cheers, and was introduced to the people by Dr. Treat, the president of the Republican club. * * * When he came to make his points tell, and to

drive home his logical conclusions, the evidence of his profound thought was apparent, while his powers of satire and wit flashed out brilliantly, and rather startling the audience by their unexpectedness.

The Tallman house, the only identifiable house in which Lincoln is known to have slept while in Wisconsin, is now a public museum, the headquarters of the Rock County Historical Society.

3. BIRTH OF THE REPUBLICAN PARTY

Mr. Speaker, the Republican Party was born in 1854. There is no dispute as to the year of its formal organization, although debate still goes on as to the exact birthplace. Most historians accept Ripon's claim as the birthplace of Lincoln's party.

The first recorded meeting of "Republicans" was held by a number of Whigs, Free Soilers, and Democrats in the Congregational Church at Ripon on February 28, 1854, at the call of Maj. Alvan E. Bovay, a prominent Whig. A resolution was adopted providing that, if the Kansas-Nebraska bill passed, the existing Ripon party organizations should be abandoned and a new party, to be called the Republican, should be formed.

When the bill did pass the Senate, Major Bovay called a second meeting, which was held on March 20 in the Ripon schoolhouse. By a house-to-house and shop-to-shop canvass, he obtained attendance of 53 voters, out of not more than 100 eligible in the town. The meeting voted to dissolve the local Whig and Free Soil organizations, and a committee of five was appointed to form the new Republican Party.

Many years later Major Bovay said of the schoolhouse meeting:

> We went into the little meeting, Whigs, Free Soilers, and Democrats. We came out of it Republicans, and we were the first Republicans in the Union.

The spring and summer of 1854 saw many other meetings, held under one banner or another, that brought Republican organizations into being in Michigan, Ohio, Iowa, and Maine.

The most notable meeting—notable because it was a formal convention that adopted a platform and nominated a full State ticket—was held "under the oaks" at Jackson, Mich., on July 6, 1854. The convention resolved "that we will cooperate and be known as Republicans until the contest be terminated."

The movement begun in the Ripon church and "under the oaks" at Jackson had changed the political face of the Nation.

The little Ripon schoolhouse, still standing, is labeled "Birthplace of the Republican Party."

4. THE CONVENTION AND ELECTION OF 1860

Mr. Speaker, at the Republican National Convention held in Chicago May 16–18, 1860, the Wisconsin delegation consistently cast its entire 10 votes for William H. Seward on each ballot.

Carl Schurz, one of the delegates and chairman of the Wisconsin delegation, seconded the nomination of Seward and after the nomination of Lincoln by the convention made a brief speech in response to a motion by Mr. Evarts, of New York, that the nomination of Lincoln be made unanimous.

Schurz said, in part:

> The delegates of Wisconsin were instructed to cast their votes unanimously for William H. Seward. * * * We stood by Mr. Seward to the last, and I tell you we stand by him yet, in support of Abraham Lincoln, of Illinois. * * * Again, do we stand by Mr. Seward as we did before, for we know that he will be at the head of our column, joining in the battle cry that unites us now, "Lincoln and victory."

5. CARL SCHURZ AND THE CAMPAIGN OF 1860

Mr. Speaker, from the close of the Wisconsin State convention, March 1, until after the November 6 election, Schurz was almost constantly busied with work for the national cause. On May 30 at the Milwaukee ratification meeting he delivered one of the best of his short speeches, pointing out how the convention had refused to compromise Republican principles. He paid a high tribute to Seward. Then he spoke of Lincoln, using language which must have introduced him most favorably to the millions, especially in the East, who had been taught to look upon the Illinois lawyer as a second- or third-rate man.

After lecturing throughout the country in the summer and fall, Schurz returned to Wisconsin for the last 2 weeks of the campaign. He made numerous speeches in the city and county of Milwaukee and covered, by team, a large share of the great German community near Lake Michigan. The results in Wisconsin, as well as in Indiana, Ohio, St. Louis, and Pennsylvania, spoke of his almost superhuman effort to swing the German vote for Lincoln.

In the election of 1860, Wisconsin cast 86,113 votes—56.6 percent—for Lincoln, 65,021 votes—42.7 percent—for Douglas.

Mr. Speaker, the information I have used today has been collected by the Wisconsin State Historical Society from the following sources: Edward P. Alexander's "Lincoln Comes to Wisconsin;" Publications of the Lincoln Fellowship of Wisconsin, 1943 and 1949; Joseph Schafer's "Carl Schurz."

Mr. CANFIELD. Mr. Speaker, 100 years ago today the Republican Party made one of the wisest decisions in its history. It chose as its presidential nominee a tall, somewhat ungainly man who represented Illinois in our own House of Representatives. We pause in our legislative duties today to pay tribute to the nomination of Abraham Lincoln.

Can words ever describe our feeling for this humble giant of a man? I think they can, Mr. Speaker, for it was Lincoln himself who showed us how powerful, how effective, how moving simple words could be. Of course, it is presumptuous of us to suppose we could say anything to match the classic words of Lincoln; we can only find consolation in the thought that Lincoln was but a man, and his example showed us the heights of wisdom man can attain.

Recall that Lincoln lived before the development of mass communications, that such a thing as a "TV personality" was undreamed of. Yet he was able to bring tears to the eyes of grown men when he spoke, affect an audience so deeply that it could not applaud, unite a Nation divided. He has been called the Shakespeare of politics, and this is entirely fitting.

That his words guide Republicans today is testimony to the enduring quality of his prose. We still hold that "the legitimate object of government is to do for a community of people, whatever they need to have done, but cannot do, at all, or cannot, so well do, for themselves—in their separate and individual capacities."

For the last 20 years I have been privileged to represent in the House of Representatives more than 350,000 fellow residents of New Jersey. They will never know the daily feeling of honor and pride that I have experienced in the knowledge that they have chosen me to speak their will in the same body that once knew Abraham Lincoln as a Member. Yes, the Republicans chose well at their second national convention on May 18, 1860, and Americans everywhere will always applaud their action.

Mr. CUNNINGHAM. Mr. Speaker, I am happy to join with the gentleman from Iowa in this observance of the 100th anniversary of the nomination of Abraham Lincoln to the Presidency.

Mr. Speaker, Nebraska was a territory in 1860 when Abraham Lincoln was nominated for President by the Republican Party. Nebraska was allotted six votes at the Chicago convention. A. S. Paddock, of Fort Calhoun, Nebr., acted as vice president of the convention, each State and Territory having a vice president and secretary. H. P. Hitchcock, of Omaha, acted as secretary from the Nebraska Territory.

Other members of the Nebraska delegation to the convention included O. H. Irish, Nebraska City, a member of the committee on permanent organization; John R. Meredith, Omaha, committee on credentials; Samuel H. Elbert, Plattsmouth, committee on business; A. Sidney Gardner, committee on resolutions, Phineas W. Hitchcock and E. D. Webster, both of Omaha.

Paddock later served as Senator from the State of Nebraska from 1875 through 1881. Members of the Hitchcock family also served the State in high office in later years, Phineas W. Hitchcock being elected a delegate to Congress from the territory to the 39th Congress and serving as Senator from 1871 to 1877. His son, Gilbert M. Hitchcock, was a Representative in Congress in the 58th, 60th and 61st Congresses and served as Senator from Nebraska from 1911 through 1923. He also established the Omaha Evening Herald and purchased the Omaha Morning World, which now exist as the Omaha World-Herald, Omaha's only daily paper. Mr. Hitchcock's widow is now a resident of Washington, D.C.

On this occasion I wish it were possible for me to say that Nebraska's six votes in the 1860 convention were solidly for Lincoln, but that was not the case. In fact only one of Nebraska's votes was cast for Lincoln on the first ballot, with two for Seward, two for Chase, and one for Cameron.

On the third ballot, when Lincoln was nominated, our Nebraska delegates still cast only one vote for Honest Abe. But of course the nomination was made unanimous a few minutes later, after Nebraska and many other delegations had switched their entire vote to Lincoln.

Although Nebraska is the only State to honor Lincoln by naming its capital city after him, he apparently never set foot in our State. In 1859 he came as close as Council Bluffs, Iowa, across the Missouri River from Omaha, and made a speech there. Willian J. Petersen in his book "Lincoln and Iowa" reports:

It attracted a good crowd, even though it was unscheduled, and it elicited conflicting reactions from the Republican and Democratic editors of Council Bluffs. The friendly Nonpareil praised his "masterly and unanswerable speech" and the "dexterity with which he applied the political scalpel to the Democratic carcass." The Weekly Bugle spoke in a derisive vein of Lincoln's effort, but admitted that his defeat by Senator Douglas had "magnified him into quite a lion" at Council Bluffs. Lincoln stayed at the Pacific House on this occasion and made his speech in Concert Hall.

Since this is also the 100th anniversary of the founding of the pony express, it is interesting to note that the pony express carried President Lincoln's first inaugural address across Nebraska. The distance from St. Joseph, Mo., to Denver, Colo., 665 miles, was covered on this historic trip in 69 hours.

Nebraska has long been proud of the fact that it is one of the major railway centers of the continental United States. Without a doubt, it is due to Nebraska's vast railway system that it is now the No. 1 stock market in the world and that it is attracting new industry every day. It was in 1863 that Peter Day, chief engineer of the Union Pacific Railroad, received a telegram in Omaha which announced that President Lincoln had fixed the initial point of the railroad on the "western boundary of the State of Iowa, opposite Omaha."

What is said to be the last signature of President Lincoln appears on the commission reappointing Alvin Saunders of Iowa to be Governor of the Territory of Nebraska. The commission is dated April 13, 1865. Governor Saunders states in a note written in his own hand at the bottom of the document:

The signature of President Lincoln attached to this commission was evidently the last official signature made by him—he signed it before leaving for the theater where he was assassinated, and left the commission on his desk without stopping to fold it, and where it was found when the room was opened after his death. These facts were communicated to me by one of the clerks.

In 1867, shortly after the admission of Nebraska to the Union as a State, it was decided that the capital would not remain in Omaha. Senator J. D. H. Patrick of Omaha moved that the new capital should be named after President Lincoln. The name was promptly approved, and the capital of Nebraska is still named Lincoln in fond memory of that famous President.

The Lincoln Monument stands on the west side of the Nebraska Capitol lawn as an additional tribute to that famous American. It was designed by Daniel Chester French and was completed in 1912. The following description of the statue is found in "Nebraska, a Guide to the Cornhusker State":

Abraham Lincoln is portrayed standing in a meditative pose, with head bowed and hands clasped, before a large granite tablet on which the Gettysburg Address is engraved.

The original model of the statue is in the Lincoln Tomb in Springfield, Ill., while a replica of the statue is to be found in the Chicago Museum of Art.

Mr. REECE of Tennessee. Mr. Speaker, the historic Wigwam Convention, which nominated Abraham Lincoln for the Presidency, assembled in Chicago 100 years ago, May 16, 1860.

Mr. Lawrence Sullivan, coordinator of information for the House of Representatives, has reconstructed that convention from the rich Lincoln Archives in the Library of Congress.

Because that event "opened a new era in our national history," I include Mr. Sullivan's summary of the convention in the proceedings of the CONGRESSIONAL RECORD, together with two brief quotations from Abraham Lincoln in the years 1860 and 1861, expressing his great humility as he left Springfield, Ill., for Washington.

The article and quotations are as follows:

CHICAGO'S FIRST NATIONAL CONVENTION—ABE LINCOLN'S NOMINATION IN THE HISTORIC WIGWAM 100 YEARS AGO THIS WEEK, OPENED A NEW ERA IN HUMAN HISTORY

(By Lawrence Sullivan, Coordinator of Information, U.S. House of Representatives)

The convention which picked Abraham Lincoln as its presidential candidate assembled in Chicago 100 years ago this week. The Republican Party was only 6 years old.

Few participants in that historic convention suspected that their deliberations would lead to the abolition of human slavery in the United States, in less than 4 years.

The convention assembled in the newly constructed Wigwam on Wednesday, May 16, and Lincoln was nominated on Friday, May 18.

Years later the distinguished British historian, Lord Charnwood, described the convention's choice as the "most surprising nomination ever made in America."

The Wigwam, completed only a month before, accommodated almost 10,000 persons. Constructed entirely of rough lumber the magnificant edifice had cost $7,000. The city of Chicago, then less than 30 years old, had reared the Wigwam in a bold bid against mighty New York and stately Philadelphia for its first national political convention. The rugged, blustering West was emerging as the new power center of U.S. politics.

Lincoln did not go to Chicago for the convention, but remained at home in Springfield, close to his family and intimate friends. He had confided to young reporter Henry Villard months earlier that his wife, in 1859, had predicted his election some day to the Presidency of the United States.

"Just think of such a sucker as me as President," Lincoln said laughingly to Villard.

Like many other convention winners through the years, Abe Lincoln never publicly announced himself a candidate for the Presidency. But he did move about the country freely after the celebrated Lincoln-Douglas debates of 1858; and early in 1860 he ventured as far as New England, and to the historic Cooper Union in New York City, for speaking engagements.

Upon his return to Springfield, early in March, he began writing personal letters to prospective convention delegates in Illinois, Indiana, Ohio, Kansas, and Kentucky. On May 12, 4 days before the convention assembled in the Wigwam, two trusted political intimates from Illinois, Jesse K. Dubois and Judge David Davis, were in Chicago "ready" in Lincoln's words, "to confer with friends from other States."

To another friend Lincoln wrote in confidence a few months before the convention, "The taste is in my mouth a little." And to a Chicago banker who had invited him to bed and board during the convention, Lincoln wrote a few days before May 16: "I am a little too much a candidate to stay home and not quite enough a candidate to go."

Murat Halstead, telegraphed to the Cincinnati Commercial May 16, that 25,000 visitors were in Chicago for the convention. The current of the universal twaddle as the convention opened, he added, was "that Old Abe will be the nominee."

Halstead remarked his journalist roommates had been irrepressible to a late hour, and he had caught them playing cards early next morning to determine who would pay for a round of gin cocktails before breakfast.

Horace Greeley, the distinguished New York abolitionist editor, and himself an aspiring darkhorse before convention, was a striking figure in the crowded hubbub of Tremont House, the Republican headquarters hotel.

Lincoln's friends won their first victory in the platform committee, where they were successful in defeating the abolitionists' demand for a total denunciation of slavery. The Lincoln moderates carried the day with a plank ignoring slavery in the original States, but forbidding any extension of slavery into new territories as they might be organized. The platform also called for a railroad to the Pacific Ocean, to be assisted by Federal grants.

The first rollcall for President gave William H. Seward, New York, 173½; Lincoln 102; Edward Bates of Missouri 48; Cameron of Pennsylvania 50½; and Salmon P. Chase of Ohio 49. The total vote was 465, with 233 necessary to nominate.

As the second rollcall began the rumor spread that Pennsylvania's votes for Cameron would swing to Lincoln. The final tally on this rollcall showed Seward 184½; Lincoln 181.

The Seward forces realized they were defeated. They saw now that Lincoln's personal preconvention canvass of the delegates by mail already assured him a vast majority of the 100 scattered votes still to swing to make a nomination.

Early in the third rollcall, word spread through the Wigwam that Lincoln was the man. About midway in the call, Ohio interrupted to switch 4 votes from Chase to Lincoln—sufficient to make the required majority of 233 for Abe. At this juncture, Halstead noted, "there were thousands cheering with the energy of insanity."

New York then moved to make the nomination unanimous.

Lincoln's political genius had found succinct expression in a preconvention letter to an Ohio delegate: "Our policy, then, is to give no offense to others—leave them in a good mood to come to us if they shall be compelled to give up their first love. This, too, is dealing justly with all, and leaving us in a mood to support heartily whoever shall be nominated."

This firm policy of peaceful coexistence with all the "favorite son" candidates at length paid off when Seward, the uncompromising firebrand abolitionist, failed to command a majority on the second ballot.

The 1860 Wigwam convention, in short, demonstrated the prescient wisdom of Lincoln's original position in the 1858 debates with Douglas. "I did not at any time say I was in favor of Negro suffrage. . . . I declared against it." He had frankly admitted a total lack of Federal authority to abolish slavery in the original States, and was inclined personally not to "disturb" existing slave areas, but only to limit the spread of slavery to new territories. In the convention, this proved to be the political middle-ground which finally won the majority from the hardshell abolitionist, Seward.

Carl Sandburg emphasizes that Lincoln and Douglas were so close together in their fear of political sectionalism that several prominent Republicans had suggested Douglas, the Illinois Democratic Senator, reelected in 1858, might make a better Republican presidential nominee than Abe Lincoln in 1860.

In their great debates, both men, in Illinois, had sought to subordinate any question which tended to draw a sharp political line between the North and South. To this end, Lincoln was at pains to make clear he did not insist that Missouri should emancipate her slaves. Questions touching racial equality, intermarriage and such, he dismissed as "false issues."

Douglas likewise ignored all arguments for complete abolition, and agreed with Lincoln on the exclusion of slavery in all new territories. Lincoln demanded this exclusion by congressional enactment, while Douglas would leave the question to popular vote in the new areas as they approached statehood.

Lincoln was in the telegraph office in Springfield when news of the second ballot flashed from Chicago.

"I've got him," he exclaimed as he read the tally showing his own gain of 79 votes, against a gain of only 11 for Seward.

Then Lincoln and his friends moved over to the Journal office to await the third ballot. Soon Mr. Zane, the editor, rushed into the room with the Wigwam decision, calling for three cheers for the next President. Bedlam broke in all Springfield.

When a friend suggested a biography in book form, Lincoln replied, "There is not much in my past life about which to write a book."

After shaking hands all around, Lincoln joined the street crowds outside the Journal, saluting and greeting all who approached him. At length, glancing toward his house he said, "Well, gentlemen, there is a little short woman at our house who is probably more interested in this dispatch than I am; and if you will excuse me, I will take it up and let her see it."

About 6 weeks later, on July 4, Lincoln wrote his old Springfield friend, Dr. A. G. Henry, now in Oregon, to the effect "* * * today it looks as if the Chicago ticket will be elected."

November 6 again confirmed Lincoln's X-ray political judgment. The popular vote stood: Lincoln 1,866,452, Douglas 1,375,157, Breckinridge 847,953, Bell 589,581.

The electoral vote: Lincoln 180 (18 States), Breckinridge 72 (11 States), Bell 39 (3 States), Douglas 12 (1 State).

Had the Lincoln opposition got together on a fusion ticket, the results would have been different only in New Jersey, California, and Oregon, for a total of 11 electoral votes. Lincoln still would have won with 169, a clear majority in his own right.

That's how things went a hundred summers ago.

LINCOLN'S POSITION ON SLAVERY

Wrong as we think slavery is, we can yet afford to let it alone where it is, because that much is due to the necessity arising from its actual presence in the Nation; but can we, while our votes will prevent it, allow it to spread into the national territories, and to overrun us here in these free States? (Cooper Union, N.Y., February 27, 1860.)

LINCOLN'S FAREWELL TO SPRINGFIELD FRIENDS, FEBRUARY 11, 1861, AT THE RAILROAD STATION AS HE LEFT FOR WASHINGTON

My friends: No one, not in my situation, can appreciate my feelings of sadness at this parting. To this place, and the kindness of these people, I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him, I cannot succeed. With that assistance, I cannot fail. Trusting in Him who can go with me, and remain with you, and be everywhere for good, let us confidently hope that all yet will be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell.

Mr. ARENDS. Mr. Speaker, I cannot allow this anniversary day to pass without my boasting of the fact that Abraham Lincoln was nominated to the Presidency in Chicago, Ill., as the son of my home State of Illinois.

To be sure, Kentucky has its claim. That is where he was born. And Indiana has its claim. That is where he was raised as a boy. But it was in Illinois that he rose to greatness.

It is with pride that we make these special claims. At the same time, we recognize that Lincoln does not belong to any one State. He belongs to all Americans. He belongs to the ages.

Chicago was impressed with its responsibilities as the host for the nomination convention in May of 1860. They erected a special building for the occasion at the southeast corner of Lake and Market Streets. It was called the Wigwam. It was characteristized at that time as a "gigantic structure, the largest audience room in the United States."

An advertisement in the Chicago Tribune urged citizens to donate all the chairs they could spare for the gallery. It is an interesting fact that to get into this gallery for the convention gentlemen had to be accompanied by ladies.

The Chicago Tribune reported that this rule for gallery admission led to many curious bargains. Schoolgirls were urged to accept a quarter or half dollar to escort a gentleman to the gallery. Some of the enterprising girls found they could make considerable pocket money by entering different doors with different gentlemen.

Although women did not have a vote in those days, they demonstrated their party loyalty by tastefully decorating the convention hall. And so, from the very day of the foundation of our Republican Party women have played a part in our party's activities. Today they play a part beyond measure.

All this is Americana, never to be forgotten. In reviewing the life of Abraham Lincoln we are constantly inspired. His words and deeds show us the way in our efforts to serve our beloved country.

Mr. SMITH of Kansas. Mr. Speaker, many Kansans are aware of the effect Lincoln had on the controversy over whether Kansas should come into the Union as a Free or Slave State.

The Kansas-Nebraska bill was the basis of the famous Douglas-Lincoln debates in their campaign for Senator from Illinois. Douglas, the Democrat, won. Douglas became the leader of the northern Democrats in the Senate. The chief political issues that were fomenting in the 14 years period just prior to the Civil War was an attempt on the part of the Old Whigs and northern Democrats to chart their course through the political seas so as to avoid the rocks of discord caused by the slavery question. The alinements of some of the political leaders in various States were constantly shifting from Whig to Democrat and from Democrat to Whig.

Both of these parties took no positive stand on the slavery question. Lincoln, in his debates with Douglas, strongly indicated the necessity for a positive position on slavery when he said:

> This Nation cannot survive half slave and half free.

This statement was the harbinger of a new party.

Throughout the New England States the tide was rising for a more positive stand on the question of slavery. The start was made at Ripon, Wis., in 1854, to organize a new party which would take a definite stand on slavery. This new party—Republican—strongly offered the Kansas-Nebraska Act, which would leave it to the settlers whether Kansas and Nebraska would be slave or free. In 1856, Lincoln supported John C. Fremont, Republican candidate for President, making some 56 speeches in his behalf. Buchanan, the Democrat, was elected. Lincoln returned to his law practice in Springfield, Ill.

The Republican Party was kept alive over the question of slavery. The moneyed and illustrious-named American key people needed to keep the new party functioning were to be found in the eastern part of the United States. Chief among them were William K. Seward, of New York. Seward became the chief spokesman for this newly organized party. He and his friends, during the years of 1858–59, were constantly on the alert and formulated plans to name the Republican nominee for 1860.

Lincoln—at the insistence of his midwestern friends—was also active. It is common knowledge that Lincoln came to Kansas in 1859 at the insistence of his Kansas friends, in order to build him up to be the Republican nominee. Lincoln was received enthusiastically wherever he stopped and spoke. He was promised by his warm admirers the Kansas votes at the coming Republican Convention in Chicago.

But then, as now, there is many a slip between "cup and lip."

Herewith is a letter from the Ewing collection manuscripts from the Kansas State Historical Society. This letter was written by Thomas Ewing, Jr. It explains the feeling that existed in

Kansas. They wanted positive action and Seward seemed to have the qualifications demanded.

Here is the letter:

LEAVENWORTH, KANS., *May 6, 1860.*

Hon. ABRAHAM LINCOLN,
Springfield, Wis.

DEAR SIR: You will probably have observed that the Kansas delegation to Chicago were instructed by the convention by which they were selected to cast their votes (if they should have any) for Mr. Seward, and that Mr. Wilder, who is for Mr. Seward from choice, was chosen as the delegate from Leavenworth, over Colonel Delahay who was understood to be strongly in favor of your nomination. I have desired that you should know how both those things happened—and as I cannot be at Chicago, where I had expected to talk the matters over with you or with some of your personal friends, I shall take the liberty explaining them to you directly by letter.

Here as nearly everywhere in the North, Mr. Seward has more ardent, zealous and earnest admirers than any other candidate—and they are in the radical wing of the party which has possession of nearly all the presses, and controls all the minor conventions and less important movements of the party. As it was by no means certain that the Kansas delegates would be accorded seats in the national convention, or the right to vote, the great majority of the party took no interest in the movement, and the meetings called to appoint delegates to the Territorial convention were scarcely attended at all except by the managers. In that convention no interest was taken in any subjects except in selecting the delegates, three of whom are first for Mr. Seward from choice, but all of whom regard you as a highly acceptable and available candidate. The convention selected men who had done good service for the party and received no honor or reward and who well merited the compliment of an appointment, none of whom were selected with reference to their preferences among the gentlemen named for the Chicago nomination.

In the apportionment Leavenworth was accorded but one delegate, Wilder, who has done a great deal of hard work for the party here, had announced himself as a candidate for the place more than a year ago, and the place had been accorded to him without dissent, until the time for selecting delegates to the Territorial convention was near at hand. Colonel Delahay then, feeling assured that the great majority of the Republicans of Leavenworth favored your nomination, became a candidate in opposition to Wilder. The colonel was on all hands regarded as one of our best men and as representing truly the preferences of the majority of our Republicans, but he had just had one of the best offices of our poor Territory. Wilder had worked as hard, had held no office, and had all along been accorded this place, and as he had a big start, and the most money, the colonel could not make the race against him.

Our delegation at Chicago will, in perseverance of instructions, if given a vote, cast it for Mr. Seward. Three of them will adhere to him pretty tenaciously. Mr. Seward and Chase dropped, I think you would be the next choice of every man in the delegation.

Yours very truly,

THOMAS EWING, Jr.

In the three ballots necessary to nominate Lincoln Kansas regularly cast its six votes for Seward. Kansas Republicans joined the Lincoln parade too late to do much good except to have their final votes recast with the winner.

Mr. SILER. Mr. Speaker, I am pleased to join with the gentleman from Iowa in commemorating this 100th anniversary of the nomination of Abraham Lincoln to the Presidency of the United States, and include herewith material abstracted from "Caucuses of 1860: A History of the National Political Conventions of the Current Presidential Campaign," by M. Halstead:

THE CHICAGO CONVENTION, MAY 15

The crowd is this evening becoming prodigious. The Tremont House is so crammed that it is with much difficulty people get about in it from one room to another. Near 1,500 people will sleep in it tonight.

The Bates movement, the McLean movement, the Cameron movement, the Banks movement, are all nowhere. They have gone down like lead in the mighty waters. "Old Abe" and "Old Ben" are in the field against Seward. Abe and Ben are representatives of the conservatism, the respectability, the availability, and all that sort of thing.

First day—Official roll of the convention

Kentucky, 12 votes:

At large: Geo. D. Blakey, Russellville; A. A. Burton, Lancaster; Wm. D. Gallagher, Pewee Valley; Charles Hendley, Newport.

Districts:

1. Abner Williams, Covington; H. G. Otis, Louisville.

2. Fred Frische, Louisville; E. H. Harrison, McKee.

3. Joseph Glazebrook, Glasgow; Jos. W. Calvert, Bowling Green.

4. John J. Hawes, Louisville.

5. H. D. Hawes, Louisville; Lewis M. Dembitz, Louisville.

6. Curtis Knight, Kingston; Joseph Rawlings, White Hall.

7. A. H. Meriwether, Louisville; Henry D. Hawes, Louisville.

8. H. B. Groaddus, Ashland; L. Marston, Millersburg.

9. Edgard Needham, Louisville; J. S. Davis.

10. Jas. R. Whittemore, Newport; Hamilton Cummings, Covington.

A Committee on Permanent Organization was constituted as follows: [List given.] Kentucky, Allen J. Bristow.

A DELEGATE FROM KENTUCKY. Mr. President, I would suggest that the name of all the States be called. [Applause.]

The CHAIR. Tennessee, Arkansas, Mississippi [great laughter], Louisiana, Alabama [laughter and hissing], Georgia, South Carolina [laughter], North Carolina [feeble hisses and much laughter]. I believe that includes the names of all the States.

The Committee on Credentials was made up as follows: [List given.] Kentucky, Charles Hendley.

The committee on business was constituted as follows: [List given], Kentucky, Louis M. Dembitz.

The convention had proceeded thus far with its business, when a communication, inviting the convention to take an excursion on the lake, was received and accepted, and then indefinitely debated, much time being frittered away.

The committee on resolutions was appointed: [List given], Kentucky, George D. Blakey.

The favorite word in the convention is "solemn." Everything is solemn. In Charleston the favorite was "crisis." Here there is something every 10 minutes found to be solemn.

A new ticket is talked of here tonight, and an informal meeting held in this house since I have been writing this letter, has given it an impetus. It is "Lincoln and Hickman." This is now the ticket as against Seward and "Cash" Clay, of Kentucky.

Second day, Republican Wigwam, Chicago, May 17, 1860

The convention was proceeding into battle. War then took place about credentials. A great deal of speechmaking followed. David Wilmot made an attack on delegations from slave States that had no constituencies. The next thing was a speech from Dr. Blakesly, of Kentucky, who mentioned that Kentucky had voted for Wilmot for Vice President in 1856, in the Philadelphia convention. He inquired whether he could be forgiven for that sin? Cries of "yes," and he sat down. First knockdown blow for old Kentucky.

Third day

First ballot:

Kentucky: Seward, 5; Lincoln, 6; Wade, 2; McLean, 1; Chase, 8; Sumner, 1. The leading contenders were William H. Seward, of New York, 173½; Abraham Lincoln, of Illinois, 102.

Second ballot:

Kentucky: Seward, 7; Lincoln, 9; Chase, 6.

Result of second ballot of the leading men: Seward 184½; Lincoln 181. Cassius M. Clay, of Kentucky, received 2 votes.

Third ballot:

Kentucky: Seward, 6; Chase, 4; Lincoln, 13.

While this ballot was taken amid excitement that tested the nerves, the fatal defection from Seward in New England still further appeared. The number of votes necessary to a choice were 233, and I saw under my pencil as the Lincoln column was completed, the figures 231½—one vote and a half to give him the nomination. In about 10 ticks of a watch, Catter, of Ohio, was up. Every eye was on Catter. He said: "I rise, Mr. Chairman, to announce the change of four votes of Ohio from Mr. Chase to Mr. Lincoln." The deed was done. There was a moment of silence. Then, there were thousands cheering with the energy of insanity.

One of the secretaries, with a tally sheet in his hands, shouted, "Fire the salute. Abe Lincoln is nominated." As the cheering inside the Wigwam subsided, we could hear that outside, then the thunder of the salute rose above the din.

Ten States and the District of Columbia insisted upon casting unanimous votes for Old Abe before the vote was declared. One of the States was Kentucky.

During the dinner recess a caucus of the presidents of delegations was held. After dinner we had the last act in the drama.

The nomination for Vice President was not particularly exciting. Cassius M. Clay was the only competitor of Hamlin, who made any show in the race; and the outside pressure was for him. At one time a thousand voices called, "Clay, Clay" to the convention. If the multitude could have had their way, Mr. Clay would have been put on the ticket by acclamation.

First ballot for Vice President: The two leading contenders were Hamlin 194 votes; Cassius M. Clay, of Kentucky, 101½ votes. Kentucky cast 23 votes for Clay.

Second ballot: Hamlin 367 votes; Clay 86. Kentucky cast 23 votes for Clay.

Now that the business of the convention was transacted, we had the usual stump speeches, and complimentary resolutions, and the valedictory from the chairman, and the "three times three" upon adjournment for the candidate.

The city was wild with delight. The "Old Abe" men formed processions, and bore rails through the streets. A hundred guns were fired from the top of the Tremont House.

Mrs. ST. GEORGE. Mr. Speaker, on this day, when we are looking back 100 years to the nomination of President Lincoln, I would like, Mr. Speaker, to speak about another, who also played a great part in that era, and who also

was a candidate for the high office of President 100 years ago.

He was passed over for a far greater man, but William H. Seward was a great man in his own right and would probably be remembered more today had his career not been overshadowed by the man whom many consider the greatest and first American President. Lincoln was a true product of our own country; he was born well after the colonial times. In this he was different from the Founding Fathers, and for this reason his influence was altogether different from theirs.

Lincoln had the supreme gift of a great administrator, he knew how to choose the right man for the job he wanted to fill. This he did, regardless of personality or past differences.

He chose William H. Seward and surely never regretted that choice.

Seward was born in Florida, Orange County, N.Y., 1801. He graduated from Union College at 19.

He taught school in Savanah, Ga., to help defray his expenses and was admitted to the bar at Utica, N.Y., in 1822, at the age of 21. He then moved to Auburn, N.Y., where he made his home and entered upon the practice of law. He entered politics as a National Republican, a party whose only title to fame seems to have been that it was anti-Masonic. This party's life was of short duration, roughly 6 years, and Seward then changed his allegiance to the Whigs.

He received the Whig endorsement for Governor and was elected in 1838 and served for two terms, having come back after being defeated by one William L. Marcy. Seward, as Governor, favored public works and a liberal spending of public money, although the State was financially embarrassed at the time he took over the reins of government.

Seward was at heart a liberal and somewhat of a trailblazer. He was an early political opponent of slavery, but never a follower of such men as Garrison who devoted themselves to moral agitation.

After his second term Seward retired from public office and distinguished himself as a lawyer in his hometown of Auburn.

When the Whigs came back into power in 1849, for a brief period, they nominated and sent William H. Seward to the U.S. Senate. It can be truly said in this case that the office sought him; he did not seek the office. In his first prepared speech in the Senate he made the rather startling statement, and I quote: "There is a higher law than the Constitution." He was violently attacked by the Democrats for his statement and immediately tried to temporize and explain it away. This seems to have been one of the keys to his character. He believed supremely in compromise, and to use a modern term, never going beyond what the traffic, in this case public opinion, would bear. He also stated at this time:

An irrepressible conflict between opposing and enduring forces, means that the United States must and will, sooner or later, become entirely a slave-owning Nation or entirely a free-labor Nation.

This statement he also tried to retract after a storm of protest broke over his head.

By 1854 it became evident that the Whig Party was moribund and Seward worked energetically and successfully to bring the remnants together into the newly emerged Republican Party.

Many expected that he would receive the nomination of this new party that he had done so much to create, but the party passed him over twice, for Fremont in 1856 and Lincoln in 1860.

Lincoln immediately appointed Seward Secretary of State. Although it seems hard to realize today, most of the Cabinet and many of the people considered the new President as somewhat of a nonentity and looked to Mr. Seward for guidance through the very difficult times ahead. Seward felt much the same, not out of vanity, but simply because he felt that his experience as Governor of New York and in the U.S. Senate fitted him for the arduous days ahead.

Seward felt strongly that the Union could be saved without a war between the States. He even had a fantastic idea of provoking a foreign war to unite the country and save the Union. Here President Lincoln stepped in and proved to all that he was indeed the helmsman of the Ship of State. The very first one to acknowledge and follow the President's leadership was William H. Seward.

Seward remained on as Secretary of State after the death of President Lincoln. He himself was attacked in his home by a fellow conspirator of John Wilkes Booth at the same time that the President was assassinated. Mrs. Seward died as a result of the shock and his son and two others who came to his assistance were wounded by the assassin.

Seward was an interesting character. He probably had more of the characteristics of a diplomat than any of the politicians of our country. He was a great believer in the adage that: He who fights and runs away will live to fight another day. This is, of course, the basis of true diplomacy.

Seward had visions, sometimes quite fantastic ones, but he was always willing to listen to reason and give up anything as impossible, for instance, as the consolidation of the Union through a foreign war. This faculty for broad and far-reaching undertakings is probably best exemplified by his purchase of Alaska from Russia for $7,200,000. This was long known, in fact still is in some quarters, as Seward's folly.

So here, once more at a crucial time in the history of the country, we had a man in high place, willing to give his life and talents to his country and his loyal devotion to his President without any personal ambition whatsoever.

As long as our country produces such men she will be great and we will be free.

Mr. DAGUE. Mr. Speaker, the centennial anniversary of the nomination of Abraham Lincoln in the Wigwam at Chicago on May 18, 1860, will undoubtedly produce claims from many sections of the country that a certain State or locality had much to do with the selection of our first Republican President. In this connection it is not my inclination to belittle any such claims, but rather to reemphasize the important part played by the Keystone State delegation to that fateful convention when the Nation's future was in such precarious balance.

Two of the leading candidates were William H. Seward, of New York, and Simon Cameron, of Pennsylvania, both of whom were considered as "shoo-ins" by their respective delegations. Seward, however, was handicapped by the vigorous opposition of Horace Greeley who wielded a powerful influence across the Nation and also by the flat statement by Gov. Andrew Curtin, of Pennsylvania, who predicted a 50,000 Republican majority from his State but not if Seward was the candidate. At this juncture Cameron, who was guaranteed Pennsylvania's 56 votes on the first ballot, plainly indicated that he was more interested in being appointed Secretary of the Treasury and promised his delegates to Lincoln on the first ballot if he was assured of that post. From then on, despite Lincoln's refusal to be bound by any deals, Pennsylvania was in the thick of it on the Emancipator's side and joined in the jubilation when he was nominated on the third ballot.

My primary purpose, however, of injecting myself into this discussion of the political maneuvering leading up to Lincoln's nomination, is to bring forth for the record the part Chester County, Pa., my home county, had in preparing the way for the solid support Lincoln received from Pennsylvania shortly after that State's delegation arrived in Chicago in that fateful month of May 100 years ago. In 1955 the Republican County Committee of Chester County celebrated its 100th anniversary and on that occasion published its anniversary booklet from which the following article is taken:

LINCOLN AND CHESTER COUNTY

(By Priscilla Lewis Cox Southwell)

This is an old county one of the original three first formed under William Penn. West Chester is an old town too. Yet few will take note as they pass of the historic buildings and distinguished landmarks where so many county leaders lived, where so much of our county future was shaped.

At 28 West Market Street were made decisions that affected the Republican Party here and in the Nation too. The modest brick building 100 years ago contained two offices from which Abraham Lincoln was started on his way to become the first Republican President.

Two men had offices there and were joined in a common political aim—to give to the lawyer from Illinois enough recognition in the East to secure his nomination for President in 1860.

Joseph J. Lewis, a well-known lawyer, and Samuel Downing, a printer and publisher, were both at 14 East Market Street (since renumbered 28 West). Joseph J. Lewis was born in Westtown in 1801, burgess of West Chester for 5 years, delegate to the Harrisburg Convention of 1832 where the Whig Party was formed, and provost of the law department of Lincoln University. He was active in a period where political concepts and governmental control were fluctuating, a

half-century in American history where the lines were being drawn between what constitutes the two major political parties today.

One of his most famous cases was the defense of Casper Hanway, tried for treason. He had tried to prevent a Maryland slaveowner from recapturing a runaway slave. The Maryland man was killed, and Casper Hanway brought to trial. Joseph J. Lewis defended him and secured his acquittal.

About the same time in West Chester Samuel Downing was publishing the Chester County Times, a newspaper later absorbed by the American Republican. It was known for its abolitionist sentiments. Hence it is logical that these two men came together with kindred feelings about the threat of slaveholding in new States.

This feeling between the slave States and the free really prompted the formation of the Republican Party and in a sense drew the lines between the North and the solid South. The Democratic Party became allied with interests seeking to extend slaveowning, the Republican with those who wished for freedom in new States as they entered the Union.

In Chester County such beliefs appealed to a citizenry whose ancestors were largely Quaker, innately respecting the individual man. There had long been an underground railroad in the country, with stations in West Chester, Longwood, Willistown, and Uwchland, to name a few.

So here on Market Street were two men who sympathized with all the speeches being made by Abraham Lincoln out in Illinois. How they came to publish his autobiography introduces another Chester Countian.

In Toughkenamon, New Garden township, in 1808 was born Jesse W. Fell. He went west in 1828, to Illinois in 1833. When Lincoln was in the State legislature from Sangamon County, Ill., he and Jesse W. Fell lived in the same boardinghouse. They became friends, and the Lincoln-Douglas debates were undertaken at the urging of Jesse W. Fell.

In 1858 Fell began to think of Lincoln in terms of the Presidency. He had an essential humility which appealed to people, and his efforts on the slavery question were making him prominent and popular in the Midwest.

Then Jesse W. Fell remembered his own native State of Pennsylvania. He knew the weight that it carried in choosing the candidate for Presidency and was convinced that if Lincoln could become well known in the East, the Pennsylvania delegation with those in Illinois and Indiana would insure his nomination, regardless of any favorite son backed by the New York delegates. At that time New York and Pennsylvania had the most delegates at the nominating convention.

In Bloomington, Ill., a newspaper was also being edited by another Lincoln admirer, Edward J. Lewis, brother of Chester County's Joseph J. Lewis. Here originated the connection between Lincoln and this county. For Lincoln was persuaded to write a brief autobiography to be sent back to Joseph J. Lewis here.

Brief it was, only three pages in his own handwriting, of which, he said with characteristic and cadenced simplicity:

"There is not much of it, for the reason, I suppose, that there is not much of me."

These three pages are now in the Library of Congress, and a photostat copy in the Chester County Historical Society. When Joseph J. Lewis received this short autobiography, it constituted all that was known of Lincoln's life. For many years even Lincoln himself did not realize that his ancestors had lived near Morgantown, Pa., before they migrated to Kentucky.

Out of these simple pages Joseph J. Lewis reworked the first biography of Lincoln. Samuel Downing, his friend and associate, printed it. Almost at once it was reprinted in the New York Tribune and Chicago Press and Tribune, then in many other papers over the country. To this national recognition has been attributed Lincoln's nomination in 1860.

All this originated in the building that stands quietly on West Market Street, where today our Republican Representative PAUL B. DAGUE and the Republican County Committee, with C. Gilbert Hazlett as chairman, have their offices—where nearly 100 years ago two Republicans helped to start Abraham Lincoln on his way to become the first Republican President of the United States.

In commenting on Mrs. Southwell's article I have only one or two things to add. First, it might be mentioned that Lincoln's great-grandfather, Mordecai Lincoln, once worked at a forge in northern Chester County. Also it seems appropriate to call attention to the fact that the Jesse W. Fell who is reported as having played such an important part in the Lincoln buildup is an ancestor of former Gov. Adlai Stevenson, a fact that only emphasizes how so many otherwise brilliant people slip away from their conservative moorings. That my office was located for some 10 years at 28 West Market Street, West Chester, the scene of much political activity in the last century as well as in this, has no particular significance.

Mr. WALLHAUSER. Mr. Speaker, today we are privileged to celebrate a momentous anniversary in the history of our Nation. It is the 100th anniversary of the nomination of Abraham Lincoln as the Republican candidate for the Presidency of the United States of America.

In paying tribute to the memory of this great and beloved man, who gave so much to our country, I would like to emphasize three expressions of philosophy by President Lincoln which appear to me to have a strong bearing on present-day events.

They are:

First. On government:

In all that the people can individually do as well for themselves, government ought not to interfere. * * * In leaving the people's business in their hands, we cannot be wrong.

The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all or cannot so well do for themselves in their separate and individual capacities.

Second. On liberty and security:

It has long been a grave question whether any government, not too strong for the liberties of its people, can be strong enough to maintain its own existence in great emergencies.

Those who deny freedom to others deserve it not for themselves and, under a just God, cannot long retain it. * * *

If there is anything which it is the duty of the whole people to never entrust to any hands but their own, that thing is the preservation and perpetuity of their own liberties and institutions.

Third. Peace and war:

The man does not live who is more devoted to peace than I am. None who would do more to preserve it. But it may be necessary to put the foot down firmly.

ONE HUNDREDTH ANNIVERSARY OF THE NOMINATION OF ABRAHAM LINCOLN

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

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

There was no objection.

Mrs. BOLTON. Mr. Speaker, 100 years ago today, Abraham Lincoln was nominated for the Presidency. In the same year, 1860, he was elected the first President of the newly established Republican Party. He and his Vice President Hannibal Hamlin of Maine carried forward a program based on unity, progress, individual rights, and liberties. So vital have these principles appeared to the citizenry that of the 18 Presidents we have had since 1860, only 4 have been Democrats.

Few men in history have kept their courage so high through one failure after another as did Mr. Lincoln. A deeply religious man he never faltered once he had set his course. His consistent faith in the wisdom and understanding of the Eternal Father of all mankind gave him an inner strength, a balance, a steadiness which carried him through what to many seemed insuperable difficulties.

With it all he was a man of delightful humor, of great human understanding, simple in his own desires, gentle in his ways. It was said of him that wherever he went he took light with him. Once roused he was like a flame, but his objections were based upon fundamental principles that to him were the foundation stones of our whole way of life.

We do well, Mr. Speaker, to pause for a moment on the 100th anniversary of the nomination of one of the great men of history who served this country through a period of great darkness as its President and who gave his life in that service. Of Abraham Lincoln it can be said that he truly demonstrated that leadership is "just wisdom and courage and a great carelessness of self."

Let me leave with you a few lines written by James Thompson McKay known to us as "Lincoln's Burial or the Cenotaph":

And so they buried Lincoln? Strange and vain!
Has any creature thought of Lincoln hid
In any vault, neath any coffin-lid,
In all the years since that wild spring of pain?
'Tis false—he never in the grave hath lain.
You could not bury him although you slid
Upon his clay the Cheops Pyramid,
Or heaped it with the Rocky Mountain chain.
They slew themselves; they but set Lincoln free.
In all the earth his great heart beats as strong,
Shall beat while pulses throb to chivalry
And burn with hate of tyranny and wrong.
Whoever will may find him, anywhere
Save in the tomb. Not there—he is not there!

CALENDAR WEDNESDAY

The SPEAKER pro tempore (Mr. BASS of Tennessee). Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 5 minutes.

Mr. BAILEY. Mr. Speaker, the use of Calendar Wednesday procedures is orderly, and in line with long-established rules of the House.

In 1949, the so-called 21-day rule was enacted. A year later, the late Representative E. E. Cox, of Georgia, offered House Resolution 133 to repeal the 21-day rule. On January 20, 1950, it was debated. During the debate the following statements were offered in support:

Representative James Wadsworth, of New York. Two hundred and eighteen Members could take a bill away from us by signing a petition; and if we would only use Calendar Wednesday, the standing committees would have Wednesdays to call up bills which they have reported and which are upon the calendar.

Representative Christian A. Herter, of Massachusetts. I think we should go back to our orderly procedure, and then on Calendar Wednesday allow the committee chairmen to bring up bills that they may not have gotten a rule on from the Committee on Rules.

Representative JOSEPH W. MARTIN, Jr., of Massachusetts (then the distinguished minority leader). The adoption of this rule will not prevent legislation from coming to the floor. Through the vehicle of Calendar Wednesday, any committee can instruct its chairman to call up legislation. The will of the majority of the House cannot be refused.

On January 3, 1951, at the beginning of the 82d Congress, the late Representative Adolph Sabath, the then chairman of the Committee on Rules, called up House Resolution 7, which reenacted the rules of the 81st Congress. Judge Cox of Georgia proposed a substitute which went back to the rules prevailing before the 81st Congress and repealed the 21-day rule.

Once again the principal arguments in favor of repealing the 21-day rule were the citations of the discharge petition and Calendar Wednesday. The theme of the proponents of repeal was to return to orderly procedure. Some of the distinguished Members who spoke to these points were:

Representative LEO ALLEN, then as now the ranking minority member of the Committee on Rules, who said:

There are two ways that the membership of this House can get bills to the floor for final determination. You have the right to sign the discharge petition, which takes effect when 218 names appear thereon, and on Calendar Wednesday you also have the right to be recognized, so the Rules Committee does not have absolute power on any bills.

Representative Herter, now the Secretary of State in President Eisenhower's cabinet:

We have had in the rules of the House for many, many years a provision known as Calendar Wednesday. Why not return to what was an orderly method of procedure?

Representative Carl Curtis, of Nebraska said:

The notion that the Rules Committee can thwart the will of the majority is without foundation of fact. A petition signed by a bare majority can bring a bill to the floor. In addition * * * we have Calendar Wednesday. * * * A vote against the Sabath proposal and in favor of the Cox proposal * * * is a vote for orderly procedure.

Representative CLARENCE BROWN, then as now, a member of the Rules Committee, said:

In addition to that (the discharge petition) there was and is a provision in the rules establishing Calendar Wednesday * * * on which day the roll of the legislative committees are called and, if a majority of any committee wants to bring up any bill, it can do so when that committee is called.

COLLAPSE OF THE SUMMIT CONFERENCE UNDERSCORES NEED FOR A NEW AIRCRAFT CARRIER

The SPEAKER pro tempore (Mr. BASS of Tennessee). Under previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 15 minutes.

Mr. STRATTON. Mr. Speaker, the sobering news from Paris this afternoon that the summit conference on which so many of the hopes of the world had been focused has now broken up without ever getting started is a tragic development that has shocked and disturbed every Member of this House. I know we all deplore the outrageous performance of the Soviet Premier and deeply resent his disgraceful efforts to humiliate the President of the United States. In this critical hour I know we all stand with Mr. Eisenhower regardless of our own politics and completely repudiate the efforts of the Soviet dictator not only to interfere in our own domestic political elections, but also to drive a wedge between the United States and our free world allies. The President was completely right, of course, in not backing down at Paris and in not groveling in the dirt as Mr. Khrushchev said he must do. Indeed, when the day ever comes—and I know it never will come—that an American President has to grovel in the dirt before anybody, then this country is certainly at an end.

But, Mr. Speaker, while we stand together with the President it is also perfectly obvious that the disaster at Paris has altered almost overnight the whole world strategic and political situation.

We face a different world today than we faced just 2 weeks ago. And as Members of this House we must recognize the full extent of this shift and must move swiftly to deal with it. From here out the going gets tougher. From here out the true nature of the bitter struggle between communism and freedom will become more clearly apparent than it has been in the past several months.

Mr. Khrushchev thought he could lull us into sleep. He thought he could "con" our leaders, to use a vernacular phrase, into letting down their guard. He thought we would be willing to do almost anything to get peace. And when he found that this was not going to be the case after all, he blew his top, as we have just witnessed at Paris, and now has shifted crudely to a rougher, tougher line, but a line which is certainly familiar enough coming from the Kremlin, and a line which is directed to the same old Communist objective of world domination with the same old ruthless determination and energy.

It will be just a matter of time, Mr. Speaker, before the Russians put the squeeze on Berlin. We must be ready for that. And it will be just a matter of time before they put the squeeze on our other allies, too, from whose shores our worldwide military forces are presently operating. In fact, they are already putting on the squeeze, and have been since the shooting down of that U–2 aircraft.

The initial Russian attack has been aimed at Pakistan, at Norway, and at Turkey, with our other bases also coming under increasing attack.

The Governments of Japan, Norway, and Pakistan are relatively stable. We hope they will successfully weather these threats. But there is no question that the Japanese Socialist opposition will make the most of the U–2 incident in an attempt to wreck the proposed Japanese-United States mutual defense treaty, scheduled shortly for Diet debate and passage. And it is to be hoped that the rather shaky and crisis-wracked nations of Iran and Turkey will be able to withstand these latest Russian exercises in ballistic rocket blackmail.

Speaking recently at a National Day celebration at the Czechoslovak Embassy, Mr. Khrushchev warned that Soviet rockets would be used to retaliate against bases in any country that permitted U.S. planes to take off on intelligence missions over the Soviet Union.

It is conceivable, Mr. Speaker, that the Russian effort to squeeze us out of our oversea bases could be partially successful. Our Africa Moroccan airbases have already been written off. Those in Libya and Saudi Arabia are none too secure.

And the loss of any further Mediterranean, Middle East, Scandinavian, southeast Asia, or Far Eastern bases would certainly have very profound strategic consequences on our own defense structure as well as on NATO itself.

If the Quemoy-Lebanon crises of 1958 proved no further thing it showed how absolutely essential seagoing, mobile air bases are in any crises situations that may develop, from police actions to limited war or even total war.

The modern, mobile *Forrestal* attack carrier with its 100-plus aircraft can operate upon the vast ocean expanse, completely independent of any foreign land bases. Aircraft carriers operate in international waters and establish American sovereignty over that constantly changing patch of sea in which they operate. They are sovereign mobile bases of the United States. They are under tight supervision and control of our Navy. They operate without infringing upon the sovereignty of allied or neutral nations. They are not susceptible to the "zeroing in" of Khrushchev's rockets. They do not endanger the United States or our allies and friends.

Foresight is much rarer than hindsight, but it takes no great foresight to visualize a day—perhaps not too far in the future—when many of our present

fixed bases on foreign soil can be effectively neutralized either by Russian rockets or by their diplomatic and economic threats.

Surely we in Congress must act now to see that this great country of ours is never forced to defend itself without either fixed foreign bases or mobile floating bases.

And so, Mr. Speaker, as Mr. Khrushchev rattles his rockets so blatantly today across the seas there can be no more appropriate answer, in my judgment, than for the Members of this Congress to authorize construction of the new Navy carrier which the Defense Department has requested and which his actions have now made so necessary to our overall national defense in the difficult days that lie ahead.

GENERAL LEAVE TO EXTEND REMARKS

Mr. KASEM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill, H.R. 5, which was passed today.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOYLE, indefinitely, on account of official business.

Mr. THOMAS (at the request of Mr. PATMAN) for May 18 through May 23, on account of official business.

Mr. BREWSTER (at the request of Mr. ADDONIZIO), for May 18, on account of illness.

Mr. SANTANGELO (at the request of Mr. ADDONIZIO), for the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BAILEY, for 5 minutes, today.

Mr. STRATTON, for 15 minutes, today.

Mr. BROCK, for 10 minutes, tomorrow, and to revise and extend his remarks.

Mrs. ROGERS of Massachusetts, for 10 minutes, today.

Mr. CHAMBERLAIN (at the request of Mr. ROBISON), for 10 minutes, on May 19.

Mr. COOK (at the request of Mr. KASEM), for 15 minutes, tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. DULSKI.

Mr. DAGUE.

Mr. STRATTON and to include extraneous matter.

Mr. MAGNUSON in two instances and to include extraneous matter.

Mr. SAYLOR and to include extraneous matter.

(At the request of Mr. ROBISON, the following Member was granted permission to revise and extend his remarks in the CONGRESSIONAL RECORD and to include extraneous matter:)

Mr. KYL.

(At the request of Mr. KASEM and to include extraneous matter the following:)

Mr. BOWLES in two instances.

Mr. JOHNSON of Colorado.

Mr. BURDICK.

Mr. HOGAN.

Mr. BRADEMAS.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 684. An act for the relief of Gerald Degnan, William C. Williams, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake.

S. 2317. An act for the relief of Mary Alice Clements.

S. 2523. An act for the relief of Harry L. Arkin.

S. 2779. An act relating to the election under section 1372 of the Internal Revenue Code of 1954 by the Augusta Furniture Co., Inc., of Staunton, Va.

S.J. Res. 166. Joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol grounds in connection with the erection of a building on privately owned property adjacent thereto.

ADJOURNMENT

Mr. KASEM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Thursday, May 19, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2159. A letter from the Comptroller General of the United States, transmitting a report on the examination of the economic and technical assistance program for Bolivia as administered by the International Cooperation Administration (ICA) of the Department of State and its predecessor, the Foreign Operations Administration, pursuant to the mutual security program for the fiscal years 1954 through 1959; to the Committee on Government Operations.

2160. A letter from the Chairman, Federal Home Loan Bank Board, transmitting the Annual Report of the Federal Home Loan Bank Board covering the operations of the Federal Home Loan Bank System, the Federal Savings and Loan System, and the Federal Savings and Loan Insurance Corporation for the calendar year 1959, pursuant to the Federal Home Loan Bank Act; to the Committee on Banking and Currency.

2161. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2162. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Ng Ging Sheung, also known as Ng Wong San, Ng Ging Ngew, and Stephen Ng, XXXXXXXXX, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2163. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Karl Knoepfli, also known as Charles Knoepfli, XXXXXXXX, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2164. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation, entitled "A bill to establish a revolving-type fund in the Treasury for the Bureau of Reclamation, and for other purposes"; to the Committee on Interior and Insular Affairs.

2165. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation entitled "A bill to strengthen the enforcement provisions of the Federal Water Pollution Control Act and extend the duration of the authorization of grants for State water pollution control programs, and for other purposes"; to the Committee on Public Works.

2166. A letter from the Acting Secretary of State, transmitting the report of the President on determinations under the Mutual Defense Assistance Control Act of 1951 for the quarter ending March 31, 1960, pursuant to section 103(b) of the act for transmittal to the chairmen of the House Committees on Foreign Affairs, Armed Services, and Appropriations; to the Committees on Appropriations, Armed Services, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Virginia: Committee on Rules. House Resolution 530. Resolution to amend House Resolution 27, 86th Congress; without amendment (Rept. No. 1613). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 531. Resolution for consideration of H.R. 7201, a bill to provide for the comprehensive operation of hydroelectric power resources of the United States, and for other purposes; without amendment (Rept. No. 1614). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 532. Resolution for consideration of S. 2130, an act to authorize a payment to the Government of Japan; without amendment (Rept. No. 1615). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 533. Resolution for consideration of H.R. 1157, a bill to provide for promotion of economic and social development in the Ryukyu Islands; without amendment (Rept. No. 1616). Referred to the House Calendar.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8212. A bill to amend title 10, United States Code, with respect to the procedure for ordering certain members of the Reserve components to active duty and the requirements for physical examination of members of the Reserve components, and for other purposes; without

amendment (Rept. No. 1617). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 11787. A bill to amend title 10, United States Code, to make permanent the authority for flight instruction for members of Reserve Officers' Training Corps, and for other purposes; with amendment (Rept. No. 1618). Referred to the Committee of the Whole House on the State of the Union.

Mr. KILDAY: Committee on Armed Services. H.R. 12200. A bill to amend title 10, United States Code, to authorize reduction in enlisted grade upon approval of certain court-martial sentences, and for other purposes; without amendment (Rept. No. 1619). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 11952. A bill to repeal the act of May 29, 1958, which authorized and directed the Administrator of General Services to provide for the release of restrictions and reservations contained in an instrument conveying certain land by the United States to the State of Wisconsin; without amendment (Rept. No. 1620). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. House Joint Resolution 402. Joint resolution granting the consent and approval of Congress for the States of Virginia and Maryland and the District of Columbia to enter into a compact related to the regulation of mass transit in the Washington, D.C., metropolitan area, and for other purposes; with amendment (Rept. No. 1621). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARDEN: Committee on Education and Labor. H.R. 12125. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; without amendment (Rept. No. 1622). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARDEN: Committee on Education and Labor. H.R. 12108. A bill to provide for Federal grants and contracts to carry out projects with respect to techniques and practices for the prevention, diminution, and control of juvenile delinquency, and for the training of personnel; without amendment (Rept. No. 1623). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARDEN: Committee on Education and Labor. H.R. 8127. A bill to provide for the hospitalization at St. Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes; without amendment (Rept. No. 1624). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. S. 747. An act to provide for the conveyance of certain lands which are a part of the Des Plaines Public Hunting and Refuge Area and the Joliet Arsenal Military Reservation, located in Will County, Ill., to the State of Illinois; with amendment (Rept. No. 1625). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. S. 1502. An act to provide for adjustments in the annuities under the Foreign Service Retirement and Disability System; with amendment (Rept. No. 1626). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Fifteenth report pertaining to selected aspects of military procurement (Rept. No. 1627). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 9541. A bill to amend section 109(g) of the Federal Property and Administrative Services Act of 1949; without amendment (Rept. No. 1628). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WIDNALL:

H.R. 12286. A bill to assist areas to develop and maintain stable and diversified economies by a program of financial and technical assistance and otherwise, and for other purposes; to the Committee on Banking and Currency.

By Mr. ASHMORE:

H.R. 12287. A bill to amend the Internal Revenue Code of 1954 to repeal the tax presently imposed on the transportation of persons; to the Committee on Ways and Means.

By Mr. COHELAN:

H.R. 12288. A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DULSKI:

H.R. 12289. A bill to prevent the use of stopwatches or other measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. VAN ZANDT:

H.R. 12290. A bill to establish a program of financial and technical assistance designed to alleviate conditions of substantial and persistent unemployment in economically depressed areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. FENTON:

H.R. 12291. A bill to establish a program of financial and technical assistance designed to alleviate conditions of substantial and persistent unemployment in economically depressed areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. GATHINGS:

H.R. 12292. A bill to amend the Agricultural Trade Development and Assistance Act of 1954, as amended, to provide that whenever cotton is bartered or exchanged, either the identical cotton acquired from Commodity Credit or an equal quantity of substitute cotton shall be exported; to the Committee on Agriculture.

By Mr. HALPERN:

H.R. 12293. A bill to amend title 38 of the United States Code in order to provide a 1-year period during which certain veterans may be granted national service life insurance; to the Committee on Veterans' Affairs.

By Mr. KEARNS:

H.R. 12294. A bill to provide for a National Academy of Culture; to the Committee on Education and Labor.

By Mr. McGOVERN:

H.R. 12295. A bill to amend the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, with respect to market adjustment and price support programs for wheat and feed grains, to provide a high-protein food distribution program, and for other purposes; to the Committee on Agriculture.

By Mr. MAGNUSON:

H.R. 12296. A bill to provide for the striking of medal in commemoration of Century 21 Exposition to be held in Seattle, Wash.; to the Committee on Banking and Currency.

H.R. 12297. A bill to amend section 303 of the Communications Act so as to direct the Federal Communications Commission to consult with interested persons in small communities and rural and isolated areas on the technical and other problems in providing adequate television service at a reasonable cost, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 12298. A bill to establish a program of financial and technical assistance designed to alleviate conditions of substantial and persistent unemployment in economically depressed areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. VINSON:

H.R. 12299. A bill to amend the Armed Services Procurement Act of 1947; to the Committee on Armed Services.

By Mr. COHELAN:

H.J. Res. 709. Joint resolution to establish a Joint Committee on Central Intelligence; to the Committee on Rules.

By Mr. EDMONDSON:

H.J. Res. 710. Joint resolution to establish the third Thursday in August of every year as Indian Day; to the Committee on the Judiciary.

By Mr. HAYS:

H. Res. 534. Resolution authorizing the printing of the prayers offered by the Chaplain, the Reverend Bernard Braskamp, D.D., at the opening of the daily sessions of the House of Representatives during the 85th and 86th Congresses; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. AYRES:

H.R. 12300. A bill for the relief of Abdulkarim Ahmad Ali; to the Committee on the Judiciary.

By Mr. BROCK:

H.R. 12301. A bill for the relief of Dr. Jesus B. Verendia; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 12302. A bill for the relief of Mrs. Hilda Yen Male; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 12303. A bill for the relief of Yip Fook Q. and his wife; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 12304. A bill to confer jurisdiction on the Court of Claims of the United States to hear and determine the claims of Mollers' Suidah Shipbreakers, Ltd., the Alpha Shipping Co., Ltd., and Lancashire Shipping Co., Ltd.; to the Committee on the Judiciary.

By Mr. RAY:

H.R. 12305. A bill for the relief of Caridad P. Buncab; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 12306. A bill for the relief of George Edward Barnhart; to the Committee on the Judiciary.

By Mr. TELLER:

H.R. 12307. A bill for the relief of Erasmo Ramos; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 12308. A bill for the relief of Pasquale Marrella; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

467. Mr. STRATTON presented a petition of 130 members of the International Ladies' Garment Workers' Union, residents of the 32d Congressional District, New York, urging the enactment of H.R. 4488, the minimum wage bill, which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

A Bill To Prevent the Use of Stopwatches or Other Measuring Devices in the Postal Service

EXTENSION OF REMARKS
OF
HON. THADDEUS J. DULSKI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 18, 1960

Mr. DULSKI. Mr. Speaker, I have today introduced a bill to prevent the use of stopwatches or other measuring devices in the postal service. The purpose of this legislation is self-evident from its title.

Recently the Post Office Department introduced a work-measuring system known as the distribution guides program. So far as I am able to ascertain, this system is based on rule-of-thumb averages which, according to the Postmaster General, were obtained from a study of some 40 post offices differing in size, in physical conditions, such as lighting, the size of distribution cases, or other equipment factors. Everything I have heard about the system indicates that it is neither a scientific nor accurate system, and I subscribe to the view of the employees of the Buffalo Post Office that it is at best a speedup system. It fails to take into consideration the many factors which enter into an effective and honest time study, and particularly fails to take into account the hours of the day during which the work is performed. Dr. Frederic Lee, in his book "The Human Machine and Industrial Efficiency," has the following to say about nightwork in comparison with daywork:

> I have shown that nightwork is characterized by certain distinctive features: It imposes on a physiological organism attuned to one sequence of events a different and abnormal sequence; it is characterized by greater fatigue than is daywork; it is interrupted by sleep; its curve of output falls off at an excessive rate in the morning hours; its total output is less than with daywork; its accident rate and its proportion of lost time are in excess over those of the day; it has a deleterious effect on health. All these features are inimical to a high degree of efficiency.
>
> Night work is unnatural, unphysiological, abnormal, and it must ever remain so. It should not be allowed for women, and resort to it for men can only be justified by exceptional circumstances.

This distribution guides program is based on a system of measurement that is faulty in the extreme. The basic measure is 2 feet of mail. Theoretically, 2 feet of mail is supposed to equal 580 pieces. Actually, 2 feet of mail can vary anywhere between 350 pieces and 800 pieces, depending upon the thickness of the mail. The unit of measurement, therefore, is elastic.

The excuse for this system, as stated by the Post Office Department, is:

> We believe that any distributor is interested in knowing how well he is doing on the job and how his work production compares. We believe that a distributor has a right to know what the yardstick is in measuring his production and the distribution guides system was developed to let the employee know just how he is doing.

In my judgment, such a statement is just so much hogwash. Whatever other reasons there may have been for the distribution guides system, certainly a desire to let the employee know just how he is doing had to be the least important. The Post Office Department certainly did not take the time, the trouble, and the expense necessary to the development of this system merely to let an employee know just how well he was doing or was not doing.

Had the Department been sincerely interested in the employee's welfare, this system or any system of this nature, could only have been developed after adequate consultation with employee representatives and with the employees being represented every step of the way in the development of the program. Time and motion studies in private industry are not made without the consultation and participation of the employees through their union representatives.

According to the Post Office Department the vast majority of the employees readily meet the minimum requirements of the distribution guides program. This being true, it would seem to me that any system which requires that employees be detailed to nonproductive duties concerned principally with weighing, measuring, checking, and tabulating output, removes from productive effort at least as many hours as the system can be expected to save.

I have introduced this legislation after consultation with the officers of Local No. 374 of the National Federation of Post Office Clerks at Buffalo, N.Y., and with their national officers, and I commend it to the serious study of my colleagues.

Grain Storage

EXTENSION OF REMARKS
OF
HON. JOHN KYL
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 18, 1960

Mr. KYL. Mr. Speaker, one fallacy of the claim that all private grain storage facilities reap huge profits is demonstrated in the following record submitted to me this day.

An Iowa warehouse had 50,000 bushels of corn in storage. Recently the grain was shipped. Because the grain is now graded "sample" instead of "No. 1" or "No. 2," the warehouseman faces a loss of $10,000.

Now it should be pointed out that had this grain been stored by the Government there would be no recovery from this reduction in grade.

This factor was not given proper consideration at the time the Yates amendment was adopted, nor was it adequately considered when the politically inspired investigations of storage profits were made. It was this careless mass indictment which pressured the Agriculture Department to cut storage rates so drastically.

It would be beneficial to give this entire matter fresh, unprejudiced consideration.

Some Thoughts on the Summit

EXTENSION OF REMARKS
OF
HON. PAUL B. DAGUE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 18, 1960

Mr. DAGUE. Mr. Speaker, like every patriotic American I am incensed over the treatment accorded our President at the now wrecked Paris conference and herewith set down my reactions, point by point, to the news reports as they have reached us by press and radio.

First. President Eisenhower, under the firm counsel of the late John Foster Dulles, steadfastly resisted the idea of a summit meeting until he was finally pressured into it by Macmillan.

Second. The British are criticizing Ike not because we spied on Russia but because we got caught at it.

Third. Walter Lippmann, the Olympian oracle, criticizes Ike not because we got caught at spying but rather because he refused to lie about it.

Fourth. Debate on our "right" to make reconnaisance flights over another nation is academic in the light of the Russian space vehicle presently passing over most of the countries of the world every 90 minutes, plus the obvious fact that in a few short months we will have in orbit observer satellites that can collect all the information, to be gleaned by a U–2 plane and no one will be able to do a thing about it.

Fifth. Mr. Khrushchev came to the summit with his own hands red with bloody repression of free people and with a record of infiltration and espionage not matched by any nation in history. And speaking of aerial surveillance, how do Russian observer planes find their way over our Sixth Fleet in the Mediterranean without violating the air corridors of other powers?

Sixth. It is reassuring to have confirmed by most editorial writers my firm conviction that Mr. K. is not the unfettered dictator some believe him to be. The wily Russian quite evidently has been brought to book by the military and political hierarchy in back of him and told by them to back away from the summit.

Seventh. Khrushchev, in my opinion, never intended that anything constructive toward peace should come out of

the Paris conference. He lives on controversy and unrest and he would stifle in a peaceful world. The U–2 plane incident gave him an easy way out.

Eighth. The effect of this summit fiasco should be the enhancement of the stature of RICHARD NIXON as our next President since he has already demonstrated his ability to slug it out with Khrushchev toe-to-toe. That the Democrat front runners are equipped neither by temperament or experience for such a slugging contest is quite obvious. As for former Governor Stevenson, in his one conference with Mr. K. he came back to America literally shaken down to his shoes.

Ninth. In summation, let us never forget that the Russian leaders are not reasonable men. They are completely ruthless in the full meaning of that term. They are amenable only to force and as a result it behooves us to keep our defenses intact and our bombers and missiles on the alert. And then as reasonable people let us abandon this fiction of international comity and let us forthwith sever diplomatic relations that we should never have entered into in the first instance.

Tenth. And as a final thought, it is gratifying to see the alacrity with which the American people are uniting in back of their President, that Democrats and Republicans have closed ranks, if not in back of Ike then in opposition to a demagog who insults our intelligence and casts aspersions on our integrity and national honor.

Soil Stewardship Week in Colorado

EXTENSION OF REMARKS
OF
HON. BYRON L. JOHNSON
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 18, 1960

Mr. JOHNSON of Colorado. Mr. Speaker, the conservation of topsoil is essential. We who live with aridity and wind erosion know this. Those who live with abundant rainfall also know the erosive power of water.

Next week is Soil Stewardship Week in Colorado. I take this opportunity to pay tribute to those who more than 25 years ago saw the great need for action to conserve the Nation's soil. As a result of their vision, some 4½ million farmers and ranchers have united to form 2,822 soil conservation districts. These districts include 1.7 billion acres of land, or a major portion of the United States. These soil conservation districts represent groups of landowners who have joined together to protect our land so that future generations may enjoy its blessings. All America owes them a debt. We are not really the owners of the land—we are but trustees for this generation, and we should view our obligation as involving stewardship.

The work is not finished. It may never be finished. But it is going forward. This Congress or the next one should establish a soil moisture conservation laboratory to help advance this work. The soil moisture conservation laboratory would study the principles involved in increasing the intake of water from the soil, improving the moisture retention characteristics of the soil and increasing the efficiency of soil moisture use by plants. In the great plains area, holding 8 percent of the moisture that now evaporates back in the soil until it can be put to work growing crops is equivalent to adding 3 inches to the scarce rainfall.

Such a laboratory could well be located at Fort Collins, Colo., but wherever located, it is needed.

Similarly, research in weather modification can contribute toward improving the productivity of our soil. The soil conservation program represents the finest kind of cooperation in research, education, publication and constructive action between Federal, State and local units of government. But even as we commend the soil conservation districts of Colorado, let us press forward to further the cause that they have thus far so nobly advanced.

Secretary of Defense Thomas S. Gates, Jr., Makes Another Important Step Forward Toward Unification of Defense Department Procedures and the Reassertion of Civilian Control Over Our Military Establishment

EXTENSION OF REMARKS
OF
HON. SAMUEL S. STRATTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 18, 1960

Mr. STRATTON. Mr. Speaker, the Secretary of Defense issued orders on May 12 that our long-range defense communications are to be integrated into a single communication system. The organization of this worldwide system to replace those of several agencies which now all operate over the same area is a great step forward in increasing efficiency in our Defense Department. This personal action by the Secretary of Defense, Hon. Thomas S. Gates, Jr., will most certainly improve the security and safety of this Nation.

Again, Tom Gates has given us another example of the fact that there is no substitute for decisive action applied where and when it is required. The tremendous responsibility of the Secretary of Defense has made it even more imperative that problems be resolved with wisdom and dispatch. Thomas S. Gates, Jr., since his appointment, has given new meaning to the Office of the Secretary of Defense and has restored real luster to the constitutional principle of civilian control—giving it meaning and reality—by his willing acceptance of the tremendous responsibilities which are part of his office.

His order, issued shortly after becoming Secretary of Defense, which directed that possible divergencies of opinion between the several members of the Joint Chiefs of Staff be promptly brought to his attention, was in complete agreement with the words and intent of the Constitution and the laws passed by Congress for the direction and organization of our vast defense effort. No organization can work and survive on form alone—it takes competence and courage on the part of the responsible leaders to make any organization function properly—and Mr. Gates has shown this leadership.

I understand that he has not stopped with this development, but has made it practice to meet regularly with the Joint Chiefs so that he, as the civilian head of our Defense Establishment, will have an intimate and up-to-the-minute knowledge of the major problems of defense direction and, most important, the facts behind these issues.

The directives recently issued by Secretary Gates providing for an integrated communication system is a perfect example of actual, meaningful implementation of the earlier steps taken by him.

Almost since the invention of the telegraph, the military problem of duplicating and parallel communications systems has been evident. It has been increased in magnitude by the technological advancements and tremendous increases in volume brought about by the demands of modern war. Mr. Gates, by his action, is the first Secretary of Defense who has both recognized this problem and provided a solution.

By his action, we will at once save money and resources and acquire a communication system responsible to the needs of modern war far beyond anything we have had in the past. The United States is fortunate in having a man of such competence as Thomas S. Gates, Jr., at the head of the Department of Defense.

Joseph W. Barr: Department of Research

EXTENSION OF REMARKS
OF
HON. EARL HOGAN
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 18, 1960

Mr. HOGAN. Mr. Speaker, I am submitting a speech which was given by my colleague, JOSEPH W. BARR, Representative from the 11th District, Indiana, before the Federal Government Accountants' Association at the Naval Weapons Plant in Washington, D.C. on May 13.

The speech, Mr. Speaker, points up the need for coordinated effort on the part of our Government in the field of research.

In the past 20 years the expenditures of the United States on research have increased about 110 times—from $74 million in 1940 to $8,400 million in fiscal 1961. In 1961 research expenditures will use up about 10 cents of every Federal tax dollar collected.

This amazing jump in research appropriations over a 20-year span seems to reflect an awareness by the people that we can survive in the sixties only through research. We do not have the population to field great land armies, so to remain secure in a military sense, we must out-research the rest of the world. Economically, research is probably the best weapon we have in a highly competitive world. Ours is a high-cost economy. From the chairman of the board, through engineering staffs, and on down to the production line, our people demand and get salaries that are very high by world standards. To support these standards and to compete, we must literally turn in a better research performance than our competitors in the world market.

These facts seem apparent and are generally accepted. There is, however, a growing concern from the voters and from the Congress that the expenditure of this $8,400 million is poorly coordinated, often wasteful, lacking in direction and purpose, and too often based on 'expediency' rather than logical long-term goals.

Research, unlike other Government functions, is not centered under a department head reporting to the President and through him to the Congress. Research is scattered all over the lot. Defense of course gets the lion's share—$5,840 million. Over a billion dollars goes to the Atomic Energy Commission, National Aeronautics and Space Administration is next with $600 million, then the Department of Health, Education, and Welfare with $375 million (mostly spent in the National Institutes of Health), Department of Agriculture gets $138 million, the National Science Foundation gets $101 million, and a group of other agencies gets $283 million among them.

In spite of the fact that research is a clearly established Government function—as clearly defined as defense, labor, or agriculture, in spite of the fact that it uses 10 cents out of every tax dollar, in spite of the fact that it is clearly vital to our continued existence, still there have been no attempts to make sense out of this sprawling mess. There is no clear line of authority to the President and to the Congress. And worst of all there seems to be no attempt to establish national science goals, to coordinate existing programs, or to give the taxpayer a break on this enormous expenditure.

In my opinion there are three areas of management problems involved that must be resolved quickly if our research efforts are to produce a reasonable return:

I

Some way, somehow, the President or the Congress must decide how much of our resources can be devoted to research. Today money is probably not as much a controlling factor as the sheer availability of scientists.

II

Some way, somehow, the Congress or the President must establish a direction and a goal for our efforts and this expenditure of tax funds. At the moment direction is imparted to research by departments concerned with their particular problems. It is only natural that people in Agriculture would emphasize their particular problems of research. It is only natural that Defense scientists would insist on the overriding importance of their efforts, and the same would be true of the doctors at the National Institutes of Health. Each group has its own ax to grind, and unfortunately the Congress judges research appropriations on this departmental basis. I think this approach is all wrong. It is not as important to argue whether cancer research is more important than research on heart disease, as to stack these programs up against the whole range of Government research efforts—space, defense, meteorology, oceanography, communications, etc. There may be some anguished howls, but in my opinion we can no longer afford to consider research efforts in a departmental context; we must line them up and give them priorities on the basis of total national interest.

III

Finally, the Executive is now faced with a management problem of the first magnitude in getting the most out of the tax dollar—this $8,400 million. As I understand it, management of research involves three basic problems: (1) What projects to start; (2) Continuing evaluation of the work; and (3) When to quit.

I also understand that the toughest problem is the last—when to throw in the sponge and quit on a line of research that is not panning out.

In the years 1957 to 1959 we probably "blew" about 4 billion in Defense research because no one blew the whistle in time. One weapon system after another was advanced to the production point and then abandoned. Someone should have and could have stopped these projects much earlier in the game when they were obviously not developing properly. This kind of waste is intolerable.

Now that we have laid out the problems, what is the answer. I know that my answer is repugnant to many people, but I predict that we will be driven into a Department of Research with a Cabinet officer reporting directly to the President and collecting under his direction most of the sprawling research efforts of this Nation. Hearings were held on this subject in 1959 and many scientists yelled "tyranny." They may have a point, but I know of no other way for this Government to get a national, not a departmental, direction to our defense efforts. I know of no other way to coordinate these sprawling projects. I know of no other way to assure the American taxpayer that he will get a fair return from his tax dollars.

The Quest for Safeguarded Disarmament

EXTENSION OF REMARKS

OF

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 18, 1960

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address entitled "The Quest for Safeguarded Disarmament Must Be at the Heart of U.S. Foreign Policy," which I delivered in Washington, D.C., April 27, 1960.

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

THE QUEST FOR SAFEGUARDED DISARMAMENT MUST BE AT THE HEART OF U.S. FOREIGN POLICY

(Address delivered by Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, at Washington, D.C., April 27, 1960)

It may seem a long way from the real mountains of West Virginia to the metaphorical summit of next month—but it is not. Like the people of Arizona and Alabama, Wyoming and Wisconsin, like people everywhere, the men and women I have been talking with in West Virginia are deeply concerned with peace.

I have no crystal ball, and I will not attempt to predict what the outcome of the summit meeting will be. I do earnestly hope, however, that the four leaders will give serious and thoughtful consideration to the problems of arms control and disarmament, and will be able to achieve real, even if limited, progress.

I recognize that the armament race and the lack of political settlements are as closely related as, for example, racial prejudice and racial discrimination. Both are vicious circles, and it would be easy to sit down and give up trying on the theory that you can't eliminate one unless you eliminate the other.

As a practical and optimistic people, however, we Americans like to break in on these vicious circles somewhere. For example, in recent years we have been enacting laws against racial discrimination. That does not mean that we fail to recognize the need to banish prejudice by education; it does mean that we recognize that education alone would take a long, long time to achieve results, and that having to cease some acts of discrimination by law has in itself an educational effect.

So it is with disarmament and political settlements. The Soviet leaders have given little ground for hope that they are ready to consider a practical political settlement for Berlin, let alone Germany as a whole. The same is true of other political problems which clutter the international agenda.

OUR MAJOR EFFORT SHOULD BE IN DISARMAMENT

That does not mean that we should forget them, or cease trying. It does mean in my view, however, that our major effort should be in the field of disarmament—a field in which, during recent years, the Soviet leaders have done rather less propaganda and rather more serious negotiation than over political questions. If we do manage to achieve some real progress in disarmament, we can return to the political questions with greater hope of success.

There are obvious reasons for this. Unfortunate as it is that there are—for example—two Germanies, two Koreas, two Vietnams, peace can conceivably survive this division. We can live with it for the time being, even if we do not condone it. But the armaments race threatens both sides with the imminence of mutual annihilation. Furthermore—as the recent news of strikes and riots among Soviet workers emphasizes—the Soviet leaders have urgent domestic reasons for seeking to beat some of their swords into ploughshares.

SOVIET UNION NEEDS PEACE

Over a year ago, on returning from my visit to the Soviet Union, I noted Chairman Khrushchev's urgent need for peace, and predicted that he would launch a big push for disarmament. We should have been prepared—but we weren't.

The four leaders at the summit might well take their text from Shakespeare—who, I understand, is in Boris Pasternak's excellent translations as popular in the Soviet Union as in the Western World. He might have been speaking directly to the summit when he wrote:

> "There is a tide in the affairs of men,
> Which, taken at the full, leads on to fortune;
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries."

Such a tide is running now for disarmament—and I profoundly hope that the summit leaders will take it at the full.

TWO STEPS AT THE SUMMIT

There are two major steps that they can and should take. One of these is to resolve the most difficult obstacle standing in the way of a nuclear weapons test ban agreement—namely, the number of onsite inspections. The second is to give directions for the future course of the 10-nation disarmament negotiations.

DEFINITE POSSIBILITY OF TEST BAN AGREEMENT

There is a very definite possibility that a test ban agreement—the first real breakthrough toward peace—may be achieved this year, even if it is not concluded in time to be submitted to this session of Congress.

Most of you in this well-informed audience are familiar with the broad features of the proposed test ban treaty. I shall review them briefly:

1. The treaty would ban permanently all nuclear tests in the atmosphere, under water, and in outer space. It would ban underground tests down to a certain level—the level suggested by the United States being 4.75 on the earthquake scale, that is 19 kilotons of TNT in magnitude, roughly the size of the Hiroshima bomb.

2. A minimum of 180 control posts would be erected around the world to monitor shocks to the earth's surface, and to identify them as earthquakes or as nuclear explosions.

3. Up to a certain number of times each year, a mobile inspection team could make an on-site investigation of an event registered at the control posts which could not be identified as being natural in origin or an earthquake.

4. A coordinated program of research would be conducted by the three nuclear powers to improve the techniques of detecting and identifying nuclear explosions.

There is also the possibility of a separate agreement that, while this research is going on—and at least for a 2-year period—the nuclear powers would refrain from underground tests.

These four points are the major elements of the proposed treaty. There are other important points, and some of them are as yet unresolved. But, at this stage of the negotiations, the principal obstacle to agreement is the number or quota of "veto-free on-site" inspections to be carried out each year.

The U.S. position is that at least 20 inspections would be needed in the Soviet Union each year to check for possible explosions of 19 kilotons and above. If a lower threshold were to be selected, say 5 or 10 kilotons, a larger number of inspections would be required.

SENATE WOULD NOT SUPPORT INADEQUATE INSPECTIONS

The Soviet Union surely knows that a treaty cannot go into effect without a two-thirds vote of the Senate—we should advise them that a treaty which provides for less than 20 veto-free on-site inspections would have little or no chance of winning Senate ratification.

I hope that they will recognize—on this issue, our negotiators have no room to yield.

WHAT CAN WE EXPECT FROM THE SUMMIT?

The achievement of a test-ban agreement at the summit meeting—or even, to be more realistic about the prospects, the removal of this major obstacle to agreement—would raise a banner of hope for troubled and fearful mankind.

Such hopes, however, might be cruelly disappointed if the summit conference stopped there—and did not make a real effort to move the general disarmament talks off the dead center on which they are presently stuck.

The problem the summit should decide is in what direction to move forward. At present, the Big Four are like the horseman of the Canadian humorist, Stephen Leacock—they want to ride off furiously in all directions.

SOVIET EMPHASIS

The Soviet Union talks of complete disarmament in 4 years. On these occasions when it mutes this particular trumpet and talks of partial measures, it concentrates on proposals for Europe alone and for the elimination of foreign bases—the old Soviet propaganda line.

FRENCH POSITION

France evidently is opposed to any discussion of disarmament measures for Europe. The United States apparently does not want to negotiate about its overseas bases.

France would prefer to talk about nuclear delivery systems rather than nuclear ammunition. The reverse is true for the United States. And any mention of a control system for either ammunition or delivery vehicles seems to send cold shivers up the Soviet spine.

IMPORTANCE OF RESEARCH ON CONTROLS

Indeed, we need to know much more about controls before we can seriously negotiate them. This is primarily an American responsibility. The Soviet Union is allergic to controls, and will accept as little of them as it can. We cannot expect Chairman Khrushchev to authorize a serious effort in this field—any more than he would set up classes to teach shrimps how to whistle.

In the entire area of arms control, only two items could be settled immediately, according to the latest U.S. proposal. One is the freezing of the level of United States and Soviet armed forces at 2.5 million. The other is the prior notification to an international control organization of proposed launchings of space vehicles.

Nothing else could be considered without very serious study. So far as I am aware, no studies have been started on any disarmament measure, other than techniques for detecting nuclear weapons tests—and this study has been proceeding on a substantial scale only for the past 3 months.

RESEARCH FUNDS ABSOLUTELY VITAL

It may be that more thought has been given to these subjects than Congress is permitted to know. But thought is not enough. The expenditure of very substantial funds is required. The Berkner panel estimated $30 million as the cost of a 2- or 3-year research program in nuclear test detection alone, and $8 million has been allocated for the first year.

SUMMIT CONFERENCE SHOULD PRODUCE GUIDELINES

One way out of the present impasse is for the summit conference to set forth directives on the next steps in arms control. With such directives, the 10-nation disarmament conferences could concentrate its efforts, instead of riding off in all directions at once. And, with such directives, our own Government would know where to concentrate major study and research in order to be prepared for the next steps in disarmament negotiations.

INADEQUATE U.S. PLANNING

We have not been prepared for such negotiations, as I have been warning for many months. At long last, the State Department itself has acknowledged this fact. I quote Mr. Raymond Hare, the Deputy Under Secretary of State:

"In reviewing our approach to disarmament, it was further found that the most serious deficiency in the U.S. approach has been the lack of adequate planning and studies in the field of disarmament."

At long last, too, there are reports of a possible upgrading of the Office of Disarmament within the Department of State. That is good as far as it goes—but it doesn't go nearly far enough. It comes late—I don't say "too late"—and it is certainly too little.

A MANHATTAN PROJECT FOR PEACE NEEDED

What we really need—as the Senate Disarmament Committee proposed as long ago as September, 1957—is a special agency devoted to the single and comprehensive problem of disarmament—a sort of "Manhattan Project for Peace."

Early in February I introduced legislation to establish a National Peace Agency. It should have the services of some of the ablest and most dedicated people in the country. It should have authority to coordinate the many different projects in the general disarmament field which are presently splintered among the Department of Defense, the Atomic Energy Commission, the Central Intelligence Agency, and the Department of State.

Its single, overriding assignment should be to find a way to end the arms race. In the existing agencies, this is at best a part-time or occasional assignment. Then, too, there is a built-in contradiction in expecting any Department of Defense to give wholehearted enthusiasm to limiting armaments—or any Atomic Energy Commission to show as much zeal for curtailing atom bombs as for developing more effective and varied ones.

The proverb tells us that poachers make poor gamekeepers. I don't apply this proverb in its totality to the Pentagon and the AEC. They can and should provide needed advice and technical services to the National Peace Agency. But, in this field, they should be valued servants and advisers, not masters.

The Department of State would continue, of course, to carry on disarmament negotiations—and I have introduced legislation to upgrade this function by establishing an Assistant Secretary of State for Disarmament and Atomic Energy affairs.

NATIONAL PEACE AGENCY RESEARCH ASSIGNMENTS

The National Peace Agency would provide the State Department, and other Departments concerned, with the fullest information and advice in the field of disarmament and related subjects. Its research assignments should include, among others:

1. The detection and identification of nuclear weapons tests.

2. The detection of missile tests and of the launching of outer space vehicles.

3. Measures to guard against surprise attack, either by long-range or conventional means.

4. Control systems to verify the cutoff of the production of nuclear weapons.

5. Control measures for reducing or eliminating the production of chemical, biological, and radiological weapons.

6. Studies of the feasibility of demilitarized zones and of the stationing of international police contingents in areas of potential conflict.

7. Political problems concerned with the inclusion of Communist China in an arms control agreement.

8. Studies of measures to slow down or embargo the arms traffic to disturbed areas, such as the Middle East.

9. Plans for the economic adjustments required in the event of a substantial reduction in armaments manufacture.

All this, and more, will be needed ultimately to achieve genuine disarmament. If the summit conference, as I hope, sets directions for next steps in negotiation, this will be most helpful in establishing priorities.

NEW EMPHASIS ON SAFEGUARDED DISARMAMENT REQUIRED

The quest for safeguarded disarmament must be at the heart and center of American foreign policy. It must be placed as far as possible within the framework of the United Nations—because disarmament is a concern of all countries, and not only of the great powers. By making our statements on disarmament in the forum of the United Nations, we can—if our case is sound—rally behind it the moral force and the conscience of mankind.

We have a better than even chance of making the last four decades of the 20th century decades of peace. The French have

a good proverb—amply illustrated by many buildings here in Washington—that nothing is so permanent as the temporary. And, if we can keep the peace for the next 40 years, there is real hope that the habit may take hold for good.

Consultation With TV Booster Communities

EXTENSION OF REMARKS
OF
HON. DON MAGNUSON
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 18, 1960

Mr. MAGNUSON. Mr. Speaker, today I have introduced a bill, H.R. 12297, to make a very small addition to the Federal Communications Act directing the Federal Communications Commission to consult with interested persons in small communities and rural and isolated areas on the technical and other problems involved in bringing television programs to these areas at a reasonable cost.

For 5 years now I have been endeavoring to assist the small and isolated communities of our country, particularly in the West, in their efforts to provide themselves with even a part of the television service which those of us in the large metropolitan areas take so much for granted.

The residents of these communities first turned to the FCC for assistance, but were given no help. Undaunted, in typical American fashion, they set about to solve the problem for themselves by designing and installing the relatively simple television booster stations or repeater stations. These facilities, installed and maintained at a very reasonable cost through voluntary community action have provided a decent television service to thousands of families.

At every stage of the game the local people have had to contend with the stubborn opposition of most of the members of the Federal Communications Commission and its staff. It is my firm conviction that much of this opposition stemmed from some of the worst features of the bureaucratic mind—redtape, lack of imagination, more concern for the administrator's problems than those of the people, insufficient information, delay, and timidity.

But above all, I have felt that the long and needless struggle could have been avoided if there were better communication between the residents of the isolated areas and the agency staff in Washington, D.C., a greater mutual understanding of each other's problems and points of view.

I feel that this communications gap could be bridged if the Commission would appoint five, or even three, field consultants on the television problems of the isolated communities. These specialists could operate out of scattered field offices at, for example, Denver, Colo.; Spokane, Wash.; Douglas, Ariz.; Grand Island, Nebr.; and Fairbanks, Alaska. They could travel around to the small towns to meet with the community leaders interested in television, inspect the terrain, look over the local television repeater facilities and pass on information on what other communities and the FCC itself are doing.

From time to time the field specialists would report back to Washington, D.C., on what they had learned, could pass on suggestions for improvements in the equipment or for changes in licensing procedures, and also could submit recommendations on specific license application.

With these field specialists doing their job conscientiously, I am confident that almost overnight the present feelings of mutual suspicion and mutual antagonism would dissolve.

Heretofore, with but few exceptions, every representative of the FCC who has visited these small towns has done so as an enforcement officer, a policeman, seeking only to find law violations and to close down the community-sponsored television repeater facility which offers the only means the residents have to enjoy television.

By contrast, the field specialists I envision would be welcomed as friends, not antagonists, who are trying to help, not hinder. They would work in mutual cooperation with the local residents to help work out a system for providing good television service within the framework of the administrative responsibilities of the Commission. The local people are more than ready and willing to cooperate with the Commission if only the Commission, in turn, will demonstrate it is willing to cooperate with them. I believe the field consultants quickly can bring about this much desired spirit of mutual cooperation.

There is no doubt in my mind that the Federal Communications Commission could employ these field consultants now, without any nudge from Congress, if only it decided to do so. But when I informally have suggested this course in the past, the response has consisted of a series of typical bureaucratic reasons why it can't be done: They do not have the money, they do not have the authority, they already are studying the problem and there is no need for these additional personnel, anyway. So unless the new chairman of the Commission and the men he has brought with him are motivated by the desire to solve problems and accomplish results rather than to spend their time thinking up reasons why something cannot be done, then I am afraid that some congressional action is necessary.

Last year I introduced a bill, H.R. 3737, designed to spur the Commission through creating a Community Television Bureau. Both the Commission and the Bureau of the Budget have filed the expected adverse reports.

The principal objection raised to that bill is a procedural one, namely, that it is unwise from an administrative point of view for Congress by law to create a specific bureau with statutory powers within a larger agency. Recognizing that this argument has some validity, I have taken a new approach in the bill introduced today, H.R. 12297, which consists of adding to the list of powers and duties of the Commission under section 303 of the Communication Act the simple statement that it—

(s) Consult with interested persons in small communities and in rural and isolated areas on the technical and other problems involved in providing adequate television service at a reasonable cost.

I hope that action can be taken on this simplified bill before adjournment.

Where We Stand in Space

EXTENSION OF REMARKS
OF
HON. CHESTER BOWLES
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 18, 1960

Mr. BOWLES. Mr. Speaker, one of the most effective and hard-working Members of the House is my good friend and distinguished colleague from the First Congressional District of Connecticut, the Honorable EMILIO Q. DADDARIO.

"MIM" DADDARIO long ago acquired a habit of attaining distinction in anything he attempts. From his college days at Wesleyan University in Middletown, Conn., where he became one of Wesleyan's alltime star athletes, he proceeded to compile an enviable military record in World War II with the Office of Strategic Services. In the postwar period, he became mayor of Middletown and later judge of the Middletown municipal court. With the outbreak of the Korean conflict, he returned to military service, this time in the Far East, again compiling a distinguished record.

As a member of the Committee on Science and Astronautics, "MIM" DADDARIO has made significant contributions to the pioneering work of this group. His grasp of the difficult and complex problems of the exploration and development of outer space are clearly shown in an article he has written for the May 1960 issue of the Wesleyan University Alumnus, entitled "Where We Stand in Space." Under leave to extend my remarks, I call the article to the earnest attention of my colleagues. The text follows:

WHERE WE STAND IN SPACE
(By Hon. EMILIO Q. DADDARIO)

The exploration of space and the development of its use for service to man is a major responsibility of Congress and its Committee on Science and Astronautics. Because we are not the only nation so interested, a race for space has been created with every success or failure tallied on the chart of world public opinion. We cannot ignore so great a challenge. Involving as it does both the military survival of the Nation and its economic well-being, it demands an ultimate effort. This is a capsule report on the outlook as it appears to me after studying reports and listening to statements by our scientists, military leaders, and industrialists as presented to the Committee on Science and Astronautics, of which I am a member.

MAN IN SPACE

There is great public interest in the project to put man himself into space. This represents a new frontier, one without limit, unlike the vanished frontiers of the earth's

surface. It is too early to say whether putting man into space in this manner will have immediate economic or military significance, but no one can doubt the psychological impact in the world power struggle, or the ultimate consequences both for military development and for scientific and economic endeavor.

Putting man into space successfully for any length of time is the culmination and synthesis of a great amount of our modern scientific knowledge and technical achievement. It involves reliable propulsion, materials of remarkable qualities, intricate guidance and communications, and a collection of environment controls to overcome the absence of air, the presence of radiation, weightlessness, and the fierce heat of reentry. It also requires a vast system of ground support including tracking and computing facilities and effective recovery means. To have all this combined and made to work reliably is a major undertaking resting on the base of billions of dollars of research, development, and testing.

As of this date it is difficult to predict with certainty whether it will be the United States or the Soviet Union which first achieves the successful orbiting and recovery of a man in a ballistic capsule. It would not be surprising if the Russians do it first. This is because they have had larger rocket powerplants for a longer period of time, and because they early pursued a vigorous and highly successful program of biological experiments in space which have included the successful recovery of living animals from some very ambitious vertical probes into space.

The U.S. effort is centered in Project Mercury. Although it has its limitations, it represents our first important hope for success. It is well thought out and is proceeding in an orderly way at a very high level of priority.

Particular public interest has centered on the seven chosen astronauts. Having met these young men, I can assure you that they are skilled and dedicated, and that they will bring this country success if it is within the capabilities of man.

No positive timetable can be given on such an experimental program. However, our tentative goal is to make the first ballistic-type attempt with a modified Redstone carrying the capsule and astronaut some time this year. If all goes well, it may be possible to orbit a man in 1961. It is most likely that he will orbit the earth three times in a period of 4 hours and then skip down from outer space into the upper atmosphere, beginning over the Pacific, crossing the continental limits of the United States, and landing in the Atlantic Ocean.

Follow-on projects at various stages of development or study include Dyna-Soar, which in advanced versions will orbit a man, and allow some choice as to point of landing through use of a winged glider reentry instead of the straight ballistic fall with blunt nosecone and parachute as intended with Mercury. Farther away but under study are manned space stations and ultimate expeditions to the Moon, Venus, and Mars.

COMMUNICATIONS SATELLITES

One of the earliest and surest payoffs from our space research is in the area of space communications. The most compelling urgency is to have a sure system of worldwide communications. The volume of military messages being far in excess of our commercial traffic illustrates the importance of communications to our national security. We know how vulnerable most of our communication channels are from solar disturbances and how terrible the consequences would be in this missile age if immediate commands could not be passed between headquarters and our strategic forces both on airfields and in the air the world over, and how our defensive tracking and command systems also can falter when communications become difficult. Ordinary communication channels are not only overcrowded, but can blank out for days, and yet military requirements call for instantaneous linkage.

These are the compelling arguments advanced for putting the first generations of communications satellites called Project Notus under the control of the Defense Department. Project Notus includes several parts: Project Courier will be an improvement of the Project Score Atlas which carried the President's voice and teletypewriter messages around the world in December 1958. It is called a delayed repeater active satellite because its tape recorders pick up messages for delivery on command from the ground at a later time. Project Steer will be somewhat similar, but will relay messages instantaneously by rebroadcast. It offers the opportunity for developing virtually jamproof, sunstorm-proof line of sight narrow beam signal transmission. Project Decree will come about when we have more powerful launching vehicles to place the real time repeater satellite 22,300 miles over the Equator so that its speed in orbit matches the rotation of the earth exactly enough to hold it with minor corrections in fixed position relative to the surface of the Earth. Three properly spaced equatorial orbit satellites will allow line of sight communication to all except the extreme polar regions. All these devices are practical, but will call for careful design to create reliability of circuits and a durable power supply from either solar cells or a nuclear source of energy whether isotopic battery or a miniature reactor with heat exchanges, turbine, and generator.

While we are waiting for these military projects to reach perfection, the National Aeronautics and Space Administration will be pursuing the passive relay of signals by placing large reflecting objects in orbit against which anyone may bounce signals just as the Navy is bouncing signals off the surface of the Moon. This passive satellite relay is called Project Echo and will include the placing and inflating of exceedingly thin 100-foot-diameter metal-coated plastic balloons into orbit. It is planned that these balloons will stay in orbit for a time before they gradually slow and are destroyed on reentry to the upper atmosphere.

Once urgent military needs have been cared for, and perhaps partly in parallel, we are going to see a commercial use of communications satellites. The research for this is already under way among the big telephone, cable, and radio companies. The reasons are fairly simple. Not only can such links be free from the delays of solar activity, but they offer many more channels through which information can be poured. Satellites will prove cheaper than laying more ocean cables, will provide many additional channels, and will make intercontinental television a practical thing. As of today pictures sent live across the Atlantic take hours of broadcasting and taping to produce a few minutes of pictures and the results are hardly satisfactory for regular or instantaneous use.

In contrast, the satellite planned for Project Decree will be able to carry 300 voice channels or two television channels through the 8,000 pounds of weight in orbit. This project should be a going thing, in less than 5 years, and will be just the beginning, for one industrial company has plans for an advanced satellite capable of relaying 50,000 voice messages simultaneously. Once the big 1.5 million pound thrust Saturn booster is perfected, stations of this type can be placed in orbit.

The needs for high capacity are very great. The National Aeronautics and Space Administration has shown that there were 1.5 million oversea telephone messages in 1950, that 3 million are expected this year, and that the saturation capacity of slightly over 4 million messages will be reached by 1962. By 1970 the number of messages could rise to 21 million if facilities were provided. Since no cables are planned to keep up with this project demand, communication satellites will be a virtual necessity during the present decade. The present two Atlantic cables carry only 36 voice channels each. Compared with the estimate above as to what satellites will do, one can envision the kind of "quantum jump" which is coming in our contacts with the rest of the world. Indeed, it was Arthur Clarke, author of "The Exploration of Space," who suggested to my committee that the first nation to achieve a practical television satellite might set the universal language for all the world. This will exert a force on the course of history far greater than ever previously experienced.

WEATHER SATELLITES

Although not a commercial project in itself, the weather satellite is likely to exercise a profound influence on the world economy within a decade. Leading weather experts have said that the United States alone may realize benefits from this one type of satellite in excess of $4 billion a year. Such a saving would be more than enough to pay for the entire space program.

The weather satellite is still an experimental device and is under development by the National Aeronautics and Space Administration under the code Project Tiros. This will be followed by the more sophisticated Project Nimbus. Success here will give continuous reports on cloud cover, heat balance, solar activity, and many other related matters. Weathermen on the ground can then feed the worldwide information into computers and complete studies now based greatly on theory. Only then will we begin to have reliable weather reports useful to agriculture and industry in a definitive way.

The weather satellite will have military uses as well. For example, when reconnaissance military satellites are able to broadcast the immediate position of ships at sea to missile launching pads, these ships will lose some of their present invulnerability. Information from weather satellites relayed to ships will give them cloud cover reports allowing them to keep out of sight much of the time, and thus reduce their vulnerability.

NAVIGATION SATELLITES

The Navy in particular has a very keen interest in a navigation satellite called Project Transit. In effect it will become a manmade radio star which regardless of weather can be sighted through instruments and very exact readings on location can be made through the Doppler shift of signals as it passes. It is expected that these devices will be available within 2 years to guide ships and Polaris submarines at a cost well below the presently maintained long-distance range stations. Their signals will also have practical commercial value and will be available to other countries as well.

VEHICLE FAMILIES

My discussion above is largely in terms of the important end uses which are coming most immediately. Equally significant is the development of the launching vehicles themselves.

Ballistic missile experience is the foundation of by far the largest part of our space effort. Powered with the H–1 rocket engine, the Atlas, Thor, and Jupiter have put up all but the nominal payloads of the Vanguards and the early Explorer satellites. However, the relatively limited Vanguards and Explorers of the 1958 period have provided components for the upper stages of the more versatile vehicles of the present. Still better is the new Agena second stage for use on either Thor or Atlas. It has been placing 1,700-pound Discoverer engineering test satellites into polar orbit.

The Agena B version which will be ready presently will have a restart capability in space. This development will be essential to attaining the controlled and circular orbits in space needed for the communications and other advanced satellite applications. An additional improvement because of the greater efficiency of hydrogen as a fuel will be the Centaur upper stage. This will have important military assignments and also will provide the first significant capability for lunar soft landings of instruments and interplanetary probes.

However ingenious we are with improved upper stages, our present total lifting capacity will be limited to that possible with our largest launching booster, the Atlas. Atlas has a thrust of 360,000 pounds, only about half that used for the first three sputniks and first three lunik Soviet rockets. This gives a clue to the importance of Saturn, a clustered arrangement of eight H–1 engines of the type used by our present boosters, and expected to give a first stage thrust of close to 1.5 million pounds.

Along with the big booster are to come super upper stages fueled with hydrogen, and delivering in final version 800,000 pounds of thrust for the second stage, tapering to a fifth Centaur stage. This ultimate arrangement is the kind which will carry men around the moon and perhaps support a landing there. Such landings are feasible with our present technology within a decade.

Saturn is not the end of the line in booster development. Some funding has been given the F–1 engine, to deliver from a single chamber 1.5 million pounds of thrust. With clustering in the Nova concept, we may see as many as 12 million pounds of thrust made available, the basis for a manned round trip to Mars.

Many people close to the work also wish we were pushing with more speed on Project Rover. This is a nuclear heat exchanger rocket already ground-tested which will ultimately increase tenfold the payload that can be sent on interplanetary missions. Here is an opportunity for a significant surge ahead in space for the United States.

Another possibility in the nuclear field is Project Orion, a nuclear bomb propulsion system which would propel a spaceship by firing a sequence of modest-sized nuclear weapons. Enthusiasts see the opportunity for lifting literally thousands of tons of payload by this means.

Electrical propulsion development is showing another important gain for interplanetary work. These may include electrostatically accelerated ions or electromagnetically accelerated plasmas.

All of these plans will see much further development and some applications within the next decade or two, the speed being largely a matter of how much support we give to the work.

IMPLICATIONS OF SPACE DEVELOPMENT

There is not room here to develop the full implications of our entry into the space age. I have reviewed in general terms some of the applications which will come in our spacework and the vehicles which will carry out these tasks. We must realize that our needs for scientific discovery are linked with space research and that our success in meeting these challenges affects our status as a world leader in the eyes of people all over the globe. There is no doubt that we have at this moment the technical ability and the industrial skill to accomplish leaps ahead in space. We also have the inherent abilities and skills in government and in the universities. It will all take a combination of time, money, and good management. In the background there must be attention to scientific education and training, and an understanding of the importance of this program extending far beyond the current funding of the particular projects being developed.

My review would not be complete without a clear recognition that however we may wish to dedicate space to peaceful uses and to practical applications which are financially self-supporting, there are some very urgent military aspects as well. Quite aside from the ballistic weapons which are becoming for the immediate future the mainstay of the nuclear deterrent of both the United States and the Soviet Union, space has an immediate and urgent significance of military concern. The Midas infrared detector for satellite observation of any missile launchings, and the Samos photographic, television, and electronic ferret satellite for advance warning of military activity represent key projects which involve our very survival. They represent a means to have sufficient warning of any sneak attack on this country which may in fact rule out such sneak attack as being a practical strategy to use against us. Civil defense and retaliatory strikes are back in the picture to a worthwhile degree if we could have even a full half hour of warning from Midas. The present hoped for 10 to 15 minutes of warning is almost meaningless. Modern defense involves many complex issues and forces, and space development is inseparable from consideration of our defense.

There remains the very real hope that space activity in some form will eventually rule out the waste of military preparations, and may serve as a unifying force in human endeavors. This is something for which we should all fervently hope. Meanwhile we have no real choice but to do our best to increase our understanding of the space environment and to increase the skill to use this environment. These are goals worthy of man's best efforts and high faculties.

Should the Public Interest Be Represented?

EXTENSION OF REMARKS

OF

HON. QUENTIN BURDICK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1960

Mr. BURDICK. Mr. Speaker, I never thought the time would come when anyone would tell the American public that they are not the public. Yet that is what this administration is trying to do. It has refused to reappoint to the Federal Power Commission the only member of that Commission, William R. Connole, who has fought consistently and courageously to protect the consumer from unjustified increases in his gas and electric bills. The administration has given as its reason that Mr. Connole is too consumer minded, that he represents a special group, the consumers.

This is indeed a strange distinction. Since when are the public and the consumers two different groups? Since when are the consumers a special group? When Congress authorizes the Food and Drug Administration to protect the public interest against dangerous drugs, whom does Congress mean by the public if not the people who buy those drugs, the consumers? And when Congress tells the Federal Trade Commission to protect the public from misleading advertising, whom does Congress mean if not the people who will be fooled by that advertising, the consumers?

And when the U.S. Supreme Court ruled that the Federal Power Commission's job was to protect the public interest, whom did it mean but the consumers, the users of gas and electricity? Or does not this administration understand that the only function of the Federal Power Commission is to protect the interest of the public? And does it not know that the consumers are the public and that the only way the Federal Power Commission can protect the interest of the public is to protect the consumers? If a man does not understand this—if he is not ready and willing to do this—he does not belong on the Commission. And an administration that does not understand it has no right to make appointments to the Commission.

I am completely amazed by this reason given by the administration for its refusal to reappoint Mr. Connole. I would think that even this administration would know why regulatory commissions have been created. Utilities are given an absolute monopoly to render an essential service for the public. With this monopoly position, if utilities were not regulated or controlled, they could charge almost any prices and give almost any prices and give almost any kind of service. As an example, take an electric utility. People must have their electricity. They can buy it usually only from one source and that source is the power company serving that area. To get that service, they must pay whatever rates the power company charges. Obviously, unless there is some group to control what the companies do and what they charge, the public—the consumers—would be at the complete mercy of the power companies. To protect the public—the consumers—regulatory commissions were created. They were created in the States to protect the public as far as intrastate matters are concerned. And the Federal commissions were created to protect the public insofar as interstate transactions are involved. But every commission, State or Federal, was created solely to protect the public. It is perfectly clear that a utility which has a monopoly for rendering an essential service to the public needs no protection from the public—but just as obviously the public needs protection from the utilities. And unless they get that protection from the regulatory commissions, they are at the complete mercy of the utilities.

I saw this at first hand. For years I was counsel for a rural electric cooperative in North Dakota. I know how important good regulation is to the public. I know that because the Federal Power Commission is allowing electric power companies to keep for themselves, and not pass on to the consumers, the savings realized from accelerated depreciation, the consumers are being compelled to pay much higher rates for electricity than they should be paying. I also know that when the Federal Power Commission granted a private power company a license to build 3 small dams instead of one high Hells Canyon Dam it meant that the farmers of North Dakota would be denied the low-cost fertilizer which the high dam would have made possible.

These are only two illustrations out of many which show how costly to the consumers—to the public—poor regulation is.

If the public only realized how important good regulation is to them, they would do everything in their power to insure that only men who had the public interest—the consumer's interest—at heart would be appointed or elected to the regulatory commissions. Unfortunately, the average citizen does not realize that he pays with his own hard-earned money for the poor appointments made to regulatory commissions. He does not understand that whenever a commission allows a utility to overcharge in its rates—and this happens all too often—every consumer pays more on his utility bill; that when the Federal Power Commission allows increase after increase to the big wholesale gas companies, those companies pass the increases on to the retail gas companies which serve the individual consumer and the individual consumer's gas bill goes up. The same is true in the case of every other type of utility service.

I wish it were possible to carry this message to every one of our citizens. I wish they could be made to realize that they are directly concerned in every action that the Federal Power Commission—and every other regulatory commission—takes. I wish the public could be made to realize that they pay the cost of poor regulation both through unnecessarily high bills for their utility services and through the increased costs of the other things they must buy.

Certainly, the administration should understand these plain facts of life. Even if it did not understand these facts before 1956, it must have known about it since that time. Because in 1956 the Supreme Court of the United States, in two cases decided at the same time, made it unmistakably clear that the sole function of the Federal Power Commission was to protect the public interest. In the cases of *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp, et al.* (350 U.S. 332), and *Federal Power Commission* v. *Sierra Pacific Power Company* (350 U.S. 348), the Supreme Court emphasized the fact "that the purpose of the power given the Commission is the protection of the public interest, as distinguished from the private interests of the utilities."

These decisions by the U.S. Supreme Court both gratified and shocked me. I was gratified that the U.S. Supreme Court so plainly and clearly told the Federal Power Commission what its function was. On the other hand, I was shocked that it was necessary for the Supreme Court to remind the Federal Power Commission why it was created and why it existed. You would think that the Federal Power Commission would know at least that much. Despite these decisions by the U.S. Supreme Court, however, the administration refuses to reappoint to the Federal Power Commission the only man on it who has demonstrated the ability and desire to perform his duties as they should be performed and to protect the public interest.

I was interested to see, a few months ago, an article in the magazine Fortune. Fortune, you know, is the magazine of big business. It ran an article which reviewed and analyzed the work of our Federal regulatory commissions. When the article discussed the Federal Power Commission it said that of the five Commissioners on that Commission there was only one who was doing his job and that one was William R. Connole. This was not the appraisal or opinion of consumer-minded groups, but it was the conclusion reached by the magazine of big business. I congratulate Fortune for conducting such a study and making such an honest and objective presentation. But this administration, which has proved itself to be the instrument of big business, refuses to go along even with the magazine of big business when that magazine presents an honest and fair story. Apparently the motto of this administration is: "Whether it be right or wrong, we are always for big business and against the consumer."

In a recent broadcast, NBC Commentator Martin Agronsky noted that many Senators, the mayors of large gas-consuming cities, 10 professors of law and government regulation at Columbia, Harvard, Pennsylvania, and Yale Law Schools, many consumer groups and major newspapers have urged the reappointment of Mr. Connole, and that the regulatory commissioners of Mr. Connole's home area—the New England States—have praised him as being the most preeminently qualified person in New England in the field of regulation. Martin Agronsky then comments:

> None of this seems to have registered with the President. The price of dissent, like the price of gas, keeps going up.

I would make only one addition to this splendid statement by Martin Agronsky. I would say that the price of dissent, when the dissent is in favor of the public, like the price of gas, keeps going up. I am sure that if the dissent was in favor of big business, the commissioner who dissented would have guaranteed his reappointment.

Ever since 1953, we have witnessed the deterioration of our regulatory commissions by the appointment of men who have no understanding whatsoever of their duties and functions, of men who often disagree with and disapprove of the very statutes they are to enforce. But the refusal of the administration to reappoint to the Federal Power Commission the only man on it who understands and conscientiously endeavors to do his duty—William R. Connole—and the explanation made for this refusal establish a new low.

I fervently pray that the Senate will not permit this continuing deterioration in the makeup of our Federal regulatory commissions. The Senate, of course, has no appointive powers. Only the President can make the appointment. But I sincerely hope that no man will be confirmed who does not understand that his function as a commissioner is to protect the public interest, or who does not intend to do all that he can to protect the public interest—and that means to protect the consumer.

Speech by Senator Kenneth B. Keating Before the Americans for Competitive Enterprise System, Inc.

EXTENSION OF REMARKS
OF
HON. HUGH SCOTT
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Wednesday, May 18, 1960

Mr. SCOTT. Mr. President, a speech delivered by the Senator from New York [Mr. KEATING], in Philadelphia, May 13, contains so much of general interest and is so soundly reasoned that I believe it should receive much wider attention. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the speech of Senator KEATING before the Americans for the Competitive Enterprise System, Inc.—ACES.

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

SPEECH OF SENATOR KENNETH B. KEATING, REPUBLICAN, OF NEW YORK, BEFORE THE AMERICANS FOR THE COMPETITIVE ENTERPRISE SYSTEM, INC., PHILADELPHIA, MAY 13, 1960

I am delighted to be here this afternoon to talk to the Philadelphia Americans for the Competitive Enterprise System.

The purposes for which your fine organization stands are the greatest ideals of all history—freedom and its many facets. It motivates and inspires men, and has done so from the beginning of recorded time. It is mankind's eternal trump card.

Speaking to the ACES, I suppose I should have held on to my trump card, but in 20 minutes or so one can't do too much finessing with a subject as broad as that which I have chosen for today.

I want to talk today about the attitudes and ideas which people have towards government and towards its impact on our society.

Let's begin by getting things in the proper perspective.

All of us with no small anticipation have been watching the recent growth of our gross national product. This is the statistical index which sums up all of the goods and services produced in the United States. The reason for its receiving special attention in recent months is that this index is about to reach 500 billion or one-half trillion dollars. In fact, the annual rate for the January-March quarter was $498 billion, just 2 billion short of the half trillion mark.

I realize full well that we must not allow ourselves to become hypnotized by the level of this index of national output. There are still a great many questions as to what will be the course of our economy in the months ahead. However, despite these various uncertainties, there is little doubt that at one time or another we will reach and surpass the half-trillion-dollar rate. In fact, we may have already done so.

It will, I am sure, take a statistical giant to determine at exactly what time this event occurred. Maybe it is happening right now as I am speaking. Perhaps it was just at the moment that the President wound up at Griffith Stadium to throw out the first American League baseball. Perhaps it happened at 3 o'clock in the morning.

I am impressed and excited by this half-trillion-dollar figure, because in my mind it affirms and illustrates the great prosperity of our Nation—a record of which all of us can be proud. We must, of course, look to

the future more than we gloat over the past. I know that all of you are concerned, as am I, about the best and most effective route to a gross national product of $600 billion and then 700—and eventually a trillion dollars.

In 1959, total spending by Federal, State, and local governments totaled $97.9 billion. This represents roughly 20 percent of our gross national product, which means that approximately $1 out of every $5 spent in 1959 was spent for government.

On the overall, when you compare national income and total tax revenues an average of 1 day out of every 5-day workweek goes toward providing and maintaining the services of our Federal, State, and local governments. Half a day's wages each week go for national defense alone.

One mustn't take these figures lightly. Because of the high proportion of our time as well as our income which is devoted to government, there is every reason for all taxpaying Americans to take government seriously.

To an unhappily large proportion of Americans, government is like a New Year's Eve party. It comes once a year—as do elections—and the rest of the year is spent wondering blearily why such a fuss is made about it.

As a Member of Congress for over a decade and as an active private citizen for several, I have had a chance to observe and study people's attitudes toward the Federal Government and toward the various uses to which it puts the over $90 billion each year which we pay in taxes.

I want, at this point, to discuss two distinct and certainly extreme attitudes toward government. The first is that of a fellow whom I call the "rant and raver" (he's the nonmusical counterpart of the "rock and roller"). The figures which I have just cited are well known to him. He is all too well aware of them. However, he makes absolutely no attempt to learn about and analyze the ways in which the Government's resources are put to use.

Instead of breaking down the total cost of government and distinguishing between those governmental expenditures which are good and necessary and those which may be bad and unnecessary, he prefers to generalize. To him, government simply costs too much and does too little.

In his mind, the Federal Government is a giant groping carnivorous octopus, reaching in every direction and strangling every living income-receiving thing which it can lay a tentacle one. The only person to whom the octopus of big government responds is the politician—complete with frock coat, plaid pants, and stale cigar.

The politician, deft in the ways of octopi, carefully conditions the beast to spare from his stranglehold just enough voters to get him reelected. Not a happy picture, and fortunately not representative of the attitude of the great majority of informed Americans.

The "rant and raver" is most easily revealed by what I call the "exception deception." He's furious about high taxes, huge bureaucracies, and payola. The Government does too much. We ought to break the whole thing up. But, the only thing which gets him madder than the Government, is the refusal of the party or parties in power to make an exception in order to build him a dam, grant him a special pension, or build a monument for his great grandmother's third cousin, a veteran of a battle of long ago.

The second character whom I want to call to your attention is cleverer and perhaps more sophisticated than the "rant and raver." He is the "gravy train engineer." He starts with the same fundamental assumption as does the "rant and raver," namely that the Government already does too much for too many people. This is his first axiom. The corollary is that since everybody is so well subsidized, the best and only course of action for him is to see to it that he gets his full share—and then some.

You have heard this fellow many times. "Look what so and so gets and how much money goes for something even sillier—why shouldn't I get my fair share of the gravy?"

A serious fallacy common to the "gravy train engineer" is the notion that the Federal Government can do anything it wants far more cheaply and easily than anyone else. In his all-unknowing view, since the Federal Government controls and prints money, it has or can get as much as it needs.

The victim of this unfortunate misconception, which for lack of a better term might be called "mint madness," rejects all forms of therapy. He deliberately and blissfully adheres to his strange and illogical belief that the Government is so big and so unique that the only thing one needs to do to make it work is to plead successfully to an Appropriations Committee of the Congress.

The victim of "mint madness" can frequently be cured by a special kind of shock treatment administered on April 15 of each year by the Internal Revenue Service.

These two imaginary and fictional characters, the "rant and raver" and the "gravy train engineer," are, of course, extremes. And yet, isn't it true that we often recognize similar tendencies in people we know? In fact—if the whole truth be known—don't we find ourselves falling on occasion into the unfortunate habits of the "rant and raver" and his more sophisticated fictional colleague?

What then is the best and most effective attitude for the private as well as the public citizen in thinking about Government and its impact upon his life?

In my mind, it is important that we focus on the basic question as to what is the proper size, scope, and function of Government in our society. In brief, what should the Government do? What should it not do?

Let me cite some common examples of ways in which these fundamental questions relate to existing and proposed activities of the Federal Government. Should the Federal Government insure home mortgages, pay teachers' salaries, subsidize our farm economy, build public housing, underwrite the merchant marine, finance the Weather Bureau, pay for school lunches, provide electricity, build theaters, and assist private colleges?

The answer to these several questions, of course, depends upon the philosophy and ideology of every American, as an individual—and as a free man.

Knowing of the principles and purposes of the ACES, I am sure that it is within this general framework that you appraise both new proposals for governmental action and the performance of the Government in carrying out the various activities with which it is presently charged.

It is not enough merely to think about government and its overall role in our society. It is necessary, in addition, that every effort be made to be kept fully informed as to the intent and mechanics of our various major governmental programs. This is not a subject matter which should be reserved to academicians and politicians. America's vigorous free press puts at the disposal of every citizen the means by which to keep informed of the events of the day and of the objectives and activities of the various agencies of government at all levels. This is an opportunity which cannot and must not be neglected.

I want to make it absolutely clear that I do not mean to be partisan in suggesting that one take as his basic frame of reference an analysis of the proper size, scope, and function of government in our society. There are and must be honest differences of opinion between our two major parties (and amongst individuals within each) as to what should and should not be the proper functions of government. Today I want merely and primarily to stress the importance of a rational and realistic frame of reference for all informed citizens in understanding and actively participating in the vital business of government. Such a framework avoids the pitfalls experienced by the "rant and raver" and the "gravy-train engineer."

This is by no means all that I intend to say on this subject. I would certainly be short changing you intellectually if I did not address myself to the type of considerations which underlie the frame of reference which I have just described. It is absolutely imperative that every American define in his own mind those principles which are of greatest importance to our Nation and which are crucial in determining the proper size, scope, and function of our Government.

My recipe for good government depends, above all, on the wholesome taste of freedom. This includes freedom of speech, religion, thought, and, certainly of special significance to all of you, freedom of opportunity, which is basic to our American competitive-enterprise system.

The history of our country clearly demonstrates that economic expansion, stemming from the energy and enthusiasm of our American free enterprise system, has made our Nation great and powerful.

Free enterprise does not belong to one social stratum or one political party. It is an inalienable right. It encompasses and supersedes all social, political, and economic groupings.

What is the crux of freedom? Where does it come from?

I can't give you the answers. Freedom is delicate and illusive. Freedom is an intangible. One often cannot appreciate its cost and understand its value until it has been taken away. I am sure the people of Soviet Russia and of her lifeless and downtrodden satellite nations understand this proposition far better than we.

I am confident that, as ACES, your understanding of the proper role of government in our society depends primarily upon the need to maintain a structure of society wherein people can and must do things for themselves. This is freedom in the simplest possible terms. In a nutshell, it is therefore the function of government to do those things which people cannot and would not otherwise take care of on their own.

This need not be an altogether narrow and unyielding concept of a free society. It is a concept which can and must grow and change with the times. As men of vision, it is absolutely imperative that your philosophies of government borrow from the past, conform to the present, and grapple with the future.

The Federal Government does not and cannot stand alone. The relationship between the Federal Government and the governments of our 50 States is a broad and vital subject, which has been all too frequently neglected. Last year I introduced a bill in the Senate calling for the establishment of a congressional committee on Federal-State economic relations charged with the responsibility of studying this entire subject and then within a limited time reporting back to Congress with specific proposals for action to modernize and improve the links between Washington and our 50 State capitals. This bill was not approved. In its place, Congress enacted a bill setting up a commission in the executive branch to make a long-run study of this general field.

To me this isn't the solution. The best way to solve a problem is not merely to establish a commission to study it.

There are many important considerations which arise here. Our State governments have not been firm enough in asserting

their jurisdictional rights. For a subsidy—they have all too often sold themselves down the Potomac. On the other hand, the Federal Government, having preempted the best sources of tax revenue, has left the States little choice.

In giving attention, as we are today, to the role of the Federal Government in our society, we must not ignore the role of State governments and their place in the Federal system.

To sum up, in evaluating an existing or proposed governmental program, one must decide whether or not it satisfied his own personal views as to the meaning of our democracy and as to the most desirable size and scope of the activities of government in a free society.

In a democracy, every citizen can and must think about and participate actively in this process of governing if his Nation is to persevere. The vitality and lifeblood of the United States rests on a spirit of active participation in Government on the part of people like yourselves who are sincerely and conscientiously devoted to and concerned about good government.

Political participation is far more than a fine phrase. I have given you some of my own personal thoughts on this subject. Encouraging Americans to be active citizens and to get out and vote is not enough. It is necessary that we also devote attention both to the ways in which citizens should participate in government and to an enlightened and realistic understanding of the major political and governmental issues of our day.

I commend you, as ACES, for your willingness to think about and talk about the most constructive and positive approach for Americans to take to the big and terribly important business of government.

American Mining Congress Convention

EXTENSION OF REMARKS

OF

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1960

Mr. SAYLOR. Mr. Speaker, last week I had the honor of accompanying the Secretary of Interior on a visit to a coal mine. At the instance of our mutual friend, Stephen F. Dunn, president of the National Coal Association, the Secretary's party toured the Thomas Portal area of Mathies Mine, which is operated by the Pittsburgh Coal Division of Consolidation Coal Co. Other members of the group included Michael J. Widman, assistant to the president, United Mine Workers of America; Marling J. Ankeny, Director of the Bureau of Mines; Royce A. Hardy, Assistant Secretary of the Interior; Consolidation Coal executives George A. Shoemaker, Walter F. Schulten, S. M. Cassidy, and D. L. McElroy; and G. Don Sullivan and Mr. Dunn, of National Coal.

I commend Secretary Seaton for his interest in an industry that is vital to America in peace and war. On our return trip to Washington after the tour of Mathies Mine, he expressed his enthusiasm for the joint efforts of management and labor that have made this Nation's mines by far the most proficient in the world. Mr. Seaton also told me that he is eagerly awaiting Senate passage of the coal research bill so that his office will be able to undertake carrying out the purposes of the legislation as soon as it becomes law.

Mr. Speaker, the visit to the mine took place on the afternoon of May 9, which marked the opening session of the American Mining Congress Coal Convention in Pittsburgh. The morning session was devoted to a national fuels policy, in which I participated at the generous request of Mr. Julian D. Conover, executive vice president of the American Mining Congress. Among the other panelists was the distinguished chairman of the Committee on Interior and Insular Affairs, Mr. ASPINALL.

Because of my colleague's objective analysis of the Nation's fuel situation, I ask unanimous consent to have his statement printed in the CONGRESSIONAL RECORD. The coal industry is grateful that the Committee on Interior and Insular Affairs has such an energetic and impartial chairman. Without his dedicated effort, coal research legislation would not have reached the floor of the House and carried through to success in the early weeks of this session. His conscientious analysis of the need for a fuels study will determine whether such an investigation will materialize.

Following the reprint of Chairman ASPINALL's address to the coal convention, I ask that the brief remarks of Mr. Stephen F. Dunn also be printed. When I discussed the possibility of the need for a continental fuels study, Mr. Dunn referred to points that would have a bearing on the decision. His remarks are brief, but they are poignant.

The address and remarks follow:

NATIONAL FUELS POLICY

(Statement of Hon. WAYNE N. ASPINALL, Chairman, House Committee on Interior and Insular Affairs, before the Coal Convention of the American Mining Congress, Pittsburgh, Pa., May 9, 1960)

It is indeed a pleasure for me to participate in this panel of the American Mining Congress on national fuels policy.

The proposed study of fuels policy is concerned with conservation and development of the fuel resources of the country. It involves the energy requirements and supplies of future generations. It involves the continuing competition that we have between the producers of fuel and energy. I trust that in any policy that we develop we shall have a maximum degree of free competition.

This keen spirit of competition between the fuel industries intrigues me. It seems to be in the true spirit of free enterprise. It might be likened for a moment to the advertising race between cigarettes.

I wonder which is the thinking man's fuel?

Each of the fuels, of course, maintains that it is the one that satisfies.

Which fuel would I be justified to "walk a mile for?" Perhaps there is not much these days that anyone walks a mile for.

This question of a national fuels policy is closely related to my duties as chairman of the House Committee on Interior and Insular Affairs. It touches closely in my own congressional district, where all of the major energy sources—coal, oil, gas, waterpower, and atomic energy—are well represented.

The Committee on Interior and Insular Affairs, through its Mines and Mining Subcommittee, has had before it in this Congress some important mining legislation. The first coal research bill passed through Congress last September but was vetoed by the President. The second coal research bill has passed the House and is now awaiting action in the Senate. We are assured of at least $1 million to get this program started in its first year of operation.

During the past year a resolution was adopted by both Houses stating a national minerals policy, in very general terms. The President was asked to survey the functions of Government agencies and redirect them where feasible to come to the aid of depressed industries and communities. A report to Congress was requested. The report has been promised by the President's office, but has not been received.

The House has passed important legislation affecting mineral leasing on Federal lands. The legislation saves money by simplifying procedures and raises revenues by increasing the minimum rentals for oil and gas leases.

Of closer interest to the coal industry is a measure, passed in the first session of this Congress, raising the acreage of coal leases in Alaska to the same limit that applies in the other States.

I recently attended the first anniversary dinner of the National Coal Policy Conference, in Washington. The operators, owners, workers, railroads, utilities, and consuming industries making up the conference are to be congratulated on their unique organization. Like the American Mining Congress and the National Coal Association, it is doing a fine job keeping the public informed and advising those of us in Congress on legislation.

It is clear, I think, that the three great fuel industries—coal, oil, and gas—are fundamentally in agreement on one thing. That is that the ultimate consumer is really the king. The consumer should have free choice of the fuel that he wants to purchase.

No one could seriously disagree that each of the fuel and energy resources should make their proper contribution toward the public interest. The question is, In which direction is the public interest?

In our rapidly growing economy, the forces of government have become increasingly significant. It is not surprising, I am sure, when I remark that competition between fuels is marked by efforts to influence the course of government. I use the term "influence" in its general sense, with no criticism intended.

Let me give you an example.

In its report to its stockholders, a major oil company states its public relations policy. It says: "During 1959, as in previous years, we reported to the public our views on issues affecting the company's operations." The statement goes on: "We warned of the dangers of a national fuels policy, that, if adopted, would penalize consumers by reducing competition."

The writer of this statement interprets the movement for a study of national fuels policy as an effort to undermine the freedom of choice of the American public. I take it from the information that I have, however, that the Coal Policy Conference and other advocates are not wedded to any preconceived results of a fuels policy study. On the contrary, the resolution now before Congress calls for an objective study taking into consideration conservation measures and efficient uses, rather than a preconceived finding that consumer controls are needed.

My information is that the coal industry, and the industries linked with coal, are merely asking for a study which would look into the possibility of a set of rules whereby each fuel source may have a fair chance to compete with the others, with due regard to the wise use of resources. Insistence merely on the status quo—whatever it may be—sometimes does not lead to the best results.

At the dinner of the National Coal Policy Conference an address on the coal industry

was given by Dr. Joseph Fisher, president of the Resources for the Future Foundation. Dr. Fisher praised what he called the objective attitude of the coal industry toward pending legislation. He said, and I agree, that coal people realize that legislative requests should point to a gain for the people generally, not just a private gain for one firm or one industry.

I would hope that this interfuel rivalry will be exhibited to the public on an honest basis. Exaggerated statements building up one fuel or tearing down another should be avoided. Malicious or distorted statements have no place in honest advertising. They usually come back to haunt the one who thought he would gain the advantage.

On April 27 my colleague on this panel, Representative SAYLOR, addressed the House of Representatives on the recent increase in the quota for residual oil imports, placed in effect by the Department of the Interior. This is an incident that I shall leave for his discussion with you. I will say, however, that I have conferred with coal industry people on the matter, and I have suggested to them that an examination be made of the procedure used in setting the quotas. Frankly, I was surprised to find that the quotas are set without advance notice, without open hearing, and without appeal of any kind within administrative process.

A major inconsistency in the economic policy of our Government is evident. Reports received from Government departments consistently oppose financial relief to domestic mines and mining industries. The grounds cited are that financial aid is uneconomic since it would prolong or create submarginal industry. Yet tremendous sums have been spent to aid foreign minerals production, and these same departments strongly advocate a new system of financial aid to exporters to make their financing problems simpler.

It has been truthfully said that our country has deliberately exported its know-how to other lands, and has given away or loaned these countries the funds to establish great raw material exporting industries. We have lowered our tariffs to these countries. The number of U.S. industries that are being hurt or ruined is mounting yearly. The mining industry is not alone in its plight or in its plea for readjustment of the policy.

The revised version of the fuels policy resolution makes it clear that the objective of the study is to determine whether there is a need for an overall national fuels policy, and if so, whether there is a need for legislation to adopt or implement a policy. The joint congressional committee to be set up under the resolution would submit its report and recommendations within 2 years to Congress. Thereafter any proposed legislation would have to be considered by the Congress in the usual manner.

This seems to me to be a fair procedure. I do not think that it would be unfair to any particular industry or group.

These considerations have convinced me of the need for the study, and I think that the method of conducting it is feasible. Accordingly, I have joined with my colleague from Pennsylvania in introducing the revised resolution. The numbers of the Aspinall-Saylor bills are House Concurrent Resolution 661 and House Concurrent Resolution 662.

I am advised that the chairman of the House Rules Committee, Judge SMITH of Virginia, has promised an early hearing on the Aspinall-Saylor resolutions. This is favorable to the outlook for adoption of the resolution in the present session.

A source of some competition concerning the resolution is the existence of a measure to do a rather similar job as part of a larger venture. I refer here to the bill to authorize the "Resources and Conservation Act of 1960." This bill is pending before the Committees on Interior and Insular Affairs of both Houses. It provides for the creation of two new permanent agencies—a Joint Congressional Committee on Resources and Conservation, and a Council of Resources and Conservation Advisers in the Office of the President. The resources and conservation bill covers a broader scope than fuel or energy resources. The advisory council contemplated in the resources and conservation bill is similar to the agency that was recommended in 1952 by the Materials Policy Commission as a means of correlating information and policy concerning materials resources.

The coal industry and the coal organizations have done a good job of presenting a case for a study of national fuels policy. Industry spokesmen are prepared to document their case further at the appropriate time. You have many friends who will come to your support in committee and on the House floor. You are assured of my continued interest and support in this and other matters affecting the welfare of mines, mine workers, their families, and dependent industries and communities of America.

STATEMENT BY STEPHEN F. DUNN, PRESIDENT, NATIONAL COAL ASSOCIATION

I congratulate the distinguished panel members on their most interesting statements. The National Coal Association fully supports the view that Congress should initiate a comprehensive study of the fuel requirements of the United States. We are working closely with Joe Moody and his policy conference on this and other matters which we feel are essential to the national economy and security, and which, at the same time, would tend to correct inequities harmful to the coal industry.

It is no secret that chief opposition to the proposed fuels study has come from those fearing prohibition or restriction of dump gas sales. Numerous official pronouncements have been made against the practice of dumping gas into industrial markets at prices far below those charged residential customers. I should like to quote from just one of these documents. I think it is important to recall this statement from the report—issued in February 1955—of the Presidential Advisory Committee on Energy Supplies and Resources Policy. It is excerpted from the recommendation on sales below cost by interstate pipeline companies:

"Sales either for resale or direct consumption below actual cost plus a fair proportion of fixed charges which drive out competing fuels constitute unfair competition and are inimical to a sound fuels economy.

"The committee recommends, therefore, that appropriate action be taken that will prohibit sales by interstate pipelines either for resale or for direct consumption, which drive out competing fuels because the charges are below actual cost plus a fair proportion of fixed charges."

Gentlemen, we believe that the proposed study would further emphasize the need for stopping this practice which is patently unfair which illicitly usurps coal markets.

I might add that I was extremely interested in Congressman SAYLOR'S remarks about a continental fuels policy. In attempting to acquaint myself with the history of the Canadian gas cases, I observed that some 5 or 6 years ago—I believe that it was in 1954—the Federal Power Commission issued an opinion to the effect that Canadian natural gas should not be permitted to enter this country unless the American people were assured of supplies through an intergovernmental agreement. This observation seems to illustrate the possible need for a continental fuels policy so far as natural gas is concerned.

Current developments in the oil industry also seem to point up the need for such a policy. A member of the national coal staff spoke in Minneapolis this week. He sent me a copy of a current Minneapolis Tribune containing an article on plans for a series of pipelines to carry crude oil from Saskatchewan to the Midwest. The plans are most ambitious and would unquestionably have a heavy impact on U.S. energy supplies and resources. I shall send the article to Congressman SAYLOR for whatever use he might be able to make of it. Everything considered, a continental fuels policy may be necessary.

In closing, let me congratulate Julian Conover for arranging this important discussion as a part of an outstanding coal convention.

Congressman Chester Bowles of Connecticut Interviewed on "Meet the Press," May 8, 1960

EXTENSION OF REMARKS
OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1960

Mr. BRADEMAS. Mr. Speaker, under unanimous consent I include in the RECORD the transcript of a television program on which our distinguished colleague, the Honorable CHESTER BOWLES, of Connecticut, was interviewed.

Congressman BOWLES appeared on the National Broadcasting Co. program, "Meet the Press," on May 8, 1960, and was questioned by Peter Lisagor of the Chicago Daily News, Chalmers Roberts of the Washington Post, John Steele of Time-Life, Inc., and Frank Bourgholtzer of NBC News. Moderator was Ned Brooks.

The transcript follows:

TRANSCRIPT FROM "MEET THE PRESS"

ANNOUNCER. Now "Meet the Press," produced by Lawrence E. Spivak. Ready for this spontaneous, unrehearsed conference are four of America's top news reporters. Their questions do not necessarily reflect their point of view; it is their way of getting a story for you.

Mr. BROOKS. Welcome once again to "Meet the Press." Our guest today is Congressman CHESTER BOWLES, of Connecticut. He recently was chosen as the chairman of the committee which will write the platform for the 1960 campaign. Work on the platform already has begun with a series of regional meetings. Republican leaders this past week opened an attack on the makeup of Congressman BOWLES' committee. They said it is dominated by radicals of previous campaigns. Congressman BOWLES has been mentioned as a possible dark horse candidate for President, but he has declared his support for Senator JOHN KENNEDY. He is serving as an adviser to Senator KENNEDY on matters of foreign policy.

Congressman BOWLES was the wartime Administrator of Government price controls. He later was elected Governor of Connecticut, and he served as our Ambassador to India. He was elected to Congress in 1958. His books and articles on both foreign and domestic affairs have been widely quoted.

Mr. BOURGHOLTZER. Mr. BOWLES, if you were foreign policy adviser to a President, rather than to a candidate, in this situation

where an American pilot has been shot down by the Russians and has admitted being a spy, would you advise just admitting that he was a spy as has been done?

Representative BOWLES. You have asked a very tough one. It seems to me that the administration did about all they could with a very, very difficult, very unpleasant and highly embarrassing situation. It is pretty clear that Mr. Khrushchev knew what was going on. He appears to have the evidence with which he could confront the world and presumably persuade the world. I think it would have only made a bad situation—and I think it is a very bad situation—worse if we had tried to cover it up.

Mr. BOURGHOLTZER. On the same question there are a lot of aspects, but I am wondering particularly what your viewpoint would be, thinking of the upcoming administration, on the point of the President being unaware of such an activity, as apparently is the case in this incident. Do you think the President should be kept purposely unaware of certain Intelligence operations?

Representative BOWLES. Let's start with the fact that I believe this will go down in history as probably the most embarrassing and in some ways shocking, occurrence in the last 7 or 8 years. It is terribly embarrassing, difficult; it has put us in a very bad situation before the world. We are going to hear a lot more of it.

I wish I were talking about it 2 or 3 days from now when perhaps we will have a better chance to settle down and think it through, and certainly anything I say I want to be sure is very responsible and thoughtful, because no one has any desire to make this worse, certainly not for partisan reasons. But it seems to me the whole situation has placed the State Department in the position of having deliberately told a falsehood. We assumed they did not know the actual facts, that these facts were simply given them. As you go on to say, the President himself is placed in the position of not appearing to know a very major development in regard to our foreign policy. The Soviet Union was encouraged to be suspicious of us. They are already very suspicious on this whole matter of controls inspection. They have always charged that the reason we want this inspection is for spying work and espionage generally. They also have been granted a beautiful opportunity to use this, and they will use it certainly very adroitly to embarrass us and to weaken our already weak position as we approach the summit. And the whole world has been given a very deep contrast between our apparent desire for peace, our desire to try to negotiate a peace, while carrying on this kind of activity almost simultaneously. I think it is a very bad situation.

Mr. STEELE. I want to get one thing straight. Are you criticizing the activities of the plane, or are you criticizing the pilot getting caught?

Representative BOWLES. Let me say this: that I don't think any one of us, as simply an outsider and a newspaper reader, as I am, can know what is essential here in the way of espionage. We all are realists. We all know that this is a difficult and complex world. We know we are at a disadvantage, that the Soviet is a closed police state and has certain very great advantages over us. However, it seems to me that that is not really the point here. The point is the timing. This may be necessary under certain circumstances, depending, of course, on the technical problems, of how great our lack of knowledge really is. But the point is, we are preparing for a summit meeting. The whole history of the world may depend upon our ability to negotiate with the Soviet Union, to talk with them on a basis of mutual trust, or at least some greater degree of mutual trust. By timing this particular excursion at this particular time, we have certainly gone a long way to undermine that hope.

Mr. STEELE. Let's see if I understand. You mean these activities are all right except when we have an international meeting, is that correct?

Representative BOWLES. I don't know that they are all right at all, because I don't know the inside story of how much information we have or what we lack or what risks should be required to get it. I would assume that we should not do this sort of thing for a marginal gain. Only if the gain was so very, very vital to our security that it could be justified on the basis of our national security to the utmost degree. But the point is that here we are in a very delicate position, and certainly this would be a time to be far more circumspect than obviously these people have been. I think they have committed a very gross case of misjudgment, and I think it is highly reckless, and I think it is dangerous and hurtful.

Mr. STEELE. You are the foreign policy adviser to Senator KENNEDY and presumably will become Secretary of State if he is elected President.

Representative BOWLES. I wouldn't presume that for one minute.

Mr. STEELE. You would not presume it?

Representative BOWLES. No. There will be lots of possibilities.

Mr. STEELE. There has been talk of keeping the candidates informed about developments in foreign policy. Have you been kept informed as to these flights, either as Senator KENNEDY's foreign policy adviser or as a member of the House Foreign Affairs Committee?

Representative BOWLES. No, I have not heard of them, I have not been kept advised in any way, and I doubt that he has. I am very sure that none of us have.

Mr. ROBERTS. I would like to turn to politics for a minute. Everybody says you are a darkhorse in the Democratic outlook. It seems apparent or possible that the convention may be deadlocked in Los Angeles for some time. If that happened, and if there was a turn to you as a possible compromise candidate, would you accept?

Representative BOWLES. I think this talk of my being a darkhorse is rather farfetched. I am grateful for the friends I have had around the country who have advanced it, and I have been flattered by it, and naturally it is pleasant to know that what I have been trying to say over a long period of years has at least taken hold with some people. However, I have never taken it seriously. I have done all I can to discourage it. I am for JACK KENNEDY, first, last, and always. I am sticking right thoroughly with him, and I think he is going to get nominated.

Mr. ROBERTS. As you would say, if I was a witness on the Hill, that is not a responsive answer. Can't you tell me yes or no, if drafted would you accept?

Representative BOWLES. It is such an impossible situation I can't even visualize it. I was brought up under F. D. R. He said never answer questions that have that much "if" in them. They are too far and too remote.

Mr. ROBERTS. Let me turn it around the other way: Will you make a Sherman statement that you wouldn't accept it if it were offered?

Representative BOWLES. I think I would look very silly and presumptuous if I did.

Mr. LISAGOR. I would like to ask you in connection with an earlier question, do you think the Democrats ought to be kept informed on basic foreign policy developments, specifically on the nuclear test suspension talks? Won't the Senate have to ratify any treaty we might agree to, and do you think the Senate members, the Democratic members, the important ones, are being taken into those councils sufficiently——

Representative BOWLES. No, I don't. I think it is very bad. Let's go back to 1918: In October 1918 Woodrow Wilson made a very partisan appeal for the election of a Democratic Congress. He got instead a Republican Congress elected in the bielection, the off-year election, of 1918. He then left 3 weeks later for the peace conference in Paris taking with him only one Republican who was so far down the line in Republican circles that people didn't even know he was a Republican. While I am a tremendous admirer of Mr. Wilson, and I feel he is one of the really great Americans of all times, I think that was an abysmal political mistake. It led the way to a good deal of the misunderstanding and challenge and difficulty and final frustration in the U.S. Senate when we failed to get the Treaty of Versailles and the League of Nations through. I might say that I think this administration is making the self-same error.

Mr. LISAGOR. Would you say that they ought then to take Democratic Senators to the summit conference?

Representative BOWLES. I certainly think they should. I think they ought to be kept more carefully informed. We have not had honest bipartisanship in these last 7 or 8 years. I think it is dangerous not to have it. I think the Democrats under the circumstances have behaved with a good deal of responsibility, in the absence of real bipartisanship.

Mr. LISAGOR. On another point, in Milwaukee last night I believe you made a speech blaming a good deal of Mr. Khrushchev's bitter blasts at the United States recently on what you called China and the extreme rightists within the Soviet Union, suggesting, according to the accounts I read, that these people want to torpedo a summit conference. How do you square that kind of a statement with the general belief here in Washington that Mr. Khrushchev needs peace and needs certain relaxation in order to get his 7-year plan to work?

Representative BOWLES. My statement as it was quoted—I haven't seen the paper—that wouldn't be quite accurate if that is the way it appeared.

What I asked was the question, How much influence have the Chinese had in this situation; how much influence does exist among the old Stalinist regime within the Soviet Union? I asked that as a question, and I think it is a very proper question, too. The Chinese have always timed a lot of their intransigence in the Far East, Quemoy and Matsu and the rest, for just the periods when we were trying to negotiate and talk with the Soviet. It is my guess that Mr. Khrushchev would really like to try to develop an easier atmosphere, here. I felt this strongly when I saw him and talked with him a little over 3 years ago in Moscow. I had a long 3-hour talk with him, and I came out of it quite convinced that he wanted a détente; he wanted to see the situation ease; he felt the need of it for his own country, but he was highly suspicious and feeling his way. It would seem to me clearly that this is not in the interests, necessarily of the Mao Tse-tung government in Peking. They naturally want to keep the cold war between the Soviet Union and the United States, just as active and vigorous as they possibly can, because this assures them of a flow of material and loans and all the things they need from the Soviet Union. I would assume that there is quite a clash here, at least a potential clash, between Chinese Communist interests and the Kremlin's interests.

Mr. LISAGOR. But do you not believe that Mr. Khrushchev is secure enough today in Russia so that he can move on toward relaxation if he so chooses at a summer conference?

Representative BOWLES. I don't think we really know. I hope so. I visited Belgrade this November. I wanted to go there to talk to some of the Yugoslavs who often follow

pretty much the Soviet line. For instance, in regard to Berlin, their line is almost identical with the Soviet. But they do have some insight on what is going on in the Soviet Union and also in China. I wanted to try to probe this question with them. There is the general feeling there that Mao Tse-tung's government in Peking had some contacts and some hope for support of an extreme position from certain elements in the Soviet military. I don't think they knew it for a fact, but they are inclined to feel that this was the case.

Mr. BOURGHOLTZER. I'd like to ask a question, Mr. BOWLES, directed to your role as chairman of the platform committee. You have spoken in many of your speeches about the challenge of Soviet economic ability and their production and so on. In translating this into an American program, would you suggest that the Russians have developed the art of economic planning to a point that we should perhaps copy their planning methods?

Representative BOWLES. I don't think that is necessary. I am concerned about our slow lack of growth. Indeed, if you were to ask me what I thought was the single most important question before the American people today it would be our capacity to grow at a much faster rate without inflation, with stable prices. I feel if we can develop our growth rate to around 5 percent or 4½ percent without rising prices—I think we can do all of these things: We can build up our defenses adequately; we can tackle questions of foreign aid; we can build the schools we need; we can get rid of our slums; we can build this country as the dynamic, positive force it should be in world affairs. And if we don't grow fast enough, we can't. I think the interesting thing is this: The Soviet Union is growing at a rate of about 7 percent annually. But so is capitalistic Germany. So is capitalistic Mexico. So is capitalistic Japan. Indeed, I think the average growth rate in western Europe is around 6 percent, all under capitalism. There is nothing wrong with our system. It is simply that the system is now in the hands of rather timid people who are thinking timidly, and I just don't think they have enough confidence in the dynamism of this economy.

Mr. BOURGHOLTZER. You would say that it doesn't require a greater degree of Federal planning, then?

Representative BOWLES. I would think that the question of national goals is related to this, and I would certainly favor this. Mr. Hoover originally suggested it back in 1930. I have talked about it, and so have many other people since. I think it would be a very good thing to hold hearings every summer, let's say, before a committee or board of very highly respected Americans, representing all qualities and areas of our economy, and talk out and plan to see what our goals should be in housing, and schools, and roads, and urban renewal, and defense, and all these other facets of our economy. But I don't think the plans should have any particular bite to them in the sense that they are totalitarian or anything of that kind. I think we simply set the direction in which we like to go, and familiarize Congress and the American people fully with where we can go and where we need to go if we are going to do what we have to do in this next 10 years.

Mr. BROOKS. Congressman, you are going to have to cover a great many domestic subjects in the platform. I am wondering to what extent the South is going to be recognized in the drafting of the platform?

Representative BOWLES. The South is certainly going to have its big chance to be heard as is the East and the West and the North. All sections are. My own views on all these questions are pretty well established. I have written and spoken a lot on them, but I am simply one member of an 110-man-and-woman committee.

Mr. BROOKS. The next question that comes out of that: are you ready to risk a walk-out of some of the southern delegates if you write a civil rights plank which is not acceptable to them?

Representative BOWLES. Some people have gone so far as to become very annoyed with some of our Democratic brethren to the south and have said, "What if they do walk out; let's do whatever is required even to see that they do walk out." I simply can't accept this. I would like to see this Democratic Party remain a united party. We are the only national party, and I think this is a great advantage. It also carries with it certain problems; because it is a national party, our whole difficulty of getting a consensus is obviously much greater, but my guess is that we can work this out. There are lots of good, forward-looking groups of people in the South, who I know understand this world we are living in, who believe in the dignity of man and are willing to accept the word of that great Virginian, a former Governor of Virginia, Thomas Jefferson, who asserted in our Declaration of Independence that all men are created equal. I think we can handle this, and I think our Republican friends, I suppose, are hoping we can't, but I am very confident that we can.

Mr. STEELE. A couple of your Republican friends the other day, Senator GOLDWATER and Congressman MILLER, chairmen of the Senate and House campaign committees, said that your whole committee was masterminded by a few radicals with leftover ideas. Is this correct?

Representative BOWLES. I saw that, and I was very intrigued because he simply listed the people who have written the various council reports, the advisory committee of the Democratic Party. I know all these people very well, I think they are remarkably fine men, and many of them are my very good friends, and I admire them very greatly. So here you have definitely guilt by association on my part. But I would like to call your attention to the fact that on this very day, Mr. GOLDWATER also teed off against Mr. Eisenhower who, he said, was dabbling in socialized medicine, and he also accused Mr. Flemming of going in for a "dime store New Deal." So, I'm in highly respectable company.

Mr. STEELE. One of the gentlemen from your own State, Senator BUSH, on a somewhat different line, had a proposal that each platform plank carry a price tag, how much it was going to cost. You are Chairman of the Democratic Platform Committee. Do you think this is a good idea?

Representative BOWLES. I would be delighted to do that. I don't think it is very practical because I don't think we can always tell just what it will cost, but I think it is perfectly fine to know what it costs. I also think we ought to know what it will cost not to do some of these things. What are our slums costing us today? What is an inadequate military costing us? What is inadequate foreign aid costing us? What is inadequate education costing us? Let us know the cost of not doing things as well as the cost of doing them.

Mr. ROBERTS. I was reading a magazine article you have written about the China problem recently, and one thing struck me. The man you are supporting, Senator KENNEDY, has said publicly that if he were elected he would do something about ending the American commitment to Quemoy and Matsu, the offshore islands. But I notice you avoided that question, or did not mention it. Do you disagree with him on this?

Representative BOWLES. No. I think we are very wrong to stake the future of our American prestige and strength on two islands just off the coast of China. I also feel it would be a great mistake to get off those islands under fire and under pressure. I think that is the difficulty. When there is no pressure, I agree that we should try to negotiate our way off them, neutralize them, find some way to neutralize this thumb that we have that is sort of sticking in the Communist's eye.

Mr. ROBERTS. Do you expect in the platform this year that for the first time the Democrats will come out in favor of a two-China policy?

Representative BOWLES. I don't know, because, of course, I can't speak for this committee, but I do feel very strongly that the recognition question is pretty much a dead-end street. If we could visualize our Government calling up Mr. Mao Tse-tung and saying, "Look, we have decided to recognize your people," I think he'd get a very fast answer back which would be "Do you recognize our sovereignty over the island of Taiwan or Formosa?" And we would say, "Of course not, we will defend Formosa," as, of course, we must. I think Mr. Mao Tse-tung would then hang up the telephone and that would end the conversation. I think our China policy really ought to start with that point. What we need is a China policy that goes beyond this narrow debate, this rather sterile debate on recognition and goes to the question of how we can make some contacts with the Chinese people. I think we have something to learn from the question of the Soviet Union. From 1918 to 1933 we did not recognize the Soviet Union. We had all kinds of contacts with the Russian people, however. We sent our newspapermen there; many of them went there; many Russians came here, tradesmen, and engineers, and doctors, and people from universities, and we had contacts with China.

I happen to think that China is probably the biggest question, the biggest challenge that we are going to meet in these next 20 years. I think China is inherently aggressive in many of the situations that exist there. It has too little land, too many people, too few resources, and worse still, politically and economically and militarily soft neighbors, which almost invite aggression. We are not coping with this problem. I don't think we have a plan for what we would do if the Chinese started to move into southeast Asia. I think we should have a plan, a comprehensive one, a military plan, a political plan, an economic plan. I think that there is some hope here—it may be a very farfetched hope—that we may have some situations here where our interests cross with the Russians. It is conceivable that they are as frightened of this possible development as many of us are.

Mr. LISAGOR. You have written that there is a national consensus in this country on foreign policy. Do you still believe that?

Representative BOWLES. I believe it very deeply, and I have been all over the United States in the last many months, traveling from one end to another, talking to all kinds of people, and I feel an extraordinary feeling of oneness to a degree with all kinds of audiences.

Mr. LISAGOR. Doesn't that bring us down to the fact that you are really going to vote on personalities then in this election insofar as foreign policy is concerned? It isn't a question of which man you choose is better qualified to lead you?

Representative BOWLES. I hate to disagree when we are so close to the end of this program, but I will have to disagree with that. I do feel the approaches, what the two parties say they are for, are quite similar. They are both for peace; they are for negotiation; they are against colonialism; they are for foreign aid, and so on. When you begin to examine the way these two parties go after these objectives, you find a tremendous difference. First of all, the Republicans, I

think, accept this world of chance with great unhappiness. They would like to see everything frozen—if everything would only stand still, if only Africa would stand still and Asia and Europe and Latin America.

I think we Democrats recognize that we are in a revolutionary world of great change, enormous potential. That this revolution is not something we should be frightened of; it is something we should welcome, something we should try to influence and positively, creatively push in the direction of greater human dignity.

I think there is a tremendous difference here. Emerson once summed it up in saying that wherever there is politics you will find people grouping around two ideas, one associated with memory and the other associated with hope. I think our party is the party of hope.

Mr. LISAGOR. Could I be a little more specific: How then do you disagree with Vice President NIXON basically on foreign policy?

Representatives BOWLES. I think we disagree on approach, largely. I think his approach would be more expedient. I think his military aid program would probably be much more expedient than ours. I think it would be less creative. I think there will be less emphasis on the initiative—not necessarily because Mr. NIXON himself feels that way, but after all, he is tied to Mr. HALLECK, and I might also say he is tied to Mr. GOLDWATER, who has been brought already into this particular broadcast. He has to settle with those people.

Mr. BROOKS. Gentlemen, I am sorry to have to interrupt. Thank you very much, Congressman BOWLES, for being with us.

A Thoughtful Proposal for Shorter Campaigns

EXTENSION OF REMARKS
OF

HON. CHESTER BOWLES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1960

Mr. BOWLES. Mr. Speaker, my good friend and able colleague from Connecticut, the Honorable JOHN S. MONAGAN, has advanced a proposal to shorten our national election campaigns. I think his suggestion makes excellent sense. I commend to the careful attention of my colleagues his article from the May 8, 1960, issue of the New York Times magazine, entitled "Campaign for Short Campaigns."

The text of the article follows:

CAMPAIGN FOR SHORT CAMPAIGNS—A CONGRESSMAN CONTENDS THAT MANY ILLS OF OUR PRESIDENTIAL ELECTION SYSTEM COULD BE REMEDIED SIMPLY BY CUTTING THE TIME BETWEEN CONVENTIONS AND ELECTION DAY

(By JOHN S. MONAGAN)

WASHINGTON.—Any thoughtful American must admit that our presidential campaigns have got completely out of hand. When it comes to the method of choosing our principal administrative officer, we rank at the bottom of the list of democratic countries.

I find myself looking enviously at the efficient, brief, and effective manner in which England and Israel, for example, select their national governments. The contrast with our quadrennial Roman circus is no compliment to our political maturity.

Our campaigns are objectionable for many reasons.

They are overelaborate. Is there any real need for the pageantry and pomp? Do they really contribute to our understanding of the basic requirements of the country? Is it necessary that we have not only buttons and posters and newspaper advertising but also the live elephants and the prancing donkeys, the squads of winsome models and the helicopter rides? Is the apathy of the voting public so abject that it can be dissipated only by this sort of emotional shock treatment?

Our campaigns generate more heat than light. What begins as a sober discussion of national problems degenerates into an exchange of epithets and limping, laboratory-created catch phrases. Frenetic politicians shout about "slave-labor laws" and "red herrings" and "traitors to democratic principles," and "20 years of treason."

In the "give 'em hell" slambang campaign, candidates of stature often are pressed into positions that are not representative of their real thinking and that are not at all conducive to the enlightenment of the public, the objective of any campaign. One thinks, as an example, of the subsequent rueful apology of the late Wendell Willkie for his assurances during the 1940 campaign of American nonintervention in the European war. He justified his promises as campaign exuberance.

Campaigns are unduly expensive. No one can say how much is really spent for a presidential election, but estimates run as high as $33 million. Democrats and Republicans spent over $7 million for radio and television alone in 1956. The Democratic National Committee as of this date is still $250,000 in debt as a result of the 1956 contest, and no one who has read of the pathetic weekend hat passing to which the Truman emissaries were forced by opposition expenditures in the 1948 campaign can be happy about a custom which requires this unseemly scramble for funds.

Inevitably, too, as the devices become more elaborate and the demands more extreme, the fundraising becomes more dubious and the resort to questionable sources and means becomes more common. The temptations inherent in this helter-skelter collection and distribution of vast sums have led to legislation like the imperfectly enforced Hatch Act and to laws limiting contributions.

They have also resulted in various suggestions—that private campaign contributions be eliminated entirely, that reasonable election expenses be paid for by the Government, or even that radio and TV networks, as public monopolies, be required to allocate regular program time to presidential hopefuls. Senator HUBERT H. HUMPHREY, always fertile in ideas, has come up with the suggestion that we inaugurate what I have called a "political community chest" which would finance campaigns by donations from millions of small contributors.

Our campaigns emphasize the unimportant. They consume time and energy with silly ceremonies—with donning Indian headdress, milking cows and laying wreaths. They require candidates to perform endlessly before audience after audience of sworn supporters instead of allowing them to preach to the unconverted or to persuade the unconvinced.

They also interrupt our dealing with the problems of the country and of the world. Once the election machinery starts grinding, the chancelleries of other nations lock up their files on American affairs and declare an unwilling recess in the discussion of vitally important international issues.

The most regrettable aspect of our campaigns is their physical effect upon the candidates themselves. Most of us can recall Wendell Willkie stumbling through the final days of the 1940 contest, his eyes heavy with fatigue and his voice reduced to a hoarse croak. And I well remember seeing Adlai Stevenson, in New Haven in 1956, so tired that he could not have said whether he was in Connecticut or Illinois, losing his train of thought during his speech through sheer fatigue, and then, after the meeting, being stood up against a wall by party wheelhorses to pump the hands of the faithful.

In spite of improved communications, the trend today is toward more traveling and more speaking, instead of less. In 1932, Franklin Roosevelt traveled about 15,000 miles and made about 100 speeches. In 1956, Adlai Stevenson traveled 75,000 miles and made 300 speeches.

It is obvious, therefore, that there are many ways in whch our campaigns can be made more effective and I suggest that it would be a distinct public service to provide some measure of improvement.

I believe that the principal place to attack the abuses which I have described is on the point that can most easily be adjusted—the length of our campaigns. If the campaigns could be shortened, I am confident that many of the other objectionable features would be reduced and possibly eliminated.

Under our present system, the Democratic convention will open at Los Angeles on July 11 with the nomination coming on or about July 14, while the Republican convention will open at Chicago on July 25 with the nomination coming on or about July 29.

Since election day will be November 8, there will be nearly 4 full months between nomination and balloting for the Democrats and almost 3½ for the Republicans. And, candidates being competitive, and campaign managers being insistent, this means that the candidates will begin peddling their wares as soon as they decently can after the close of the convention.

Surely, these contests are now too long; undoubtedly their prolongation beyond a certain stage yields no dividends for the country or for the candidates themselves. What that stage is no one can say exactly, but that it exists is certain.

My own boiling point may be abnormally low, but I feel that all the amenities and necessities of an election debate could easily be satisfied in 2 months. The British, whose campaigns used to run on for several months now hold them to approximately 20 days from the time of the issuance of the original writ to the day of election. (Churchill posted a 17-day period in the crucial postwar election of 1945). No one has ever suggested that English candidates suffer as a result.

Certainly I would not want to choke off any presidential aspirant so long as his labor served a good purpose, but when he begins to talk more and more to himself, and his audience resolutely switches to "What's My Line?" or "Gun Smoke" through sheer boredom, I submit that the time has come to ring the bell.

(It should be noted that the deadening effect of too much campaigning upon the candidate and upon the public results in part from the time involved in primaries, which must be added to the presidential campaign itself. But primaries are regulated by State law and their limitation on a national basis would run into technical and practical difficulties that would not be involved in the regulation of national elections.)

As a start toward solving critical campaign problems, therefore, I have introduced two bills in Congress to limit our presidential campaigns to 60 days from nomination to election.

House bill 9584 provides that no person nominated over 60 days before the election date shall run for the office of President. House Joint Resolution 547, which is calculated to eliminate constitutional objections, proposes an amendment to the Constitution that would place in the qualifications for the Presidency a requirement that the presi-

dential candidate be named within 60 days of election day. These bills would have no effect on the 1960 campaign.

There is, of course, no magic in the 60-day period. It simply seems to be a reasonable outside limit. (Laos nominates 45 days before the actual balloting date; the Israelis average 60 days for their canvass.) A shorter period than 60 days would be perfectly acceptable to me and I believe that 6 or 7 weeks would be entirely adequate.

In considering the advisability of shorter campaigns, it is illuminating to hear what the experts have to say. Surely no more reliable testimony could be elicited than that from men who have been through the campaign mill themselves.

Senator THOMAS J. DODD, who in 1958 battled his way through a combined primary and election campaign in Connecticut, wholeheartedly agrees that presidential campaigns should be shortened.

"Campaigns are much too long," he says, "and also much too costly. The British have real controls and enforce them and I think we've got to come to it here, too. It's the only way it can be fairly done because nowadays the amount of money spent is just shocking and unnecessary."

Senator DODD adds his opinion that the campaign should really not be of more than 4 weeks' duration.

Representative CHESTER BOWLES, who was DODD'S main opponent in the Connecticut senatorial primary contest, not only would limit Presidential campaigns to 60 days but would extend the limitation to all contests involving candidates for Congress and State office.

"This is not a question merely of ever-growing financial costs, many of which are far greater than our political parties, the candidates or their supporters can be expected to meet," BOWLES says. "It is also a serious question of the wear and tear on the candidates themselves, the nervous exhaustion, the endless speechmaking and the sleepless nights of travel and talk."

Senator HUBERT HUMPHREY, when he paused temporarily in the midst of the recent Wisconsin primary, expressed the fervent hope that the limitation might be extended to primary campaigns as well as regular elections.

Senator ESTES KEFAUVER, who slogged his lonely way through mile after mile of primary contests and then went through a presidential campaign as candidate for second place on the ticket in 1956, believes that some restriction is advisable.

"I certainly can understand," he says, "how a long campaign can be a drain on the physical and emotional resources of candidates. No one knows this better than I and I would be in favor of doing anything possible, within constitutional limits, to shorten the campaign period."

Jim Farley, not unacquainted with presidential campaigns, agrees with the objectives of shortening them, as does Paul Butler, chairman of the Democratic National Committee. Senator THRUSTON B. MORTON, chairman of the Republican National Committee, also approves the purpose of the bills.

All three, however, have some reservations—natural enough in those concerned with the mechanics of campaigns and bound by tradition.

Farley feels that "the idea is all right," but that there might be a time problem in getting the national campaign machinery under way in a shorter period. Butler says that "long campaigns impose an unconscionable physical drain on the candidates," but he is chary of any limitation "that might prevent the American public from fully knowing the candidates or understanding the issues."

MORTON says, "I certainly agree that a long campaign is tough on the physical and emotional resources of the candidates and party managers." He would move warily, however, on any limitation of the time which might be available to establish customary campaign apparatus. He has some feeling that the size of our country makes our problem different from that of the British. He also believes that the primary is a greater drain on candidates than final election, but he asserts that these qualifications in no way lessen his sympathy for the "end objective" of limitation.

I concur with everything that these professionals say, but I submit that the 2-month period, properly used, provides adequate time to accomplish the purposes they set forth.

Of course, there have been objections to my proposal. It is pointed out that the presidential nominee is the head of a ticket on which many others, including Senators and Representatives are running, and that their demands for a personal appearance by him to help them necessarily make for a long and grueling campaign. It is my opinion that the value of such appearances is overrated and that they can be largely eliminated with profit to the candidates and without injury to the ticket. Even now, off-year and special elections do not enjoy the presence of presidential candidates and they have adequately served their traditional purpose.

Some also feel that my proposal flies in the face of the American tradition of giving free rein to political discussion. Others believe that any such limitation would prove beneficial to the party that was better financed. Still others point to specific campaigns—such as the Truman 1948 election—and argue that they would have resulted otherwise but for the length of the canvass.

I find none of these arguments convincing. Proper organization can adjust itself to a different time schedule. To the Trumanites I would say that a 12-month campaign would probably have several shifts of voter sentiment depending on economic or political developments, but that is no reason to make our campaigns longer than they are.

Apathy and an unwarranted regard for tradition will suggest reasons against change. But the full realization of our democratic potentialities requires that we suppress our native exuberance, cut out the unnecessary horseplay, and get back to the real purpose of campaigns—the discussion of the issues affecting our national destiny and the selection of the candidate offering the greater evidence that he will meet those issues with courage and vision.

International Cooperation—A Forward Look

EXTENSION OF REMARKS

OF

HON. DON MAGNUSON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1960

Mr. MAGNUSON. Mr. Speaker, I recently had the privilege of listening to a thoughtfully provocative address by our colleague, Representative CHESTER BOWLES, discussing the future challenge and direction of our foreign assistance programs, both bilateral and multilateral.

The address was delivered on April 27 to the evening session of the seventh National Conference on International Economic and Social Development at the Statler-Hilton Hotel in Washington, D.C.

It is axiomatic that if we forget where we are headed, we may never arrive. Representative BOWLES, our former highly successful Ambassador to India and Nepal, here reminds us that "the purpose of economic assistance is to enable free peoples to remain free."

The speech follows:

INTERNATIONAL COOPERATION—A FORWARD LOOK

As we gather here in the interests of international economic and social development, another new nation is born. Yesterday, on the West Coast of Africa, the people of French Togo achieved their independence.

Never has the pace of history seemed quicker or more vivid.

Since the end of World War II, more than a score of new nations with a total population of 900 million, have come into being. By the end of this year we shall be dealing with 9 or 10 new fully independent states in sub-Saharan Africa alone. Ten years from now there may be twice that number.

This Revolution of Rising Expectations, so dramatic and potentially so promising, is what brings us together in this conference.

Amid all the stress and confusion of our current political campaign at least one reassuring fact shines through: Our next President—whether he be a Democrat or a Republican—will almost certainly recognize the vital importance of this revolution and propose a more affirmative course of action to cope with it.

Messrs. Kennedy, Humphrey, Symington, Johnson, Stevenson, Nixon, and Rockefeller have each made it clear that our relations with the underdeveloped nations of Asia, Africa, and Latin America will be at the top of his agenda next January.

Each has shown a keen awareness of the requirements and the possibilities. Some indeed have been in the forefront of new and constructive thinking about the policies and techniques which are most likely to enable us to play an effective role.

Yet despite this shared consensus among our leading presidential possibilities in both parties, the disturbing truth is that our oversea aid programs are receiving less and less support each year on Capitol Hill.

This year mutual security legislation has been under particularly vigorous attack.

What is the explanation? Why is such a vitally significant program increasingly treated as a legislative outcast, even by some of its erstwhile supporters?

The fault, I believe, does not lie with Congress. Instead, it lies with administration leaders who have failed to explain adequately the real purposes of economic assistance, who have failed to instill in Congress and the people any sense of the real motivation for foreign aid.

Our official explanations for foreign aid have been negative and narrow. They have failed to do justice to our real goals in world affairs.

We have said that the purpose of foreign aid is solely to block communism. This argument has helped to make local Communist minorities abroad worth their weight in American dollars.

We have discreetly claimed that foreign aid will win military allies or support for us in the United Nations. This is a futile argument because it is no more possible to buy the long-term loyalty of a nation than it is to buy the enduring loyalty of a friend.

We have cynically asserted that foreign aid will turn Asians, Africans, and Latin Americans into loyal supporters of the status quo simply by filling their empty stomachs.

This is an equally mistaken argument because a landless laborer or a tenant farmer who lacks a sense of belonging and of justice will not be satisfied with marginal economic gains.

Until we shake loose from such sterile negativism in our official explanations, our economic assistance programs will continue to be in trouble with the Congress and the people.

The time is past due to give the American people the real reason and to repeat that reason again and again until it is rooted deep in the American consciousness:

The purpose of economic assistance is to enable free peoples to remain free, to create within the framework of their own cultures and beliefs independent societies which provide an increasing measure of literacy, good health, economic progress, individual dignity and justice. Our purpose, therefore, is to help assure the non-Communist peoples of Asia, Africa, and Latin America freedom of choice, in the knowledge that free peoples—whatever their disagreements with us—will never choose communism.

Before we examine some of the practical problems with which our new President must cope in getting this crucially important effort back on the track, let us look quickly at what has gone before.

For well over a decade now our Nation has been involved in the problems of international economic development. In 1945 we vigorously supported the first steps to bind up the wartime wounds of Europe and Asia through UNRRA. In 1947 we made the momentous decision to prop up the embattled societies of Greece and Turkey.

In 1948 through the Marshall plan we plunged into the creative and massive programs to reconstruct the war-ravaged economies of Western Europe.

And in 1949 with point 4 came our imaginative decision to come to grips with the challenge of economic and technical assistance in the whole underdeveloped world.

Unhappily we were diverted in 1950 from the high-minded but realistic objectives of the Marshall plan and point 4 by the ruthless invasion of South Korea by Communist forces and by the sudden utter necessity for countermilitary action by us and our United Nations associates.

The Korean war which followed was a tragedy in more ways than one. Outside of the huge loss of life its most destructive effect was to narrow our view of world affairs.

Precisely at the time when new nations in Asia and Africa were dramatically emerging on the international stage, we began to regard the world largely as the arena for a vast and unending military struggle between the Soviet and American power blocs.

This diverted us from our budding concern with international economic and social development to an overriding obsession with military aid anywhere, and under any conditions.

Many American leaders began to test the bona fides of each new nation by its willingness to support our policies willy nilly. The doubtful or reluctant ones were written off as neutralists, as cowards, fellow travelers, or worse.

Today, 10 years after the outbreak of the Korean war we have come a long way from such narrow thinking. Our old polarized view of world affairs is increasingly accepted as out of date.

We now face the clear fact that a billion and a quarter people are alined with neither Moscow nor Washington, and we have a new understanding of why this is so.

Experience has given us a deeper understanding not only of the vital need for economic assistance but also of its limitations. We also have a clearer view of the shifting nature of the Soviet challenge under new Soviet leadership.

It is fair to say that we have arrived at a watershed in the history of the postwar era. In a very special sense it is also a watershed in the brief history of what we call foreign aid.

Behind us lie years of experimentation, of successes and disappointments. Before us lie years of unparalleled opportunity and danger.

It is a time generally for sober review and fresh thinking. And nowhere are these qualities more urgently needed than in the field of international economic and social development.

From the 1950's we have inherited policies and programs which often overlap, which often compete with one another, which sometimes hinder orderly political growth, and which are largely inadequate to the realities of the new decade.

Let us consider, therefore, some of the criteria on which a fresh approach may be based, and let us do so with particular reference to the need and the opportunity for the greater internationalization of aid.

DECISIONS FOR THE SIXTIES

I believe that most of us here tonight will agree on the following general principles:

1. Orderly political growth in non-Communist Asia, Africa, and Latin America is essential if we are to live in a peaceful and relatively free world. Continuing economic and technical assistance to the new underdeveloped nations is essential to that growth.

2. The capital needs are great and they will grow rapidly as the new nations are able to expand their efforts. In addition to responsible private investment, major government grants and loans, in both hard and soft currencies, will be required.

3. To the maximum degree possible such assistance should be placed on a long-term foundation so that the recipient nations can plan the effective and economical use of all available resources.

4. There should be greater stress on regional development which necessarily goes beyond bilateral nation-to-nation relationships.

5. The excessive budgetary priorities we have given to fragile military allies and our often grudging approach to the so-called neutrals should be revised.

6. In the words of last year's amendments to the mutual security bill, highest priorities should be given to those countries "which show a responsiveness to the vital long-term economic, political, and social concerns of their people; demonstrate a clear willingness to take effective self-help measures; and effectively demonstrate that such assistance is consistent with and makes a contribution to workable long-term economic development objectives."

Having listed our areas of general agreement, let us move from generalities to the more specific courses of action which derive from our common outlook.

It is no longer sufficient to "be for foreign aid" and economic development. It is imperative that we spell out more precisely what we need to do and how best we can do it, for history is moving fast.

THE MANY INSTRUMENTS OF AID

Our economic assistance programs have assumed a wide variety of forms over the past decade. We are confronted today with a proliferation of agencies and organizations, each of which has grown up under its own set of circumstances.

To some extent, this variety is a sign of health. It means that more and more people and governments are caring about the explosive gap between the very rich and the very poor of our world. It also means that people and governments are experimenting with different approaches to the problems of economic development.

Out of such variety—and the competition it implies—can come better techniques and institutions.

But too great multiplicity of approaches can also lead to inadequate planning, piecemeal development, and dangerously uneven distribution of resources.

Of particular importance in the 1960's will be our ability to coordinate and give proper degrees of emphasis to bilateral aid and multilateral aid—to the aid given directly from one country to another, and the aid channeled through an international body.

Let us briefly consider some of the agencies now operating within each of these two categories.

Today U.S. assistance to underdeveloped nations is given bilaterally through the International Cooperation Administration, the Development Loan Fund, the Export-Import Bank, and the Department of Agriculture.

U.S. assistance is also channeled through such multilateral agencies as the World Bank, the International Monetary Fund, the U.N. technical assistance program, and the U.N. Special Fund, the World Health Organization, Food and Agriculture Organization, UNICEF, the International Finance Corporation, and the newly formed International Development Association.

Most of these institutions and programs were established to meet specific needs. Each is performing an important function. And yet inevitably the beginnings of tension between the two forms of approach have emerged.

To a degree the administrators of nation-to-nation development and those who work through international agencies have come to view each other as competitors rather than collaborators.

Now there are many substantial reasons for the continuation of our nation-to-nation bilateral assistance. The Development Loan Fund, which deals largely in soft currencies, the Export-Import Bank, which finances American exports into underdeveloped countries, have a continuing major role to play. Other bilateral programs, like those in Korea, Formosa, Turkey, and Vietnam, have special relevance for military, political, and strategic reasons.

Having taken these factors into account, let us examine the advantages of an increasingly multilateral international approach.

Multilateral aid gives all the nations, givers and receivers alike, a vitally important sense of partnership. The psychological advantages are substantial.

Such aid often results in more for our money, both from contributors, and recipients. In next year's budget it is predicted that the United Nations Special Fund will achieve a ratio of nearly 1 to 3 in terms of matching by the recipient governments.

Multilateral aid usually assures that the underdeveloped nations receive funds only for programs rather than projects—and for programs to which their own governments attach importance.

Multilateral aid also means that technical assistance experts can be recruited over a wider area by international bodies at considerably lower salaries than are required to recruit American experts.

Finally, multilateral aid means that the United States need not bear alone the psychological reaction against the donor which frequently occurs in recipient countries when difficult, adverse decisions must be made or when the results of an aid program fail to meet expectations. Here as elsewhere the World Bank has operated with extraordinary competence.

Thus, the advantages of multilateralism are clear. But let us not overlook two formidable drawbacks to the multilateral approach.

In the first place, there has been considerable administrative confusion, overlapping authority, and bureaucratic conflict in the operations of many of the U.N. agencies.

Second, it is extremely difficult to persuade other prosperous nations to contribute their proper share to multination programs of economic aid. All too often, such programs must be largely underwritten by America.

In the absence of larger contributions from others, Congress will continue to take a dim view of bolder international concepts, which offer such promise.

Although these drawbacks are in no sense insurmountable, they must be taken into account by those of us who favor increased aid through international agencies.

I believe a fresh, imaginative review of the coordination or lack of it among the U.N. specialized agencies is long overdue. Such stocktaking would also encourage these agencies to think in bolder terms about their own functions and potentialities.

As for increased help for other nations to balance a greater effort by ourselves, this too is largely a matter of abler dramatization and persuasion, not only by high officials but by American leaders.

Another factor in a revitalized program of foreign economic assistance must be a much bolder and more imaginative approach to the problem of food distribution.

Ours is the first nation in history to solve its food problem. Yet we continue to view our extraordinary agricultural productivity, and so-called farm surplus that flow from it as a curse.

The irony of such views in a world of hungry people is abundantly clear. This year we are spending more money—$1 billion—just to store our surplus wheat than we will spend on our entire economic aid program for all of Asia and Africa.

The effective and imaginative use of our agricultural productivtiy to establish a system of "food banks" in areas now subject to frequent shortage will require careful international planning. Public Law 480 is a step in the right direction. I am convinced that a new administration, however, must seek techniques for putting our surpluses to work on a much broader scale. And we should learn how to make more imaginative use of the local currencies generated by this effort in education, public health, roadbuilding, and so on.

A new approach to the problems of economic development abroad should also take into account the need for more stable trade conditions. The economies of underdeveloped nations are largely based on the sale of raw materials to industrially advanced countries and downward speculative swings in the market can completely wreck the best-laid development plan by disrupting the flow of foreign exchange.

This situation is further complicated and embittered by the fact that these trade relations between developed and backward regions were largely formed under the institutions of colonialism. As a result, precarious single-crop economies which can be badly hurt by a relatively modest drop in the price of cocoa, tea, copper, tin, or rubber are sitting ducks for nationalist outbursts against the former imperialist powers.

A thoroughgoing effort is therefore needed to achieve greater stability in the international commodity markets. One means may be the establishment of minimum prices for basic raw materials which guarantee a reasonable return and some stability to the producers.

The establishment of maximum prices may be included in such agreements to discourage the kind of massive speculation which drove prices sky-high after the outbreak of the Korean war.

Finally, let us maintain a balanced view of the role of private capital investment in Asia, Africa, and Latin America. In the early stages of a new nation's development, two major obstacles to substantial private investment, by American, Canadian, or West European interests are apparent.

First, the primary individual needs are for the building of an economic infrastructure—roads, railroads, bridges, docks and multipurpose river projects. These developments are seldom self-liquidating.

Second, in the early stages of economic growth, political instability is likely to be great. Foreign investors therefore are reluctant to move ahead unless their immediate profit expectations are extremely high, and new governments are often unable or reluctant to accept such profits for fear of giving more ammunition to local Communist attacks on the capitalist exploiters.

What we must do, therefore, is circumvent these obstacles and to create new techniques, perhaps through management contracts and other devices, to bring America's industrial know-how to bear on the critical problems of Asia, Africa, and Latin American on acceptable terms.

As political stability grows, the opportunities for private investment in these enormously promising continents will multiply.

One of the greatest virtues of this conference is its concern with specifics. The panel discussions of today and tomorrow are geared to problems of approach, finance, techniques, and administration in various countries and regions.

To give specific illustrations of the general proposals which I have outlined, I shall refer to the development of Africa.

THE EXAMPLE OF AFRICA

The African continent presents American policymakers today with a dramatic opportunity for creative, sensitive long-term planning and decisive action.

It is a relatively underpopulated continent of enormous undetermined natural wealth. The relation between land, resources, and people is generally favorable to the use of modern technology which permits higher wages and more rapidly rising living standards. It is still largely removed from the pressures of the cold war.

And aside from the major exceptions posed by Algeria and the Union of South Africa on its northern and southern rim, it offers virtually limitless long-range possibilities for the evolution of free peoples toward self-government and economic viability.

Yet we have been tragically slow to sense the importance of Africa.

In the spring of 1960, we still have no effective policy toward Africa. Indeed, it is fair to say that we have not even reacted to Africa as Africa. Rather, our response has been to Russia's new interest in Africa or to the African attitudes of our NATO allies whom most Africans view as keepers of the colonial past.

The establishment of Guinea, for instance found the United States without even a consular agent in its capital, and we required over a month even to recognize its new government. As might be expected, the Soviet Union promptly moved in to fill the political and economic vacuum. Today 80 percent of Guinea's foreign trade is with the Communist dominated nations.

A realistic political policy in regard to the emerging new nations of Africa must be grounded in a coherent policy toward economic and technical development. And that, I am convinced, calls for much more of an international approach than we have used elsewhere.

The achievement of independence is only a beginning. It is a means, not an end.

If a new nation is to make a go of independence, it must have access to able planners, administrators, and technicians.

It must also have access to grants and long-term loans and to foreign trade that respects the long-term interests of the two parties and breaks clearly with the unequal conditions imposed by the old despised colonial relationships.

We have no desire to run Africa. We want no African satellites. Our sole objective is an independent, free Africa, developing in line with the aspirations of the African people.

If we could look forward to an Africa willing and able to remain independent and even aloof from both the United States and the Soviet Union in the years ahead, it would be a handsome bargain.

THE CASE FOR INTERNATIONAL AID TO AFRICA

Our objective of an independent self-sufficient Africa can best be achieved by avoiding to the maximum possible extent the sterile habits and approaches of the cold war. Let us hope therefore that the new administration will press for the maximum channeling of our aid effort to Africa through the multilateral agencies of the United Nations.

Meanwhile, it is encouraging to note that the Secretary-General himself is pressing for increased U.N. attention to the specific problems of Africa.

In this regard I would like to make a special plea for the strengthening of one of our most promising international agencies, the new United Nations special fund under Mr. Paul Hoffman, who served so brilliantly as administrator of the Marshall plan.

The most critical African need lies in creating the economic foundation on which a modern society can be built. As someone has put it, you cannot draw water from a tap without first building a cistern. As I have previously noted, the first order of business is the creation of the foundations of economic development: that is, transportation, roads, bridges, power, irrigation, schools, and hospitals.

The United Nations is particularly well qualified to undertake the preinvestment surveys and plans. With an increased budget, the United Nations special fund could effectively underwrite this basic task.

With Africa as well as Asia in mind, I would also make a special plea for increased American support to the International Development Association. This new agency—the brain child of Senator MIKE MONRONEY of Oklahoma—is geared to make long-term loans payable in local currencies under multilateral administration and in close cooperation with the skilled staff of the World Bank.

However, if the United Nations is to play the expanded role which all this implies, there must be improved coordination among the U.N. agencies themselves. Although criticism of interagency rivalries is somewhat less valid than it was a few years ago, the 33 U.N. resident representatives in the countries, in which multilateral programs are being undertaken should, I believe, be given greater authority. If he is to become the essential direct link between the U.N. and the local government, each representative should become the U.N.'s mission chief responsible for all international operations in the nation of his assignment.

As I have already suggested, the role of the specialized agencies, such as WHO, FAO, and UNESCO, should be carefully reviewed. Some experienced observers believe that their functions may increasingly lie in the realm of policymaking and standard setting within a more coordinated international effort rather than in direct program administration.

Yet the political realities of Africa assure that bilateral aid will continue in some form for many years to come.

The United Kingdom, for instance, will continue to channel a sizable amount of aid to former African colonies that remain within the Commonwealth. Continued economic

ties to France will result in similar relations between Paris and former French colonies.

However, our national interests and those of the new African nations will best be served by the use of international agencies serving as a worldwide clearinghouse for bilateral programs, in conducting preinvestment surveys, in providing specialized and technically trained personnel, and in fostering a regional approach.

The coordinated regional efforts of the United Nations in developing the Mekong River project in southeast Asia, and the recent success of the World Bank in dealing with the Indus Valley development suggest the possibilities.

THE VITAL CORE: PERSONNEL

This brings us to the question which in Africa may turn out to be the most decisive of all. I refer to the extraordinary dearth of administrative and technical personnel available in the new nations of Africa.

In contrast to India and the former British colonies, such Asian countries as Indonesia suffered greatly from the failure of the colonial powers to provide adequate training of administrators, engineers, and technicians for self-rule.

But how much more difficult are the prospects for the Belgian Congo, now on its precipitous way to independence, with less than 40 college graduates in the entire country? What can we say of the many areas where there are no mathematics teachers, let alone tax experts?

Africa's simple, overriding, urgent need today is trained personnel. Unless able, dedicated men and women are made available in the next decade by the tens of thousands, economic development and orderly political growth in Africa will be impossible.

Where will the teachers, engineers, technicians, and administrators be found?

Will they come largely from the two superpowers—the United States and the Soviet Union—in a massive contest for political influence? Do the urgent demands for African development require that Africa become a new battleground in the cold-war power struggle?

Right here the United Nations and its agencies may find their most decisive role—that of recruiting a major reservoir of trained administrators and technical experts available for the use of new nations everywhere; in short, an international recruitment agency leading to an international civil service.

In the decade of the 1960's Africa will largely be ruled by black men, but to a considerable extent administered by white foreigners. That must be the case until the Africans themselves can create the new generation of leadership.

The needs vary all the way from schoolteachers to nurses, from extension workers to men of Cabinet ability who can operate ministries of agriculture, industrial development, education and public health until competent national administrators and technicians become available.

Two years ago the General Assembly approved an experimental program of technical assistance in public administration. This program, called OPEX, is operating on a very small budget, and the Secretary-General has received far more requests than he can fill.

Some such approach, greatly expanded, is, I believe, essential to the success of international economic and social development everywhere, but most particularly in Africa.

Salaries would be paid partly in the currency of the country to which the new international civil servants have been assigned, with the difference between local salaries and international salaries, together with pension allowances, made up from an international fund.

The long-term administrative requirements will ultimately, of course, be met by Africans. American and European universities can do much to hurry the day by vastly increasing their scholarship programs for Africans.

In the interval, which will last at least a generation, the one way to fill the gap without turning Africa into a cold war battlefield lies in the creation on a bold and adequate basis, of an internationalized civil service, open to men and women of all nationalities recruited by and responsible to the U.N.

The problems which Africa poses to us in the crucial 1960's are many and complex. Some are unique to that vast continent, and some are common to all underdeveloped nations.

There will remain for some time, for example, extreme sensitivity to all forms of imperialism—including what may be considered, justly or unjustly, as attempts at economic domination by the former colonial powers and their American ally.

The many-sided challenge of African development as a prerequisite of orderly political growth underscores the urgent need for a new global approach to the problems of international economic and social development.

Such a new approach can only come through effective American leadership by a new administration—Republican or Democratic—in the early months of 1961. It cannot be delayed, watered down, or sidestepped any longer.

Let me conclude, then, by restating the chief lines which I hope such leadership will follow next year and in the decade to come:

1. I hope we will approach oversea economic development with a broad creative view that takes into account the need for increased international trade; for fair, stable prices for raw materials produced in Asia, Africa, and Latin America; for new techniques to encourage responsible private investments; for the more effective use abroad of our enormous capacity to grow food; and for greatly expanded facilities to train development specialists.

2. I hope that our aid efforts will be increased in size, direction, scope, and duration to meet the needs of long-term national and regional development programs and to encourage large-scale planning.

3. I hope that we will make increased use of United Nations multilateral aid as a supervisory and coordinating umbrella for bilateral programs.

4. I hope that we will press for the formation and use of a vast corps of able and dedicated international administrators and technical experts in the form of an international civil service.

The colonial powers did things to the peoples of Asia, Africa, and Latin America.

In recent years, however inadequately, we have been doing things for them.

In the 1960's we must learn to do things with them.

An approach both direct and through the United Nations must be flexible, imaginative, and positive.

It must be attuned to the varying needs, cultures, and political backgrounds of specific nations.

It must be rooted in an understanding of the full significance and challenge of international economic development as a vast new frontier for our Nation and its people.

Only if the new administration which takes office next January senses the opportunity and acts in these terms can we restore the partnership atmosphere of the Marshall plan and of Point 4. And only through such a relationship can we work effectively toward the ultimate abolition of poverty, hunger, ignorance, and disease from the face of this earth.

SENATE

THURSDAY, MAY 19, 1960

The Senate met at 11 o'clock a.m., and was called to order by Senator GALE W. MCGEE, of Wyoming.

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

O God of all truth, judge of all men, grant us the grace to keep our hearts with all diligence, knowing that out of them are the issues of life.

When harsh voices are strident and cruel, may we know that the wisdom of the ages is in the affirmation of the Book that reveals Thy heart—

"He that ruleth his spirit is better than he that taketh a city."

In a clamorous day filled with angry accents of unreasoning hate, give us ears to hear the voices calm and still that speak of justice and freedom and world brotherhood. In a sad and mad day, give us sanity of head and heart and a glad hope that sends a shining ray far down the future's broadening way.

"Lord, in this hour of tumult,
Lord, in this night of fears,
Keep open, O keep open,
Our eyes, our hearts, our ears.

Not blindly nor in hatred,
Lord, let us do our part.
Keep open, O keep open,
Our eyes, our mind, our heart."

Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 19, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GALE W. MCGEE, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

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

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 18, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 44) to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, California, to enter into an agreement with the State of California with respect to the construction and operation of such unit, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.