SENATE

WEDNESDAY, JANUARY 11, 1961

(Legislative day of Monday, January 9, 1961)

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

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

Eternal God, out of our partial and fragmentary conceptions, knowing that we see as but through a glass darkly, we turn to Thee who dwellest in the effulgence of perfect light. We come with the consciousness that to abide in Thee is to find our own completeness.

We, Thy children, on this wandering island in the sky—a speck amid the vastness of space—would look up to Thee in faith and in hope, as from our tasks we turn aside for this dedicated moment.

In a time when Thy earth children are peering so constantly into the universe without, we come asking that Thou make real to us the universe within, where Thou hast taught us that the kingdom of Heaven is to be found.

Give us to see that there lies our fortune and destiny, where truth may walk in shining garments, and goodness grow glorious, and all that is excellent and beautiful, unselfish and of high repute, may make our inner lives even as the garden of the Lord.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of Tuesday, January 10, 1961, was dispensed with.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following committees and subcommittees were authorized to meet during the session of the Senate today.

The Permanent Investigating Subcommittee of the Committee on Government Operations.

The Internal Security Subcommittee of the Committee on the Judiciary.

The Finance Committee.

TRANSACTION OF ROUTINE BUSINESS

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON PUERTO RICAN HURRICANE RELIEF LOANS

A letter from the Acting Secretary of Agriculture, reporting, pursuant to law, on Puerto Rican hurricane relief loans, as of December 31, 1960; to the Committee on Agriculture and Forestry.

AMENDMENT OF TITLE I OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend title I of the Agricultural Trade Development and Assistance Act of 1954 (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON COMMODITY CREDIT CORPORATION SALES POLICIES, ACTIVITIES, AND DISPOSITIONS

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of the General Sales Manager, concerning the policies, activities, and developments, including all sales and disposals, with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support, for the month of August 1960 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON FLIGHT PAY, U.S. COAST GUARD

A letter from the Acting Secretary of the Treasury, reporting, pursuant to law, on flight pay with respect to the United States Coast Guard, for the 6-month period preceding January 1961; to the Committee on Armed Services.

APPORTIONMENT OF EXPENSE OF MAINTAINING AND OPERATING WOODROW WILSON MEMORIAL BRIDGE

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland (with an accompanying paper); to the Committee on the District of Columbia.

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT, 1925, RELATING TO FEE CHARGED FOR LEARNERS' PERMITS

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits (with an accompanying paper); to the Committee on the District of Columbia.

AMENDMENT OF SECTION 13 OF DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend section 13 of the District of Columbia Redevelopment Act of 1945, as amended (with an accompanying paper); to the Committee on the District of Columbia.

EXEMPTION OF DISTRICT OF COLUMBIA FROM PAYING FEES IN COURTS OF DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

DENIAL OF PASSPORTS TO SUPPORTERS OF INTERNATIONAL COMMUNIST MOVEMENT

A letter from the Secretary of State, transmitting a draft of proposed legislation to provide for denial of passports to supporters of the international Communist movement, for review of passport denials, and for other purposes (with an accompanying paper); to the Committee on Foreign Relations.

EMPOWERMENT OF CERTAIN OFFICERS AND EMPLOYEES OF GENERAL SERVICES ADMINISTRATION TO ADMINISTER OATHS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend section 205 of the Federal Property and Administrative Services Act of 1949 to empower certain officers and employees of the General Services Administration to administer oaths to witnesses (with accompanying papers); to the Committee on Government Operations.

DEFENSE OF SUITS AGAINST FEDERAL EMPLOYEES ARISING OUT OF THEIR OPERATION OF MOTOR VEHICLES IN SCOPE OF THEIR EMPLOYMENT

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

POWER FOR ADMINISTRATOR OF GENERAL SERVICES TO APPOINT CERTAIN POLICEMEN

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the act of June 1, 1948 (62 Stat. 281), to empower the Administrator of General Services to appoint nonuniformed special policemen (with accompanying papers); to the Committee on Government Operations.

AUDIT REPORT ON FEDERAL DEPOSIT INSURANCE CORPORATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Federal Deposit Insurance Corporation, year ended June 30, 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXAMINATION OF PROCUREMENT OF CERTAIN SEMITRAILERS BY DEPARTMENT OF THE ARMY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of procurement of 5,000-gallon capacity semitrailers by Department of the Army from Fruehauf Trailer Co., Detroit, Mich., dated January 1961 (with an accompanying report); to the Committee on Government Operations.

AUTHORIZATON OF CERTAIN PAYMENTS WITHOUT NECESSITY OF SETTLEMENT BY GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation to amend section 714 of title 32, United States Code, to authorize certain payments of deceased members' final accounts without the necessity of settlement by General Accounting Office (with an accompanying paper); to the Committee on Government Operations.

CLARIFICATION OF STATUS OF FACULTY AND ADMINISTRATIVE STAFF AT U.S. MERCHANT MARINE ACADEMY

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 216 of the Merchant Marine Act, 1936, as amended, to clarify the status of the faculty and administrative staff at the U.S. Merchant Marine Academy, to establish suitable personnel policies for such personnel, and for other purposes (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

REPORT OF FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES IN FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report on the backlog of pending applications and hearing cases in that Commission, as of October 31, 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

PENALTIES FOR THREATS AGAINST THE SUCCESSORS TO THE PRESIDENCY

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend title 18, United States Code, sections 871 and 3056, to provide penalties for threats against the successors to the Presidency and to authorize their protection by the Secret Service (with accompanying papers); to the Committee on the Judiciary.

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. SALTONSTALL:

S. 342. A bill for the relief of Panayota Tanglis; to the Committee of the Judiciary.

By Mr. KEATING:

S. 343. A bill for the relief of Elias Michael Kaimakliotis; to the Committee on the Judiciary.

By Mr. KEATING (for himself and Mr. JAVITS):

S. 344. A bill to amend the Seneca Leasing Act of August 14, 1950, 64 Stat. 442; to the Committee on Interior and Insular Affairs.

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

By Mr. WILLIAMS of New Jersey (for himself, Mr. BEALL, Mr. BIBLE, Mr. BRIDGES, Mr. BUSH, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. ENGLE, Mr. GRUENING, Mr. HARTKE, Mr. HUMPHREY, Mr. JAVITS, Mr. KEATING, Mr. KUCHEL, Mr. LONG of Missouri, Mr. MORSE, Mr. SYMINGTON, and Mr. YOUNG of Ohio):

S. 345. A bill to authorize the Administrator of the Housing and Home Finance Agency to assist State and local governments and their public instrumentalities in planning and providing for necessary community facilities to preserve and improve essential mass transportation services in urban and metropolitan areas; to the Committee on Banking and Currency.

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

By Mr. HUMPHREY (for himself and Mr. JAVITS):

S. 346. A bill to amend section 9(b)(3) of the National Labor Relations Act so as to eliminate the provision thereof prohibiting the certification, as bargaining representative of persons employed as guards, of a labor organization which admits to membership, or is affiliated with an organization which admits to membership, employees other than guards; to the Committee on Labor and Public Welfare.

By Mr. LONG of Hawaii:

S. 347. A bill to amend the National School Lunch Act in order to provide that the number of meals served to schoolchildren in a State participating in the school-lunch program shall be considered a factor in determining the apportionment of funds under such act; to the Committee on Agriculture and Forestry.

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

By Mr. LAUSCHE:

S. 348. A bill to amend part II of the Interstate Commerce Act in order to require proof of settlement of State and local tax claims as a condition to transferring a certificate or permit issued to a carrier by motor vehicle under the provisions of such part; to the Committee on Interstate and Foreign Commerce.

By Mr. YARBOROUGH (for himself, Mr. HILL, Mr. HUMPHREY, Mr. MCNAMARA, Mr. MORSE, Mr. CLARK, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. SMITH of Massachusetts, Mr. SPARKMAN, Mr. KUCHEL, Mr. CHAVEZ, Mr. EASTLAND, Mr. MAGNUSON, Mr. KEFAUVER, Mrs. SMITH of Maine, Mr. PASTORE, Mr. YOUNG of Ohio, Mr. HART, Mr. MCGEE, Mr. BYRD of West Virginia, Mr. GRUENING, Mr. DOUGLAS, Mr. FULBRIGHT, Mr. WILEY, Mr. SYMINGTON, Mr. BIBLE, Mr. BARTLETT, Mr. METCALF, Mr. LONG of Missouri, Mrs. NEUBERGER, and Mr. PELL):

S. 349. A bill to provide readjustment assistance to veterans who serve in the Armed Forces between January 31, 1955, and July 1, 1963; to the Committee on Labor and Public Welfare.

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

By Mr. JAVITS:

S. 350. A bill to prohibit unjust discrimination in employment because of age; and

S. 351. A bill to eliminate discriminatory employment practices on account of age by contractors and subcontractors in the performance of contracts with the United States and the District of Columbia; to the Committee on Labor and Public Welfare.

S. 352. A bill to prohibit, within the District of Columbia, unjust discrimination in employment because of age; to the Committee on the District of Columbia.

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

By Mr. GRUENING (by request):

S. 353. A bill to provide for the withdrawal from the public domain of certain lands in the Ladd-Eielson Area, Alaska, for use by the Department of the Army as the Yukon Command Training Site, Alaska, and for other purposes;

S. 354. A bill to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska for use by the Department of the Army as a Nike range;

S. 355. A bill to provide for the withdrawal from the public domain of certain lands in the Big Delta Area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes;

S. 356. A bill to provide for the withdrawal from the public domain of certain land in the Granite Creek Area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes; and

S. 357. A bill to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek Area, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MCGEE (for himself and Mr. HICKEY):

S. 358. A bill to authorize and direct the Secretary of the Interior to issue a patent conveying certain lands in the town of Powell, Wyo., together with improvements, to the Shoshone Irrigation District, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUTLER:

S. 359. A bill to provide for reconveyance to the State of Maryland of a tract of land located on the campus of the University of Maryland, College Park, Maryland, which was previously donated by the State of Maryland to the United States; to the Committee on Interior and Insular Affairs.

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

By Mr. SYMINGTON (for himself and Mr. LONG of Missouri):

S. 360. A bill to authorize the erection of a memorial in the District of Columbia to Gen. John J. Pershing; to the Committee on Rules and Administration.

By Mr. MORTON (for himself and Mr. COOPER):

S. 361. A bill to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act; to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON:

S. 362. A bill to provide for a separate session of Congress each year for the consideration of appropriation bills, to establish the calendar year as the fiscal year of the Government, and for other purposes; to the Committee on the Judiciary.

S. 363. A bill to provide for the establishment of the Bureau of Older Persons within the Department of Health, Education, and Welfare; authorize Federal grants to assist in the development and operation of studies and projects to help older persons, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 364. A bill to repeal the Act of February 18, 1896, as amended; to the Committee on Armed Services.

S. 365. A bill to provide for increasing the storage capacity of the Bumping Lake Reservoir, Yakima River Basin, Washington; and

S. 366. A bill authorizing the establishment of the Pig War National Monument; to the Committee on Interior and Insular Affairs.

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

S. 367. A bill to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of New Jersey:

S. 368. A bill for the relief of Gomes Antonio de Phino (de Pinho);

S. 369. A bill for the relief of Lily Ang (Mrs. Chih Shing Hwa);

S. 370. A bill for the relief of Jadwiga Kyzenewski and daughter, Barbara Binienda; and

S. 371. A bill for the relief of Halina J. Adamska; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 372. A bill for the relief of Marco Arturo Modaffari; and

S. 373. A bill for the relief of Myung Ja Kim; to the Committee on the Judiciary.

By Mr. BUSH (for himself, Mr. BRIDGES, Mr. COTTON, Mr. DODD, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. SALTONSTALL, and Mr. SMITH of Massachusetts):

S. 374. A bill granting the consent and approval of Congress to the Northeastern Water and Related Land Resources Compact, to the Committee on Public Works.

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

By Mr. HARTKE:

S. 375. A bill to provide for the establishment of a Department of Local Affairs, and for other purposes; to the Committee on Government Operations.

S. 376. A bill to provide for the establishment of the Lincoln Boyhood National Memorial in the State of Indiana, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. HARTKE when he introduced the above bills, which appear under separate headings.)

By Mr. SALTONSTALL:

S.J. Res. 28. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

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

RESOLUTION

CHAIRMAN AND MAJORITY OF SELECT COMMITTEE ON SMALL BUSINESS

Mr. MANSFIELD submitted a resolution (S. Res. 30) naming the chairman and majority members of the Select Committee on Small Business, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. MANSFIELD, which appears under a separate heading.)

ASSISTANCE TO THE SENECA NATION

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a bill to amend the Seneca Leasing Act of 1950. Under the provisions of that act, the Seneca Nation is precluded from spending more than $5,000 annually of its income from the leasing of land within the Cattaraugas, Allegany, and Oil Springs Reservations for its administrative expenses. This provision is clearly out of date. It allows no room for inflation and it takes no account of the fact that the Council of the Seneca Nation, an elected body, is perfectly able to determine honestly and fairly what expenditures are necessary for the welfare of the nation.

It is only realistic, Mr. President, to recognize that the expenses which the Seneca Council must dispose of in arranging necessary services for the Nation are greatly in excess of $5,000. Furthermore, in view of the great disruption of the Seneca community as a result of the Allegheny River reservoir project now being constructed in Pennsylvania, I am sure that further expenses will come up. This arbitrary limit is a handicap, not a help, to the Seneca Indians today. I am hopeful that it can be eliminated at an early date.

I should like to add, Mr. President, that I yesterday saw and spoke to a delegation of the Seneca Nation which had come here to Washington to confer with the Corps of Engineers on their programing for the Kinzua Dam construction. This whole project has been a blow of the severest magnitude to the Seneca Nation, in view of the treaty rights which they have long held over this land. It is my intention—and I hope other Senators will concur in this effort—to do everything possible to assist the Seneca Nation in accommodating itself to the hardships that are being imposed upon it as a result of the congressional authorization and appropriation for the Kinzua Dam.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 344) to amend the Seneca Leasing Act of August 14, 1950, 64 Stat. 442, introduced by Mr. KEATING (for himself and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

URBAN MASS TRANSPORTATION

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and Senators BEALL, BIBLE, BRIDGES, BUSH, CLARK, DODD, DOUGLAS, ENGLE, GRUENING, HARTKE, HUMPHREY, JAVITS, KEATING, KUCHEL, LONG of Missouri, MORSE, SYMINGTON, and YOUNG of Ohio, I introduce for appropriate reference a bill to authorize the Administrator of the Housing and Home Finance Agency to assist State and local governments and their public instrumentalities in planning and providing for necessary community facilities to preserve and improve essential mass transportation service in urban and metropolitan areas. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

The bill (S. 345) to authorize the Administrator of the Housing and Home Finance Agency to assist State and local governments and their public instrumentalities in planning and providing for necessary community facilities to preserve and improve essential mass transportation services in urban and metropolitan areas, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. WILLIAMS of New Jersey. Mr. President, we all learn with the passage of time, and consequently the bill I have introduced is a revised and hopefully much improved version of the bill, S. 3278, which passed the Senate with broad bipartisan support last year on June 27.

After careful study of the extensive testimony given by administration officials and others during 5 full days of hearings before the Senate and House Banking and Currency Committees, and after extensive consultation with experts in the field, this new bill has been prepared. I believe it provides most of the major features necessary to assure a truly sound, comprehensive, and long-range approach to the problem of urban transportation, which is one of the most critical problems facing urban America today.

I am happy that so many of my colleagues have joined with me in sponsoring this legislation and that the American Municipal Association, representing 13,000 cities and towns across the country, is supporting the bill.

I might mention that since the end of last session there has been a growing recognition of the problem to which the bill is directed. Both the Democratic platform and the recent report of Mr. James M. Landis cited the need for immediate action on urban mass transportation. And just last week the task force on housing and urban development, headed by Mr. Joseph McMurray, recommended early passage of legislation similar to S. 3278.

PROVISIONS OF BILL

Briefly, the major features of this bill are:

First. A program of low-cost, long-term loans up to $100 million in the first year after passage, with additional loans up to $150 million in subsequent years, to preserve and improve essential mass transportation service through the provision of facilities and equipment such as terminals, stations, adjacent parking lots, new commuter cars and buses, and through the coordination of such facilities with highway and other transportation facilities.

Second. A priority of loan assistance to areas making substantial progress toward the development of a positive workable program or to areas threatened with serious deterioration or loss of essential mass transportation service. A workable program would include the preparation of comprehensive plans for the community and urban area as a whole, preparation of detailed comprehensive mass transportation plans as an integral part of the general land use plans, development of the necessary financial, administrative, and organizational arrangements needed to equitably provide mass transportation improvements and service for the area as a whole, and enlistment of appropriate private and public participation and support.

Third. A requirement that no assistance be given to any area after 3 years unless substantial progress has been made on a workable program for the area involved.

Fourth. A requirement of evidence that any transit agency or private carrier benefiting from the assistance is undertaking a plan for long-range improvement of its mass transportation service.

Fifth. A program of technical assistance to communities and broad scale research on such vital questions as the

relationship of land use and transportation planning, costs of traffic congestion and its effect on economic productivity, commutation patterns, Government organization and financing problems, and technological developments.

Sixth. A $75 million mass transportation planning and demonstration grant program to enable State and local agencies to prepare detailed areawide mass transportation improvement plans, and to enable the Housing and Home Finance Administrator to select a limited number of pilot demonstration projects for assistance which he determines would make a significantly important contribution to the development of research data and information of general application in the field of mass transportation. These demonstrations would be for the purpose of actually testing the effect of such factors as service frequency, fare levels, and transfer, feeder, and parking facilities on mass transportation service, and to test the relative cost and benefits of such operations.

TWOFOLD ACTION NEEDED

These provisions, I believe, are imperative to meet the two critical needs—short-range emergency action to preserve and improve essential mass transportation service that is seriously deteriorated or on the verge of collapse, and to provide funds for the research, planning and experimentation we must have for sound, long-range improvement.

The twofold approach is inseparable. For without the long-range research, planning, and experimentation, the short-range action will remain just that—short-range, haphazard, and not fully productive.

On the other hand, all the long-range research, planning, and demonstration may well be in vain if we do not preserve and protect the huge investment that has already been made—an investment that would be prohibitively expensive to replace if once it is lost—as Los Angeles is now painfully learning.

To illustrate this point, Mr. C. M. Gilliss, the executive director of the Los Angeles Metropolitan Transit Authority testified last year that they are considering just a primary system of rail rapid transit for the city which would cost in the neighborhood of $350 to $450 million. He pointed out that Los Angeles once had a fairly extensive railroad system for the area which has since been abandoned entirely, almost all the rights of way included.

THE FEDERAL INTEREST

I believe there is no need to dwell at length on the magnitude of the urban transportation crisis and the consequent tremendous interest and stake that the Federal Government has in helping to solve it. One need only point to the preponderant majority of the Nation's population whose daily lives are affected by it or to the fact that the urban areas are the economic backbone of the Nation and that traffic jams and congestion take a tremendous toll in time and money wasted in the cost of moving goods, in hurting commercial business, and in jeopardizing the tremendous investment that the Government has made in the national highway program.

For those who may wish to pursue this aspect at greater length, I refer to the statement which I made at the time of introduction of S. 3278 which was printed in the CONGRESSIONAL RECORD on March 28 on page 6674 and to the report on that bill by the Senate Committee on Banking and Currency in the 86th Congress, 2d session, Report No. 1591, printed on June 15, 1960.

However, while there is an obvious Federal interest in urban mass transportation problems as a means of contributing to the solution of the total urban transportation crisis, one may nevertheless question whether the need might be met by funds from private sources and by the efforts of States and local governments.

With respect to the question of private financing, it is evident that the financial condition of many transit and rail lines is such that borrowing at commercial rates would result in higher fixed charges of principal and interest than could be recovered through lower maintenance costs and possible passenger revenue increases. In such cases private borrowing would only increase losses.

The conclusion that mass transportation carriers are unable to utilize commercial sources is substantiated by the experience of the $500 million guarantee loan program provided for by the passage of the Transportation Act of 1958.

The act guarantees commercial lenders against any losses sustained through loans to the railroad industry for capital expenditures and maintenance of property. As of the middle of last year, loan applications had been filed for somewhat more than $90 million and approval had been given for $53 million. However, none of the loan guarantee applications were for the purpose of directly improving rail commuter service. In some few cases, the improvements sought by the railroads have been of such a nature as to provide small incidental benefit to their commuter services.

As for the activity of local communities, while some communities have neglected the problem, the large majority of local govenments are exerting very great and increasing efforts in a variety of ways to preserve, improve, and expand existing mass transportation services.

However, the public debt of State and local governments has risen 165 percent since 1950, or 15 times as fast as the Federal debt increase of 11 percent in the same period; this has imposed severe strains on their ability to cope with the problem.

Local governments are particularly hampered by a convergence of forces requiring public expenditures at an accelerating pace on a diminishing tax base.

Most urban communities have been required to operate within constitutional debt limits and with considerably smaller allocations of funds from Federal and State Governments than the local communities originally contribute in taxes to those bodies.

In addition, the core cities which must provide mass transportation for a rapidly expanding areawide population have suffered a loss of retail sales and real estate tax revenue as traffic congestion drives more and more commercial business to outlying areas beyond the jurisdiction of the central city.

The same adverse effect on the tax base of the central city has resulted from the flight of middle- and upper-income families to the suburbs, leaving the core area with a predominantly low-income population which makes the smallest contribution to the revenue of the city but which requires the highest proportion of social and welfare services. But the families moving beyond the city's jurisdiction generally continue to require adequate transit services to and from the city.

Another serious drain on the city's tax base is caused by road and highway construction which replaces taxable property with nontaxable asphalt and cement. It was noted during the hearings that 68 percent of the land space of downtown Los Angeles is devoted to streets, highways, access roads, loading areas, and parking facilities. A similar decrease in tax-yielding land usage is being experienced by other cities.

As Mayor Celebrezze stated during the course of his testimony:

> In Cleveland our basic tax is a real estate tax. We have now the inner belt freeway which is in the process of completion. That is 3½ miles, and at a cost of some $75 million. But the sad part of it was that it went through a commercial district, and it took about $30 million worth of taxable property off the tax duplicate. Of course, it does not stop there. Then you have the question of maintenance. Well, part of the maintenance comes out of your gasoline tax, but taking care of the slopes and cutting the grass comes out of general operating funds, and therefore you have a greater burden on your general operating funds, and your tax duplicate keeps going down.

Finally, limited political jurisdictions have made it extremely difficult for most cities to make the areawide improvements necessary if mass transportation service is to be of maximum effectiveness. Most new suburban communities—already overburdened by the costs of providing new schools, roads, sewerage, gas facilities, fire and police protection—are hard pressed to help the central cities provide better mass transportation services. State governments are faced with much the same problem by virtue of the fact that many of the metropolitan areas either cross or border State lines. A great deal of commutation is thus interstate in character.

I think, therefore, that a need for the bill has been clearly demonstrated and that the most appropriate form of assistance at this time would be low-cost loans, and planning funds for long-range research, planning, and demonstration. The provision of a new source of funds would help overcome the severe obstacles facing State and local governments in their attempts to improve mass transportation services. The provision for low interest rates would help insure that the acceptance of additional economic burdens by the mass transportation carriers will not further aggravate their losses.

To elaborate on the six points I have mentioned, the provision for low-cost loans is designed to meet both this short- and long-range need. It will give the State and local governments a source of funds to help save those critical commuter lines and bus companies teetering on the brink of collapse. At the same time the bill gives them the flexibility to make some long-range improvements that are obviously needed, perhaps for removal of a stub-end terminal in one city, perhaps park-and-ride facilities in the fringe area adjacent to a bus or rail depot in another community.

Incentive is provided to encourage State and local governments to initiate a positive workable program because a priority is given to those areas that are making substantial progress, particularly in two key areas—planning and organization.

COMPREHENSIVE PLANNING ESSENTIAL

I stress planning because as we are coming to realize, transportation, particularly the $40 billion highway program, has a profound and lasting impact on the urban landscape. There are two problems here: the highway may attract and spawn growth in an exceedingly reckless way to the serious detriment of the urban area as a whole, from the standpoint of placing immense burdens on suburban communities to provide all the public facilities, from schools to sewers, that are necessary to service the industries, housing developments, and service trades that spring up around the highway interchanges and along the route, to mention just one possible detriment.

On the other hand, take the very best designed of our highways and assume that it is located in an obvious transportation corridor, where the need for such a highway from a traffic standpoint is plain and where the urban area, because the population is increasing, should grow. Suppose then a housing subdivider comes along and starts building a large tract along both sides, with a dozen access roads leading to the highway, all pouring cars onto the highway at 12 different places, where two access roads might have done the job. Or suppose the service trades decide to abandon the central city and build a "miracle mile" or a "miracle two-mile" or three- or four-mile row of commercial activity along the highway, each store with its own ingress and egress. Or suppose some developers start building high-rise apartments near the highway and double the demand for its use. What you have is a virtually total loss of the highway as an effective transportation facility. And a huge waste of money in the process.

Both of these interrelated problems are caused by a lack of comprehensive, areawise planning that has the force of public acceptance and official support. With the comprehensive plan the urban area would know whether it should have a particular highway in a particular location, and what its effect would be on the development and welfare of the entire community. And once having decided on its location, a comprehensive plan would give political leaders a rational basis for planning land use development so that the highway does not become obsolete by the time it is built.

The very same problems can occur with mass transportation developments. They too can exert a powerful force on land use development; and improper land use development can nullify the effectiveness of the mass transportation development.

Thus the priority to areas where substantial progress is being made on the preparation of comprehensive plans for the area as a whole, and thus the cutoff on assistance to the area after 3 years unless substantial progress has been made.

I might add, parenthetically, that this encouragement-requirement provision for comprehensive planning as a condition for mass transportation would also help solve the kinds of highway problems I have just mentioned.

But I must point out that this bill I have introduced does not provide funds for general comprehensive planning. We have the section 701 urban planning program for this purpose, and I believe it is imperative that this program be improved, better enforced, and better financed, if this mass transportation bill and the existing highway program are to realize their maximum potential.

Unfortunately this program is limping along in pathetic fashion. Last year approximately $4 million was appropriated for what is one of the most crucial of all our undertakings in urban areas. And we must get away from the so-called one-shot comprehensive plan. Planning is an on-going process. It must evolve with changing needs and desires and, most importantly, it must be effectively tied in to the political decision-making process. It seems to me that when the Federal Government spends the public's money, it is the Government's duty to cut through the self-delusion engendered by the glossy master plan that is sometimes almost mass produced and then promptly shelved forever by the public officials who are supposed to use them as a basis for more informed and rational policymaking. Much could be done by vigorous administration to make sure that the planning agencies receiving the funds are effectively tied into the decision-making process and are not mere appendages which plan much but accomplish little.

REGIONAL AGENCIES

The other key element of the workable program—organization—is equally important, but a more difficult problem. This raises, of course, the question of regional government, or more precisely functional regional agencies, for transportation in this case. It simply does not make sense, to take my own area as an example, to have the New York Port Authority building bridges and tunnels and setting tolls, and at the same time have it completely disregard the impact of these efforts on the commuter railroads and buses coming into the city. This is not to say that the port authority, as it is presently constituted and financed, is capable of providing overall transportation service, but it is to say that the public suffers enormously when one hand does not know what another is doing.

But I will skip this question, and limit myself to the problems involved in providing just mass transportation for the urban area as a whole. We all know that urban growth has long since spilled over a multiplicity of political boundaries. In fact, 53 of our 200 or so major urban areas border or cross over State lines. This presents enormous organizational and financing problems in providing adequate mass transportation service for the area. For one thing, someone is going to have to make the mass transportation improvements. Of necessity the major effort is going to have to come from the core city, for Scarsdale is surely in no position, wealthy as it may be, to renovate the New York subway system or the New Haven Railroad. But, while the leadership and primary impetus is going to have to rest with the core city, it stands to reason that New York is going to be more concerned with its commuters from the Bronx than it is going to be with the commuters from Newark, N.J., or Greenwich, Conn., despite the fact that the welfare of them all is equally important to the urban area as a whole.

The same problem exists for practically every urban area, although in somewhat less insoluble form. It seems to me that we have to develop the organizational structure capable of providing mass transportation improvements that will be of the maximum benefit to the urban area as a whole. And that simply will not happen unless a way is found to finance the costs equitably among those who are benefiting. Fortunately there are some promising developments along this line, particularly right here in Washington. Philadelphia has formed a Passenger Service Improvement Corp. which is trying hard to seek the cooperation of the surrounding communities which would benefit from the improvements undertaken.

This bill will encourage this progress where it is necessary.

FEDERAL RESEARCH

On the Federal level, there is an urgent need for broad-scale study and research on a number of vital questions about which we know virtually nothing, and which would be of great general value to those who must deal with urban transportation problems across the country.

For example, there is a need for the development of techniques and standards for relating housing, urban renewal, and other land use plans and programs with mass transportation plans and programs. Certainly the Housing and Home Finance Agency should examine its mortgage insurance programs from the standpoint of the impact of those programs on land use development, and the impact of that land use development on transportation plans. It could profitably undertake studies on the economics of mass transportation operations, as the American Municipal Association has recommended, to determine what it takes to stay alive in this field. It could yield immensely helpful information for the guidance of public policy at all levels

of government on the costs of traffic congestion and its effect on productivity, on the price of goods, and on economic growth. And it could study and evaluate technological developments, which might be suitable for application in mass transportation to provide better service at lower cost.

PLANNING AND DEMONSTRATION

Finally, the bill provides for 50–50 matching grants to encourage comprehensive and detailed mass transportation planning and to undertake a limited number of pilot demonstration projects of an experimental nature.

I stressed the need earlier for general comprehensive land use planning. Once that is completed, the community must then develop a comprehensive and detailed mass transportation plan as an integral part of the general plan. At present there is absolutely no program for comprehensive mass transportation planning. In a few instances the Bureau of Public Roads has helped finance a few comprehensive transportation or highway plans in urban areas which have gone somewhat into mass transportation needs.

I am hopeful that this work will continue, and that the recent announcement of the experimental procedure for making joint use of 701 funds and 1½-percent funds will help to more effectively coordinate land use and transportation planning in urban areas.

But the kind of planning envisioned here is relatively expensive and the great bulk of the Bureau of Public Roads planning funds must of necessity go into technical studies, origin and destination studies, highway design and engineering plans, and so forth.

Consequently there has been virtually no mass transportation planning, and a great deal urgently needs to be done. This was particularly stressed by the administration officials who testified on S. 3278 last year. For example, Harland Bartholomew, testifying as Chairman of the National Capital Planning Commission commented that "mass transportation plans for our growing American communities have long been neglected" for two reasons: the long-held attitude that mass transportation was "the exclusive field of private enterprise" and "the belief, and the ill-favored hope that with the advent of the private automobile there would be no further need for extension of the mass transportation system."

He went on to state:

> We only recently have come again to realize that mass transportation is a most necessary public service. Proper community development depends in many ways upon the free movement of people between places of residence, work, and shopping. Mass transportation as one of the means of achieving that free movement exerts a profound influence upon the direction of community growth. It can stimulate either an orderly or a disorderly and unbalanced growth, a congested or dispersed pattern of development. In short, mass transportation can be a major tool in shaping the form of the city. As such it can, or should, be a major element of the city plan. Properly designed it can become virtually the dominant means of shaping the large city's structure. Thus, each metropolitan city should have a comprehensive plan for directing its future growth in which the mass transportation element is fully coordinated with the pattern of land use and zoning, the open space, park and recreation pattern, the location of rail, air, and waterway terminals, the width and arrangement of major streets, highways, and expressways, and with all the other things that are normally considered as parts of the comprehensive city plan. Mass transportation thus becomes or can become a significant factor in the economic and social welfare of the community.

He concluded by saying:

> S. 3278 will encourage and stimulate much needed planning for metropolitan city areas and particularly for mass transportation planning as an urgent and dynamic part thereof. It will thus meet one of today's greatest public needs.

The bill last year, however, authorized no money for such planning. This bill does.

Together with funds for planning, the bill also makes two-thirds of the amount appropriated under section 4 available for extending assistance for a limited time on the same matching basis to undertake a limited number of particularly worthwhile pilot demonstration projects.

I am firmly convinced that this is one of the most promising efforts that could be made. It would provide the kind of immediate and tangible effort which, if the evidence derived from the tests confirmed theories on the value of mass transportation, would provide a dramatic breakthrough, I am sure, in our attempts to solve the urban transportation crisis. On the other hand, if the tests disprove the value of mass transportation, we would be in a much better position to formulate subsequent policies accordingly.

At present we have virtually no information, for example, on what effect a 5- or 10- or 25-cent reduction in fares would have on ridership of the service that was being tested. We do, however, have quite a bit of information on what happens when fares go up. Ridership goes down. Nor do we know what would happen if service frequency were increased, or free transfers were provided, or feeder service tied in, or buses run in low-density areas where it would not otherwise be economically feasible to operate, or multistoried parking facilities provided in a fringe area adjacent to a rail station. Perhaps husbands would find peace of mind in their marital battles over who is going to get the car each day, and perhaps, instead of a community expense, investors would find a bonanza in financing such parking facilities.

And even more important, we do not know what the relative merits of any of these improvements would be—which brings me to one of the most important new concepts of the bill.

COST-BENEFIT STUDIES

This is the so-called "cost-benefit" study to determine which individual transportation improvement alternative provides the greatest social and economic benefit toward meeting total urban transportation needs at the lowest overall social and economic cost.

It is not enough to say we must spend so much money to supply a commuter railroad with all new air-conditioned coaches. We have to take that cost and determine its social and economic benefit in terms of such factors as the relief it gives the riders—who are only a part but nevertheless still a part of the population we are trying to benefit with any transportation improvement—and in terms of such factors as ridership trends, the savings—if any—on street repair, traffic control, downtown parking facilities, and so forth. We then ought to examine what the same amount of money would provide in terms of possible alternate transportation improvement, weighing those costs and relative benefits, and then compare the two.

Perhaps, in terms of overall costs and benefits, it would be much wiser to spend the money to maintain certain fare levels rather than to buy the air-conditioned commuter cars. Or perhaps it would be wiser to extend bus service, or add to our highway and street capacity.

If our aim is to give the taxpayer his dollar's worth, it is absolutely imperative that we undertake these cost-benefit studies, complex and difficult and sometimes intangible as they may be.

Once we have made some progress in this effort, we will then be in a position to forge a truly new outlook—a concern with how to best meet our total urban transportation needs so as to provide the greatest amount of benefit to all segments of the community in the most economical manner possible—which I am sure will involve a strengthening and coordination of all forms of transport—rail, bus, highway, helicopter, and probably others we have not even thought about yet.

Mr. President, I believe this bill has been refined and perfected to a considerable extent since its passage by the Senate last year, and I am sure that it can be further improved with proper and extensive hearings. But I earnestly hope that the Congress will pass and that the President will sign such legislation this year, for the time is growing short.

The bill (S. 345) was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban Mass Transportation Act of 1961."

FINDINGS AND PURPOSE

SEC. 2. The Congress hereby finds that—

(1) The greatest part of the Nation's population, economic wealth and defense productivity is located in the rapidly expanding urban and metropolitan areas of the country, many of which are interstate in character;

(2) The social-economic welfare and vitality of such areas, the satisfactory circulation of people and goods in and between such areas, and the efficacy of highway, urban renewal and other federally-aided programs are being jeopardized by the deterioration of mass transportation service, the intensification of traffic congestion, and the lack of sufficient comprehensive land use and mass transportation planning.

It is the declared policy of the Congress to assist wherever possible the States and their political subdivisions to provide the services and facilities essential to the health and welfare of the people of the United States.

It is the purpose of this Act to—

(1) stimulate a full-scale effort by all levels of government in the study, research,

and planning of ways to more effectively relate and coordinate mass transportation developments with housing, urban renewal, and other land use developments in urban and metropolitan areas, and of ways and means by which mass transportation can most economically contribute to meeting total urban transportation needs, and thereby protect and enhance the value of highway and other federally-aided programs; and

(2) assist State and local governments and their public instrumentalities in providing necessary facilities and equipment to preserve, protect, and improve essential mass transportation service, and to assist them in the testing and development of long-range improvements in the field of mass transportation which will best contribute to the development of a more coordinated, efficient, balanced and economical transportation system as an integral part of comprehensive plans for the land use development of the area as a whole.

ADMINISTRATION

SEC. 3. (a) In order to carry out the purposes of this Act, the Administrator of the Housing and Home Finance Agency (hereinafter referred to as the "Administrator") is authorized from time to time to call upon and confer or participate in conferences with interested governmental departments and agencies, State and local officials, industry representatives, and independent experts to assist in solving immediate and critical problems involving mass transportation service in any area and to assist in formulating plans and programs to further the objectives of this Act. Persons participating in any such conference shall be reimbursed for actual travel and subsistence expenses incurred in attending any such conference.

(b) The Administrator is authorized to request directly from any executive department, agency or instrumentality information necessary to carry out the purposes of this Act; and each department, agency or instrumentality is authorized to furnish such information directly to the Administrator.

(c) The Administrator is authorized to provide technical assistance to State and local governments undertaking comprehensive mass transportation planning and is authorized, by contract or otherwise, to make studies of and publish information on such questions as (1) procedures for relating housing, urban renewal and other land use plans and programs to mass transportation plans and programs; (2) commutation patterns and travel habits; (3) the economics of mass transportation operations; (4) costs of traffic congestion and its effect on economic productivity and urban growth; (5) procedures for evaluating relative costs and benefits of mass transportation projects in terms of overall urban transportation costs; (6) governmental organizational and revenue problems and procedures in providing regional transportation services; (7) technological developments in mass transportation; and (8) other related matters of general applicability.

(d) The Administrator shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending June 30, 1962, which shall be printed and transmitted to the Congress not later than January 3 of the year following the fiscal year with respect to which such report is made.

(e) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

PLANNING AND DEMONSTRATION

SEC. 4. (a) The Administrator is authorized to make mass transportation planning grants to States, counties, municipalities, and other political subdivisions of States; public agencies and instrumentalities established under State or local laws or interstate compact; and other agencies and instrumentalities designated by the Governor of the State and acceptable to the Administrator as capable of carrying out the provisions of this section; to help finance comprehensive mass transportation surveys and plans to aid in solving problems of traffic congestion and facilitating the circulation of people and goods in urban and metropolitan areas through the development or improvement of bus, surface-rail, underground, and other mass transportation systems, and their coordination with highway, parking, and other transportation facilities in such areas.

(b) Such surveys and plans shall embrace, to the maximum extent feasible, the entire region which forms an economically and socially unified urban or metropolitan area, taking into consideration such factors as population trends, patterns of urbanization, location of transportation facilities and systems, and distribution of industrial, commercial, institutional, and other activities.

(c) The Administrator shall prescribe appropriate regulations pertaining to the use of planning grants extended under this section, which may include but need not be limited to (1) inventory and evaluation of existing transportation facilities and traffic management procedures; (2) estimates of present and future transportation needs; (3) population and population density projections; (4) study of and coordination with local and regional land use and economic development plans and where necessary their further development; (5) studies to evaluate the relative social and economic costs and benefits of alternate transportation programs and plans to meet total urban transportation needs; (6) formulation of a mass transportation improvement program and preparation of a detailed physical plan including design and location criteria of new mass transportation facilities and their coordination with highway, parking and other transportation facilities; (7) a determination of mass transportation improvement priorities based on relative urgency, together with cost estimates for such improvements; and (8) development of necessary financing plans and administrative and organizational measures necessary to carry out the foregoing.

(d) In the processing of applications for the purpose of undertaking mass transportation surveys and planning for areas embracing several municipalities or other political subdivisions, the Administrator shall make planning grants to those applicants best qualified to plan for the area as a whole and to make a continuing contribution to the fulfillment of such plans, and shall encourage the participation and cooperation in the formulation of such plans by other interested municipalities, political subdivisions, public agencies, or interested parties in order to achieve maximum acceptance of such plans by the area as a whole. The Administrator shall, to the maximum extent feasible, encourage the utilization of previous pertinent and related plans and studies for the area involved so as to avoid unnecessary repetition or duplication of effort.

(e) The Administrator may make planning grants to applicants for an intrastate portion of a metropolitan area that embraces two or more States, specifying such requirements of cooperation and coordination with other applicants for the same metropolitan area as he deems appropriate.

(f) The Administrator may conduct studies of the various mass transportation programs and plans for urban areas throughout the United States and may make a limited number of grants for limited periods of time with respect to particular pilot demonstration projects which he determines would make a significantly important contribution to the development of research data and information of general applicability relating to the improvement of mass transportation service and the contribution of such service toward meeting total urban transportation needs at minimum cost. Not to exceed two-thirds of the sums appropriated pursuant to subsection (h) of this section may be used for such demonstration project grants. The Administrator shall use such grants to test the effect of such factors or combination of factors as service frequency, fare levels, availability of transfer and feeder service, availability and location of parking facilities, speed of service, condition and placement of facilities and equipment, and technological developments, on public acceptance of mass transportation service and on the relative costs and benefits of such operations.

(g) A grant made under this section shall not exceed 50 per centum of the estimated cost of the work for which the grant is made. All grants made under this section shall be subject to such terms and conditions, consistent with the provisions of this Act, as may be prescribed by the Administrator. No portion of any planning grant made under this section shall be used for the preparation of detailed engineering plans for specific facilities and equipment. The Administrator is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended, to make advance or progress payments on account of any grant made under this section.

(h) There is hereby authorized to be appropriated not to exceed $75 million to carry out the purposes of this section, and any amounts so appropriated shall remain available until expended.

FEDERAL LOANS

SEC. 5. (a) The Administrator is authorized to purchase the securities and obligations of, or make loans to, States, counties, municipalities, and other political subdivisions of States, public agencies, and instrumentalities of one or more States, municipalities, and political subdivisions of States, and public corporations, boards, and commissions established under the laws of any State, to finance the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas, and for use in coordinating highway, bus, surface-rail, underground, parking, and other transportation facilities in such areas: *Provided*, That the total amount of purchases and loans which are outstanding at any one time under this section shall not exceed $250,000,000, but not to exceed $100,000,000 prior to July 1, 1962. As used in this section, the term "facilities and equipment" shall be construed to include land, terminals and stations, right-of-way, parking lots and ramps, track and electrification facilities, mass transportation common carriers, and any other real or personal property necessary and useful for the development and operation of an economic, efficient and balanced transportation system; but such term shall not be construed to include public highways.

(b) No such purchase or loan shall be made for payment of ordinary governmental expenses, or any operating expenses connected with any mass transportation operation.

(c) No financial assistance shall be extended under this section unless the financial assistance applied for is not otherwise available on equally favorable terms, and all securities and obligations purchased and all loans made under this section shall be of such sound value or so secured as reasonably to assure retirement or repayment, and such loans may be made either directly or in cooperation with banks or other lending institutions through agreements to participate or by the purchase of participations or otherwise.

(d) No securities or obligations shall be purchased, and no loans shall be made, including renewals or extensions thereof, which

have maturity dates in excess of fifty years. Interest shall be charged on loans made under this section at a rate determined by the Administrator which shall not be more than the total of one-quarter of 1 per centum per annum added to the rate of interest paid by the Administrator on funds obtained from the Secretary of the Treasury as provided in subsection (j) of this section.

(e) In cases where any person, agency, or corporation engaged in providing mass transportation service, including a lessee or conditional vendee, is necessary to the utilization of the assistance extended by this Act, the Administrator shall require such evidence as he deems appropriate that such person, agency, or corporation is ready, willing, and able to utilize such assistance and is undertaking a plan for long-range improvement of its mass transportation service.

(f) In the processing of applications for financial assistance under this section, the Administrator shall consider the extent to which there is being initiated in the area involved a positive workable program (including preparation of comprehensive plans for the community and urban area as a whole, and detailed comprehensive mass transportation plans as an integral part thereof, development where necessary of the financial, administrative and organizational arrangements needed to equitably provide mass transportation improvements and service for the urban area as a whole, enlistment of appropriate private and public participation and support, and such other steps as are necessary) for the development of a more coordinated, efficient and balanced transportation system for the area as a whole. The Administrator shall give priority to the applications of those eligible applicants which he determines (1) are making substantial progress toward the development of a workable program as described in this section; or (2) are threatened with a serious deterioration or loss of essential mass transportation service.

(g) No financial assistance shall be extended under this section, subsequent to three years after the date of enactment of the Act, with respect to any area to be benefited by such assistance unless substantial progress has been made toward the development of a workable program (as described in subsection (f) of this section) for such area.

(h) The Administrator shall compile such information on projects assisted under this section as he deems appropriate to the development of research data generally applicable in the field of mass transportation.

(i) The Administrator shall require that any financial assistance extended under this section is coordinated to the greatest extent possible with other projects assisted by Federal, State and local governments for the same area.

(j) In order to finance activities under this section, the Administrator is authorized and empowered to issue to the Secretary of the Treasury, from time to time and to have outstanding at any one time, notes and other obligations not exceeding $250,000,000, but not to exceed $100,000,000 prior to July 1, 1962. Such obligations shall be in such forms and denominations, have such maturities and be subject to such terms and conditions as may be prescribed by the Administrator, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury which shall not be more than the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Administrator of such notes or other obligations, and adjusted to the nearest one-eighth of 1 per centum. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations of the Administrator to be issued hereunder and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(k) Funds borrowed under this section and any proceeds shall constitute a revolving fund, which may be used by the Administrator in the exercise of his functions under this section.

(l) In the performance of, and with respect to, the functions, powers, and duties vested in him by this title the Administrator shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402, except subsection (c)(2), of the Housing Act of 1950. Funds obtained or held by the Administrator in connection with the performance of his functions under this title shall be availabale for the administrative expenses of the Administrator in connection with the performance of such functions.

(m) As used in this section, the term "States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

AMENDMENT OF NATIONAL SCHOOL LUNCH BILL

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill to amend the National School Lunch Act. The purpose of the amendment is to change the formula by which funds for school lunches are distributed among the several States and territories participating in the program.

As the law now requires, funds are distributed to the States and territories according to two factors—the amount of per capita income in the State and the total number of school-age children within the State.

There is no objection to using per capita income as one element in the allocation formula. Many of the Federal grant-in-aid programs make use of this factor. It helps States with relatively low incomes to get proportionately larger assistance.

However, it is difficult to justify the distribution of Federal aid under this program according to the number of school-age children in each State. In some States only a small fraction of these children are served meals under the program—as low as 13 percent in one eastern State. This may be due to any number of reasons, such as lack of demand by the students or lack of interest by the schools themselves. In other States the proportion of schoolchildren eating lunches provided by the program exceeds 60 percent—in Louisiana slightly above 70 percent. The national average is about 32 percent.

The bill I have introduced would change the apportionment formula to reflect the size of the school lunch program in each State, instead of merely the number of children. The allocation to any State would then be based on the number of lunches actually served in the State under the program, as well as on the State's per capita income.

If enacted, this amendment would bring about a more equitable and effective distribution of these Federal grants. The amount of Federal assistance per meal served would be made more nearly equal. States would be stimulated to examine their present school lunch programs to see if all their children who need nutritious lunches are getting them.

The total amount available for the program throughout the Nation would not be changed by this bill. That amount is of course determined annually by the Congress in the appropriation for the school lunch program.

Improving our school lunch program is an important step in strengthening the educational system of the Nation. A hungry child is seldom an attentive student. I hope that this Congress will take this action to reduce hunger in the school while seeking to improve the school itself.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 347) to amend the National School Lunch Act in order to provide that the number of meals served to schoolchildren in a State participating in the school lunch program shall be considered a factor in determining the apportionment of funds under such act, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

THE VETERANS READJUSTMENT ASSISTANCE ACT OF 1961

Mr. YARBOROUGH. Mr. President, on behalf of myself and 31 of my colleagues, I introduce, for appropriate reference, a bill entitled "The Veterans Readjustment Assistance Act of 1961." Patterned after the World War II and Korean conflict GI bills, this proposal provides for educational readjustment for the 4¼ million veterans of the post-Korean cold war—from January 31, 1955, the termination date of such training under the Korean GI bill, to July 1, 1963, the date of termination of the draft—who served for longer than 6 months each, at a rate of 1½ days of schooling for each 1 day of service, but not to exceed 3 years schooling, at a payment of $110 monthly for single veterans, up to a maximum of $165 a month for a married veteran with two children. It also provides for guaranteed home and farm loans, and for vocational rehabilitation for disabled veterans.

As Senators know, after extensive hearings, careful research, and considered debate, a cold war veterans GI bill was passed by the Senate during the 86th Congress by a vote of 57 to 31. Today, time and events dictate even more strongly the passage of this program, for these reasons:

First. It is a matter of individual justice, because only about 46 percent of our young men serve under current draft

procedures, leaving the 54 percent who do not serve with a headstart in the economic struggle unless these veterans are furnished some educational training.

Second. It is a matter of national economic benefit, for it assures that some 4¼ million men will have a chance for professional or technical training that will increase productivity and minimize serious, heavy unemployment.

Third. It is a matter of national security, for it will greatly improve the attitude and morale of men called to service.

Mr. President, in the years immediately ahead, this Nation must move forward on all educational fronts. We must experiment with new ideas and new programs in order to make our educational system and the products of that system preeminent in the world. But in moving toward this goal, we cannot afford to overlook the value of established programs that have proved out well, from the standpoint both of the individuals concerned and of society as a whole. And that is the kind of program we have in the cold war GI bill, for here we can point to positive accomplishments and results from our past dealings with the veterans of this Nation.

In enacting the two previous GI bills, for veterans of World War II and the Korean conflict, the Congress wisely provided two of the most farsighted, beneficial programs ever known to any society or government. In education alone the two previous GI bills gave the Nation 450,000 engineers and 180,000 doctors and nurses. They provided training for more than 150,000 physicists, chemists, and other scientists. About 230,000 teachers—our most sorely needed trained human resource, now in very short supply—are now available because of these bills.

But the college-trained professionals constitute only a part of the national dividends that will accrue from this measure.

Equally important are the technicians and skilled workers who will be produced by the training in schools below college level and by on-the-job and on-the-farm training. These types of training which will be pursued by almost half of the persons expected to seek training under the cold war GI bill, are more important than ever before.

As pointed out in the hearings on the cold war GI bill, and more recently by the report of the President-elect's task force on area redevelopment, below-college training provides a means by which to make a direct attack upon the chronic unemployment which persists in some parts of our economy, even during relatively prosperous times.

Evidence on this point was presented in our hearings by Kenneth C. Carl, director of vocational education, Williamsport Technical Institute, Williamsport, Pa., when he stated that:

I found that in Pennsylvania with one-tenth of the unemployment of the United States we had jobs available. Through a survey of the 14 major labor market areas of Pennsylvania I compiled a list of 228 occupations for which there were jobs open, and 197 of these occupations were seeking people with less than college training but with very definite skills. All of these occupations were listed with the Pennsylvania State Employment Service. Jobs are going begging in the midst of serious unemployment. But I emphasize they are skilled jobs, jobs for which prior training or experience is a must.

The answer surely is in training our unskilled, and perhaps equally in retaining those among our unemployed whose skills have become less important to our economy due to the swift changes that are taking place in our industries as a result of technological advancements and automation.

Permit me for a few minutes, gentlemen, to turn to the economic aspects of the situation. I speak only of Pennsylvania. From 1950 to 1958, a matter of 8 years, the taxpayers of this State paid almost $1⅓ billion—I repeat, billion—in unemployment compensation. During these same years, a further $870 million was paid in direct relief by the department of public assistance. I could not attempt to calculate the loss to the State and the Nation by this state of affairs. An unemployed citizen pays few taxes. He takes from the pot rather than contributing to it. The skill of the worker is in a very real sense a brick in the foundation upon which the prosperity of our Nation is built.

We are greatly concerned about our unemployment problem in Pennsylvania. We know the occupations we need to train for; we have surveyed the unemployed people and find that 65 percent of them are interested in learning a new occupation or further updating in their skills.

So, actually, many of our unemployed of today are out of work because they are not suitable for the jobs that are open or the jobs that will be developed. This is especially true of a large number of our cold war veterans. In looking for postservice work, they find that their military service has provided very little to qualify them for civil skills. In general, they are unskilled or wrong skilled, which constitutes a technical handicap that they can do very little to overcome by themselves. Well-planned vocational programs and guidance are essential to prepare these young people for the jobs that they need and that the Nation needs to have them fill.

The cold war GI bill provides a truly wise and beneficial program, one well calculated to restore to a young man what he has lost—time, the most critical time of his life, for he goes to military service during the very period when normally he would be preparing himself for adult life. In our recent past, readjustment rights helped the returning serviceman to achieve substantial parity with his contemporaries who did not have to serve. I submit that we have equally cogent reasons for restoring these rights to today's serviceman.

Mr. President, as I mentioned earlier, the draft is taking only a minority of our draft-age youth. So let us squarely face the fact that the draft is operating inequitably and will continue to operate inequitably within the foreseeable future. More than one-half of the young men in the draft-age group will never perform a substantial period of military service. As was concluded in a Library of Congress research paper, dated May 13, 1959:

It is apparent that only 530,000 of the 1,500,000 males reaching age 26 (in 1963) will have entered military service for 2 years or longer. This is 46 percent—less than 5 out of every 10. Another way of stating the estimate of service for all males aged 26 in 1963 is that 1.3 more of those who reach age 26 by June 30, 1963, can expect to escape substantial military service as compared to those who reach age 26 by June 30, 1958.

Since the needs of the cold war are such as to require the continuation of the draft law and its accompanying inequities, the least a grateful government can do is to remove the unnecessary burdens of honorable military service. The readjustment benefits in the cold war GI bill are well designed to achieve this purpose by restoring, in part, educational and other opportunities lost by the young men who are called upon to contribute a share of their lives to the national cause. In short, readjustment benefits give the young men who perform substantial tours of military duty some means by which they can catch up with contemporaries who stay behind.

Why should not we give these boys this recognition and assistance now, without waiting until some warlike incident goads us into action in this field.

We may expect that a law like this one will eliminate many occasions for application of the draft, by increasing the incentives for volunteering for military duty. It will, we may hope, desirably lower the age level of those entering the service, from those who have tried to finish college first, to those who will need help to finish college later. It should eliminate many complaints that a young man's future is too uncertain under present laws, by allowing him a full range of scheduling his education and his military service. Finally, it should greatly improve the morale of those in the Military Establishment, by clearly showing that the American Government and people do, indeed, appreciate and recognize the great service they are doing all of us.

Soviet Russia is now educating more than twice as many engineers, more than twice as many scientists, and more than twice as many doctors, as is the United States of America. It is later than many think. It is time to act.

In brief summary, Mr. President, the cold war GI bill should be enacted for the following reasons:

First. It is an act of justice, because only 46 percent of our young men serve militarily under the present operation of the draft law. This law intends to help that 46 percent gain back some lost time, and their educational opportunity, which without this bill is lost forever.

Second. It will help our Nation produce more schoolteachers, doctors, medical technicians, scientists, and engineers, whose services are critically needed; it will help increase the brainpower of the Nation, our most neglected asset. There is now a shortage of 140,000 schoolteachers in America, and the shortage grows yearly.

Third. The veterans make the highest grades of any comparable sized group in our colleges. It is the best and most economical investment in developing our brainpower yet found by the American people. Some of our greatest scientific authorities have testified that unless we step up our educational effort, Russia will be ahead of us in the sciences by

1969. Admiral Rickover, after visiting Russia, warned us that the great danger we face from Russia is not in her present armaments but in her efficient schools.

Fourth. Under the World War II GI bill, 7,800,000, or one-half, of the more than 15 million veterans, took training. Of these 29 percent, or 2,262,000, went to college. Of the more than 4,750,000 veterans of the Korean conflict, one-half, or more than 2 million, took training under the GI bill; and 51 percent of these, or slightly over one million, went to college. From these GI educational bills—for World War II and the Korean conflict—the Nation obtained an additional badly needed 180,000 doctors and nurses, 113,000 physical and research scientists, 450,000 engineers, and 230,000 schoolteachers. The cold war GI bill is badly needed now, to do the job, to continue developing and increasing our brainpower.

Fifth. It will be a sound, self-liquidating investment, for its education and vocational training program will so greatly raise veterans' earning power that within a few years their increased income taxes will more than pay the costs of the program. This is based upon actual proof from the Bureau of the Census, which shows that the training received by veterans under the World War II and Korean conflict bills is paying the Government more than a billion dollars a year more in taxes than it would collect without such training, and that those bills will pay themselves out by about 1969. This bill is not one at the expense of the taxpaying public; education is the one certain method of strengthening the taxpaying public.

Sixth. Last year, the Congress appropriated about $40 billion to the Defense Department, over $2½ million more for atomic development, and over $3½ billion more for foreign aid, all to support the cold war. This is a total of over $45 billion a year for the cold war.

The highest estimate of the cost of the cold-war GI bill is only a minor fraction of these figures.

Seventh. The annual cost will not upset the budget, because as the expense of educating the Korean conflict veterans phases out, the cold-war veterans' educational expense will take its place. It will not be an expense for the next generation, because just as the cost of the World War II veterans' bill will be paid out by increased taxes paid by those veterans alone before 1970, so the cost of educating these cold-war veterans will be paid out of their increased taxes, due to their higher brainpower, before their normal earning years are over.

Eighth. The pending bill is not as generous with cold-war veterans as the Korean conflict law was. For cold-war veterans, there is no mustering out pay and there are no business loans; and the minimum service period for educational benefits is 6 months, instead of only 3 months required of World War II veterans and Korean veterans. The payment of $110 a month now will buy only as much as $78 would buy in 1952. In addition, the average college tuition rate in America has gone up 71 percent since 1952. The average veteran must obtain loans or hold a job on the side, in order to go to college under the GI bill.

Ninth. It will, in brief, equip the breadwinners of many thousands of American families to provide a better standard of living and to become more productive and useful citizens. This bill is not a giveaway; it is an investment in the future of America.

In conclusion, Mr. President, I anticipate that hearings on the bill will be scheduled in the near future, to explore the exact manner in which this program would most equitably fit our cold-war veterans in their readjustment needs. We must begin a program that will tell the people of America that our draft law does not cause certain of their sons to lose 2 years from their competitive civilian lives, but, instead, provides a challenging opportunity for honorable and patriotic service to the country which will be suitably recognized, rather than subject them to any disadvantage in comparison with the 54 percent who do not serve.

Mr. President, I ask unanimous consent that an explanation of the bill 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 COLD WAR GI BILL, ENTITLED THE "VETERANS READJUSTMENT ASSISTANCE ACT OF 1961"

This bill provides readjustment assistance for post-Korean veterans, i.e., persons who perform active duty in the Armed Forces after January 31, 1955. Basic eligibility period extends from January 31, 1955, the end of the Korean conflict, to July 1, 1963, the termination date of the compulsory draft law. Eligibility period respecting vocational rehabilitation training, limited to veterans with service-connected disabilities, covers both post-Korean veterans and veterans who first entered on active duty between end of World War II and beginning of Korean conflict. (See specific dates below.) Applicable throughout the bill is a requirement of discharge under conditions other than dishonorable.

Educational and vocational training assistance: Eligibility conditioned upon 6 months or more active duty or discharge for service-connected disability. Period of education or training (not to exceed 36 months) is calculated by multiplying 1½ times each day of active duty. During educational period veteran receives monthly allowance, as follows: For full-time college training the monthly allowance would be: If no dependents, $110; if one dependent, $135; if more than one dependent, $160. Veteran must begin education or training within 3 years after discharge or enactment of bill, whichever is later; and must complete education within 8 years after discharge or enactment of bill, as case may be. No allowance shall be paid for any period prior to September 1, 1961. Persons enrolled in courses of education on September 1 would be entitled to allowances from that date, although they could not receive payment until after bill's enactment. All education or training ends on June 30, 1973, except that certain career enlistees may use their educational entitlements beyond that date.

Vocational rehabilitation training for disabled veterans: Eligibility conditioned upon need of training, as determined by Administrator of Veterans Affairs (VA), to overcome handicap of disability rated at 10 percent or more and incurred on active duty either between the end of World War II (July 25, 1947) and the beginning of the Korean conflict (June 27, 1950), or subsequent to the end of the Korean conflict (January 31, 1955). Disabilities rated at 30 percent or more enjoy presumption that training is needed; in cases involving disabilities of less than 30 percent, veteran must clearly show that disability has caused a "pronounced employment handicap." Period of training generally limited to 4 years; however, in appropriate cases, additional time is granted. Training may be in college, below college, or in any other type of training designed to lead to the veteran's vocational rehabilitation. Although no overall termination date applies to the program, there are dates beyond which veterans may not train. Generally veterans may not train more than 9 years after discharge, or 9 years after enactment of the bill, whichever is later. In certain hardship cases, these limitations may be extended by 4 years. During rehabilitation period, VA pays tuition, cost of books and other school expenses, and veteran receives monthly subsistence allowance, as follows: For full-time institutional training, the monthly subsistence allowance would be: if no dependents, $75; if one dependent, $105; if more than one dependent, $120.

Loan assistance: Eligibility conditioned upon 6 months or more of active duty, or discharge for service-connected disability. Widow of veteran who died of service-connected disability would also be eligible. Loans are for purpose of purchasing (a) homes, including farm homes, and (b) farmlands, livestock, etc., to be used by veteran in farming operations. Banks or other lenders make loans with Government guaranteeing 60 percent, up to $7,500, on residential real estate, and 50 percent, up to $4,000, on nonresidential real estate. Loans are subject to guarantee fee not to exceed one-half of 1 percent of loan amount, to be used to cover losses on loans. Interest rates and maturities of loans controlled by laws applicable to World War II and Korean veterans, now and in future. (Under Public Law 86–73, maximum interest rate was fixed at 5¼ percent per annum.) Guarantee loan program ends on July 1, 1973, with an additional year for processing loan applications received by VA prior to such date. In addition, in certain small towns and rural areas, and until June 30, 1962, VA may lend up to $13,500 directly to veteran when private capital is not available for guarantee loan.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the table as requested.

The bill (S. 349) to provide readjustment assistance to veterans who serve in the Armed Forces between January 31, 1955, and July 1, 1963, introduced by Mr. YARBOROUGH (for himself and Senators HILL, HUMPHREY, MCNAMARA, MORSE, CLARK, RANDOLPH, WILLIAMS of New Jersey, SMITH of Massachusetts, SPARKMAN, KUCHEL, CHAVEZ, EASTLAND, MAGNUSON, KEFAUVER, SMITH of Maine, PASTORE, YOUNG of Ohio, HART, MCGEE, BYRD of West Virginia, GRUENING, DOUGLAS, FULBRIGHT, WILEY, SYMINGTON, BIBLE, BARTLETT, METCALF, LONG of Missouri, NEUBERGER, and PELL), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. GRUENING. Mr. President, as a cosponsor of this bill, I desire to commend the Senator from Texas highly for calling for this very constructive program. It will be of tremendous value

to the young men who are taken out of civil life to serve in the national defense for 2 years. They are entitled to the opportunities which this legislation proposes. It will be one of the most valuable programs that has been presented to the Senate in some years. I associate myself with the remarks of my friend from Texas and I am delighted to be associated with the bill as a cosponsor as I was in the 86th Congress; so I take this opportunity to express my gratification that the Senator from Texas has again introduced the bill which seeks to recognize a responsibility which the Nation owes to those who forfeit other opportunities in order to serve our Nation.

Mr. YARBOROUGH. I thank the Senator from Alaska.

Mr. HUMPHREY. Mr. President, will the Senator from Alaska yield to me?

Mr. GRUENING. I yield.

Mr. HUMPHREY. I, too, wish to commend the Senator from Texas and also the Senator from Alaska in connection with this particular measure. I am very proud to be permitted to be a cosponsor of the bill, along with the Senator from Texas and the Senator from Alaska. I believe that if the bill becomes law, it can do more to forward the educational development of our young men and young women than can almost any other piece of legislation. We found that out under the original GI bill of rights, which has paid, in dividends to this country, untold rewards—a tremendous accomplishment.

So I certainly hope the Congress will look favorably, and also that the new administration will look favorably, upon the proposal of the Senator from Texas; and I am very happy to join him in sponsoring the bill.

Mr. YARBOROUGH. Mr. President, I am very appreciative of the kind remarks of these two distinguished Senators, and also I am very appreciative that they have joined in sponsoring the bill—not as a compliment to me, but because of the need which exists in the country.

This fall I traveled over the United States to some extent, and I found more interest in this proposed legislation among young people than in any other legislation before the Congress. I found widespread interest in this measure among all sections of our people, of all ages.

I want to thank the distinguished majority whip [Mr. HUMPHREY] for cosponsoring the bill. We have cosponsorship from both sides of the aisle.

Mr. President, I ask unanimous consent that the bill lie on the table until Friday, January 13, 1961, for additional cosponsors. I am not superstitious about that day.

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

PROPOSED LEGISLATION TO BAN AGE BIAS IN EMPLOYMENT

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, three bills which deal with discrimination in employment because of age.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. JAVITS, were received, read twice by their titles, and referred, as indicated:

To the Committee on Labor and Public Welfare:

S. 350. A bill to prohibit unjust discrimination in employment because of age; and

S. 351. A bill to eliminate discriminatory employment practices on account of age by contractors and subcontractors in the performance of contracts with the United States and the District of Columbia.

To the Committee on the District of Columbia:

S. 352. A bill to prohibit, within the District of Columbia, unjust discrimination in employment because of age.

Mr. JAVITS. Mr. President, the proposed legislation would prohibit unjust discrimination in employment because of age against a major portion of the Nation's labor force, of whom nearly 28 million are 45 years of age or older.

Identical proposed legislation will be introduced in the House of Representatives tomorrow by Representative SEYMOUR HALPERN, Republican, of New York, who cosponsored similar proposed legislation with me in the 86th Congres.

Mr. President, the first of the three bills would prevent businesses engaged in interstate commerce from practicing such discrimination, and the other two bills would outlaw it in firms holding Federal contracts or subcontracts, and in companies located in the District of Columbia.

Federal leadership in the drive to prevent and eliminate unjust, unreasonable discrimination against older workers on account of their age is imperative. If our resources of skilled manpower are to prove adequate to the demands of an expanding economy, and if many of the mature citizens now on the public assistance rolls are to regain their dignity and self-sufficiency as productive, useful working members of society. The many artificial age limitations now operating can severely limit job opportunities, hinder advancement, and lead to the premature retirement of experienced, valuable workers only 45 years old, and sometimes younger. If the age limit of 45, which is all too frequent in private industry, were in force in the U.S. Senate, where the average age is 57, 91 Members of this Chamber could be declared as overage.

The National Act Against Age Discrimination in Employment would declare it to be unlawful for firms in interstate commerce to refuse to hire, to discharge, or to otherwise show bias against any person in respect to employment because of his age when no such distinction is warranted by the reasonable demands of the job. Neither could such employers utilize the services of any employment agency, placement service, labor organization, or other agency which engages in age discrimination. Labor unions could not maintain membership requirements or other procedures which tend to restrict or rule out job opportunities, or adversely affect wages, hours, or working conditions because of a worker's age. Similar prohibitions would apply under the provisions of the other two bills, and in the case of violations by companies holding Federal contracts or subcontracts these contracts would be subject to cancellation.

Job discrimination because of age has already been recognized as a major economic problem requiring governmental action in nine States including New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Oregon, Wisconsin, and Alaska. They have laws on the books banning it in private industry, and, in most cases, in unions and employment agencies as well. The bills I am proposing would enable the Federal Government to play a leading role in meeting this problem just as it did in a similar situation some two decades ago through the establishment of Federal minimum wage and hour standards. Where a State law already exists to prevent age bias in employment, the Federal Government could give the State agency administering it the authority to prohibit such discriminatory practices by local firms engaging in interstate commerce.

Once a worker 45 years old or over loses his job for whatever reason, this source of income will probably be lost to his family for a longer time than it would were he a few years younger. The U.S. Labor Department reports that older workers often meet resistance when seeking a new job, and consequently are unemployed for longer periods. In October 1960, for example, about 38 percent of the unemployed in the 45 to 64 age group had been out of work for 15 weeks or longer, whereas the proportion of jobless in all age groups seeking employment for nearly 4 months or more was about 31 percent.

A study of comparative job performance by age which was undertaken by the Labor Department in 1960 among officeworkers, a group where age bias is especially prevalent, shows that both the employer and the older employee can be the loser when this kind of discrimination is practiced.

In the era of productivity, frequently mentioned by employers as the reason they set an upper age limit for new officeworkers, the Labor Department found that the differences, overall, between the younger and older groups were insignificant. However, while output per manhour varied widely among workers of all ages, large proportions of older workers exceeded the average job performance of younger groups. Finally, older workers had a steadier rate of output, with much less weekly variation, than their younger colleagues.

Not only is job discrimination for this reason unwarranted in such employment, but the absence of more mature, experienced employees may mean lower productivity standards in some firms without them. Previous private and government sponsored studies had shown that older workers have attendance and safety records equal or superior to those in younger age groups.

That this type of job prejudice is not insurmountable, and that it can be dealt

with very effectively by government authorities is demonstrated by what has happened following the passage of State laws. In New York, which already had a good record when it came to hiring older workers, about 25 percent of the hiring orders placed with the State employment service contained an age restriction prior to the passage of the McGahan-Preller Act in 1958, forbidding age discrimination in employment. Subsequently the figure dropped to under one-half of 1 percent.

Today, the majority of Americans over 45 are members of the labor force and they account for some 37 percent of all workers. Labor experts expect that ratio to remain fairly steady through 1975 when an estimated 33 million workers will be in the older age group. If Congress will act to provide the Federal Government with the appropriate responsibility and authority, we can look forward to a time in the near future when discriminatory employment practices based on age will become obsolescent, while the skills of the older worker will be much in demand.

Under the terms of the proposed National Act Against Age Discrimination in Employment dealing with firms engaged in interstate commerce, the Administrator of the Wage and Hour Division of the Department of Labor could issue cease and desist orders against violators and authorize the reinstatement or hiring of employees with or without back pay. Further violations would subject the employer to contempt of court proceedings. Under the District of Columbia Act Against Age Discrimination in Employment, similar enforcement machinery would be at the disposal of the Chairman of the Minimum Wage and Industrial Safety Board in the District of Columbia in dealing with businesses located there. The three bills also provide for judicial review along with conciliation, technical assistance and other aids to both employees and employers.

LEGISLATIVE PROPOSALS FOR RESERVATION OF CERTAIN PUBLIC LANDS IN ALASKA

Mr. GRUENING. Mr. President, at the request of the Department of the Army, I introduce five bills providing for the reservation, for the use of the Department of the Army, of certain public lands in the State of Alaska. I ask that these bills be received and appropriately referred. I ask unanimous consent to have printed in the RECORD, immediately following the listing of the bills, five letters sent to the President of the Senate by the Secretary of the Army requesting this action and explaining the purpose thereof.

The PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD, as requested by the Senator from Alaska.

The bills, introduced by Mr. GRUENING, by request, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 353. A bill to provide for the withdrawal from the public domain of certain lands in the Ladd-Eielson area, Alaska, for use by the Department of the Army as the Yukon Command training site, Alaska, and for other purposes.

The letter accompanying Senate bill 353 is as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C.

The PRESIDENT OF THE SENATE.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To provide for the withdrawal from the public domain of certain lands in the Ladd-Eielson area, Alaska, for use by the Department of the Army as the Yukon Command training site, Alaska, and for other purposes."

This proposal is a part of the Department of Defense legislative program for 1961 and the Bureau of the Budget advised on December 23, 1960, that it has no objection to the submission of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to effect the statutory withdrawal from the public domain of 256,000 acres of land in the Ladd-Eielson area, Alaska, for continued use as the Yukon Command training site. In connection with the programs carried on by the Army units in Alaska the Yukon Command requires a trainfire area and ranges for field artillery and tank firing. The land originally selected for this purpose was designated as the Chena River maneuver site. However, when it became apparent that the use of that land in the intensive manner proposed by the Army would interfere with civilian programs, a substitute area was sought. The site agreed upon is comprised of 256,000 acres of mountainous land east of Eielson Air Force Base. On June 4, 1957, the Department of the Interior granted the Yukon Command permission to conduct maneuvers in this area.

On July 2, 1958, the U.S. Army District Engineer at Anchorage, Alaska, filed an application with the office of the Bureau of Land Management, Department of the Interior at Fairbanks, Alaska, requesting that the 256,000 acres be withdrawn from the public domain and set aside solely and exclusively for military use. Notice to the effect that an application, serial No. Fairbanks 020174, had been filed by the Department of the Army for the withdrawal of the lands described therein from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, was published by the Bureau of Land Management at page 5804 of the Federal Register July 31, 1958 (F.R. Doc. 58-5837; filed, July 30, 1958; 8:47 a.m.). The notice provided that for a period of 60 days therefrom objections would be received by the Bureau of Land Management at Fairbanks, Alaska.

However, the Secretary of the Interior is without authority to accomplish the withdrawal. Since, under the provisions of the act of February 28, 1958 (72 Stat. 27, Public Law 85-337), no lands in excess of 5,000 acres can be withdrawn from the public domain except by act of Congress, legislation must be enacted if the 256,000 acres involved are to continue available for military use. The attached draft bill is designed to effect a withdrawal of those lands for 10 years, extendible for one 5-year term, thereby assuring periodic reviews of the military requirements and use of the property.

The application for withdrawal included the detailed data required by section 3 of the aforementioned act of February 28, 1958. As brought out in more detail in the application, the land is within the Fourth Judicial Division, Alaska, approximately 20 miles southeast of Fairbanks contiguous to the east boundary of Eielson Air Force Base.

In furtherance of the military mission outlined above and in compliance with the act of February 28, 1958, the Department of Defense on June 14, 1960, submitted a proposal for the enactment of legislation designed to effect the withdrawal of the lands involved. However, no action was taken thereon by the 86th Congress. Accordingly, the attached draft bill is submitted for consideration of Congress with the recommendation that it be enacted.

COST AND BUDGET DATA

Enactment of this proposal would cause no increase in budgetary requirements of the Department of Defense.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

S. 354. A bill to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike range.

The letter accompanying Senate bill 354 is as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., January 3, 1961.

The PRESIDENT OF THE SENATE.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike range."

This proposal is a part of the Department of Defense legislative program for 1961 and the Bureau of the Budget advised on December 23, 1960, that it has no objection to the submission of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to effect, for the use of the Department of the Army, a statutory withdrawal of 607,800 acres of public domain lands in the Fairbanks area, approximately 40 miles east of Fairbanks, Alaska. As part of the air defense of Alaska, the Department of the Army has established Nike-Hercules batteries near the Eielson Air Force Base. In addition, in connection with field artillery and tank-firing exercises, the Army has established a Yukon Command training site adjacent to the Eielson Air Force Base on 256,000 acres of land, which embraces within it the Nike battery sites.

It is essential that troops manning Nike batteries be afforded an opportunity to perform service practice firing of the weapon at least once a year. Troops within the continental United States are accordingly transported annually to Fort Bliss, Tex., for this purpose. Because the ranges at Fort Bliss are already operating with capacity schedules, and inasmuch as the time and money to transport troops from Alaska for this purpose would be of major significance, the Department of the Army sought an alternate surface-to-air missile range in Alaska. Moreover, practice firing under Alaskan climatic conditions is patently desirable. The site selected is approximately 63 miles long, 13 miles wide at its western end and 20 miles wide at its eastern end, comprising an area of 607,800 acres of public domain land immediately adjacent to the Yukon Command training site referred to above.

Utilization of this range will permit practice firing from one of the Nike battery sites established as part of the regular air defense of Alaska, thereby eliminating the need for any new construction. This service firing

by Nike-Hercules units will require approximately 3 months each year. In order to integrate Department of the Army requirements, to the extent practical, with those of the civilian economy of Alaska, it is planned to conduct these firing sessions during the winter months when climatic conditions are such that civilian activities will be reduced, if not halted. This also affords, to the units and equipment, training under optimum conditions.

On February 10, 1959, the U.S. Army district engineer at Anchorage, Alaska, therefore, filed an application with the Bureau of Land Management, Department of the Interior, at Fairbanks, Alaska, for the use of the land involved for 3 months annually for a 10-year period with an option to renew for an additional 5 years and requested that the lands be segregated in order to preclude further disposition thereof under the public land laws. Notice to the effect that the application, serial No. Fairbanks 022929, had been filed by the Department of the Army was published by the Bureau of Land Management as a notice of proposed withdrawal and reservation of lands at page 2312 of the Federal Register for March 25, 1959, and page 4218 of the Federal Register for May 26, 1959 (F.R. Doc. 59–2482, filed Mar. 24, 1959, 8:47 a.m.; and F.R. Doc. 59–4405, filed May 25, 1959, 8:49 a.m.).

On September 4, 1959, after the Department of the Army had given assurances that there would be no contamination of the area because unexploded missiles will be recovered, the Department of the Interior granted to the Department of the Army the right to use the 607,800 acres described in the aforementioned application during the period December 15, 1959, to March 15, 1960. During that period, the Commanding General, U.S. Army, Alaska, successfully conducted practice firing tests that underscored the military requirement for this range. The continued ability to test these weapons, and the men operating them, under extreme climatic conditions, including temperatures of 60° below zero, is considered to be vital in fulfilling the mission of the troops involved.

Because the Department of the Army requires utilization of the land involved for only 3 months of the year, the possibility was explored of obtaining use of the land, without effecting a withdrawal from appropriation under the public land laws, and to permit disposition of these public domain lands subject to the Army use. However, the Department of the Interior, which is responsible for the administration of the public land laws, has determined that the Department of the Army cannot have the privilege it seeks without a withdrawal of these lands. It was further determined that the proposal to effect a reservation for use subject to disposition under the public land laws subject to the right of the Army to the use of the area for a 3-month period each year is unworkable, there being no provision in the public land laws for dispositions of that type. Accordingly, the Department of the Army, because of its urgent requirement for the use of this Nike range, determined to proceed with the request to withdraw the lands involved from all forms of appropriation but subject to maximum multiple use thereof.

In addition to providing, in the application referred to above, a detailed description of the land involved in the proposed legislation, this Department set forth the data required by section 3 of the aforementioned act of February 28, 1958. As brought out in more detail in the application, the land is approximately 40 miles east of Fairbanks adjacent to the Yukon Command training site which, in turn, is adjacent to the Eielson Air Force Base. While the Army will require use of the area annually, from December 15 to March 15, all of the lands and resources will be available for use by the public during the rest of the year.

A review by the field representatives of the Bureau of Land Management, Department of the Interior and the Department of the Army indicates that none of the lands involved have been withdrawn or reserved for any other use, but that approximately 71 unpatented mining claims have been filed. Because the missile firing practice will be accomplished during the height of the winter, the interference with civilian exploitation of potential sources of mineral deposits will be minimal.

In view of the urgent military necessity to assure continued availability of this range for use by the Nike troops in Alaska, Congress is urged to enact the attached draft bill which also provides for any use and disposition of the lands not incompatible with the Army's use during the annual December 15 to March 15 firing sessions.

In furtherance of the military mission outlined above and in compliance with the act of February 28, 1958, the Department of Defense on 21 June 1960 submitted a proposal for the enactment of legislation designed to effect the withdrawal of the lands involved. However, no action was taken thereon by the 86th Congress. Accordingly, the attached draft bill is submitted for consideration of Congress with the recommendation that it be enacted.

COST AND BUDGET DATA

Enactment of this proposal would cause no increase in budgetary requirements of the Department of Defense.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

S. 355. A bill to provide for the withdrawal from the public domain of certain lands in the Big Delta area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes.

The letter accompanying Senate bill 355 is as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., January 3, 1961.

The PRESIDENT OF THE SENATE.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To provide for the withdrawal from the public domain of certain lands in the Big Delta area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes."

This proposal is a part of the Department of Defense legislative program for 1961 and the Bureau of the Budget advised on December 23, 1960, that it has no objection to the submission of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to effect the statutory withdrawal from the public domain of 572,000 acres of land in the Big Delta area, Alaska, adjacent to Fort Greely. A military reservation was established at Big Delta, Alaska, in 1942 with the construction of airfield facilities on 14,460 acres of public domain lands made available for that purpose. In 1948 the military reservation was placed under the jurisdiction of the Department of the Air Force and designated as the Big Delta Air Force Base. Following the establishment of the Arctic Indoctrination School, the installation was transferred in 1955 to the Department of the Army and named Fort Greely after agreement had been reached with the respective Committees on Armed Services in accordance with title VI of the act of September 28, 1951 (65 Stat. 365). Fort Greely, presently comprising 30,791 acres of land, has been developed at a cost of $33,116,389.

The land proposed to be withdrawn was made available to the Department of the Army under permit from the Department of the Interior in November 1950 and has been used continuously by this Department since that time as a maneuver and testing area for the U.S. Army, Alaska, the U.S. Arctic Test Board, and the Cold Weather and Mountain School. It has been designated as the Fort Greely Maneuver Area.

Although the initial permit issued by the Department of the Interior expired, the use of the property was extended by authority of the Secretary of the Interior on a temporary basis. On the recommendation of the Secretary of the Army, in accordance with procedures established by the Secretary of Defense, it has been determined that long-range testing and maneuver requirements in Alaska necessitate the withdrawal of the 572,000 acres of land involved from all forms of entry and from appropriation in order to assure their continued availability.

Accordingly, on April 2, 1958, the U.S. Army district engineer at Anchorage, Alaska, filed an application with the office of the Bureau of Land Management, Department of the Interior at Fairbanks, Alaska, requesting that the 572,000 acres be withdrawn from the public domain and set aside solely and exclusively for military use. Notice to the effect that an application, serial No. Fairbanks 019269, had been filed by the Department of the Army for the withdrawal of the lands described therein from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, was published by the Bureau of Land Management at page 3071 of the Federal Register May 8, 1958, (F. R. Doc. 58–3480; filed, May 7, 1958; 8:53 a.m.). The notice provided that for a period of 60 days therefrom objections would be received by the Bureau of Land Management at Fairbanks, Alaska.

However, the Secretary of the Interior is without authority to accomplish the withdrawal. Since under the provisions of the act of February 28, 1958 (72 Stat. 27, Public Law 85–337), no lands in excess of 5,000 acres can be withdrawn from the public domain except by act of Congress, legislation must be enacted if the 572,000 acres involved are to continue available for military use. The attached draft bill is designed to effect a withdrawal of those lands for 10 years, extendible for one 5-year term, thereby assuring periodic reviews of the military requirements and use of the property.

In addition to containing a complete description of the property proposed for withdrawal, the above-mentioned application for withdrawal sets forth in detail the data required by section 3 of the aforementioned act of February 28, 1958. As brought out in more detail in the application, the land is within the Fairbanks Recording Precinct, Fourth Judicial Division, south of the Alaska Highway between the Richardson Highway on the east and the Little Delta River on the west. Inasmuch as the intensive utilization of the property for military purposes since 1950 has precluded its availability for other use and development, withdrawal of the lands at this time will have no effect on the local economy.

In furtherance of the military mission outlined above and in compliance with the act of February 28, 1958, the Department of Defense on June 14, 1960, submitted a proposal for the enactment of legislation designed to effect the withdrawal of the lands involved. However, no action was taken thereon by the 86th Congress. Accordingly, the attached draft bill is submitted for consideration of Congress with the recommendation that it be enacted.

COST AND BUDGET DATA

Enactment of this proposal would cause no increase in budgetary requirements of the Department of Defense.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

S. 356. A bill to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes.

The letter accompanying Senate bill 356 is as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., January 3, 1961.

The PRESIDENT OF THE SENATE.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes.

This proposal is a part of the Department of Defense legislative program for 1961 and the Bureau of the Budget advised on December 23, 1960, that it has no objection to the submission of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to effect the statutory withdrawal from the public domain of 51,400 acres of land in the Granite Creek area, Alaska, adjacent to Fort Greely. A military reservation was established at Big Delta, Alaska, in 1942 with the construction of airfield facilities on 14,460 acres of public domain lands made available for that purpose. In 1948 the military reservation was placed under the jurisdiction of the Department of the Air Force and designated as the Big Delta Air Force Base. Following the establishment of the Arctic Indoctrination School the installation was transferred in 1955 to the Department of the Army and named Fort Greely after agreement had been reached with the respective Committees on Armed Services in accordance with title VI of the act of September 28, 1951 (65 Stat. 365). Fort Greely, presently comprising 30,791 acres of land, has been developed at a cost of $33,116,389.

In connection with the programs carried on by the Army units in Alaska it is necessary to have an area in which equipment testing maneuvers can be carried out and also an area that can be devoted to aerial drop testing. The land selected for the equipment testing maneuver area comprises an area of 48,200 acres contiguous to Fort Greely extending southeastward to Granite Creek. The drop test area is comprised of 3,200 acres in a strip of land 1 mile by 5 miles on the east side of Richardson Highway near the equipment testing maneuver area in a manner designed to permit ready access for recovery of materiel and personnel.

On December 6, 1955, the U.S. Army district engineer at Anchorage, Alaska, filed an application with the office of the Bureau of Land Management, Department of the Interior at Fairbanks, Alaska, requesting that the 51,400 acres be withdrawn from the public domain, and set aside solely and exclusively for military use. Notice to the effect that an application, serial No. Fairbanks 012203, had been filed by the Department of the Army for the withdrawal of the lands described therein from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, was published by the Bureau of Land Management at page 9313 of the Federal Register, December 13, 1955 (F.R. Doc. 55–10007; filed, December 12, 1955; 8:52 a.m.). The notice provided that for a period of 60 days therefrom objections would be received by the Bureau of Land Management at Fairbanks, Alaska.

However, the Secretary of the Interior is without authority to accomplish the withdrawal. Since, under the provisions of the act of February 28, 1958 (72 Stat. 27, Public Law 85–337), no lands in excess of 5,000 acres can be withdrawn from the public domain except by act of Congress, legislation must be enacted if the 51,400 acres involved are to be available for military use. The attached draft bill is designed to effect a withdrawal of those lands for 10 years, extendible for one 5-year term, thereby assuring periodic reviews of the military requirements and use of the property.

Since the filing of the application for withdrawal in 1955, the Department has submitted to the Bureau of Land Management the detailed data required by section 3 of the aforementioned act of February 28, 1958. As brought out in more detail in the application, the land is within the Fourth Judicial Division, Alaska, approximately 2.5 miles southeast of Delta Junction between the Richardson and Alaska Highways extending southeastward to Granite Creek.

In furtherance of the military mission outlined above and in compliance with the act of February 28, 1958, the Department of Defense on June 14, 1960, submitted a proposal for the enactment of legislation designed to effect the withdrawal of the lands involved. However, no action was taken thereon by the 86th Congress. Accordingly, the attached draft bill is submitted for consideration of Congress with the recommendation that it be enacted.

COST AND BUDGET DATA

Enactment of this proposal would cause no increase in budgetary requirements of the Department of Defense.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

S. 357. A bill to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek area, and for other purposes.

The letter accompanying Senate bill 357 is as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., January 3, 1961.

The PRESIDENT OF THE SENATE.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek area, and for other purposes."

This proposal is a part of the Department of Defense legislative program for 1961 and the Bureau of the Budget advised on December 23, 1960, that it has no objection to the submission of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to effect a statutory reservation of use of 4,706 acres of land in the Campbell Creek area, Alaska, for continuation as an impact area at Fort Richardson, Alaska, for tank and artillery firing.

The military installation currently designated as Fort Richardson was established in 1939 on lands withdrawn from the public domain and set apart for that purpose. The installation, which serves as headquarters for the U.S. Army, Alaska, is currently comprised of 150,927 acres of public domain lands and 2,611 acres of fee-owned lands acquired at a cost of $62,459 and developed for military use at a cost of $155,096,073.

The land involved in this proposal was originally withdrawn from the public domain for use of the War Department in 1944 and has been intermittently used by the Army since that time. The withdrawal and reservation for military use of 84,000 acres of land under Public Land Order No. 253 of December 7, 1944, was revoked by Public Land Order No. 576 of March 29, 1949. Thereafter, on May 11, 1950, the Secretary of the Army advised the Secretary of the Interior of the Army's requirement for 9,065 acres, part of the larger area previously withdrawn and reserved under Public Land Order No. 253, and requested these lands should once again be withdrawn from the public domain and set aside for military use. On June 21, 1956, the Department of the Army agreed to delete part of the area, reducing it to 8,465 acres.

Notice to the effect that an application, serial No. Anchorage 023002, had been filed by the Department of the Army for the withdrawal of land described therein from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, was published by the Bureau of Land Management in the Federal Register for July 6, 1956 at page 5016 (F.R. Doc. 56–5336; filed July 5, 1954; 8:41 a.m.). The notice provided that for a period of 60 days therefrom objections would be received by the Bureau of Land Management at Anchorage, Alaska.

Following a further review of Army requirements, the U.S. Army district engineer at Anchorage, Alaska, amended the application for the withdrawal on May 23, 1957, by further reducing the area involved to 4,706 acres designated as tract M, Fort Richardson.

Because the land involved had been contaminated during its original Army use under the 1944 withdrawal, the Secretary of the Interior by Public Land Order 2029 on December 15, 1959, withdrew 4,706 acres involved from all forms of appropriation as a public safety measures, as set forth with a full description of the lands in the Federal Register for December 19, 1959, at page 10310 (F.R. Doc. 59–10755; filed Dec. 18, 1959; 8:46 a.m.).

However, the Secretary of the Interior is without authority to reserve the 4,706 acres involved for the use of the Department of the Army. Under the provisions of the act of February 28, 1958 (72 Stat. 27, Public Law No. 85–337), no lands in excess of 5,000 acres in the aggregate for one defense project may be withdrawn or reserved since the date of its enactment. Because the Secretary of the Interior withdrew, for the Department of the Army, 1,271 acres of land at Fort Richardson under Public Land Order 1673, dated July 2, 1958, as amended by Public Land Order 1840, dated April 29, 1959, the reservation for use of the additional 4,706 acres cannot be accomplished except by act of Congress. Legislation must, therefore, be enacted if the 4,706 acres involved are to continue available for military use. The attached draft bill is designed to effect a reservation of use of those lands for 10 years, extendible for one 5-year term, thereby assuring periodic review of the military requirements for use of the property. In the interim, the Department of the Interior, in response to a request therefor from the Department of the Army, has granted the Department of the Army permission to use the lands involved pending consideration of legislation by Congress. The permit requires the Department of the Army to (1) post roads, etc., and notify the public concerning the status of the land and the danger of trespassing; (2) take precaution to prevent fire; (3) take precaution to pre-

vent pollution or contamination of the streams in the area; and (4) act promptly to submit legislation under the act of February 28, 1959.

Since the filing of the application for withdrawal in 1950, the Department has submitted to the Bureau of Land Management the detailed data required by section 3 of the aforementioned act of February 28, 1958. Inasmuch as the former utilization of the property for military purposes has precluded its availability for other use and development, reservation of the lands for Army use at this time will have no effect on the local economy.

COST AND BUDGET DATA

Enactment of this proposal would cause no increase in budgetary requirements of the Department of Defense.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

CONVEYANCE OF CERTAIN LAND TO STATE OF MARYLAND

Mr. BUTLER. Mr. President, because of inaction on the part of the two previous Democratic Congresses, I am forced to introduce again a bill which will cost the U.S. Government not one cent and yet will benefit the University of Maryland immeasurably.

This bill provides for the reconveyance to the State of Maryland of a tract of land, 9.8826 acres in size, now held by the Department of Interior and located on the campus of the university at College Park, Md. This land was donated to the United States by the State of Maryland in 1935. At that time it was on the outermost boundaries of the university; however, due to the rapid growth of the university during the past 25 years, the physical facilities of the university that are now in active use completely surround the land proposed to be reconveyed.

By way of background, in the 85th Congress, I introduced S. 2563 which provided for the reconveyance to the State of Maryland of 14¼ acres of land, including two federally owned and occupied buildings thereon. That 14¼ acres included the 9.8826 acres covered by this bill.

Because the Department of Interior objected to S. 2563 unless it was amended to, first, provide that the State of Maryland pay the fair market value of the improvements on the land; and second, provide for replacement facilities for the bureaus occupying the buildings (the Bureau of Mines and the Bureau of Commercial Fisheries), I amended my bill to exclude the buildings, land upon which they lie, and the parking facilities adjacent thereto. That bill, S. 2211, is identical to the one I am introducing today.

The Department of the Interior then objected to the revised bill on substantially the same grounds that it objected to the first one. I can only speculate as to the Department's reasoning since the new bill in no way affected the Government facilities. It affected only the unused and unoccupied land drastically needed by the university if it is to move ahead with its building program on schedule.

It is my opinion, that rather than recognize or comment on the merits of the then S. 2211 as written, the Department of the Interior chose to use the bill as a lever to achieve its own aims, that is, to get modern buildings and facilities at other sites more suitable to the functions of the Bureaus concerned.

However justifiable the need for new facilities for those Bureaus is, the demand should not be tied to my bill to reconvey the unused and unoccupied land to the University of Maryland. Relocation of those facilities is unrelated to the reconveyance of this land.

That additional classroom and dormitory facilities are needed at the university in increasing numbers is pointed up by the fact that enrollment at the University of Maryland has increased from 1,868 undergraduate and 133 graduate students in 1935 to 9,275 undergraduate and 2,119 graduate students at College Park in 1959. It is projected that by 1970 there will be over 20,000 undergraduate students and by 1975 over 27,000 undergraduate plus more than 5,000 graduate students at the College Park plant.

These figures alone should be enough to convince the U.S. Government that it should give back to Maryland the land in question—land that is not and will not be used by the Federal Government and is in no way needed by it; but which at the same time is needed by the University of Maryland and can be put to immediate use by it.

Mr. President, I urge in the strongest possible terms that this bill be acted upon by the Interior and Insular Affairs Committee and the Senate at an early date so that the land can be effectively utilized in the very near future.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 359) to provide for reconveyance to the State of Maryland of a tract of land located on the campus of the University of Maryland, College Park, Md., which was previously donated by the State of Maryland to the United States; introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

APPROVAL OF NORTHEASTERN WATER AND RELATED LAND RESOURCES COMPACT

Mr. BUSH. Mr. President, on behalf of myself, my colleague, the junior Senator from Connecticut [Mr. DODD], the junior Senator from Maine [Mr. MUSKIE], the Senators from New Hampshire [Messrs. BRIDGES and COTTON], the Senators from Rhode Island [Messrs. PASTORE and PELL], and the Senators from Massachusetts [Messrs. SALTONSTALL and SMITH], I introduce a bill granting the consent and approval of Congress to the Northeastern Water and Related Land Resources Compact, and ask that it be referred to the Committee on Public Works.

Mr. President, I ask unanimous consent that an announcement I have made concerning the bill, and excerpts from a report by the House Committee on Public Works on H.R. 12467, a companion bill introduced in the 86th Congress by the Honorable JOHN W. MCCORMACK, of Massachusetts, may be printed in the RECORD following these remarks. Mr. MCCORMACK has reintroduced the bill in the present Congress.

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

The bill (S. 374) granting the consent and approval of Congress to the Northeastern Water and Related Land Resources Compact, introduced by Mr. BUSH (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

The announcement and excerpts presented by Mr. BUSH are as follows:

ANNOUNCEMENT BY SENATOR BUSH

WASHINGTON, January 11.—U.S. Senator PRESCOTT BUSH introduced today a bill granting the consent and approval of Congress to the Northeastern Water and Related Land Resources Compact.

Joining the Connecticut Senator in sponsorship of the bill are his colleague, Senator THOMAS J. DODD; Senators BRIDGES and COTTON, of New Hampshire; Senator MUSKIE, of Maine; Senators PASTORE and PELL, of Rhode Island; and Senators SALTONSTALL and SMITH of Massachusetts.

A companion bill has been introduced in the House of Representatives by the majority leader, Congressman JOHN W. MCCORMACK, of Massachusetts.

Senator BUSH said the compact, already ratified by the States of Connecticut, Massachusetts, Rhode Island, and New Hampshire, proposes "a unique experiment in Federal-State relations.

"For the first time, the many Federal agencies concerned with flood control, conservation, and development of water and related land resources would be brought into a continuous, close cooperative relationship with the New England States."

The compact would create a Northeastern Resources Commission on which would serve one representative from each signatory State and seven representatives of Federal departments or agencies having principal responsibilities for water and related land resources development.

The proposed commission would be charged with responsibility to recommend to the States and the Federal Government "changes in law or policy which would promote coordination, or resolution of problems, in the field of water and related land resources," including the coordination of efforts for (1) the collection and interpretation of basic data; (2) the investigation and planning of water and related land resources projects; and (3) the scheduling or other programing of the construction and development of such projects.

Each representative on the commission, State and Federal, would have equal voting rights, but no action taken would be binding unless approved by a majority of the State members and a majority of the Federal representatives.

Senator BUSH said the voting provisions of the compact caused Federal agencies to oppose similar bills which he and Congressman MCCORMACK introduced last year, although they strongly endorsed their objectives.

"I am confident that these difficulties can be overcome," Senator BUSH said, "and that this Congress will ratify the compact."

REPORT ON H.R. 12467

PURPOSE OF THE BILL

H.R. 12467 is a further promising step in the long-term effort to promote the beneficial

use of the water and related land resources of the New England States by encouraging close coordination through an agency created by interstate compact of the activities of the respective States with each other and with the related water and land use programs of the Federal Government. The bill reflects the initiative of the States themselves, four of whom—New Hampshire, Connecticut, Rhode Island, and Massachusetts—have already ratified the compact. Maine and Vermont are in the process of enacting ratifying legislation. Inasmuch as article X of the compact provides that it shall become effective when enacted into law by any three of the States and by the United States only, the enactment of H.R. 12467 is now required to put the compact into effect. The committee believes that the commission created by the Northeastern water and related land resources compact could and should become an effective vehicle for coordinating the complex of administrative agencies, State and Federal, with responsibilities in the field of water resource development and that the enactment of this legislation should prove of substantial assistance and encouragement to the intensive development and use of such resources for the benefit of the people of New England and of the Nation.

The compact which is incorporated in the bill provides for full Federal participation through seven members to be appointed by the President from the various Federal departments and agencies having the responsibility for Federal programs related to water resource development. However, the compact agency will have no authority to undertake programs of its own whether in the field of construction or operation. As set forth in article V of the compact, the agency's responsibility is merely to recommend to the States and the United States and the agencies thereof "changes in law or policy which would promote coordination, or resolution of problems, in the field of water and related land resources," including the coordination of efforts for (1) the collection and interpretation of basic data; (2) the investigation and planning of water and related land resources projects; and (3) the scheduling or other programing of the construction and development of such projects. While it is contemplated that the commission will make use of existing agencies for any investigations or research required to carry on its own coordination activities, the compact grants power to the commission to make its own investigations and to conduct its own research.

BACKGROUND

New England has the longest history of intensive economic development in the Nation. Richly endowed by nature with a stimulating climate, adequate rainfall, and numerous fine rivers and natural harbors, and rich in soils, minerals, and forests, it has suffered from lack of adequate planning and coordination in the use and exploitation of its surface waters. An early and intensive industrial development and the requirements of a large population have created serious problems of water pollution. Floods have become increasingly more destructive as the flood plains have been built up except for some areas where flood protection projects have been initiated. A series of storms and hurricanes in the past few years has done severe damage to beach and harbor developments, including many which are important to the Nation's commerce.

In no area of the Nation is the need for close cooperation among the States of the region with the Federal Government more apparent. With the exception of Maine the States are relatively small and all the major streams are interstate. The harbors are important to the Nation's commerce and to national defense. No greater contribution can be made to the efforts of the people of this country to achieve the wise use and husbandry of their natural resources than to bring about effective cooperation in State and Federal programs in the water resources field.

HISTORY OF THE COMPACT

The recognition of the water and land resources potential in the New England area dates back to the early days of the country but it was not until the occurrence of the severe floods in the middle thirties which caused great devastation and loss of life to a heavily populated area, that the need to control the surface waters for public benefit was first brought home. As a result in 1936 the Congress in the first National Flood Control Act authorized the Corps of Engineers to make intensive studies of flood control needs in the major river basins of the New England area, including the Connecticut, Merrimack, and Thames Rivers. Following completion of these studies, comprehensive plans were developed for these major basins for flood control and related purposes. These plans are gradually being carried out by the construction from time to time of key reservoirs, levees, and channels. Federal and State agencies realized, however, that this Federal program was only one aspect of the overall land and water problem. In 1950, therefore, the first of the so-called interagency studies was authorized by the Congress for the New England area. In effect, it set up the New England-New York Inter-Agency Committee composed of the six New England States and New York and the Federal Departments of Interior, Commerce, Labor, Agriculture, Army, HEW, and the Federal Power Commission. In the work of the Committee all the member agencies and States operated on a basis of complete equality, each having a single voice and vote. The efforts of this Committee culminated in a monumental 46-volume report which cost the Federal Government alone $6 million to prepare, and took well over 4 years in the making.

The result of this great joint endeavor was to present an inventory of all water and land resources, to identify the problems and obstacles, and to set up plans and programs for achieving the full development economically justified and needed for the growth of the economy. The problem which now faces the States and Congress is how to make effective use of the labors which have occurred and of the great mass of data and plans which have been accumulated and prepared. The Governors of the New England States and the Inter-Agency Committee on Water Resources of the Federal Government agreed in 1956 to create a Northeastern Resources Committee as an agency for the coordination of the State and Federal plans and programs for development of the water and land resources of New England. The committee was set up with representatives of the same States (except New York) and Federal agencies as on the Inter-Agency Committee. However, the Northeast Resources Committee has proved of only limited effectiveness. In the absence of formal organization the problem of financing even its limited administrative budget has proved perplexing. The lack of official status has created problems of efficient channeling of recommendations to the operating organization in the States and Federal Government. Evidence has accumulated that there is need for a formally established agency to supplant the loose committee system of coordination. The decision to create a compact agency was reached at a meeting of the New England Governors' conference held at Hartford, Conn., on March 2, 1959. The New England Governors agreed unanimously at that meeting to introduce enabling legislation in each of the States which would authorize the States to enter into a compact creating a commission to carry on more effectively the work of coordination which the Northeastern Resources Committee had begun. It is this compact, already adopted by four of the New England States, which is now presented for the approval of Congress.

POSITION OF FEDERAL AGENCIES

All of the Federal agencies concerned and the Bureau of the Budget have strongly endorsed the purposes of the bill but they do not support the principle of equality of representation embodied in the compact, under which each representative on the commission, State and Federal, would have equal voting rights. They have expressed apprehension on several grounds to this principle, although apparently it worked well in the case of both the informal predecessor agencies, the New England-New York Interagency Committee and the Northeastern Resources Committee. The Federal agencies seem to fear that the Federal Government may be committed by the vote of its representatives, and that the commission so constituted may somehow interfere with the jurisdiction of the United States and the powers and prerogatives of the various Federal agencies.

COMMITTEE VIEWS

It may be true that the voting members of most administrative agencies established under compacts are exclusively representatives of the States, but this rule is by no means without exceptions, nor is it necessarily the best system. The Potomac River Basin compact, established in 1939, for example, provides for an interstate commission with three members from each of the signatory States and three members appointed by the President of the United States. All are voting members.

The committee is convinced that insofar as the New England area is concerned the best possible results in water resources development can best be achieved by granting to the Federal representatives on the compact the right to vote. Each compact is a unique and individual one applying to a particular area, and there is no hard and fast rule governing the makeup of any particular compact that has been created to date. It is true that this will be one of the few compacts up to the present which will have Federal representatives in a voting capacity, but the committee is convinced that this right will not in any way injure or affect any of the rights that the Federal Government and the agencies themselves now have in the field of water resources and related programs in the New England area.

What needs to be recognized is that the problem of coordinating State and Federal efforts in the field of water resource development and utilization is a very difficult one. Even within the Federal establishment alone the problem of coordination has proved to be a severe test of administrative ingenuity and ability. Similarly, within each of the respective States there is a real administrative problem in coordinating the various State agencies. When the agencies of several States, as well as those of the Federal Government, must all pool their resources and work as a team, the problem becomes one of tremendous complication. It is hard to say that any one form of organization has proved to be so effective as to exclude the possibility that some other way of doing the job could be better either generally or in a particular situation, and the arbitrary position of the Federal agencies on this question is not supported by any demonstration that the Federal observer system has proven a great success.

Another important consideration in weighing the Federal agency position on this bill is that this compact is already far along to consummation. It has been signed by four of the States and is in process of being approved by the legislatures of the two other States which participated in its preparation. The burden of proof, and a heavy one, is upon those who urge that this compact be dis-

carded and that the States be required to start all over again.

In order to eliminate any possibility that the commission could exceed its intended functions and arrogate to itself any authority beyond making recommendations or carrying on studies or research, the committee has adopted an amendment proposed by the Department of Justice in its report on the bill but has strengthened the suggested language by adding in the clean bill the italicized words:

"Nothing contained in said compact or in this consent thereto shall be construed as impairing or in any manner affecting any right, power, or jurisdiction on the United States *or any agency thereof* in and over the region which forms the subject of said compact, or as authorizing the Northeastern Resources Commission to impair or in any manner to affect any such right, power, or jurisdiction of the United States."

Additionally, the clean bill makes clear beyond question that the Federal agency representatives are responsible to the respective heads of their agencies.

The voting responsibility of the Federal members will probably lead to appointment of employees having a higher degree of trust and influence within their respective agencies than members appointed as observers. The voting feature should be of help on this problem. This particular form of representation was adopted not with the intention of binding the Federal agencies nor, indeed, would it be possible to bind them in this compact, but rather in the thought of leading to increased responsibility in their expression of agency views and of agency programs.

It is emphasized that this commission is specifically established as a planning and coordinating agency. It has no authority to construct projects. It has no authority to expend any money other than the modest sums required for its own office staff, and it has no authority to approve or authorize projects on behalf either of the States or of the Federal Government. Congress, of course, will always have the final word with respect to the authorization of projects, and of providing funds for their construction and operation.

The proposed compact seems to conform squarely with the report of the Presidential Advisory Committee on Water Resources Policy, submitted to the President in 1955 by Secretary of Agriculture Benson, Secretary of Defense Wilson, and Secretary of the Interior McKay, and which the President transmitted to the House of Representatives on January 17, 1956, with a letter of endorsement (H. Doc. No. 315, 84th Cong., 2d sess.). In his letter the President said:

"Set forth in the report is a pattern for the widest possible public participation in water resources projects. Organizational changes are recommended to coordinate more closely Federal and non-Federal activity and to make possible more effective executive guidance. The intent of these proposed changes is to provide the States and local water resources agencies a more adequate voice in the planning and development of projects and facilitate joint participation by all of the affected Federal interests. By this type of cooperative effort we should be assured that all possible uses of water are adequately considered."

The committee has added an authorization for appropriations limited to $50,000 a year which is the same limit of obligations which the States have included in the compact as their own aggregate commitment. Any additional expenditures to support the Commission would require new legislation.

There is no royal road to effective coordination of the work of the numerous agencies in the various strata of government, State and Federal, which have a stake one way or another in water resource development. The agency created under this bill seems as well calculated to achieve substantial results as any other, and perhaps better than most.

This bill is a constructive and much-needed step to insure the efficient employment of the funds and efforts of the States and the Federal Government in the solution of the water control problems of the New England States, and the committee recommends its enactment.

PROPOSED DEPARTMENT OF LOCAL AFFAIRS

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill providing for the establishment of a Department of Urban Affairs.

This bill will—

First. Set up a new Cabinet office, the Department of Urban Affairs, and define its powers and duties.

Second. Provide for the statutory basis and administrative framework necessary for the handling of local problems in which the Federal Government has a direct or cooperating interest.

Third. Transfer the activities of the Housing and Home Finance Agency and the Office of Civil and Defense Mobilization to the new Department..

Fourth. Authorize the President to transfer to the new Department such functions and agencies as he may deem desirable to further the purposes of the act, including activities relating to the government of the District of Columbia.

Fifth. Establish an Intergovernmental Reference Service within the new Department to assist the legislative and executive departments and State and local governments. It will act as a national clearinghouse, research center, and consulting service on all matters relating to intergovernmental relations.

Sixth. Authorize coordination of Federal services. This will provide an organized effort to achieve a maximum coordination of Federal programs and activities affecting State and local governments, including the government of the District of Columbia.

Mr. President, the creation of a Department of Urban Affairs is not intended to encroach upon the rights and duties of each local governmental agency to provide for its citizens. It does, in fact, reaffirm their authority by creating a Department that will recognize their sovereignty while coordinating activities among them for their common good and providing them with an approachable Federal agency through which they might clear the Federal activity within their domain.

Our society has gradually changed from a rural to an urban one. Two-thirds of our citizens now live in urban communities. We have gone along now for many years with certain programs designed to help our States and local governments, but we have tried to pretend that the Federal Government actually had no relation to them or no responsibility with respect to them.

Nevertheless, Federal-municipal relations have steadily increased in frequency and in importance. The time has come for the Federal Government to take a comprehensive view of the needs of urban communities and its relation to them, and this can be done best by the establishment of a separate Department in the executive branch.

The bill which I have introduced has some characteristics which it is hoped will merit consideration. It attempts to pull together and place in one department as many of the Federal-State programs as possible. And it attempts to set up a departmental framework capable of administering them, a framework and a definition of powers and duties capable of orderly growth. Authority is also provided for the transfers of functions which the President feels is desirable to further the purpose of the act.

We must bear in mind that the problems which this act attempts to solve are not confined solely to large cities or metropolitan areas. These problems are found in communities of our Nation which are both large and small. They are problems of housing, health and welfare, education, and community development. The same problems which confront cities also confront the counties, towns, townships and the many other small special districts that have been established to perform governmental services for our people.

These many problems can no longer be ignored. The problems of local governments should be represented in the executive branch equally with the representation given to business, by the Department of Commerce; to labor by the Department of Labor; and to farmers by the Department of Agriculture.

I earnestly hope that Congress will begin action quickly to permit this type of representation.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 375) to provide for the establishment of a Department of Local Affairs, and for other purposes, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Government Operations.

PROPOSED LINCOLN BOYHOOD NATIONAL MEMORIAL, IND.

Mr. HARTKE. Mr. President, during the year of 1961, much attention will be given to one of the truly tragic occurrences in these United States of America, that event of historical importance known to the world as the War Between the States.

However, as out of every incident some good must come, so was the case with the Civil War. For there arose to great heights and recognition one of America's truly inspirational Presidents, Abraham Lincoln.

Abraham Lincoln is a name held in the highest esteem by all peace-loving American citizens, and countless monuments have been erected in his honor.

Yet, in the State of Indiana there exists a tract of land in Spencer County, whereupon the great emancipator spent his formative years, from the ages of 7 to 21. And within the confines of the original farm area owned by Lincoln's father lies the grave of the woman to whom Abraham Lincoln attributed his every success, Nancy Hanks Lincoln.

Yet, Mr. President, in the portion of southern Indiana commonly known as Lincoln County, there is much to be revered and remembered about this great American, this man who so solemnly and sincerely dedicated his every effort toward the protection of civil liberties, in order that this Nation might arise as the truly great democratic power that it was intended to be.

Indiana has established as State parks the Lincoln State Farm and the Nancy Hanks Lincoln Memorial in this area. But what humble recognition to pay to an area where the boy, Abe Lincoln, developed and matured into the great American that he became.

Realizing the significance and need for proper tribute to this area, the National Park Service has recommended to the Secretary of the Interior that it be established as a unit of the National Park Service.

And so, Mr. President, in order that such tribute might be effected, I introduce, for appropriate reference, a bill to provide for the acquisition of this land by the U.S. Department of the Interior, and I ask unanimous consent to have reprinted as a part of my remarks a statement of the U.S. Department of Interior relative to the Lincoln homestead.

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

The bill (S. 376) to provide for the establishment of the Lincoln Boyhood National Memorial in the State of Indiana, and for other purposes, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The statement presented by Mr. HARTKE is as follows:

THE NATIONAL SURVEY OF HISTORIC SITES AND BUILDINGS—NANCY HANKS LINCOLN STATE MEMORIAL, IND.

In southern Indiana lies the farmland where Abraham Lincoln spent much of his boyhood, youth, and early manhood. Adjacent also is the grave of his mother, Nancy Hanks Lincoln. She died in 1818 when Abe was but a 9-year-old, and was buried on a gentle knoll not far distant from the Lincoln farm home.

The Lincolns moved to Indiana from Kentucky in the late fall of 1816. They spent the first hard winter in Indiana in a rude "half-face" camp. Not until the next year did Tom Lincoln, Abe's father, erect a more substantial log dwelling. In October, 1818, Nancy Hanks Lincoln was stricken with milk-sickness, a deadly swamp fever common to that region, and within a few days was dead.

Little more than a year later, Tom Lincoln returned to Kentucky, married the widow Sarah Bush Johnson, and brought his new wife and her three children back to the Pigeon Creek farm in Spencer County, Ind. The Lincolns lived there until 1830 when the family, including the 21-year-old Abe, moved to Illinois.

It was during these Indiana years that the character of Lincoln was shaped and on the boy was placed the stamp of the frontier that was forever to be associated with the man. In these years Lincoln became an avid reader and a master of cross-roads debate. His ready wit, inquiring mind, and gift for oratory were developed here, and it is evident that his affinity for the law and for politics dated from the years on the Indiana frontier.

When the Lincolns left Indiana for Illinois the 21-year-old Lincoln was ready to take a man's part in the world. The years in southern Indiana, a region more akin to Kentucky and the South than to the North, had provided a gentle transition from one section of the Nation to another. This background, throughout his life, gave the man an understanding of and sympathy for the South, which enabled him to meet with compassion and insight the supreme crisis which destiny thrust upon him in 1861.

The Indiana years were crucial in the emotional and intellectual growth of Lincoln. The land which was the Lincoln farm is a tangible reminder of the years when Lincoln the boy became Lincoln the man.

Approximately 22.6 acres of land in the original farm owned by Thomas Lincoln is now owned by the State of Indiana and is a part of the Nancy Hanks Lincoln State Memorial. While the authenticity of the exact cabin and grave sites is based on tradition only, the identification of the Lincoln farm land is positive.

PROPOSED AMENDMENT OF CONSTITUTION RELATING TO THE ELECTION OF PRESIDENT AND VICE PRESIDENT

Mr. SALTONSTALL. Mr. President, I noted with interest and appreciation the remarks made 2 days ago by our majority leader concerning reform in the presidential electoral system, and his three legislative proposals to bring about changes in our present arrangement for nominating and electing a President and Vice President of the United States. Also, the senior Senator from Maine has introduced Senate Joint Resolution 1, which deals generally with the same subject.

These proposals and the thoughts accompanying them are creative ones worthy of serious study and consideration by all of us. I believe that the whole subject of modifying our electoral system is one which should and will receive a great deal of attention during this present Congress. The interest surrounding this matter of course has been generated by the closeness of the recent presidential election and statements made on the subject by both Vice President NIXON and President-elect Kennedy. Many new ideas will be proposed and many plans debated in former Congresses will be set forth again, I am sure.

Today I introduce a joint resolution which passed the Senate during the 81st Congress. The joint resolution embodies the so-called proportional plan that abolishes the electoral college but retains the electoral vote. This plan took the form of Senate Joint Resolution 2 in the 81st Congress and was known as the Lodge-Gossett bill. This joint resolution was reported in the Senate, Senate Report No. 602, on June 30, 1949. It received the necessary two-thirds vote and passed the Senate with amendments on February 1, 1950. The joint resolution failed in the House of Representatives when a motion to suspend the rules and pass the joint resolution was rejected on July 17, 1950. I am told that this is the first joint resolution in a hundred years dealing with electoral college reform that has ever passed the Senate.

Senate Joint Resolution 2, as passed by the Senate, provided for a constitutional amendment to abolish the electoral college and to elect the President and Vice President at a general election. Each State would have the number of electoral votes which equaled the number of Senators and Representatives it is entitled to in Congress. Each candidate would be credited with the same proportion of the electoral vote of each State as the proportion of the total popular vote he received within that State. The two Houses of Congress would choose the President if no one candidate received at least 40 percent of the electoral vote for President.

This plan substitutes the more balanced formula of the number of Senators and Representatives for the present winner-take-all arrangement. This at the same time gives some protection to small States, recognizes population differences, and elects a President under a much more direct expression of the popular will.

As we consider the issue of electoral college reform in this session, it seems to me that the Lodge-Gossett plan should be before us for appropriate consideration. I therefore submit for appropriate reference a Senate joint resolution embodying this plan.

I ask that the joint resolution may lie on the desk through the close of business of January 12.

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

The joint resolution (S.J. Res. 28) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, introduced by Mr. SALTONSTALL, was received, read twice by its title, and referred to the Committee on the Judiciary.

EQUALITY OF OPPORTUNITY—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of January 5, 1961, the names of Mr. DOUGLAS and Mr. LONG of Louisiana were added as additional cosponsors of the bill (S. 11) to amend the Clayton Act, as amended by the Robinson-Patman Act with reference to equality of opportunity, introduced by Mr. KEFAUVER (for himself and other Senators) on January 5, 1961.

EXPANSION OF WATER CONVERSION PROGRAM—ADDITIONAL COSPONSOR OF BILL

Mr. ANDERSON. Mr. President, I ask unanimous consent that the junior Senator from Oklahoma [Mr. MONRONEY] be added as an additional cosponsor of S. 109, relating to the expansion of the water conversion program, and that on subsequent printings of the bill his name be added.

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

ENCOURAGING EDUCATION AND STRENGTHENING STATES—ADDITIONAL COSPONSOR OF BILL

Mr. COTTON. Mr. President, I ask unanimous consent that the name of the Senator from Iowa [Mr. MILLER] be added as a cosponsor of the bill which I introduced yesterday (S. 293), to strengthen State governments, to provide financial assistance to States for educational purposes by returning a portion of the Federal taxes collected thereon, and for other purposes.

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

CONVENTIONS WITH ISRAEL AND THE UNITED ARAB REPUBLIC FOR THE AVOIDANCE OF DOUBLE TAXATION—REMOVAL OF INJUNCTIONS OF SECRECY

Mr. MANSFIELD. Mr. Preisdent, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from executive A, 87th Congress, 1st session, a convention between the United States of America and the United Arab Republic, signed at Washington on December 21, 1960, and executive B, 87th Congress, 1st session, a convention between the United States of America and Israel, signed at Washington on September 30, 1960, transmitted to the Senate on yesterday by the President of the United States, and that the conventions, together with the President's messages, be referred to the Committee on Foreign Relations, and that the President's messages be printed in the RECORD.

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

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States of America and the United Arab Republic for the avoidance of double taxation of income, the prevention of fiscal evasion with respect to taxes on income, and the elimination of obstacles to international trade and investment, signed at Washington on December 21, 1960.

I transmit also for the information of the Senate the report by the Secretary of State with respect to the proposed convention.

The convention has the approval of the Department of State and the Department of the Treasury.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *January 10, 1961.*

(Enclosures: 1. Report by the Secretary of State. 2. Income-tax convention with United Arab Republic, signed December 21, 1960.)

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States of America and Israel for the avoidance of double taxation of income and for the encouragement of international trade and investment, signed at Washington on September 30, 1960.

I transmit also for the information of the Senate the report by the Secretary of State with respect to the proposed convention.

The convention has the approval of the Department of State and the Department of the Treasury.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *January 10, 1961.*

(Enclosures: 1. Report by the Secretary of State. 2. Income-tax convention with Israel, signed September 30, 1960.)

NOTICE OF HEARING ON CERTAIN NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate yesterday received from the President the recess nominations of the following:

Maurice M. Bernbaum, of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador;

W. Wendell Blancké, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad, the Central African Republic, and the Gabon Republic;

Joseph Palmer 2d, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federation of Nigeria;

R. Borden Reams, of Nevada, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Dahomey, and the Republic of Niger;

Francis H. Russell, of Maine, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana;

Henry S. Villard, of New York, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania; and

Thomas K. Wright, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

The nomination of Noah N. Langdale, Jr., of Georgia, to be a member of the U.S. Advisory Commission on Educational Exchange for the term expiring January 27, 1963, and until his successor is appointed and qualified.

Sundry lists of persons named for promotion in the Foreign Service, and for appointment as Foreign Service officers of various classes, and consular and/or diplomatic designations for career and Reserve officers, and persons who were appointed during the last recess of the Senate as Foreign Service officers of various classes, and consular and/or diplomatic designations for career, Reserve, and Staff officers.

In accordance with the committee rule, the pending nominations may not be considered prior to the expiration of 6 days from receipt.

NOTICE OF HEARING BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. ELLENDER. Mr. President, I wish to advise Senators that on Friday at 10 o'clock a.m. the Committee on Agriculture and Forestry will hear Mr. Orville Freeman, whose name has been sent to us as the nominee for the position of Secretary of Agriculture.

NOTICE ON HEARING ON ROBERT F. KENNEDY, OF MASSACHUSETTS, ATTORNEY GENERAL-DESIGNATE

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, January 13, 1961, at 10:30 a.m., in room 2228 New Senate Office Building, before the Committee on the Judiciary, on Robert F. Kennedy, of Massachusetts, Attorney General-Designate.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

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. DODD:

Address on Communist cold war strategy, delivered by him at the Conference on Soviet Cold War Strategy, at Paris, France, on December 1, 1960.

By Mr. WILEY:

Excerpts from address by him on significant aspects of our economic problems.

ELIMINATION OF WASTE: HOW THE KENNEDY ADMINISTRATION CAN SECURE THE FUNDS FOR ITS NEEDED PROGRAMS WITHOUT UNBALANCING THE BUDGET

Mr. GRUENING. Mr. President, obviously, there will be many long overdue needs which the administration of President-elect Kennedy will wish to satisfy.

Indeed, our new national leader has repeatedly made clear his purpose to seek, with the aid of Congress, adequate education facilities, adequate housing, aid to depressed areas, resource development, and other requirements of our growing population.

In the recent presidential campaign, the Republican opposition expressed fear that to satisfy these needs, to carry out the declared purpose of our President-elect, to fulfill the commitments of the Democratic platform, vast additional sums would be required which, in turn, would further unbalance the budget so gravely unbalanced during the last 8 years and require, as an alternative, increased taxation, and so forth.

President-elect Kennedy has replied that these needs can, to a considerable degree, be met by economies and by the elimination of waste. Where are these wastes?

WASTE IN DEFENSE

The most conspicuous wastages are probably in the Armed Forces, with a budget of approximately $40 billion, where the duplication and triplication of purchasing in the three branches of the Defense Department could be eliminated by consolidation and also by the elimination of negotiated contracts.

Our able and distinguished colleague, the Senator from Illinois [Mr. DOUGLAS], pointed out on this floor, on June 13 last, that over 86 percent of the Defense Department's contracts in 1959 were let by negotiation and not by competitive bidding. At the time—in a moving, dramatic presentation—Senator DOUGLAS pointed to item after item which the Defense Department purchased at prices far exceeding what any one of us could obtain them for at the local hardware store. He showed us $1.50 cable, operator headsets purchased by the Air Force for $10.67; $3.89 wrench sets for $29; 25-cent lamp sockets purchased by the Navy for $21.10; 50-cent pieces of aluminum purchased for $10; 50-cent drill bushings for over $8 apiece; and so on and on. Senator DOUGLAS also cited numerous examples of items which the Defense Department was declaring surplus while other departments of the Government were purchasing.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRUENING. Mr. President, I ask unanimous consent to proceed for 1 more minute.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

WASTE IN THE AGRICULTURE PROGRAM

Mr. GRUENING. Mr. President, another greater wastage, perhaps the least justifiable of all—takes place in the agricultural program—the cost of which, in the last 8 years, has far exceeded the total of our Government expenditures in this field in all past American history and where the storage bill alone for our steadily mounting surpluses amounts to over a billion dollars annually. In this connection, I ask unanimous consent that there be printed at this point in my remarks a very illuminating article on how to solve the farm problem, by Robert Haney Scott, recently published in the New Leader. I recommend its careful reading to my colleagues in Congress and to the executive branch of our incoming administration.

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

NEITHER CROP RESTRICTION, PARITY PRICES, NOR THE BRANNAN PLAN HAS TAUGHT US HOW TO SOLVE THE FARM PROBLEM

(By Robert Haney Scott)

In 1959, the U.S. Government spent an estimated $5.4 billion on farm price support and related programs. This includes $325 million for the soil bank program, $1.7 billion for purchases of commodities for storage, and a whopping $1 billion merely to store the mounting surplus quantities of wheat, cotton, corn, eggs, etc., in various elevators, bins, caves, and other receptacles throughout the countryside. A dollar burden on the community of a similar amount is probably also involved, though hidden from open view, which takes the form of consumer expenditures for farm products at prices higher than they would be on an unsupported market. It seems strange that a nation subjected to inflationary pressures and heavy tax burdens should behave in this masochistic way.

If these funds diverted to agriculture had been applied to a reduction of the Federal debt, the result would have been a beneficial lowering of interest rates and interest charges on the debt. Or perhaps taxes would have been cut. Or the funds could have been used for aid to education. The range of possible alternative benefits from the use of these funds is wide indeed—and, if farm-aid programs are to be retained they should be carefully scrutinized and justified.

The fact is that there is practically no justification for the farm programs on strictly economic grounds; and a great deal of justification can be found for their complete abolition.

On political grounds, however, the issue is cloudy. At Agincourt on St. Crispin's Day, 1415, Henry V led his yeomen, armed with longbows, to victory over the French Army. Since then, the farmer has enjoyed a highly respected place in society. By his moral standards, his perseverance against the elements, his constancy, his stabilizing conservativeness, and the way of life he represents, he continues to this day to command the respect of his city neigbors—and rightly so. It is, therefore, not with equanimity that society anticipates the possibility of widespread poverty among farmers. They have society's sympathy. They also have the balance of political power on many issues, and this can be disregarded by most Congressmen only by placing their political future in great peril.

For the sake of argument let us assume not only that it is politically expedient to aid the farm community, but that society as a whole really feels that farmers should be subsidized in one way or another, and that their occupation should be supported as a way of life—as an example for society to emulate. No longer is the question, "Should we aid the farmer?" but rather, "What is the best way to aid the farmer?"

In developing an answer to this question it is useful to look separately at three essentially different farm programs, all now being employed by the U.S. Government.

First, there are crop-restriction programs such as the soil bank. Under the soil bank, farmers are paid by the acre for retiring some part of their land from production, which is supposed to reduce the output of farm commodities. There is some doubt that it actually achieves a reduction in output because farmers, quite naturally, retire their poorest land and devote more time and greater intensity to cultivating the remaining land. It has been estimated that although some 8 percent of the land was placed under the soil bank, food, and feed output was only 2 percent lower than it otherwise would have been. One thing is certain—that the reduction in output, if any, is not proportionally as great as the proportion of land retired from production.

But again, for the sake of argument, let us assume that the actual output of farm commodities is significantly lower under the soil bank than it otherwise would have been. Does this restriction of output really aid the farmer? The answer is simply that no one really knows. And yet $325 million a year is spent on this program. Certainly, the farm owner receives the benefit of the Government's payments, but with a smaller volume of commodities to market he may take a more than offsetting cut in income.

Let us examine this proposition a little more closely. With a reduction in the amount of food products supplied to the market, a rise in food prices should result. If this rise is relatively large, then the income loss incurred from reduced sales is more than offset by the income gain resulting from the higher price. Specifically, the percentage rise in price must be greater than the percentage reduction in sales volume, if farm income is to rise. On the other hand, if the percentage rise in price is less than the percentage reduction in sales, farmers face a net reduction in income. Since there is no certainty that a large rise in price will be forthcoming as a result of a reduction in supplies, one cannot conclude unequivocally that the farmer is better off under crop restriction programs. Most economists would probably hazard the guess that the farmer is better off, but only the most venturesome would attempt to estimate how much better off. Thus, there is no way of determining whether this program is worth its cost.

It is important to note that, for a restriction program to be successful, farm commodities must rise in price significantly, to the bane of consumers. We therefore find ourselves in the curious position of burdening taxpayers with a program that is of doubtful effectiveness in aiding farmers and of certain effectiveness in harming consumers. The confusion is compounded when it is pointed out that farmers are taxpayers and consumers as well, so the program may not be worth its cost even to the farmer himself.

A second program, which may be called parity price and storage, is the source of the much-discussed farm commodity surplus problem. What is parity price? I like to picture a social gathering at which the Secretary of Agriculture draws from a hat some numbers which, on the following day, are announced as the parity prices. In fact, of course, elaborate computations are involved in determination of a parity price. Data are collected on farm costs and farm commodity prices. The ratio of the index of prices received to the index of prices paid is called the parity ratio. Based on 1910–14 as 100, this ratio has run in the low eighties in the recent past, implying, in a sense, that farmers are living at about 80 percent of par with their 1910–14 relative standard.

A parity price level is that price level necessary to maintain the parity ratio at 100 percent. The point is that someone decides that the proper support prices should maintain the parity ratio at 75 or 90 or some other percent. The relevance of the statistics is rapidly obscured. The 1910–14 base is virtually meaningless, and the arbitrary choice of the ratio to be maintained is seldom justified in rational terms. The primary function of the imposing statistics seems to be their psychological effect upon Congressmen who must carefully rationalize their behavior as just or fair.

Having thus been determined, the support price is maintained by Government purchase and storage of commodities that remain un-

sold at that price. A wheat farmer, for example, will deposit his wheat in an elevator and obtain a loan on it from the Commodity Credit Corporation. The amount of the loan is determined by the support price. If, in subsequent months, the price goes higher, the farmer may sell his wheat and pay off the loan. If it fails to go higher he can allow ownership of the wheat to revert to the Government. If this year goes like last, there will soon be 1.5 billion bushels of wheat in storage.

Government storage costs currently amount to over $1 million per day for wheat alone. But administrative costs are high as well, partially because there is a crop restriction aspect to the parity price program. In order to obtain a loan on his wheat, the farmer must have a marketing card which he receives when he is given an allotment on his land which tells him the number of acres of his land that can be planted in wheat. He will, quite naturally, plant acreage on that part of his land from which he would expect to obtain the largest yield. The upshot is that Government agents must measure every wheat field each year. (An acquaintance of mine said that last year he had to plow under 15 acres which had been planted by mistake—a rather common phenomenon.)

At times, the Government can recoup some of its expenditure by selling a portion of the surplus holdings. This has been done to a limited extent under aspects of the foreign aid programs (Public Law 480). Such surplus sales at bargain prices are usually accepted with gratitude by the recipient countries, but our relations with other countries which sell these commodities on the world market suffer appreciably.

Taken by itself, it may be said that the farmer is unequivocally better off under the parity price and storage program. But when taken in conjunction with the allotment program the answer is, again, unclear. Removal of allotments coupled with reductions in support prices might, in the long run, lead to either greater or smaller farm income. Once more it seems strange that a program which results in a tremendous burden on the taxpayer, higher than necessary food costs to the consumer, and of uncertain benefit to the farm community, should continue to be renewed year after year after year.

The third plan, the well-defined program known as the Brannan plan (named after President Harry Truman's Secretary of Agriculture), is presently used to support the income of wool producers. (It is more widely used in other countries.) Again some fair price is selected and the Government buys all that is produced at this price and then resells it all at what the market will bear. In fact, however, the Government may not handle the goods themselves, but merely pay the producer the difference between the fair price and what he received from its sale on the market.

Regardless of the technique used, the economic results are the same. Under this program there is no doubt that the producer is better off, and no doubt that the taxpayer bears the burden. But here, unlike the other two programs, consumers are at least as well off as they would be in the absence of any program, and may be much better off. It hinges upon the response of producers to the support price. If the amount supplied is the same under the support price, then the consumer's position is unchanged. If, however, suppliers expand their output, it probably can all be sold only at a lower market price with the advantage accruing to the consumer. But then the interests of taxpayers and consumers are at opposite poles. To the extent that the consumer is better off, the taxpayer is worse off because of the greater differential between the fair price and the market price.

A summary of the argument to this point is aided by reference to the chart below. Let the three farm programs be represented along the top: crop restriction (CR), parity price and storage (PP and S) and Brannan plan (BP). Farmers, taxpayers and consumers are represented along the side. Inside the chart is placed a "B" if the group being considered is better off, and "W" if it is worse off, under the relevant program.

	CR	*PP&S*	*BP*
Farmer	B?	B?	B
Taxpayer	W	B	W
Consumer	W	W	B

In filling in the chart, it has been assumed that the farmer is, in fact, better off under both the crop restriction and parity price programs. Although there is some doubt about this, as was pointed out above, those who champion these programs are being given the benefit of it.

The chart tells the story immediately. Farmers are thought to be better off under all programs. Taxpayers are worse off under all programs. Consumers are worse off under the first two programs but better off under the Brannan plan. It is interesting to note that, presently, extensive use is made of the first two programs and only wool is supported under the Brannan plan.

Some words of caution are in order, however. First, "B" and "W" have not been assigned numerical values. No one knows how much better or worse off each group is, and there is no way of measuring this even in dollar terms, let alone in terms of satisfaction or dissatisfaction. The hedonistic calculus has never been refined to a degree which would enable one to say that taking a dollar from a taxpayer and giving it to a farmer results in a net increase in the community's happiness. So, even if dollar figures were inserted, these would fail to give the whole answer.

Second, the categories used are not mutually exclusive—that is, one individual may appear in more than one category.

Nevertheless, as a general guide the chart explains quite a lot. It explains, for example, why farmers cannot make up their own minds in favor of one program or the other. The American Farm Bureau tends to favor programs suggested by the Department of Agriculture which include longrun gradual removal of controls altogether. The Farmers' Union favors rigid price supports and production controls by allotments. The Grange favors not one but a system of parity prices which would be different for the consumer's market, the feed market and the international market. And there is considerable internal disagreement in these organizations.

The chart explains why taxpayer associations are against farm supports in all those areas where farmers contribute a relatively small proportion of the tax bill. (These associations are usually silent on the issue in predominantly agricultural States.) It offers further evidence in support of the belief that consumers are relatively impotent as an interest group. Otherwise, they would have been instrumental in tilting the balance in favor of the Brannan plan long ago. If a choice must be made from among these three possibilities, then the overall argument strongly suggests the Brannan plan

But a different plan which would engender a great deal of support from professional economists, is, for some strange reason, seldom offered as a possibility even though it is superior on all counts. The burden to the taxpayer is minimized, consumers stand to benefit, and there is no doubt as to its effectiveness in aiding the farmer. Furthermore, no surplus problem would arise and only relatively minor distortions of basic price relationships would be brought about by it. Finally, it satisfies our basic sense of justice. What is this panacea? It is simply a system of direct lump-sum payments to farmers.

Let us examine this argument in greater detail. Last year it was suggested in Congress that a maximum be established on support payments to any one family. This resulted from the disclosure that, in 1958, some 67 farms each received payments under the soil bank program of over $50,000; the largest payment amounted to $278,000. Something about this seemed a bit unfair. It blurs the image of the poor farmer. Obviously, imposition of a payment maximum would spoil the intended effect of the program, and is, therefore, unreasonable. If a farmer has that much land and retires it all from production, he is complying with the intent of the program—restricting crops. In doing so he is giving up the income he could otherwise have made by producing crops.

But careful reasoning informs us that the other programs have this same built-in bias in favor of the large and presumably wealthy farmer. Assume that one farmer would earn a gross annual income of $1,000 in the absence of price supports, and another farmer $10,000. Now suppose that commodity prices are supported at a level 100 percent higher, that is, prices are doubled. One farmer's gross is now $2,000, the other's is now $20,000. Wealthy farmers are being greatly benefited by support prices; poor farmers are still poor. Another example is that of the farmer who loses his crop from hail or drought. What good does it do him to know that prices are being supported at high levels this year when he has nothing to sell? Under all the programs there are still plenty of marginal farmers, those barely making a go of it.

Thus, none of the existing programs achieves what we really set out to achieve—a just income for farmers. The large and powerful farm, likely to be managed by city-dwelling farmers, tends to grow larger and more powerful. The small independent farmer is helped, but imperceptibly. If it is a way of life we are trying to maintain, these programs operate in the wrong direction.

Give $500 a year to every family worker on the farm. This would cost around $2 billion; giving it to family and hired farmworkers (not including seasonal workers) would cost around $2.5 billion. These figures are less than our combined Government payments for storage, soil bank and other programs. They would be much smaller if payments were made only to those farmers whose products are now being sold at support prices. A man and his wife living on the farm would have an income of $1,000 a year plus whatever they could make from the farm's operation. With this direct subsidy, any farmer should be able to make a living wage.

What would be the benefits of this porgram?

1. It would cost the taxpayer significantly less than he is now paying.

2. Poor farmers would benefit relatively more than rich ones; it would be a progressive subsidy.

3. Consumers would pay, and producers receive, market prices for farm products rather than distorted prices, as is now the case.

4. There would be no surplus problem. Any stored goods could be used to stabilize farm commodity supplies and prices by evening out commodity flows to the market, and to serve as a protection against drought, war, or other catastrophies.

5. Elaborate farm controls would be abolished along with the concomitant administrative expense. There would no longer be any reason to measure every wheat field each year.

6. We would know, at least in dollar terms, just how much the farm support program costs. As it is now, dollar costs do not reflect true costs because no account can be

made of the effect of the various programs on prices.

7. The distortion of relative prices brought about by the present programs would be eliminated. This is a particularly important point to economists. It is quite clear that price distortions will alter the direction of resource allocation not only in the industry directly affected by Government pricing policies, but in related industries as well. Examples of such distortions are numerous. When corn prices are high, too little corn is fed to pigs and pork prices rise; too much land under irrigation is used to raise corn, and too little used for vegetables; too much labor and steel is used in production of equipment for corn farmers—too little in other manufactures. Malallocations of resources of this type would tend to disappear under the direct-payment plan.

8. Land values, all out of proportion now, would tend to adjust to an appropriate equilibrium. As it is, because of high land prices, too much land on the fringes of urban areas is retained in farms which might otherwise be developed for industrial or dwelling use.

There are, of course, problems involved in the implementation of such a direct-payment program. Some questions to be answered, for example, would be: Who will be eligible to receive benefits? How much would be paid? But surely the necessary administrative techniques would be less difficult to work out than those now being used.

Another problem, however, which would have to be handled carefully for psychological and sociological reasons is the farmer's response to a system of gifts in which his pride may be injured. In this age of enlightenment, however, a tactful handling of the program could overcome this obstacle. After all, what farmers now receive are gifts in disguise, and highly inequitable ones at that. But if this obstacle proves formidable, ways could be devised to cover up the gift aspect of the program. It could be called an incentive payment, or the payment could be tied in with the first units of product offered on the market by those authorized to receive them.

Under the programs now in force the situation is bound to get much worse before it can possibly get better. One of the drawbacks of our democratic system seems to be that things are left to reach a stage of crisis before remedial action is taken. Let us hope this does not happen in this case. A break in these programs is bound to come sooner or later, and the longer we wait the more difficult it will be.

WASTE IN THE FOREIGN AID PROGRAM

Mr. GRUENING. Mr. President, there is a tremendous waste in the foreign aid program. The illusion has persisted that the friendship of other nations can be purchased with American dollars. In the application of that program, the idea seems to have prevailed that if the medicine applied to unsatisfactory conditions in any of the more than 100 nations now receiving Uncle Sam's benevolence fails to relieve or cure, larger doses of the same medicine should be applied. There is every reason to believe and hope that under President Kennedy the foreign aid program will be administered far more efficiently, far more effectively, and far more realistically.

One of the many reasons for the past failures of the foreign aid program, of which the United States is now reaping the bitter fruit, is the support which our past administration has given to dictators. Instead of supporting the Democratic aspirations of the people of the nations to whom the aid is going, we have helped strengthen and perpetuate the tyrannies of which they were the victims. A striking illustration of this is revealed in an article called "The Spanish Labyrinth," by Robert J. Alexander, appearing in the recent issue of the New Leader.

I ask unanimous consent that the article be included at this point in my remarks.

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

THE SPANISH LABYRINTH

(By Robert J. Alexander)

One of the gravest and potentially most dangerous errors of U.S. foreign policy in recent years has been our unqualified support of the government of Generalissimo Francisco Franco. The United States has been guilty in this instance of a mistake which has also characterized many of its actions in Latin America and elsewhere. It has concentrated on the military aspects of its position in the world, without paying any attention to the political and psychological effects of the policies followed. Sooner or later we are likely to pay a terrible price for such shortsightedness.

Our policy toward Spain since 1953 has been determined by the fact that we have a number of naval and air bases on Spanish soil. These bases were established as the result of an agreement between the United States and Franco, under some of the most peculiar circumstances to be found anywhere in the world. The United States was forced to agree to restrictions on the religious liberties and freedom to marry of its servicemen who were not Catholics. By self-imposition, U.S. soldiers, sailors and airmen cannot wear their uniforms off base—in itself a tacit admission that the presence of the bases is not welcome to most Spaniards.

In spite of elaborate precautions, inevitable incidents have arisen between U.S. military personnel and Spaniards. They have resulted from the drinking proclivities of our servicemen and their tendency to drive ponderous military vehicles at reckless speeds through towns and villages whose streets were built to accommodate a single man on a horse. They have arisen, too, from the great disparity between the pay of the U.S. servicemen and their Spanish counterparts, not to mention the average Spanish civilian. All these incidents might have been expected—and probably were. They are not the peculiar fault of U.S. airmen or soldiers; they are bound to occur whenever one country's armed forces are on another's territory.

The most serious problems, however, are not those involving GI's in Spain. The really dangerous circumstances arise from our moral, military, economic and political backing of the Franco regime. During the last 7 or 8 years we have stood forward as the great defender and supporter of this dictatorship, which was imposed by a bloody civil war and was an ally of our enemies during World War II.

We have sponsored the entry of Franco Spain into one United Nations agency after another—including the main body of the U.N. itself. Our ambassador has seen fit to speak on the Spanish radio in praise of the Franco regime and our great friendship for it, as well as to go out of his way to cultivate intimate personal relations with members of Franco's immediate family. President Eisenhower likewise thought it proper to go to Spain and give Franco a bearlike embrace.

Eisenhower's demonstration, though less vital than many other actions we have taken, probably did more to arouse bitter discontent against the United States among broad layers of the Spanish people than anything else. Many Spaniards were incredulous that the man who led the Allied armies in Europe in World War II, and who in 1945 had promised the early liberation of Spain, could behave this way. After the incident, few Spaniards could any longer take seriously our position as leaders of the free world.

As a result of all of these events, a profound change has occurred in the attitude of the anti-Franco opposition in Spain toward the United States. During World War II the Spanish people ardently sided with the Allies, and looked with particular friendliness upon the United States. Thousands showed this support by helping Allied servicemen escape the Nazi.

I was in Spain on an extended visit in 1951 and even then America's standing was still very high in the eyes of the opposition. This year, when I returned, I found that all this good will had evaporated. Every single member of the opposition with whom I talked—and I saw members of virtually all the important groups except the Communists—was bitter in denunciation of U.S. behavior. Individual reactions varied—some people expressed only sad regret at U.S. abandonment of the cause of democracy in Spain; others were violently hostile toward America. In general, the attitude was reflected in the wide popularity of Fidel Castro, who was admired not only because he had overthrown Batista and was carrying out an agrarian reform, but because he was doing to the Yankees what many a Spaniard now yearns to do.

Continuation of the present U.S. policy is contributing to an ultimate crisis in Spain. At the moment, things seem eminently quiet there—it seems to be the one place where the United States doesn't have to worry. However, this is a Potemkin facade. The longer the present policy continues, the more serious will be the final accounting. As things now stand, when Franco falls or disappears, the United States goes with him. In the minds of the average Spaniard we have so completely associated ourselves with the Franco regime that any movement against him, or any demonstration of hostility to his regime after it has gone, will inevitably also be a show of enmity toward us, too.

At present in Spain we are faced with the paradoxical and absurd situation in which the world's greatest democracy is seen (quite correctly) as the principal support of a hated tyranny, of which even its friends have grown tired, while the Soviet Union, the world's most potent dictatorship, is able to pose quite effectively as the champion of freedom and democracy. The only major country which denounces the Franco regime for the dictatorship it is is the U.S.S.R. The only radio station broadcasting anti-Franco propaganda, day after day, is the so-called Radio Pirenaica in Prague. The only opposition group able to get its position before the Spanish people is the Communist. Franco, of course, does his utmost to strengthen the position of the Communists in Spain by the simple expedient of picturing all who oppose him as Communists. Under the circumstances it is understandable why many of the less sophisticated Spaniards tend to see in the Communists and the Soviet Union their principal allies in the struggle against the dictatorship.

The situation grows increasingly critical the longer we continue our present policy because today there is no viable alternative to Franco. He himself has seen to this. The key to his maintaining power has been prevention of the emergence of an individual or a group of sufficient prestige and support to offer a reasonable successor should anything happen to Franco. By continuing our political support, stepped-up economic aid,

and moral blessing of his regime, we are playing a key role in assuring that there is no foreseeable answer to the question, "After Franco, what?"

As a result, it is going to be difficult for post-Franco political leaders to feel friendly toward the United States. At best we can expect a suspicious neutralism. Only if the United States changes its attitude in the near future, and makes unequivocally clear its support of democracy in Spain, can we expect anything more than this. Franco, after all, is not going to live forever; he has just turned 68.

Several ingredients are necessary for a new policy in Spain. First and foremost is the dispatch of an ambassador who, rather than beng an apologist for the Franco regime, will make clear his belief in democracy in all countries—including Spain. The formula of "an abrazo for the democrats and a formal handshake for the dictators" is nowhere more needed than in Spain.

Second, U.S. diplomatic officials must change their attitude to the regime and stop holding the opposition at arm's length, fearful that, if they have contact with members of the opposition, Franco will be "annoyed."

Third, the United States should use its tremendous influence in contemporary Spain in favor of the development and growth of the democratic opposition. We should make it clear to Franco that we cannot continue to underwrite the economy, or any other aspect of his regime, unless he does at least three things:

1. We must demand declaration of a continuing general political amnesty which will not merely be a trap to encourage the opposition to come into the open so its leaders can again be picked up and jailed. (So long as the price of open political opposition is prison, torture, and possible death, there can be no revival of freedom in Spain.)

2. We must insist on freedom of the press. It is principally through the press that new figures can begin to emerge on the Spanish political scene, real political discussion can be revived, and an exchange of ideas about the country's major problems can be undertaken.

3. We must demand freedom of organization, both political and trade union. Well-organized democratic political parties and labor organizations will be the best guarantee that the transition from the Franco regime can be carried out in a peaceful and orderly manner. To organize any political party other than the Falange, or any labor group other than the official one, is a crime. As long as this continues only those groups most efficient in clandestine and subversive work are able to function with any effectiveness. In practice, this means the Communist Party.

Such a program may appear to be "intervention," but the United States is intervening in Spain today—on the side of Franco—with the most flagrant, open backing. I can see little wrong with telling Franco that we find ourselves unable to extend further loans, grants, or other help so long as his regime remains the kind of government it is now.

Sooner or later, relaxing the bonds of the dictatorship will undermine Franco's position, and no one knows that better than Franco. Were he a younger man, one could be almost certain that he would absolutely refuse to concede to our pressure. However, a characteristic of Franco's skillful political manipulation has been that he is always concerned with the period immediately ahead; presumably he is now concerned only with staying in office in the immediate future—if possible until he dies. Our refusal to continue economic or other aid unless Franco democratizes his regime would present him with a situation in which he might well agree to such liberalization. For the alternative, within a matter of weeks or, at most, months would certainly bring an economic crisis more serious than any he has had to face. It would also mean risking the considerable gains in the international arena his regime has made—thanks to our help—and returning to the position of an international pariah. Strong pro-Franco elements—the large economic interests and the armed forces in particular—can be expected to oppose such a risk.

One other factor is to be borne in mind. The opposition is not the only element concerned with what will come after Franco. Powerful individuals and forces inside the regime itself are equally worried. A program of gradual liberalization such as has been suggested here would offer these elements an alternative to the chaotic situation many now fear will come with Franco's passing. And they might be expected to bring great pressure on him to accept. Thus, Franco might well be faced with rapid disintegration of his regime if were he to resist an American demand for liberalization backed by a threat to cut off economic and other aid.

If Franco resisted, he might well turn on the United States. Franco certainly has no principled devotion to us, or to the free world. He might harass our bases or even demand their removal. He might give increased opportunity to the Communists, while still keeping democratic elements muzzled, to support his constant argument that all who oppose him are Communists. However, such actions would be hazardous. Spain has changed in the last decade. The groups backing Franco are by no means so united in his support as they once were. They are certainly not going to risk losing all the advantages they have acquired just to keep a sexagenarian in power a couple of years longer. In attempting to resist, Franco might find that he brought about his own downfall.

Spain is one case in which it is imperative that we cease to think only in military terms. We will lose our bases anyway. If we do not use our influence to force Franco to liberalize his regime, the next government will undoubtedly make closing our bases one of its first acts. We will be left not only without bases, but with a hostile Spain. It would seem preferable to run the immediate risk to the bases if by doing so we can at least recapture some of the friendship we once had among the Spanish people.

WASTE IN CIVIL DEFENSE

Mr. GRUENING. Finally, Mr. President, there is the shocking wastage in the field of civil defense. The subject has been thoroughly and penetratingly discussed on the floor of the Senate by our able and distinguished colleague, the Senator from Ohio [Mr. YOUNG]. He summarizes his views most effectively in a recent article in the Progressive, in which he refers to civil defense as the "Billion-Dollar Boondoggle."

It should be clear by this time that the billion dollars which has been spent in the last 7 or 8 years on this front has been completely wasted. The only civil defense that is possible is the defense which comes through the strong deterrent power of the Armed Forces—Army, Navy, and Air Force. The wiggling and wobbling of the civil defense administrators between recommending evacuation or backyard shelters reveals the nonsensicality of the whole program. Civil defense should be abolished forthwith and the additional millions of dollars which would be spent on it, were it to continue, should be applied to needed and desirable projects.

I ask unanimous consent that Senator YOUNG's article from the December issue of the Progressive be printed at this point in my remarks.

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

[From the Progressive, December 1960]

CIVIL DEFENSE: BILLION-DOLLAR BOONDOGGLE

(By Senator STEPHEN M. YOUNG)

Businessmen, American taxpayers, and seasoned poker players agree on one axiom: "Never throw good money after bad."

Government at all levels should apply this maxim in those agencies where expenditures have been demonstrably futile. There is no better place to begin than the wasteful, fantastically muddled Office of Civil and Defense Mobilization, with its satellites in State and local governments.

The civil defense program is a grand illusion. In terms of money it is ludicrous. Through diligent and relentless application of poor planning, confused thinking, and colossal ineptitude, the men charged with the defense of civilians in event of war have managed to squander more than $1 billion of taxpayers' money since 1951, exclusive of $100 million worth of surplus Government property turned over to civil defense agencies. The time has come to abolish this billion-dollar boondoggle and adopt a realistic approach to the entire problem of civil defense in this nuclear age.

The indictment of the Office of Civil and Defense Mobilization reads like a roster of malpractice: waste; inefficiency; unrealistic, in fact schizophrenic, planning; and inability to overcome public apathy which is rapidly burgeoning into widespread public resentment.

The current daily outlay for civil defense activities by the Federal Government alone is more than $120,000. State and local funds are spent at approximately the same rate. Other Federal agencies also spend money and devote staff time to civil defense projects. This amounted to $6 million last year. If Congress had not wisely slashed the OCDM's budgetary request, Federal spending on this useless agency would be doubled for the current year.

Of the appropriated funds, more than 60 percent is siphoned off for salaries and expenses, much of it to the hacks and defeated officeholders for whom the OCDM has become a convenient and comfortable haven in the political storm. Political has-beens, rejected by their fellow citizens, enjoy top salaries in the Office of Defense Mobilization, and do little except talk vaguely about survival, distribute literature, plan alerts to annoy their neighbors, and distribute countless reams of literature. Some of the plush private offices of even regional civil defense directors are enough to make a Member of the Congress feel deeply impressed. Interestingly enough, more than 40 percent of the personnel of this agency draw salaries of $10,000 a year or more.

Of the money spent for civil defense, approximately 40 percent is wrung from the taxpayers of States and municipalities, where tax dollars grow increasingly scarce, and where vital programs for schools, hospitals, and housing die for lack of funds. In place of a desperately needed school, many communities may receive a screeching siren, a few stretchers, some two-way radio equipment for civil defense officials to play with, and an occasional alert to confuse the citizenry whether in event of a nuclear attack they should run, or hide—or do both.

Only recently the auditor of the State of Ohio began an audit of the nearly $2 million in surplus property donated to civil defense organizations in Ohio during the last few years. The result so far is a sad commentary on the entire civil defense program—one I feel sure has been repeated in all of the States receiving similar Government property.

In many of the counties, a good percentage of the property could no longer be located. It included barber kits, garbage cans, outdoor lampshades, adding machines, shaving kits, and a thousand other gimcracks of absolutely no use in case of an emergency. Generators, typewriters, adding machines, aluminum pitchers, and sundry other items somehow wound up in the homes of local civil defense directors, county commissioners, or other State and local employees. Hardly any of it was found where it would do any good in a nuclear attack.

Perhaps the whole mess can be best summed up by the following statement in the report on one of the most populous counties in the State: "Opportunity to avail themselves of the various bargains in surplus property has served as an incentive to being in the civil defense setup, we are told."

Senator PAUL DOUGLAS pointed out an even more absurd waste of funds in his home State of Illinois. There the Civil Defense Corps of the city of Carpentersville (population 12,000) was given almost $350,000 of Federal surplus property, or more than the Chicago Board of Education received during the entire school year.

At Athens, Ohio, home of Ohio University, there is a new 3,200-foot concrete airstrip, built by civil defense at a cost of $195,000. The only hitch is the university doesn't own an airplane. This airstrip was intended to handle civil defense air traffic when the university was named last year as the emergency seat of Ohio State government. However, Athens no longer is the official emergency civil defense capital. There is now no specific site, unless some civil defense official has selected another city within recent weeks.

Only recently, hundreds of thousands of dollars of stockpiled penicillin had to be destroyed because it was found to be useless by the Food and Drug Administration. In Ohio alone more than $100,000 worth has been destroyed thus far with more to come. Hundreds of other stockpiled items which should not have been purchased in the first place are similarly going to waste.

It is the program on the national level that spawns the growth of city and State organizations and multiplies the waste. If we cut off the head of the bureaucratic octopus in Washington, its wasteful satellites in States and cities will soon wither away.

Americans are tired of schemes to provide identification bracelets for teenagers to exchange; of millions of contradictory pamphlets; of screeching sirens; of highly publicized bomb shelter honeymoons; of policemen loafing on civil defense duties, waiting for a bomb to drop, while many of our city streets are unsafe after dark; of high-salaried boondogglers; of waste and inefficiency; of silly, shortsighted planning—they are tired of the whole confused mess.

In Columbus, the capital of my home State of Ohio, $700,000 of local funds was squandered on a traffic light control system designed to facilitate evacuation in event of a nuclear attack. Local civil defense officials also issued a 4½-pound, 2-inch thick manual for evacuation. If one took the trouble to read it—and I doubt that one in 5,000 residents has—he would learn that he is to hop in his car and leave by the shortest route immediately upon hearing the attack warning.

Can any reasonable person imagine all of the nearly half million people in Columbus—or the entire population of any other city—trying to evacuate at one time? Even assuming ample warning time, which is not likely, the chaos would be unbelievable. How many persons fleeing in panic would heed Columbus' $700,000 traffic signals? Or 4½ pounds of evacuation regulations?

What is the basis of civil defense planning? The blunt answer is, there is none. Civil defense plans suffer from a bad case of schizophrenia. Unbelievable as it may sound, at one and the same time OCDM advocates both evacuation and shelter programs.

In Cleveland, Ohio, evacuation is preached. Residents are told to flee on highways toward a neighboring city—whose residents are told to flee toward Cleveland. In Buffalo, N.Y., the program, paradoxically, is to seek shelter—to hide. Do we run, or hide, or both? OCDM has no answer to this question.

The truth is the theory of evacuation in this missile age is not only silly but dangerous. Enemy submarines off our coasts could hurl rockets with nuclear warheads as much as 1,500 miles inland with accuracy. We would be lucky to have 3 minutes warning.

Intercontinental ballistic missiles fired from within the Soviet Union would take 15 to 18 minutes to strike airfields, missile bases, or other targets. It is absurd even to consider the possibilities of evacuation under these circumstances. The thermonuclear weapon, with its tremendous destructive power, and the missile, with its great speed, have now made evacuation not only impractical but impossible.

Yet, in Washington, D.C., and other major American cities last spring, mystified residents received in the mail a map for use in evacuation. Routes and directions were carefully explained, to the confusion of all. No thought was given to the fact that even if the map were deciphered, the monumental traffic jam which would result would practically insure that scarcely a citizen would ever reach the highway outside the city.

At the same time OCDM was distributing its evacuation map, it was beating the drums vigorously, almost hysterically, for a bomb shelter in every backyard. Estimates of various plans range from New York's Gov. Nelson Rockefeller's modest $20 billion proposal to other authoritative estimates of $100 billion from those experts who, it is to be assumed, would dig deeper and permit greater luxury for a generation of underground Americans.

Governor Rockefeller, probably the most enthusiastic advocate of the shelter theory, actually proposed that the Legislature of the State of New York enact laws making it compulsory that every home or building be equipped with a bomb shelter. Now, if a State wants to suggest that citizens build shelters, that is something no one could object to, though one might quarrel with the reasoning. But for Government, either State or Federal, to assume the power to force people to build shelters is a sizable intrusion on individual rights. New York's legislators wisely refused to adopt Rockefeller's proposal.

The conditions of modern warfare make shelters of little or no use in saving American lives. Were we to be attacked with intercontinental ballistic missiles with hydrogen warheads, the total destruction and remaining radioactive elements would be such that underground shelters in basements and backyards would offer little, if any, protection. Hundreds of square miles would be covered with deadly contamination, and the lethal effects would last not for hours or weeks, but for months, or even for years.

Shelter enthusiasts have pictured their subterranean suburbia as the sure-fire antidote for nuclear destruction. The fact remains that the most optimistic estimate of the devastation of nuclear attack, despite a network of shelters, places probable death at 50 million Americans with some 20 million others sustaining serious injuries. Significantly, in my own State of Ohio, I know of no civil defense official who himself has taken the trouble to build a shelter.

Assuming for the sake of argument that shelters would save lives, there is no assurance that they would not be outmoded by more advanced weapons or that they would offer any protection against an attack even more deadly than a nuclear attack—biological warfare. Shelters in basements and backyards, even if there were sufficient warning to enable persons to enter them, might prove huge firetraps in urban centers in the colossal conflagration which experts say would certainly follow an atomic attack. Does any responsible government official wish to embark on a $20 to $100 billion questionable gamble under these conditions?

Assuming further that some Americans did have shelters that saved their lives in a nuclear war, what sort of world would they come up to? What would have happened to the buildings and to the atmosphere? What would they do for food once their 2-week bomb shelter supply was exhausted? This is not a pretty picture to paint, but it is the truth—the cold, hard facts of survival in a nuclear war.

For too long now, our citizens have been confused and confounded with the periodic multimillion-dollar doses of psychological pablum administered by the OCDM. This may explain the failure of the American public to take seriously the contradictory programs of this agency. Steadily, Americans have reacted against the hysteria, the alarms, and the practice alerts of the Cassandras in the top echelons of the civil defense agency and their toy-soldier paid underlings in American municipalities. It may indeed be possible to fool people for a while, but they cannot be fooled for long. Reaction to the hopeless shenanigans of the OCDM has changed from an early tolerant amusement, willing to suffer the games of an amateur agency, to massive indifference, and finally to boiling indignation over an arrogant bureaucracy which has repeatedly proved itself inept, inefficient, and, as one letterwriter put it to me, "a damned nuisance."

Despite warning signs of growing wrath among Americans, OCDM officials proclaimed the nationwide practice drills last May a huge success. They do not seem to realize that the behavior of most people—those who went along with the game—in a mock attack is not the behavior to expect in the presence of an actual attack. Directions and orders of civil defense officials, heeded automatically in rehearsal, would be ignored in the horror of nuclear war.

All of us can be proud of the hundreds of thousands of patriotic Americans who, as civil defense volunteers, give their time and efforts, often at great risk to themselves, in times of flood, fire, and other natural disasters. I honor those who have performed valuable service while paid civil defense officials directed them from behind desks. These fine men and women can and will render equally needful service as auxiliary firemen, special policemen, and deputy sheriffs. Or, a volunteer national disaster corps could be created to utilize their services—an organization devoted solely to enabling Americans to help their neighbors without the doubtful leadership of the present OCDM. In times of disaster in America neighbors have always come forward as do the Red Cross and other agencies.

The defense of our civilians is a vital part of our national defense—it is too important to be entrusted to civilians wearing armbands. It should be under the direction of those who know most about defense—the Armed Forces of the United States. In Canada and in England, the military control civil defense activities. In any case, in the event of a missile attack, a national emergency would be declared and the Armed Forces would take over.

Next January a new President will take office without commitment to OCDM leaders or to their program. Let us hope that this new administration will move swiftly to disband the OCDM before it becomes a perma-

nent drain on taxpayers. Its performance in the past makes it clear that the entire problem should be wrested from its hands and should be reappraised with these questions in mind:

Since evacuation is impossible in the event of nuclear attack, would any mass shelter program be adequate to protect our civilian population?

If any shelter program is practical at a cost within attainment, considering our national needs and objectives, how should it be implemented?

If a shelter program is not practical in this frame of reference, what can we reasonably do beyond education to help our citizens in event of nuclear war?

As the defense of American civilians is a major factor in the defense of our country, should this responsibility be entrusted to our Armed Forces? Are not trained military officers better qualified to save the lives of civilians in time of war rather than bureaucrats enjoying fat salaries as civil defense officials?

Coupled with these efforts, we should initiate a vigorous and continuing campaign of education on realistic self-protection in a nuclear war using all the media of communication at our command—television, radio, newspapers, magazines, and our schools.

In my view, no civil defense program will adequately protect our citizenry should war strike. The survival of 180 million Americans—indeed, of all mankind—depends not on civil defense but on peace. It depends not on futile shelter programs inspired by a caveman complex, but on solid, workable international agreements to disarm. Shelter building represents a psychology of fear. We ought to be talking about building homes for our people rather than hoodwinking them with foolish prattle about underground shelter. We should be considering ways to feed the two-thirds of humanity who go to bed hungry every night rather than telling Americans to store away a 2-week supply of food in useless holes in the ground. Instead of wasting untold billions on a national network of bomb shelters, we should put just a portion of these dollars into forging links of friendship with other peoples. The friendship we shall earn will contribute far more to our safety than shelters to jump into after it is too late. It is interesting to note that many of those who talk the loudest about civil defense talk the least about peace.

Civil defense today is a myth. It is based on theories as antiquated as mustache cups, tallow dips, and Civil War cannon balls. In the nuclear age, there can be no realistic civil defense program. We must devote our efforts to the utmost toward finding a peaceful solution to the world's problems. It is our only permanent shelter.

Mr. GRUENING. Mr. President, these are not, by any means, the only areas where the performance of the past 8 years can be substantially improved upon, its errors rectified, and the waste stopped. But in these fields I have cited, alone, I conservatively estimate that at least $5 billion a year may be saved, and possibly a much larger sum.

I recommend this for the consideration of the incoming administration and to my colleagues in the Congress.

Mr. DIRKSEN. Mr. President, I must take time to advise the distinguished Senator from Alaska that his statement was in contravention of the understanding that Senators should not exceed the 3-minute rule, because I think we have a firm agreement that a Senator shall be recognized for 3 minutes, and no more. Then, after an intervening speech, he can be recognized again. I think I must take it upon myself to monitor that rule until it becomes a habit of mind in the Senate. I do not mean to be offensive, but I had a distinct understanding with the majority leader that Senators would not exceed 3 minutes.

The PRESIDENT pro tempore. The Senator from Illinois is correct, but the Senator from Alaska asked unanimous consent to proceed for 1 additional minute, and there was no objection.

Mr. GRUENING. Mr. President, will the Senator yield for a reply?

Mr. DIRKSEN. I yield.

Mr. GRUENING. I appreciate the correctness of the comments of the Senator from Illinois, but I should like to say, in defense of the slight prolongation of my remarks, that part of my time was used by the majority whip in complimenting the senior Senator from Texas [Mr. YARBOROUGH] on the bill to take care of post-GI veterans. That is why part of my time was used up by worthwhile remarks delivered to good purpose that were not made by me, and I am happy that my able friend from Minnesota [Mr. HUMPHREY] was here to commend the legislation sponsored by Senator YARBOROUGH.

Mr. DIRKSEN. The Senator from Alaska always merits a compliment.

DISTINGUISHED FEDERAL CIVILIAN SERVICE AWARD

Mr. MANSFIELD. Mr. President, today five career Federal employees received the President's Award for Distinguished Federal Civilian Service. I take this opportunity to congratulate each of these gentlemen, Bert B. Barnes, W. S. Hinman, Jr., Frederick J. Lawton, Richard E. McArdle, and William McCauley. They have performed outstanding services to the Nation, not only during 1960, but over careers that span more than 3 decades.

The honor these men receive is well deserved. Far too often we fail to recognize the dedicated service of the Federal employee. They truly are the backbone and mainstay of our Federal system.

I am especially pleased to see among those being honored my good friend Dr. Richard E. McArdle, the Chief of the U.S. Forest Service. He has demonstrated capable leadership and imagination in both public and private forestry efforts. Because of Montana's great timber resources, we have come to know Dr. McArdle well, and we know firsthand his excellent grasp of forestry problems and needs.

Dr. McArdle is a man who knows where he should be going in forestry and he does not hesitate to say so. Under the guidance of such men as our Chief of the Forest Service we can meet our Nation's timber needs and we can also conserve and expand our forest resources through such programs as research and reforestation.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article from the January 4, 1961 issue of the Washington Post announcing these awards.

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

FIVE OF 2.4 MILLION U.S. WORKERS GET TOP CIVIL SERVICE AWARD

(By Thomas Wolfe)

Five career men were singled out from the Government's 2.4 million civilian employees yesterday for the Nation's highest honor to her civil servants—the President's Award for Distinguished Federal Civilian Service.

The five, all from the Washington area, will receive medals at a White House ceremony January 11. They are:

Bert B. Barnes, 61, of 4658 South 36th Street, Arlington, Assistant Postmaster General in Charge of the Bureau of Operations.

Wilbur S. Hinman, Jr., 54, 333 South Glebe Road, Arlington, Technical Director of the Army's Diamond Ordnance Fuze Laboratories.

Frederick J. Lawton, 60, of 9905 East Bexhill Drive, Kensington, a member of the Civil Service Commission.

Richard E. McArdle, 61, of 2907 Rittenhouse Street NW., Chief of the Agriculture Department's Forest Service.

William R. McCauley, 67, of 305 North West Street, Falls Church, Director of the Bureau of Employees' Compensation in the Labor Department.

The President based his selections on recommendations of a Board headed by Secretary of Labor James P. Mitchell.

FROM GRATEFUL NATION

"Through these awards," said the President in a special memorandum, "a grateful Nation honors these men who have dedicated their highest abilities to serving the best interests of this great country.

"I take this opportunity to express my faith in the skill and devotion to duty that characterize the Federal work force. These characteristics provide a firm basis for the Nation's continued progress in the future."

Barnes, a native of Holladay, Tenn., was honored for playing "a vital role in providing a vastly improved postal service for the American people despite unprecedented increases in mail volume." Barnes started as a clerk in the Memphis Post Office in 1920, is the highest ranking Post Office official who has worked his way up through the ranks, and won the Department's highest honor—the Distinguished Service Award—last year.

BRILLIANT LEADERSHIP

Hinman, a native of Washington, was cited for brilliant leadership of scientists and engineers in the creation of new electronic techniques and having both military and civilian uses, and for his own technical contributions. He joined the Government in 1928 as an assistant radio engineer with the Bureau of Standards, became technical director of the Diamond Ordnance Fuze Laboratories in 1953, and has won many awards for his own scientific achievements, particularly his work with proximity fuses and weather observing instruments.

Lawton, also a native of Washington, was credited with signal success in improving Government management, in perfecting the Federal budget system and in furthering advancements in personnel management.

Lawton began working from time to time as a Government messenger while attending Georgetown University, was graduated in 1920, joined the Treasury Department in 1922, received a bachelor of law degree from Georgetown in 1934, became executive assistant to the Director of the Budget in 1938,

was appointed Director of the Bureau of the Budget in 1950 and Civil Service Commissioner in 1953.

VITAL FOREST RESOURCES

McArdle, a Government forester for 36 years, has served in all major forest regions of the United States and, the President said, "his imagination, vision and inspiring leadership have brought exceptional progress in the development and protection of vital forest resources for the American people now and for generations to follow." McArdle, a native of Kentucky, received a Ph. D. degree from the University of Michigan and devoted his early career to research in forestry.

McCauley was hailed for unusual foresight, judgment and executive competence in developing the Federal Employees' Compensation System to serve the human needs of the times. McCauley began his career in 1918 as a clerk with the U.S. Employees' Compensation Commission, the original version of the Bureau of Employees' Compensation, and became Director of the Bureau in 1946. He is regarded as a pioneer in the field of workmen's compensation legislation, forerunner of all American welfare laws.

TWO SIGNIFICANT CEREMONIES IN METROPOLITAN NEW YORK

Mr. KEATING. Mr. President, the year 1964 will mark the opening of the New York World's Fair, an event of epochal significance not only to the city and State of New York, but also to the Nation and to the world. It is therefore fitting to note that today, at Flushing Meadow Park in Queens, the formal opening ceremonies of the New York World's Fair administration building will be conducted. The New York World's Fair is a project of immense magnitude, and will present to all nations not only the image of America but also the image of the entire world as it moves forward into the great era of challenge that lies ahead.

Aptly coincidental with the opening of the new World's Fair administration building is the dedication today of the Throgs Neck Bridge connecting the New York boroughs of the Bronx and Queens. This splendid and impressive $92 million suspension bridge, which crosses the East River at the head of Long Island Sound, will, in addition to siphoning off excess traffic from the Bronx-Whitestone and Triborough Bridges, serve to open an additional gateway between Long Island and expressways leading to New England, New Jersey, upstate New York, and points south and west. Its significance for the future World's Fair is that the bridge and its roadways will form part of the network of new and rebuilt roads now being prepared for the historic 1964–65 event.

Appropriately, therefore, the Triborough Bridge and Tunnel Authority and the New York World's Fair 1964–65 Corp. are joining today in dual dedication ceremonies both to mark the two great individual achievements and to symbolize the close mutual significance existing between them. In extending warm congratulations to the officials of the Triborough Bridge and Tunnel Authority and the New York World's Fair 1964–65 Corp. on this memorable occasion, I know that I speak for the citizens of New York State, and indeed for all Americans, when I express best wishes for the full success of the two great undertakings which today celebrate in common their opening ceremonies.

A STATEMENT OF PROPOSED REPUBLICAN PRINCIPLES, PROGRAMS AND OBJECTIVES

Mr. GOLDWATER. Mr. President, the Republican Party has to a large degree during the course of its history been a conservative party. Particularly this has been true during this century.

The Republican Convention of 1960 was as universal an expression of conservatism in its speeches as any such meeting that has been held during my lifetime. In spite of this, there have been sufficient portions of Republican platforms that have not hewn to the conservative line to have caused defections in voting which have placed the party in a minority position.

Realizing the inability of the conservative element of the party, and they were by far the majority in the Republican Convention, to convince to a sufficient degree the policy-making level of the party that the party should be conservative in nature in its positions, a number of conservatives, including myself, set out after the convention to determine what might be done to correct this. This study has taken many months. It included a visit to London and study there by one member of the group, when the conservative center was studied to determine what effective means the British had used to reinstate their position.

We have become even more convinced as a result of the recent presidential election that the conservative position has merit and should be, by and large, the guiding light of our party. Mr. Sam Lubell, in an article appearing in the New York World-Telegram and Sun, Tuesday, January 10, in discussing the vote in the presidential election, said, after displaying some figures, "Those figures show—and this may be the hidden meaning of the closeness of the 1960 election—that the country cannot be turned back to the old New Deal days." And we further realize that the presidential election of 1960 clearly indicates a majority of the voters repudiated the rash and reckless proposals of the Democratic platform. We see arguments leaning toward the conservative position.

In the preparation of our proposals to be considered by not only Republicans but anyone interested in the present position of both parties, we have attempted to put conservative philosophy into workable suggestions to help solve domestic problems and foreign problems as they relate to America. The first of these documents is now ready. So that my colleagues who are interested might have a chance to study them, I ask unanimous consent that the statement be printed at this point in my remarks in the body of the RECORD.

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

A STATEMENT OF PROPOSED REPUBLICAN PRINCIPLES, PROGRAMS, AND OBJECTIVES

During the past quarter of a century, America has become a society of competing pressure groups. The feeling has become almost universal that the individual by himself and unorganized—is virtually helpless to achieve what are, at bottom, individual goals—economic well-being generally, a rising standard of living, improved education, cultural development, and dignified human treatment in social and economic relationships.

Energetic, but often self-seeking servitors of these individual wants have during the period formed, or immeasurably strengthened, powerful organizations geared to achieve material gains for the individual which he finds it increasingly difficult to bring about by himself. Hence the flourishing of such organizations as labor unions, farm organizations, racial groups, civil liberties groups, consumer groups, nationality groups, cooperatives, educational associations, and even so-called cultural and artistic groups.

To the degree that such organizations successfully render desired services to their members, but remain within a limited and circumscribed sphere of activity, they can be viewed as legitimate instruments of the individual, doing collectively what cannot be done nearly so well by the isolated individual acting alone.

But it cannot be emphasized strongly enough, that these pressure group organizations often serve to aggrandize their own leaders and bureaucracy as well, sometimes at the expense of the membership. And, what is more important, all of these pressure group organizations even when functioning properly serve only a part of the individual's needs. In an ominous development, however, many of these organizations increasingly act as though they were empowered to serve the total man, the individual member in all his manifold aspects.

To take the most obvious contemporary example, the labor unions would now speak and act for the individual union member, not merely in his capacity as an employee facing management, but in his capacity as a citizen. Thus, in the name of its members, who in many cases have not been consulted, the union leadership takes official positions on issues ranging from the minimum wage to U.N. action in the Congo, and endorses and supports, with money contributed from the hard earned wages of their members, favored political candidates for public office ranging from city alderman to the Presidency itself.

It is instructive to note, parenthetically, that some labor unions, aiming at the "total man," set up vacation resorts (at reduced rates), publish newspapers, establish schools, engage in cultural activities (like hiring professional choral groups), and thereby seek, also, to mold their members along predetermined cultural, intellectual and ideological lines. In all this totalistic organizational activity, the individual is often submerged, swamped and treated as a manipulable statistic. It may happen, as it almost always does, that the same individual is at once a worker, a member of a minority or religious group, a war veteran, a parent of school-age children, a member of a political party, of a fraternal order, or of a cooperative, and of course he is always a consumer. Yet some of "his" organizations tend more and more to speak for him as a "total man," crushing his individuality and diversity through the organization's power and voice.

Even where the organization restricts its activities to more narrow (and hence more legitimate) channels, the individual members are frequently opposed to large portions of the program. But they typically lack the time, the energy, the resources, or the courage (sometimes it takes heroic audacity), to "buck the machine"—to oppose the organization's leadership and bureaucracy.

So serious has this development become that on November 20, 1960, the Catholic Bishops of the United States devoted their

annual statement to decrying this situation. The statement opens by pointing out that:

"The history and achievements of America stand as a monument to the personal responsibility of free men. Our institutions and our industry, the fruit of the American sense of responsibility, have in the past inspired, guided, and helped many other nations of the world. If our future is to be worthy of our past, if the fruit of America's promise is not to wither before it has reached full maturity, our present preeminent need is to reaffirm the sense of individual obligation, to place clearly before ourselves the foundation on which personal responsibility rests, to determine the causes of its decay and to seek the means by which it can be revived."

It then calls for a renewal of the sense of personal responsibility, initiative, and of individual obligation; it deprecates the inordinate demand for benefits to be secured through organization pressures; it is critical of placing excessive and constant reliance on the U.N. and asks for objective evaluation of the moral aspects of U.N. activity; it laments the widespread cynical reaction to the revelations by the McClellan rackets committee of dishonesty, waste, and malfeasance in labor relations; it speaks out against the growing conformity and mechanization imposed on individuals by organizations, and the favored treatment increasingly being given to these anonymous, organizational men; and it reasserts the worth and dignity of the individual when it declares that "even the most universal evil and the threatened mechanization of man can be made to yield before the just and determined wills of individual persons."

Americans largely fall into one of four categories with respect to pressure group organizations: (1) they may be truly voluntary members agreeing with all or most of the policies enunciated by their leaders; or (2) they may be pressured or forced by economic necessity into joining the pressure organizations, agreeing only partially or not at all with the official policies; or (3) they may successfully resist joining such organizations; or (4) finally, as members of the most numerous ethnic or religious groupings of the Nation, they may consider it unnecessary and even humiliating to organize themselves as do the minority or so-called underdog groups.

All of which means that there are literally scores of millions of Americans who are either outside the organized pressure groups or find themselves represented by organizations with whose policies they disagree in whole or in part. These millions are the silent Americans who, thus isolated, cannot find voice against the mammoth organizations which mercilessly pressure their own membership, the Congress, and society as a whole for objectives which these silent ones do not want. They thereby have become "The Forgotten Americans" despite the fact that they constitute the majority of our people.

The Republican Party in this era in which so many pressure groups are seeking to dominate the "total man" is the vehicle and the voice for the dragooned and ignored individual, "The Forgotten American." It too recognizes that those private activities which are essential to the successful functioning of a modern society have tended to become institutionalized in huge organizational units which, themselves growing larger with each passing year, continuously narrow the area in which the individual may act freely, decisively, and effectively. The fundamental problem which confronts the Republic is to find the means to protect individual freedom, action, and responsibility without hampering or destroying those processes and techniques which a modern industrial society must employ if it is to survive and develop.

The phrase, "to protect individual freedom, action, and responsibility" does not, in this context, refer to those measures which have been adopted in the past quarter of a century intended to protect our people against the hazards, risks, and vicissitudes of economic life. No nation in all history has achieved the degree of economic security for the overwhelming majority of its citizens which has been reached by the United States in the 20th century. Unfortunately, during this development, little thought has been given, and less action has been taken, to help the individual to secure, in his individual capacity, the greatest possible scope for effective personal activity.

Increasingly, the vital decisions are being made either directly through private organizational action or as a result of political and social influences and pressures exercised by organizations on government. Many of these organizations within the limits of their legitimate goals and functions are essential to the maintenance of our highly productive economy or for the economic protection of the people whom they represent. Nevertheless, inherent in the very nature of organization itself is the inevitable tendency to oligarchy and bureaucracy, and toward suppression of individual initiative and personal responsibility, even where such suppression is benevolently motivated and applied for the more effective attainment of humanitarian goals. The good of the organization tends to become the predominant consideration while the individual member grows more rapidly anonymous, an increasingly helpless automaton unable, and eventually unwilling, to exercise free choice and personal responsibility.

"A fresh evocation of the principle and practice of personal responsibility can revivify our society and help to stem the seemingly inexorable march toward the automation of human beings and the steady loss of that freedom which is man's distinctive attribute. It will cure the mental lethargy and inertia which permit organizations to usurp, mainly, by default, the rights of their members. It will stimulate a self-reliance which will automatically restore the balance between freedom and security. It will reject unwarranted pressure from groups that seek unjustly to aggrandize their power and will restrict them to their lawful ends." [1]

Inasmuch as the Federal Government has by its actions, often at the cost of weakening State and local government as well as private and community life, contributed substantially to the growth and development not only of its own power, but to the expansion and strength of private organizational power, the Republican Party believes that the Federal Government must begin to consider and adopt measures designed to halt this dehumanizing trend in our society. We therefore set forth the following principles and proposals as a fundamental guide for governmental action on the Federal level, as a means for giving voice to the suppressed views and feelings of the millions of "Forgotten Americans" who constitute the substantial majority of our society.

I. INFLATION

During the past 8 years of the Republican administration, the Nation has enjoyed unparalleled economic prosperity. Never in our history have there been so many jobs, have so many of our people been employed at high wages and in skilled occupations. Never have so many of our children completed not only high school but college as well, thereby acquiring the higher skills which generally bring greater economic rewards. But what is frequently overlooked is that during those same years the private savings, insurance holdings, and pension funds of our citizens have grown to enormous proportions never before attained. What is more, the policies of the Republican administration have been largely successful in warding off inflation and in thus safeguarding against any serious decline in value of these tremendous private resources.

In November of 1960, private savings and insurance in the United States reached an alltime high of almost $307 billion. At the same time participation in private pension plans (exclusive of social security) has grown to enormous proportions. In December of 1960, some 20 million persons were enrolled in private pension plans with more than $40 billion set aside in trust or with life insurance companies to meet the benefits expected by 25,000 plans. (These figures do not include other types of private benefit plans such as health insurance and other forms of fringe benefits.)

These accumulations of private savings, insurance, and pension funds are a tribute to the strength and persistence of the traditional American ideal that the basic responsibility for safeguarding himself and his family against the hazards of old age, sickness and economic disaster, and for providing his children with the opportunity for education and for acquiring higher economic skills rests primarily with the individual. Thus the protection of these private savings, insurance and pension funds presently constitutes the most important domestic problem facing our Federal Government.

The Democratic Party platform is an ominous threat to the financial security of the American people, the overwhelming majority of whom now possess substantial savings, insurance and pension rights. It threatens not only those who live on fixed incomes in the present, but the future of every family which through thrift and present sacrifice has sought to make provision for the future. The reckless and spendthrift promises of the Democratic platform could be carried out only by means of a program of Federal spending so tremendous as to require either an enormous increase in taxation or a policy of deficit spending leading to uncontrolled inflation.

Few are so gullible as to believe that the new administration would dare to implement these promises by means of increased taxation. The tax burden our Nation bears is already so heavy as to verge on the intolerable. Any substantial increase would of necessity be borne by all of our people, not merely the few with the larger incomes. No surer prescription for the political defeat of any administration can be imagined, and so we may rest assured that such an increase in taxation will not be attempted.

But to the irresponsible spenders the siren song of further Government borrowing is irresistible. Unbalanced budgets, growth of the national debt, increase in the interest the Government must pay on that debt, are as inevitable as the sequence of night and day. Inflation will run rampant, the purchasing power of the American dollar will melt away like snowdrifts in the spring sun, and our hard-working and thrifty people will watch in stupefied dismay as the value of their savings, their insurance, their pension funds diminish each day, ultimately perhaps to vanish entirely.

The presidential election of November 8, 1960, clearly indicates that a majority of the voters rejected the rash and reckless proposals of the Democratic platform. The Republican Party, therefore, despite its minority status in the Congress, pledges itself to resist with all its strength, and through every appropriate legislative procedure, any proposal which would lead to inflation and its inevitable consequence of diminishing the value of the savings, the insurance, and the pension funds of the American people. We further pledge ourselves to combat any attempt to add to the already unbearable burden of taxation which rests on our citizens unless it can clearly be shown that such new taxes are essential to the national

[1] Statement of the Catholic Bishops, op. cit.

security and that a heavy preponderance of our citizens recognize such necessity and willingly accept the additional burden.

A striking illustration of how "The Forgotten American" feels on the subject of inflation and its disastrous consequences for him is the voting pattern in certain areas of Florida where large numbers of elderly, retired persons have taken up permanent residence.

The Republicans carried the State of Florida, but the contrast in voting between east and west coast areas of the State is startling. Thus, on the east coast, the city of Miami and the Miami Beach area were carried by Kennedy. The east coast is predominantly both the playground and the retirement area for the well-to-do and the rich. Such localities as Miami, Palm Beach, Fort Lauderdale, Boca Raton, Delray, Daytona Beach, Ormond Beach, and St. Augustine have become synonyms for wealth. Few whose sole source of income is a social security, civil service, railroad retirement, or small private pension could afford to live in those areas.

On the other hand, the Florida west (or gulf) coast, in many of its towns and cities has a tremendous concentration of retirees who fall into those categories. Gulf coast towns like St. Petersburg, Bradenton, and Clearwater; counties like Pinellas, Sarasota, and Manatee, have enormous populations of elderly retired folk living on small fixed incomes or savings. Nevertheless, these areas were carried by NIXON, they reelected their Republican Congressman, WILLIAM C. CRAMER, and what is most significant, they swept into local office practically all of the Republican candidates. Thus, Republicans won 20 of 21 races, running rampant in Pinellas County which includes St. Petersburg and Clearwater; won 21 of 22 contested races in Sarasota County, and took 10 of the 11 contested local races in Manatee County, the seat of Bradenton. What is more, a majority of the voters over 50 years of age, voted Republican in the last election.

These overwhelming Republican victories among elderly retired voters living on small incomes, demonstrates the complete failure of the spendthrift Democratic platform to attract these voters. This is especially significant because that platform held out the very bait which the Democrats so strongly believed would appeal to elderly voters—medical care for the aged. The bait was totally ineffective. To the contrary, the only reasonable inference that can be drawn from the tremendous Republican triumphs in these Florida west coast areas is that the elderly voters were scared to death of what the Democratic platform would do to the value of their small pensions, incomes, and savings, and against that fear, the promise of medical care for the aged carried not the slightest weight.

The Democrats will probably argue that most of the voters from that area are Republicans who migrated to Florida from Northern and Western States and merely continued old voting habits. Even if this were true, it doesn't minimize the significance of their refusing to fall for the promised Democratic handout. But this argument is entirely without merit. For it is equally true that Florida east coast retirees are also migrants from the North and West, and politically, they behaved quite differently. No, the important distinction between the two groups is their economic status—the well-to-do retirees of the east coast as contrasted with the most modest and even poor retirees living in the gulf towns.

II. LABOR

(a) Labor unions enjoy many special privileges and immunities under Federal law. By far the most important of these is the exclusive right to represent all the employees in the unit for purposes of collective bargaining, even if the union has been selected as bargaining agent by only a narrow majority, which in many circumstances under our existing law, in fact constitutes only a minority. Under the law, those employees who do not wish to join, as well as those whom the union for whatever reason excludes from membership, can neither bargain for themselves nor select any person or agency other than the union so designated to bargain for them. They are, in reality, the involuntary principals of agents imposed upon them by law. In granting unions this right, the Government, in effect, has bestowed upon them the power of government itself. Although this provision of law has a certain usefulness in the area of collective bargaining, it results in the most serious injustice to those employees who wish to join the union but are excluded by the union itself. They have no voice in helping to determine the union's bargaining demands and policies, are not permitted to do their own bargaining, and they are compelled to accept and work under the terms and conditions of the agreements between the union and the employer, even if they find such terms and conditions highly unsatisfactory.

Moreover, in certain industries there is a widespread practice whereby employers recruit their labor force through the local unions in the particular area. This is particularly true in those industries where the most highly skilled, and consequently the most highly paid employees are needed to perform the work. It is precisely in these industries where union membership exclusionary policies are most widely and persistently applied. As a result, untold numbers of completely qualified workers, who for one reason or another are denied admission to union membership, are excluded not only from many jobs, but particularly from the most highly paid jobs as well.

The Republican Party, therefore, strongly denounces these exclusionary policies and advocates measures to end them. It firmly believes that no union should enjoy the unique and precious privilege of exclusive representation in collective bargaining if it arbitrarily excludes from membership those qualified workers who wish to join the union.

(b) A fundamental right: The right of an American citizen to express his political preferences, and to give his support to the candidates and party of his choice is the fundamental political right on which our democratic society is based. Any interference with this right must be viewed with the greatest alarm. One of the most vicious forms of such interference is to exert economic coercion on a citizen in order to compel his support for a particular political party, candidate or program by threatening him with the loss of his livelihood if he withholds such support.

Thus, to take a hypothetical example, if an employer compelled his employees to contribute to a particular candidate or party as a condition of holding his job, the American public would be shocked beyond measure. An outraged public opinion would quickly compel such an employer to desist from this exercise in political blackmail. Fortunately, instances of this type are so rare, as for all practical purposes, to be nonexistent.

Yet, there is one important and substantial area of American life in which precisely this form of political blackmail is well-nigh universal. Today, the vast majority of labor unions operate under collective bargaining agreements which require employees to join the union and pay periodic dues and initiation fees as a condition of holding their jobs. Regardless of what use the money an employee must pay to the union is put, no matter how objectionable he finds such use to be, if he refuses for that reason to pay his dues, the union can, and usually does, force the employer to fire him under the union-shop contract.

Every union today is using substantial portions of the funds collected from membership dues and initiation fees in behalf of specific candidates, parties, and political programs. The overwhelming majority of these unions have compulsory union-membership contracts. Many employees who favor rival candidates, parties, and platforms, are nevertheless compelled, to contribute their money to support candidates, parties, and political programs they bitterly oppose or lose their jobs. This widespread practice constitutes the most nakedly brazen form of political coercion which exists in our society, and around which the "liberal-labor" elements have succeeded in erecting an "iron curtain" of public misinformation and consequent apathy. As a result of this conspiracy of silence and of the sentimental belief that a union is always the underdog in its dealings with an employer, a belief assiduously cultivated by union leaders and their "liberal" allies, unions have been able to destroy the fundamental civil rights of an untold number of their members, who are truly the underdogs in their relations with their union leaders.

The Republican Party, therefore, pledges itself to make the strongest effort to correct this intolerable injustice by proposing and supporting measures which will restore to all of our citizens their basic human and constitutional rights to express and support their political preferences completely free from any form of restraint, interference, or coercion.

(c) Law and order: One of the firmest pillars upon which American society rests is the proposition that law and order are an absolute essential for the preservation and improvement of our democratic way of life. A profound respect for the law and an abhorrence of disorder and anarchy are deeply ingrained in the American character.

There is one significant area where the disobedience to law and the resort to serious violence and physical coercion in complete disregard of fundamental rights is so widespread, so persistent, and so ignored that it constitutes a genuinely serious menace to the preservation of our free institutions. This situation shockingly illuminates the inconsistency, yes, the hypocrisy of many, particularly within the Democratic Party and its "liberal allies," who are so vehement in demanding obedience to the laws which they approve.

Labor disputes, increasingly, are erupting into violence. More and more, strikers and picket lines use force and intimidation to prevent employees who so desire from working and other individuals from entering upon their own property and operating their own establishments. In certain sections of the country where much of this type of unlawful violence occurs the police and the public authorities make little or no attempt to enforce the law by preventing the violence or by protecting those who wish to exercise their legal and constitutional rights. Again the sentimental myth of the union as underdog has been so arduously propagated by those who are most vociferous in demanding obedience to the law in other areas that the public has been completely misled and brainwashed into dangerous apathy.

We propose to do all we can to arouse the public to demand the elimination of this dangerous threat to our liberties and to the democratic structure of our society. We would prefer to leave this problem to solution on the State and local level where traditionally it belongs. But there are two factors which make this impracticable and thus require Federal law and the exercise of Federal power in order to attain an effective cure for this malignant social evil.

First, labor unions have attained their present size and strength, and hence their

ability to defy the law, as a result of a series of special benefits, rights, privileges, and immunities bestowed upon them by Federal statutes, and enjoyed by no other type of private organization or institution in our society. We enumerate a few of these:

1. Unions are immune from taxation.

2. Unions are practically immune under the antitrust laws.

3. Unions are immune, in many situations, against the issuance of injunctions by Federal courts.

4. Unions can compel employees to join unions in order to hold their jobs.

5. Unions can use funds, which their members have been compelled to contribute in order to hold their jobs, to finance political programs and candidates which some of these members strongly oppose.

6. Unions have been given the absolute right to deny workers admission to union membership, and, in practical effect, are able to deny many workers access to jobs in general and to the higher-paying jobs in particular.

7. Unions have the exclusive right to act as collective bargaining agents even for those workers who either do not wish to join the union or who are excluded from membership in it, even arbitrarily.

8. Unions have the right, in some situations, to invade the privacy of workers, even against their will, thus depriving them of a legal right enjoyed by all other individuals in our society.

9. And finally, and of the greatest significance, the granting of these rights by Federal law has resulted in the exclusion of the States from many of the areas covered by these Federal laws, and the States may not lawfully act in these areas. This is known as the doctrine of Federal preemption.

Second, labor disputes involving unlawful picket-line violence, as well as sabotage, threats, assaults on workers both at their homes and at their places of work, vandalism, destruction of property, even bombings, have occurred in many parts of the country. But law enforcement against these illegal activities has been most lax in the industrial North, particularly in the giant urban centers in some of the States in that section of the country.

A shocking example of such lawlessness, and of the lawlessness of the Democratic municipal administration in refusing to enforce the law, occurred recently in Philadelphia. General Electric's plants in Philadelphia were about to be struck by Jim Carey's IUE (International Union of Electrical Workers, AFL–CIO). General Electric notified the city authorities it intended to try to maintain operations and asked police protection for employees who might prefer to work and who would have to cross picket lines to do so.

Democratic Mayor (and ADA big wheel) Richardson Dilworth, 2 days after the 3-week strike ended, publicly denounced General Electric and declared that the company had sought to "blackmail" the city into using its police to get nonstrikers through the picket lines. He charged that General Electric had threatened to move its plants out of Philadelphia unless the city cooperated.

Dilworth said the union agreed not to resort to mass picketing if General Electric would agree not to try to keep its Philadelphia switch-gear plant working; he said that the company refused "that compromise." He also said that first attempts to get nonstrikers through the picket lines showed that it couldn't be done without a risk of trouble—as public safety was involved in an area with schools nearby.

Mayor Dilworth's statements, and his position, are a complete demonstration not only of his lawless refusal to perform his public duties and his fundamental contempt for law and order, but of the unbelievable hypocrisy which characterizes many so-called liberals when they profess their deep concern for civil rights in other parts of the country, particularly with respect to racial problems in the South.

First of all, it must be clearly understood that when a strike occurs which is not caused by any unlawful act of the employer, but is merely a result of his refusal to grant the union's demands (as was the situation in Philadelphia), the struck employer has not only a legal, but a constitutional right to continue to operate his plant and to have free access to his property; and any of his workers whom he invites to do so, have both a legal and constitutional right to refuse to join the strike and to enter his property, and continue working. This fundamental right which has existed from the beginning of our Republic was completely affirmed by the Supreme Court of the United States in a case arising more than 20 years ago under the Wagner Act, organized labor's favorite piece of legislation. Not one jot or tittle of this legal doctrine and the basic right which it protects has ever been whittled away by any subsequent judicial decision. It is the law of the land today and every public official in the United States has both a legal and moral duty to honor it, and where the nature of his office so requires, to enforce it. Where this right is violated through threats, intimidation, coercion, or violence, it is the constitutional obligation of State and local officials to prevent such violence, protect the victims of it, and punish the perpetrators, because such misconduct constitutes not only a breach of State or local law, but because all law enforcement officials in the United States, on every level of government, are sworn to obey and enforce the Federal Constitution.

Another point to be remembered is that there is almost universal agreement that a mass picket line constitutes intimidation per se and inevitably leads to violence by pickets when nonstrikers, exercising their constitutional rights, seek to cross the picket line. As a matter of fact, mass picketing, as such, is specifically outlawed in a number of States.

Thus when Mayor Dilworth plainly implies that the readiness of Carey's union to call off its mass picket line if the company agreed not to operate its plant, constitutes a just and reasonable compromise, he is actually saying that there is nothing wrong, either legally or ethically, with one party offering to cease its illegal or immoral conduct against the other party, only if the latter agrees not to exercise its legal and constitutional rights. This may be a compromise according to Dilworth, but the overwhelming majority of Americans will recognize it for what it is—unadulterated "blackmail" of which "The Forgotten American is also a victim.

It should also be added that Dilworth and those who share his views justify their breach of trust in refusing to enforce the law by pointing to the risk of trouble involved—in the Philadelphia case because public safety would be endangered because of the proximity of schools in the area of the strike.

As a general proposition, of course, this is never an excuse for permitting law and order to break down, for permitting deliberate flouting of the law with complete immunity for the culprits, and for giving free reign to disorder, anarchy and chaos. But the Dilworths profess great horror when they believe that laws of which they approve are being defied, and demand total enforcement to the full extent of State, local, and Federal governmental power. One need only recall their reactions to and conduct in connection with such events as the Little Rock, Ark., school episode, the Autherine Lucy episode at the University of Alabama, and the current school difficulties in New Orleans.

A final appropriate commentary on Dilworth's conduct is the following statement which appeared in the story concerning the Philadelphia strike in the November 5, 1960, issue of the magazine Business Week:

"Generally, in Philadelphia, the Dilworth attack on GE (General Electric) was considered an ill-advised adventure, but not too surprising considering the mayor's prolabor orientation."

And it might be added that this orientation is not a matter of surprise either. Mayor Dilworth's election to office and his political survival depend on his support by the labor union leaders, and he, as well as they, know it.

The reason for such lawless refusal to enforce the law is not far to seek. The governments of these cities and of most of the States in which they are located are in the hands of Democratic administrations which depend for their political survival on appeasing, even kowtowing to the labor union elements who are responsible for such lawlessness. That these elements and their sympathizers are not ungrateful is quite apparent in the results of the 1960 presidential election. The resources, time, energy, money, and efforts of the labor union leaders and their supporters and subordinates, were indispensable to the election of Senator Kennedy. These union activities contributed substantially to securing the overwhelming Democratic margins in New York City, Buffalo, Boston, Philadelphia, Pittsburgh, Newark, Baltimore, Chicago, St. Louis, Kansas City, Minneapolis-St. Paul, and Detroit, which made possible the winning of the huge electoral total in the States in which these cities are located. To expect the governments of these cities and their States to cure this intolerable and anti-American malady is to believe in miracles. Thus, we are reluctantly forced to conclude that only the Federal Government can take effective action to remedy a condition which spreads like a malignant cancer through the American body politic. The Republican Party, therefore, pledges itself to propose and support legislative measures to eliminate violence in labor disputes and thus to restore order and a respect for law in that most important area of our national life, and, in so doing, regain for "The Forgotten American" some of the fundamental rights which have been stolen from him.

(d) Landrum-Griffin Act: In 1959 Congress adopted the Landrum-Griffin Act by overwhelming margins and it was signed into law by President Eisenhower. In so doing, our Government for the first time recognized the need for Federal regulation of labor unions in order to eliminate corruption and crime, and to protect rank-and-file union members against the tyranny, possible and sometimes actual, of their own labor leaders. We strongly supported the enactment of this law and will as strongly resist any effort to weaken the safeguards for the American worker which it provides. In fact, we are of the opinion that the Bill of Rights provisions in the Landrum-Griffin Act which protect rank-and-file members in the exercise of their rights as union members need strengthening. And they need it precisely in that area where a huge majority of the Democratic Party in the Senate succeeded in seriously weakening these safeguards by compelling the union member to bring a private suit to enforce his rights instead of requiring an appropriate Federal official or agency to bring such suit in his behalf, as was originally provided by the proposal offered by Senator McCLELLAN, the chairman of the Senate's Labor Racketeering Committee.

The Republican Party, therefore, will propose amendments to the Landrum-Griffin Act to remedy this serious defect by giving the rank-and-file union member the aid and support of the Federal Government in seeking to vindicate his legal rights which have been violated by his union or its leaders.

(e) The right to strike: Free and voluntary collective bargaining is the surest guarantee of the preservation of a genuinely democratic society based primarily on an economic system of free enterprise. An indispensable element of free collective bargaining is the right of employees, acting in concert, to withhold their labor in their effort to induce employers to grant them favorable terms and conditions of employment. This right to strike, subject to certain necessary limitations in the public interest, also constitutes a basic civil liberty. And even though strikes sometimes inflict some economic hardship on the public, a democratic society must be willing to pay that price and insist upon the preservation of the right.

There is, however, another aspect of the right to strike which our public officials, and the public itself, have hitherto largely ignored. Although strikes may sometimes inconvenience the public, they always impose hardship on the strikers and their families. The loss of wages resulting from even a short-lived strike can mean economic disaster for the striking employee and his dependents. Thus, no strike should be embarked on unless the decision to do so unquestionably reflects the will of the employees themselves, the very people who are sure to suffer hardship because of the strike.

It is true that many union constitutions require a favorable strike vote by a majority of the union members actually voting before the union officers are authorized to call a strike. However, there is no law requiring that such a vote be taken. As a result, many strikes are called by union leaders without adequate consultation with their membership; others are begun on the basis of votes taken by a show of hands in an open union meeting where those who do not favor a strike fear to indicate their opposition. In these situations, as usual, "The Forgotten American" is ignored, and no effort made to determine his wishes.

We Republicans believe that, in reaching a decision of such momentous import to all the wage earners in the struck establishment, certain minimum safeguards should be established by law to guarantee that the decision truly reflects the real wishes of an actual majority of the employees in such establishment. Only by such legislation can the American people be certain that the principles of personal responsibility and individual obligation, which, as we have pointed out, are essential to the preservation of a free, democratic, and moral society, are being effectively preserved.

The Republican Party therefore supports legislation on the subject of strike votes based on the following simple requirements:

1. A strike shall be unlawful unless notice of intention to strike is given to all those concerned at least 30 days prior to the actual commencement of the strike.

2. At any time after such notice has been given, and prior to the termination of the strike, a petition may be filed by an employee with the National Labor Relations Board, asking the Board to conduct an election by secret ballot among the employees in the establishment to be struck, on the question of whether they favor a strike or its continuation. If such a petition is supported by 30 percent of said employees, the Board shall conduct such an election and the strike or its continuation shall be lawful only if a majority, so voting, cast their ballots in favor thereof.

This procedure has ample precedent in the existing law governing representation, decertification, and deauthorization elections presently conducted by the Board, and the Board's own administrative requirements and procedures in connection with such elections. These are all based on the principle that such elections will be held upon a showing that a substantial minority of the employees involved (never in any case more than 30 percent) want such election to be held. The principle is eminently sound and we strongly advocate its extension to the important matter of the strike vote.

(f) Government employees: There are over 2 million Federal Government civilian employees whose jobs and the terms and conditions of whose employment are established and defined by Federal law. Many of these employees belong to bona fide and legitimate labor unions. From time to time these unions have asked Congress to authorize them to engage in collective bargaining with their Government agency employers.

In Federal Government employment there is only one employer—the people of the United States expressing their will through Congress and acting through the supervisory personnel in the various executive departments and agencies. All those who are on the payroll from the head of the agency down to the worker in the lowest classification are equally employees of the people of the United States.

Therefore, it is our opinion that wages, hours, fringe benefits, vacations, holidays, sick leave, etc., are properly matters to be determined by Congress through legislation and are not a proper subject of collective bargaining. The appropriate way to deal with the people of the United States in their capacity as Government employer is to petition Congress to make the requested changes in the law. This is the proper relationship between the people in their private capacity and the people in their capacity as Government employer. It is the procedure which all other segments of our population must follow in their dealings with the Federal Government—Federal employees should not be an exception.

However, we realize that in the enormously expanded Federal bureaucracy, supervisory personnel often exercise their authority in an arbitrary, inequitable, and sometimes tyrannical fashion. Favoritism, discrimination, persecution against subordinate employees often exists and is always possible. Congress has done little by way of legislation to deal with these problems, and in the nature of things legislation is scarcely the way to handle them justly and effectively. It is here that a proper area exists for genuine collective bargaining.

The Republican Party, therefore, recognizing that Federal employee unions are purely voluntary associations which do not have the right to strike, favors the enactment of legislation compelling responsible Government officials to bargain with unions of the employees in their agencies concerning grievances, disputes, alleged inequities, etc., as long as these do not invade the area of wages, working conditions, benefits, etc., reserved for the Congress. This is the democratic way for dealing with individual inequities, injustices, persecutions, favoritism, discrimination, and arbitrary exercise of power by supervisory Government officials generally.

III. SOCIAL WELFARE

"Although personal responsibility and initiative have been our national characteristics, explaining in large measure our country's progress in human welfare, yet pressures are growing for a constantly greater reliance on the collectivity rather than on the individual. An inordinate demand for benefits, most easily secured by the pressures of organization, has led an ever-growing number of our people to relinquish their rights and to abdicate their responsibilities. This concession creates a widening spiral of increasing demands and pressures with a further infringement on personal freedom and responsibility. * * * Intensive socialization can achieve mass benefits, but man and morality can be seriously hurt in the process." [2]

[2] Statement by the Catholic Bishops, op. cit.

For the past 8 years, under a Republican administration, the American people as a whole have enjoyed unparalleled prosperity. Never in all history have the people of any nation had more jobs and received higher wages. As a result, private savings, insurance, and pension rights and benefits are at an all-time high. Rare is the worker or family which doesn't have some savings or insurance and the number coming under private pension plans has increased tremendously.

It is therefore quite natural that our people should be deeply concerned about any political program, which by causing inflation, will destroy the value of their savings, their insurance, and their future as well as present pension benefits. Therefore, in order to guard against any such possibility the Republican Party adopts the following policy:

We will oppose the initiation or expansion of any Federal welfare program requiring the expenditure of Federal funds unless such program meets the following conditions:

1. Taxes will not be increased.

2. Deficit spending which necessarily results in the creation of new money, unbalancing of the budget, growth in the size of the national debt, and increase in the interest obligations of the Federal Government, all of which inevitably lead to inflation and a decline in the value of our money, must not be resorted to. Private savings, insurance and pension funds cannot otherwise be protected.

3. Benefits under these programs shall be limited only to those States and localities which clearly demonstrate a need for such aid, and affirmatively demonstrate their inability to meet these needs entirely out of their own resources.

4. States receiving such aid shall match Federal contributions on a scale not less than the highest annual sums previously allotted by the State to comparable programs.

5. Wherever a program is absolutely essential and universally demanded, and it appears that it cannot be financed on the Federal level without resort to additional taxation or deficit spending, the entire Federal budget should be scrutinized with the most meticulous care. Every existing spending program should be examined with an eye to determining whether it can be cut down or even entirely eliminated. There is no doubt that there are many items in the Federal budget which are relatively so unimportant or so unnecessary that they can be reduced or discarded without any harm to the public welfare. There is no reason why such a process of Government cost cutting and reduction cannot in most cases provide the necessary Federal funds for other more important and essential programs which would otherwise require resort to heaping new tax burdens on the already overloaded taxpayer, or to inflationary deficit spending.

The Republican Party believes that the tremendous growth in recent years of private savings, insurance and pension funds is a clear indication that our people believe in the traditional American principle that the primary responsibility for their financial security rests with the people and not with the Government. We therefore strongly favor the extension and expansion of these private accumulations and plans and will encourage all private associations, organizations, and institutions in our Nation to participate in extending them by a program of new and increased tax deductions under the Federal income tax. We urge employers to move forward rapidly in setting up transferable insurance and pension programs for their employees. We strongly support the efforts of labor unions, through the collective bargaining process, to help in securing such transferable programs for the employees they represent.

As an example of how these private plans are increasing, the IAM (International Association of Machinists, AFL–CIO), reports that the collective bargaining contracts of that union in 1960 include provisions for group retirement or pension plans in 40 percent of the contracts as compared with 4 percent in 1950, and group hospitalization and medical service in 86 percent of the contracts as compared with 17 percent in 1950.

If such a development continues, we can look forward to the day when the mandatory tax-financed governmental programs of social security will decline in importance as a source of financial security for our people; and that instead of being the main financial support of an increasing number of our retirees, social security will become only a minor and supplemental source of such support, the bulk of which will come from private plans established through private initiative and voluntary participation.

IV. EDUCATION

Most American colleges and universities are being forced to raise their tuition fees to cover even a part of their costs. As a result, many families find that financing the higher education of their children is extremely difficult. We believe that higher education for American youth is not only desirable but increasingly essential both in the national interest and for the sake of these young people themselves. We therefore believe that the Federal Government, which absorbs so much of the income of the American people in the form of taxes, should provide some relief in order to encourage and make possible a college education for those who have the ability to perform academic work on the college level.

Providing an education for their children is traditionally the responsibility of the American family and not of the Government. Hence, a Federal program to aid our young people to secure a college education should, wherever possible, avoid the form of Federal grants with their accompanying proliferation of Federal bureaucracy and Federal supervision, which not only wastes funds through unproductive administrative costs but creates a risk of undesirable Federal intervention in the educational process.

The Republican Party therefore strongly advocates a program of tax relief for families with children attending college. We will propose and support measures to give every family a substantial additional deduction for each child attending college. Such deductions will be limited to families in which the net taxable income does not exceed $20,000 after all exemptions and deductions have been taken, including the proposed deduction for children attending college.

To compensate for any loss of revenue resulting from such measures, other Federal programs of direct aid to college students should gradually be reduced, accompanied by the reduction or elimination of other less important Federal spending programs.

V. REVISION OF SENATE RULE XXII

The Republican Party opposes any relaxation of rule XXII which would have the effect of limiting the right of extended debate in the Senate.

The Senate has always prided itself on its justified reputation as the most deliberative legislative body in the world. The power of a minority to prevent the majority from engaging in hasty and ill-considered legislative action is consistent with the scheme of checks and balances and separation of powers written into the Constitution by the Founding Fathers which were designed to provide the same protection.

Nevertheless, the Republican Members of the Senate have rarely resorted to extended debate during the past decade. Actually, it has been the Democratic Members of the Senate, including some who are most vociferous in wishing to erase rule XXII, and to limit debate, who have engaged in the "filibuster" not only most frequently but on almost every occasion when it has been used in recent years. We do not mention this in condemnation of those who have resorted to this procedure. To the contrary, it is our intention to do all we can to preserve the right to utilize it as an essential safeguard against hasty and ill-considered legislative action.

The election on November 8 of this year clearly indicates that more than half of the voters rejected the extremely radical and spendthrift platform of the Democratic Party. Therefore, we feel that we have a moral obligation to resist the imposition of that platform on an unwilling public. Because of our minority positions in the Senate, we Republicans do not have nearly enough votes either to halt this reckless Democratic program or to compel its modification along saner and less extravagant lines. The volume of new Federal spending which the implementation of the Democratic platform would require must result either in an intolerable increase in the already unbearable burden of Federal taxation or in deficit financing on a scale which would make galloping inflation inevitable. We are certain that political considerations will make this latter course the one most likely to be adopted by the new Democratic administration. The history of the 20 years preceding 1953 bears witness to the cogency of our belief.

We do not intend to sit idly by while the wages, the savings, the insurance, the pension funds, and the social security benefits of our people are reduced to a mere fraction of their present value.

It is our purpose therefore to bring home to the American public the full import and catastrophic impact of the Democratic legislative proposals which will be introduced to implement their platform. This can be done most effectively by subjecting each of these measures to the most exacting scrutiny and the most extensive and informed debate on the Senate floor. No aspect of these proposals should remain undiscussed. The American people have a right to know what they signify down to the last detail. To achieve this goal of public education on these vital issues, extended debate in the Senate is absolutely essential. We shall therefore resist with all our strength any attempt to curtail such debate.

VI. ELECTORAL COLLEGE REFORM

The purposes for which the electoral college was established by the Founding Fathers under the Constitution have long been abandoned. Consequently the distribution of electoral votes as a result of the winner-take-all procedure which now prevails bears little relationship to the popular vote received by the candidates in each State. The likelihood that a candidate who receives most of the popular votes will nonetheless lose to a rival who gets only a minority of the ballots, becomes more pronounced as presidential elections tend to become closer.

The Republican Party therefore supports those measures designed to modify the electoral college procedure to make it more reflective of the will of the electorate while retaining as many as possible of those desirable features which the Founding Fathers incorporated in the procedure.

One desirable incidental effect of such reform will be to put less of a premium on irregularity, fraud, and corruption in the conduct of our presidential elections. The Democratic Party maintains political machines led by political bosses in the large industrial cities of the North. These bosses and their machines seem to be able to deliver a Democratic margin of victory of whatever size is required to carry the entire State. The recent election has demonstrated that this ability is to a substantial degree based upon resort to irregularities and suspicious practices in the way the election process from initial registration to final counting is conducted. If the State's electoral vote does not go to the winner of the State in toto there will be less temptation to engage in these unwholesome practices. Another highly salutary effect of proper electoral-college reform will be the transformation in the platforms of both major political parties. These platforms will cease to be heavily in favor of specific geographical areas, particularly the giant urban centers, and will tend increasingly to take a national rather than a localized point of view. "The Forgotten American" will thus be aided in regaining his appropriate place in the deliberations of both parties.

VII. FOREIGN POLICY

We believe that stimulating the national pride is even more important than increasing our national prestige. For too long have we permitted the tail to wag the dog—deferred to the ineffectual, even harmful policies of other nations, often in a fashion detrimental to our own national interests, yes, even to our national security.

It is high time that we ceased fearing to give offense to so-called neutralists, unpredictable friends, unreliable allies, and even to the enemies who are resolved upon our destruction. In doing so, we have usually earned, not their respect, but their contempt, and have convinced them that they can push what they mistakenly regard as their own national interests at the expense of ours, at the expense of the security of the free world itself.

We think it is high time that we made clear to the rest of the free world that we are at least as necessary to their survival as they are to ours, and if we are not afraid to speak the truth, even more so.

The fact is plain but we either fear or are ashamed to acknowledge it—if we go down, the whole free world goes down; if we survive, all other nations have a realistic basis for hope of their own survival. Actually, if they genuinely desire freedom and independence, the United States alone is their only hope. Starting from this fundamental premise, a policy which reflects such an attitude will inspire the very respect that we have been trying to buy, and dispel the contempt which we have actually bought instead.

The free world is living under a stifling pall of fear—fear of the Soviet Union. Neutralism, coexistence, appeasement, pacifism, unilateral disarmament and suspension of nuclear testing are all products of this enervating fog of fear that smothers the free world and paralyzes its will to engage in strong and decisive action.

We Republicans therefore insist that an effective foreign policy should adhere to and develop from the following fundamental policy positions:

1. A hard anti-Communist line both in foreign affairs and with respect to internal subversion, despite attempts by some of our fearful allies to soften our position.

2. The protection of American interests and freedom should always be the primary objects of our policy regardless of foreign pressure to the contrary.

3. A complete distrust of the Soviet Union based on the knowledge that the Soviet Union will never honor an agreement which imposes disadvantages upon it. Direct proof of Soviet bad faith is not obtainable because of the Iron Curtain. But no such proof is necessary. The Soviet record speaks for itself, and the burden is on it to prove, by concrete evidence, that it is acting in good faith.

4. Immediate resumption of nuclear testing.

5. Absolute opposition to admission of Red China into the United Nations and a publicized readiness to withdraw from the

U.N. if such admission is granted. We should take a leaf from the book of little Belgium which has threatened to withdraw unless certain U.N. activities in connection with the Congo are halted.

6. Reliance on ourselves in the development of our foreign policy. The tendency "to delegate excessive responsibility to an organization is discernible also in the realm of international affairs. Some manifest no sense of personal responsibility in the affairs of the international community. On the other hand, many citizens seem to feel that our mere adherence to the United Nations absolves us from further responsibility in the international order and that decisions made by the United Nations, regardless of their objective value, are always to be regarded as morally right.

"Admitting the undoubted value of a policy of supporting the United Nations and recognizing the genuine contribution it has made in many areas, we must understand clearly that the citizens of this country, and of all countries, have a responsibility to judge and to evaluate the United Nations' deliberations and decisions according to objective norms of morality universally binding. This involves also the duty of citizens to make proper representation of such judgment to their respective governments."[3]

7. More insistence that our major allies assume some of the burdens, particularly in the field of foreign economic aid, that we have shouldered practically alone for all these years.

8. Refusal to permit the surrender of a single inch of free territory anywhere in the world to the Communist powers, where the retention of such territory represents a military advantage to ourselves or our allies, or where such surrender would have the psychological effect of impairing the morale of our allies, strengthening that of our Communist enemies, or indicating weakness to the rest of the world. Such surrender can only thicken the pall of fear which weighs so heavily throughout the free nations, and in resisting the efforts of some of them to get us to make such surrender, to remember that their efforts are primarily inspired by this fear.

9. In giving aid, military and economic, the most generous allocations should go to those of our friends and allies who have demonstrated a longtime reliability and a continued willingness to resist the enemy. Others should receive such aid only if it is clearly demonstrated that granting it, in actuality, strengthens American security.

10. Our attitude to nations in the non-Communist world should be determined on the basis of a greater emphasis on their friendship for the United States and their willingness to resist communism than on the ideological character of their governments and the nature of their domestic policies.

11. Where opposition movements to Communist regimes exist, whether inside or outside the Soviet and Soviet satellite nations, encouragement and concrete aid should be given to those movements publicly and proudly.

12. The United States must remain fully and effectively armed.

In adopting these positions, we repudiate the policies of the Democratic administrations which led to the conquest of China by the Communists, the Soviet enslavement of eastern and central Europe, and our involvement in the Korean war which that same policy, having gotten us into the war, prevented us from winning.

We are certain that these positions reflect the basic and often inarticulate attitudes of the overwhelming majority of all Americans, "The Forgotten American," and their pride in and love for their country. Resting on this certainty, we profoundly proclaim this Republican program to the people of the United States.

[3] Statement of the Catholic Bishops, op. cit.

NATIONAL OBJECTIVES

Mr. GOLDWATER. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD a lecture I delivered to the Air War College at Maxwell Air Force Base, Montgomery, Ala., on November 14, 1960.

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

LECTURE DELIVERED BY SENATOR BARRY GOLDWATER BEFORE THE AIR WAR COLLEGE, MAXWELL AIR FORCE BASE, MONTGOMERY, ALA.

Gentlemen, I begin by making some assumptions with regard to our national objectives. I do not mean to suggest that these assumptions are self-evident, in the sense that everyone agrees with them. If they were, Walter Lippmann would be writing the same columns as George Sokolsky, and Herblock would have nothing to draw cartoons about. I do mean, however, that I take them for granted, and that everything I shall be saying this morning would appear quite idiotic against any contrary assumptions. Moreover, I suspect they are shared by most of this audience: I count on finding here a greater urbanity toward world affairs than one would encounter at a meeting, say, of the committee for achieving world peace by making democracy work in the Congo.

Assumption 1: The ultimate objective of American policy is to help establish a world in which there is the largest possible measure of freedom and justice and peace and material prosperity; and in particular—since this is our special responsibility—that these conditions be enjoyed by the people of the United States. I speak of the largest possible measure because any person who supposes that these conditions can be universally and perfectly achieved—ever—reckons without the inherent imperfectability of himself and his fellow human beings, and is therefore a dangerous man to have around.

Assumption 2: These conditions are unobtainable—are not even approachable in the qualified sense I have indicated—without the prior defeat of world communism. This is true for two reasons: because communism is both doctrinally, and in practice, antithetical to these conditions; and because Communists have the will and, as long as Soviet power remains intact, the capacity to prevent their realization. Moreover, as Communist power increases, the enjoyment of these conditions throughout the world diminishes pro rata, and the possibility of their restoration becomes increasingly remote—becomes, at the end of the road, a cause that is absolutely and irretrievably lost for as long as we can see into the future.

Assumption 3: It follows that victory over communism is the dominant, proximate goal of American policy. Proximate in the sense that there are more distant, more positive ends we seek, to which victory over communism is but a means. But dominant in the sense that every other objective, no matter how worthy intrinsically, must defer to it. Peace is a worthy objective; but if we must choose between peace and keeping the Communists out of Berlin, then we must fight. Freedom, in the sense of self-determination, is a worthy objective; but if granting self-determination to the Algerian rebels entails sweeping that area into the Sino-Soviet orbit, then Algerian freedom must be postponed. Justice is a worthy objective; but if justice for Bantus entails driving the Government of the Union of South Africa away from the West, then the Bantus must be prepared to carry their identification cards yet a while longer. Prosperity is a worthy objective; but if providing higher standards of living gets in the way of producing sufficient guns to resist Communist aggression, then material sacrifices and denials will have to be made. It may be, of course, that such objectives can be pursued consistently with a policy designed to overthrow communism; my point is that where conflicts arise they must always be resolved in favor of achieving the indispensable condition for a tolerable world—the absence of Soviet-Communist power.

This much having been said, and I would hope agreed to, the question remains whether we have the resources for the job we have to do—defeat communism—and, if so, how those resources ought to be used. This brings us squarely to the problem of power and the uses a nation makes of power. I submit that this is the key problem in international relations, that it always has been, that it always will be. And I suggest further that the main cause of the trouble we are in has been the failure of American policymakers, ever since we assumed free world leadership in 1945, to deal with this problem realistically and seriously.

In the recent political campaign two charges were leveled affecting the question of power, and I think we might begin by trying to put them into proper focus. One was demonstrably false; the other, for the most part, true.

The first was that America had become, or was in danger of becoming, a second-rate military power. I know I do not have to dwell here on the absurdity of that contention. You may have misgivings about certain aspects of our Military Establishment—I certainly do—but you know any comparison of overall American strength with overall Soviet strength finds the United States not only superior, but so superior both in present weapons and in the development of new ones that our advantage promises to be a permanent feature of United States-Soviet relations for the foreseeable future.

I have often searched for a graphic way of impressing our superiority on those Americans who have doubts and misgivings, and I think Mr. Jameson Campaigne has done it well in his new book, "American Might and Soviet Myth." Suppose, says Mr. Campaigne that the tables were turned, and we were in the Soviet's position. "There would be more than 2,000 modern Soviet fighters, all better than ours, stationed at 250 bases in Mexico and the Caribbean. Overwhelming Russian naval power would always be within a few hundred miles of our coast. Half of the population of the United States would be needed to work on arms just to feed the people." Add this to the unrest in the countries around us where oppressed peoples would be ready to turn on us at the first opportunity. Add also a comparatively primitive industrial plant which would severely limit our capacity to keep abreast of the Soviets even in the missile field which is reputed to be our main strength.

If we look at the situation this way, we can get an idea of Khrushchev's nightmarish worries—or, at least, of the worries he might have if his enemies were disposed to exploit their advantage.

The other charge was that America's political position in the world has progressively deteriorated in recent years. The contention needs to be formulated with much greater precision than it ever was during the campaign, but once that has been done, I fail to see how any serious student of world affairs can quarrel with it.

The argument was typically advanced in terms of U.S. prestige. Prestige, however, is only a minor part of the problem; and even then, it is a concept that can be highly misleading. Prestige is a measure of how other

people think of you, well or ill. But contrary to what was implied during the campaign, prestige is surely not important for its own sake. Only the vain and incurably sentimental among us will lose sleep simply because foreign people are not as impressed by our strength as they ought to be. The thing to lose sleep over is what people, having concluded that we are weaker than we are, are likely to go off and do about it.

The evidence suggests that foreign peoples believe the United States is weaker than the Soviet Union, and is bound to fall still further behind in the years ahead. This ignorant estimate, I repeat, is not of any interest in itself; but it becomes very important if foreign peoples react the way human beings typically do—namely, by taking steps to end up on what appears to be the winning side. To the extent, then, that declining U.S. prestige means that other nations will be tempted to place their bets on an ultimate American defeat, and will thus be more vulnerable to Soviet intimidation, there is reason for concern.

Still, these guesses about the outcome of the struggle cannot be as important as the actual power relationship between the Soviet Union and ourselves. Here I do not speak of military power where our advantage is obvious and overwhelming but of political power—of influence, if you will—about which the relevant questions are: Is Soviet influence throughout the world greater or less than it was 10 years ago and is Western influence greater or less than it used to be?

In answering these questions, we need to ask not merely whether Communist troops have crossed over into territories they did not occupy before, and not merely whether disciplined agents of the Cominform are in control of governments from which they were formerly excluded; the success of communism's war against the West does not depend on such spectacular and definitive conquests. Success may mean merely the displacement of Western influence.

Communist political warfare, we must remember, is waged insidiously, and, also, in deliberate stages. Fearful of inviting a military showdown with the West which they could not win, the Communists seek to undermine Western power on the battlefields where the nuclear might of the West is irrelevant—in backwoods guerrilla skirmishes, in mob uprisings on the streets, in parliaments, in clandestine meetings of undercover conspirators, at the United Nations, on the propaganda front, at diplomatic conferences—preferably at the highest level.

The Soviets understand, moreover, that the first step in turning a country toward communism is to turn it against the West. Thus, typically, the first stage of a Communist takeover is to neutralize a country. The second stage is to retain the nominal classification of neutralist, while in fact turning the country into an active advocate and adherent of Soviet policy. And this may be as far as the process will go. The Kremlin's goal is the isolation and capture, not of Ghana, but of the United States—and this purpose may be served very well by countries that masquerade under a neutralist mask, yet in fact are dependable auxiliaries of the Soviet Foreign Office. What difference does it make whether Nkruhmah is a disciplined Communist as long as his public policies and intrigues accelerate Soviet ascendancy in Africa?

To recite the particulars of recent Soviet successes is hardly reassuring.

Six years ago French Indochina, though in trouble, was in the Western camp. Today Northern Vietnam is overly Communist; Laos is teetering between communism and pro-Communist neutralism; Cambodia is, for all practical purposes, neutralist.

Indonesia, in the early days of the Republic, leaned toward the West. Today Sukarno's government is heavily besieged by avowed Communists, and for all of its neutralist pretentions, is a firm ally of Soviet policy.

Ceylon has moved from a pro-Western orientation to a neutralism openly hostile to the West.

In the Middle East, Iraq, Syria, and Egypt were, a short while ago, in the Western camp. Today the Nasser and Kassem governments are adamantly hostile to the West, are dependent for their military power on Soviet equipment and personnel in almost every particular follow the Kremlin's foreign policy line.

A short time ago all Africa was a Western preserve. Never mind whether the Kikiyus and the Bantus and the Bakongos enjoyed Wilsonian self-determination: the point is that in the struggle for the world between communism and freedom that vast land mass was under the domination and influence of the West. Today, Africa is swerving violently away from the West and plunging, it would seem, into the Soviet orbit.

Latin America was once an area as safe for the West as Nebraska was for NIXON. Today it is up for grabs. Our Latin American country, Cuba, has become a Soviet bridgehead 90 miles off our coast—a condition which we seem powerless to affect. Castro's triumph has been a shot of adrenalin to latent anti-Americanism, and today that ugly phenomenon is shaking its fist throughout every nation of Central and South America. In some countries the trend has gone further than others: Mexico, Panama, and Venezuela are displaying open sympathy for Castroism, and there is no country—save the Dominican Republic whose funeral services we recently arranged—where Castroism and anti-Americanism does not prevent the government from unqualifiedly espousing the American cause.

Only in Europe have our lines remained firm—and there only on the surface. The strains of neutralism are running strong, notably in England, and even in Germany.

What have we to show by way of counter-successes? We have had opportunities—clear invitations to plant our influence on the other side of the Iron Curtain. There was the Hungarian revolution which we praised and mourned, but did nothing about. There was the Polish revolution which we misunderstood and then helped guide along a course favorable to Soviet interests. There was the revolution in Tibet which we pretended did not exist. Only in one instance have we moved purposely and effectively to dislodge existing Communist power: in Guatemala. And contrary to what has been said recently, we did not wait for outside pressures and world opinion to bring down that Communist government. As everyone knows, we moved decisively to effect an anti-Communist coup d'etat, and there is no need to apologize for what we did. We served our national interests, and by so doing we saved the Guatemalan people the ultimate in human misery. If there be doubts, ask the Hungarian people. Ask the Cuban people.

Think along on Guatemala, gentlemen, for this is our single triumph. We have held the line in some places—in Lebanon, in Berlin, in the Formosa Straits—but nowhere else in the farflung battle for the world have we extended the influence of the United States and advanced the cause of freedom.

I think then we may take it that unless radical changes are made on our side, the situation will progressively worsen until the United States is at bay—isolated and besieged by an entirely hostile world. What changes? It is one thing, but it is everything: We will have to shed the attitudes and techniques of the Salvation Army, and start behaving like a great power. To gain respect, not prestige.

I do not mean to disparage the Salvation Army. I do mean, however, that the affairs of nations are not determined by good will tours, alms giving, gestures of self-denial, rehabilitation projects and discussion programs. The affairs of nations are determined—for good or for evil—by power.

The Soviet Union has not gotten where it is today, heaven knows, through the attractiveness of its doctrines and practices. It has set its sights on distinct, concrete targets—on geographical areas or power centers which it means to infiltrate and eventually conquer—and then it has turned the full weight of its national power, plus the power of the international apparatus it controls, to these particular targets. The United States has never viewed the world struggle in quite this way—as, in effect, a military campaign where one isolates his objective, marshals his forces, and takes it.

Rather, we have proceeded on the tacit assumption that virtue has its own reward, and that our only real problem is to make sure that the world perceives our virtue.

Moreover, we entered this supposed contest for world approval with a kind of guilt complex. Perhaps, as our learned commentators say, the dropping of the atom bomb on Hiroshima had something to do with it. But I suspect the cause lies deep in America's past—in our traditional attitude toward power politics. Having been brought up on childish myths about the evil of European power politics—an attitude so neatly summed up in the Wilson slogan about being "too proud to fight"—Americans felt uneasy when the rights and duties of the greatest power on earth suddenly fell upon them at the end of the Second World War. In order to prove that we were unlike our predecessors in power—selfish, ambitious, warlike—we began to lean over backward, and to gear our policies to the opinions of others. There are notable exceptions—as when, for example, we have submitted to the imperatives of self-defense: in Greece, in Korea, in the Formosa Straits, in Berlin. But in theme and thrust and motive American foreign policy has been primarily an exercise in self-ingratiation.

I am, of course, oversimplifying the case; but not, I think, exaggerating it. Call into question any aspect of American policy, and the argument you will hear after all the others have been laid to rest is some variation of the world opinion theme. Foreign aid, deference to the United Nations, and cultural exchange program, the exchange visits of American-Soviet leaders, summit conferences, the nuclear test ban, advocacy of general disarmament, the proposal to forgo the protection of the Connally reservation, anticolonialism, the refusal to intervene in Cuba and the Congo—all of these programs and postures and attitudes have a single common denominator: an effort to please world opinion. Indeed, many of these policies are frankly acknowledged by their proponents to be contrary to the immediate interest of the United States; and yet they must be pursued, we are told, because of the overriding importance of having the world think well of us. This sluggish sentimentality, this obsession for pleasing people, has become a matter of grand strategy; has become no less than the guiding principle of American policy. It is leading us, for all of the good intentions it implies, to national and international disaster.

There are three fairly plain reasons—aside from the fact it is a substitute for a real foreign policy—why deference to world opinion is so harmful to American interests.

First, it is self-defeating in the sense that the very admiration and respect that we covet is denied to us the moment we go out and beg for it. Human beings and nations being what they are, behavior by a great power is never honored beyond the first flush of surprise that it has happened. The

would-be beneficiaries of our concessions and self-denials soon construe them as weaknesses, and want more. Does anyone seriously suppose that our generous decision to permit the Panamanian flag to fly over American territory in the Canal Zone will placate the Panamanian nationalists? The gesture is bound simply to whet the mob's appetite and transfer its sights to bigger targets.

Second—and I speak now in terms of propaganda impact—a long history of trying to prove your good faith when it had never really been open to question has the paradoxical effect of raising doubts about your good faith. It is partly a matter of protesting too much; and partly a matter, when you are up against the likes of the Soviet Union, of getting into a certain kind of contest with a skunk. When we, with our record, enter into a propaganda contest with the Kremlin, with its record—when we try to match Soviet professions of love of democracy and peace, and hatred for armaments and colonialism, we invite the world to look upon us, as it looks upon the Soviets, as propagandists with something to hide. We lose our natural advantage over the Soviets, established by our record and our deeds. By not taking the superiority of ourselves and our cause for granted, we forbid others to take it for granted, and we find ourselves forced to make a new plea before the bar of "world opinion" every time Pravda opens its mouth.

Third, in deciding to gear our policies to world opinion, we have chosen the standard that is most vulnerable to manipulation by our enemies. What is world opinion? Who participates in the poll? How do you measure it? Well, to begin with, the term is a misnomer. When we talk about world opinion, we are not talking about a consensus of 2 billion human beings, most of whose opinions we know literally nothing about; we are talking about that tiny segment of the world's population that can make itself heard. Intellectuals, journalists, the organizers of street mobs. But these real sources of world opinion are, historically, prime targets for Communist infiltration. Because of their critical importance in the kind of struggle we are now witnessing, these are precisely the areas in which Communist agitators and propagandists have been most active over the years. Thus, it is only natural that Communist influence in such areas should be far out of proportion to communism's real strength in the world. When we permit world opinion to determine our policy toward Trujillo and Syngman Rhee, we are in effect, giving our mortal enemies a voice in our own councils.

So much for the dangers of entrusting our national fate to the judgments of others—of our well intentioned refusal (I must say it again) to play the role of a great power. Let me briefly turn now to five concrete situations, and suggest in broad outline how a nation, fully cognizant of the rights and duties that befall the guardian of Western civilization, might deal with them.

CUBA

We begin by denying that the way to rid the hemisphere of Castro is to break relations with Trujillo. Pushing Trujillo around is relatively painless and provides an occasion for enthusiastic togetherness in the OAS; but Trujillo is not an enemy and a threat to the United States. Castro and his Communist patrons are, and it is to dangerous enemies that the disciplinary power of the United States is properly addressed. We should therefore make it clear in the most explicit terms that Communist governments are not tolerated in this hemisphere—and that the Castro regime, being such a government, will be eliminated.

Since it is better to act in concert with our fellow American Republics, we would try to secure their support by whatever discreet reminders are necessary of America's importance to their economic and political well-being. We would then proceed with the relevant economic embargo against Cuba, supported, if necessary, by a naval blockade. We would anticipate riots in the streets of Rio, Caracas and Mexico City, which we would ignore. And while showing our hand as little as possible, we would groom, and if necessary openly assist, a successor government which we would confidently expect to see in power in 6 months.

AFRICA

We begin by asserting that it is a Western protege and a Western responsibility. We should insist—we of the West—on credit for bringing the African masses this far. We should also remember our own early attempts to create a government for ourselves—years of argument and indecision—we must therefore recognize the difficult, but necessary task of elevating them to the point, culturally, economically, and politically, where they are capable of responsible self-government, but we should add that we do not, for that reason, propose to turn them over to the ravages of communism.

It may be that native leaders will emerge who are friends of the West and who, with our support, can lead their peoples to some measure of orderly, progressive self-government. Perhaps Colonel Mobutu is such a leader, but probably we shall never know. For in the 8 weeks in which Western fortunes in Africa were resting on his shoulders, we seem not to have lifted a finger to help him. Today, events in the Congo, with the active cooperation of the United Nations, are moving toward a return to power of the pro-Communist, Lumumba.

Where such leaders have not emerged, the West must hold on. We cannot acquiesce in independence movements when independence means a return to savagery or Communist domination. Much less can we afford to jump on the bandwagon of anticolonialism and so accelerate the mad rush toward anarchy and Soviet peonage. In areas where Western power still prevails, the full weight of American diplomacy must be employed to sustain it. In areas that have already fallen under Communist influence, we must proceed, overtly and covertly, to restore Western influence.

Perhaps the answer is an interim African protectorate, administered by an association of Western nations. The purpose of such a protectorate would be to preside over a crash program for preparing the African people economically, politically, and culturally for the responsibilities of self-government in an atmosphere conducive to the triumph of Western concepts of justice and freedom. Such a policy would be denounced in many parts of the world as reactionary, chauvinistic, and oppressive. Such recriminations we would have to endure. For there would be no doubt in our minds that the colonial system, even in its present stage of development, is better for the African people than the misery and chaos into which they are now plunging headlong.

We would hold onto Africa, in part because Western survival there is essential to victory over communism, but no less because we know that the privilege of being born in the West carries with it the responsibility of extending our good fortune to others. We are the bearers of Western civilization, the most noble product of the heart and mind of man. If, in Africa, the West has failed in the past to do the full measure of its duty, then all the more reason for doing our duty now.

Disarmament: We begin by announcing that we are against it. We are against it because we need our armaments—all of those we presently have and more—the weapons for limited war—that we do not have.

We know that armament races throughout history have always been a symptom of international friction—not a cause of it. And we know that friction does not disappear by rival nations suddenly deciding to turn their swords into plowshares. No nation in its right mind will give up the means of defending itself without first making sure that hostile powers are no longer in a position to threaten it. The Communist leaders are, of course, in their right minds. They may preach general disarmament for propaganda purposes. They may also seriously promote mutual disarmament in certain weapons in the knowledge that their superior strength in other weapons would leave them, on balance, decisively stronger than the West. Thus, in the light of the West's weakness in conventional weapons, it might make sense for the Communists to seek disarmament in the nuclear field. If all nuclear weapons suddenly ceased to exist, much of the world would immediately be laid open to conquest by the masses of Russian and Chinese manpower.

I do not suggest that any of our responsible leaders take disarmament seriously. They certainly do not favor unilateral disarmament, and they know the Soviets are not going to join us in any mutual disarmament that is not to their advantage. What I object to is saying we favor disarmament. The danger here is that we become hoisted by the petard of our own propaganda.

This has already happened in the critical matter of nuclear tests—so vital to our national security. We originally agreed to suspend our tests, partly on the sentimental notion that the Russians were seriously interested in devising an adequate system of inspection and controls—but mostly because we felt the pressure of a "world opinion" we helped create concerning the dangers of radioactive fallout and the ultimate horrors of a nuclear holocaust. Yet now when the illusions about Soviet intentions have been dispelled, and though the danger of fallout from the kind of underground and stratospheric testing we propose is nonexistent, we still find it difficult to resume testing for fear of offending the brooding omnipresence of world opinion.

I fear the same consequences will follow from our attempts to match Soviet propaganda concerning the desirability of general disarmament. Already, strong pressures are bearing down upon us to "do something" about it. And Western leaders, unlike the men in the Kremlin, characteristically find such pressures difficult to resist.

The function of our propaganda should be to educate the people of the world about the realities of life—not to promote an escape from them. Plain talking on the subject of disarmament would do much to further this education.

The United Nations. We begin by not taking it seriously. The United Nations has its useful functions, but the formulation and conduct of American foreign policy is not among them.

On past occasions, when we have subordinated to United Nations policy our own notions of how to wage the cold war effectively, Western interests have suffered—the Korean war, the Suez crisis, the Iraqi revolution, this year's events in the Congo and many others. This is not an experience that should surprise us when we remember that United Nations policy has been the common denominator of the foreign policies of 80-odd nations, some mortally hostile to us, some indifferent to our interests, nearly all less determined than we to save the world from Communist domination. In the future, with the growing influx of allegedly neutral nations from Asia and Africa, continued American deference to the United Nations will invite the very direst consequences.

I submit that the important event at the recent session of the United Nations was not what communism did with its right hand: Khrushchev's shoe-banging display and the

dirty names he called Western leaders—but what communism accomplished with its left—the successful campaign to get all of the serious themes of the current Soviet foreign policy line endorsed by a block of allegedly neutralist nations. Messrs. Tito, Nkrumah, Sukarno, Nehru, and Nasser—though their proposals were pro-Soviet in every particular—became a kind of a "centerist" block whose favor we found ourselves earnestly courting. This bizarre turn of events is one indication that the power center of the United Nations has moved sharply to the left. And there are others: The resolution against nuclear testing, the impending resolution calling for the immediate end of all colonialism, the connivance of the United Nations in Lumumba's return to power.

We must liberate ourselves, our own people and other people, from the superstition that international policies—in order to be good—must have the approval of the United Nations. This is part of liberating ourselves from the confining clutches of world opinion. There may be occasions when the United Nations can be utilized to provide a broad base to policies that further Western interests. But when submission of a matter to the United Nations will predictably muddy the waters and obstruct the pursuit of American policy, then we must, as we did in the case of Berlin, quietly insist on settling the problem elsewhere.

EASTERN EUROPE

We begin by having serious designs on it. Since communism is organically expansive, it follows—given the laws of momentum and inertia—that American policy cannot succeed by attempting, merely, to hold what we have. American policy must be geared to the offensive. Our appetite for Communist territory must be every bit as keen as theirs for non-Communist territory. Our efforts to extend freedom behind the Iron Curtain must be no less vigorous than their never-ending campaign to spread the influence of communism in the free world.

We should encourage the captive peoples to revolt against their Communist rulers. This policy must be pursued with caution and prudence, as well as courage. For while our enslaved friends must be told we are anxious to help them, we should discourage premature uprisings that have no chance of success. The freedom fighters must understand that the time and place and method of such uprisings will be dictated by the needs of an overall world strategy. To this end we should establish close liaison with underground leaders behind the Iron Curtain, furnishing them printing presses, radios, weapons, instructors: the paraphernalia of a full-fledged resistance.

We must—ourselves be prepared to undertake military operations against vulnerable Communist regimes. Assume we have developed nuclear weapons that can be used in land warfare, and that we have equipped our European divisions accordingly. Assume also a major uprising in Eastern Europe such as occurred in Budapest in 1956. In such a situation, we ought to present the Kremlin with an ultimatum forbidding Soviet intervention, and be prepared, if the ultimatum is rejected, to move a highly mobile task force equipped with appropriate nuclear weapons to the scene of the revolt. Our objectives would be to confront the Soviet Union with superior forces in the immediate vicinity of the uprisings and to compel a Soviet withdrawal. An actual clash between American and Soviet armies would be unlikely; the mere threat of American action, coupled with the Kremlin's knowledge that the fighting would occur amid a hostile population and could easily spread to other areas, would probably result in Soviet acceptance of the ultimatum. The Kremlin would also be put on notice, of course, that resort to long-range bombers and missiles would prompt automatic retaliation in kind. On this level, we would invite the Communist leaders to choose between total destruction of the Soviet Union, and accepting a local defeat. Had we the will and the means for it in 1956, such a policy would have saved the Hungarian revolution.

I have not, now, solved all of the problems of the world. You have given me, after all, only 50 minutes. I would hope, however, to have indicated a general approach to them.

I would be the first to agree that it is hard counsel I have urged upon you, but I would beg you to remember that hard problems beget hard solutions. The hard part—if I may close on a reflective note—is not to analyze the problem: it is easy enough to agree, intellectually, that we must put our national power to use if we are to survive. It is not hard even—when we consider the stakes—to make the sacrifices, material and human, that may be entailed. The hard part is to convince ourselves that what we must do is the right thing to do. For most Americans share a vague feeling that recourse to power is somehow immoral; and so much of our international behavior has reflected this psychological block. Power, however, is an inevitable product of the human condition. Someone has to have it. In our day, the American people possess most of the power in the world. We may regard this fact as a blessing, or as a curse—but there it is. The only relevant question is whether we will use that power for good ends or permit others to use their lesser power for evil ends. Power confers responsibilities—moral responsibilities. Might does not make right, but right cannot survive without might and without using might. History is not the story of the triumph of virtue, though virtue when properly supported has sometimes triumphed. The people of the world and their leaders do not rally instinctively behind good causes: if that were true, the plague of communism would long since have disappeared from our planet. They do, however, rally behind good causes that are energetically and purposively pressed, and that show promise of winning. If we simply summon the courage of our convictions, the blessings of a moderately tolerable life will soon fall on others, as well as ourselves. And future generations will honor us.

AMENDMENT OF CLOTURE RULE

Mr. CASE of South Dakota. Mr. President, my attention has been called to an article by Walter Lippmann which appeared in the Washington Post on the 4th of January. What Mr. Lippmann said in that article was so close to the thought I sought to express yesterday that I should like to read two paragraphs from it.

The recognition that there may be various kinds of majorities is deeply imbedded in the Constitution. Simple majority rule—one more than half a quorum—is by no means the general principle of the Constitution. Constitutional amendments, the expulsion of Members, the overriding of the President's veto, require two-thirds of all the Senators elected. Treaties and impeachments require two-thirds of those present and voting. Why these variations? Because these are questions which involve the whole Nation, it may be for war, the Constitution requires that such grave decisions shall have a large not merely a simple majority.

In my view it is important, indeed vital to our liberties, to preserve the principle that for great issues, for issues that affect deeply great regions or sections of the Nation, there should be required more than a simple majority. For we must never forget that majorities are not always liberal and that they may be quite tyrannical. It is, I have always thought, a short view of history to equate simple majority rule with the defense of the civil rights of Negroes. The civil rights of all Americans will be safer if within the Senate, which represents the Federal principle, we do not give absolute power to simple majorities.

Mr. President, I wish to repeat what I stated in the debate of 1959:

In every instance where the Constitution deals with something more than a majority vote, there is a provision for a two-thirds vote. When, then, when we are considering a proposal which would put a gag upon the right of Senators to speak and might deprive some States of their right to voice opinions on the floor of the Senate, why should we adopt anything other than a two-thirds requirement as set forth in the Constitution in all the instances I have related?

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

The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. Res. 4) to amend the cloture rule by providing for adoption by a three-fifths vote.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] to refer the resolution, as modified, together with the substitute amendment proposed thereto by the Senator from Minnesota [Mr. HUMPHREY], for himself, the Senator from California [Mr. KUCHEL] and others, to the Committee on Rules and Administration.

FAIR PLAY FOR CUBA COMMITTEE

Mr. DODD. Mr. President, yesterday morning the Senate Subcommittee on Internal Security held what was in my opinion one of the most significant hearings of recent years.

The hearings involved the so-called Fair Play for Cuba Committee, and the witness was Dr. Charles Santos-Buch, one of the founders of the committee.

This hearing was significant because it constituted a clear demonstration of the need for congressional investigations. It illustrated the ability of congressional committees to expose Communist circumventions of existing laws—circumventions against which the Federal Bureau of Investigation and the Department of Justice are unable to take effective action unless they are provided with new or amended legislation.

It has significance, too, as a demonstration of the blind prejudice that unfortunately exists in some parts of the American press on the specific question of congressional investigation of Communist activities.

No one complains when congressional committees investigate gangsters or hoodlums or the KKK or racketeering in the trade union movement or monopolistic violations by big business. It is only when congressional committees undertake the investigation of Communist subversion that the brickbats start to fly, and that editorials begin to appear in respected national newspapers, questioning the propriety and constitutionality of the investigation.

This is something that perplexes me. Perhaps it is because I am old fashioned, but for my part I regard Communists as political hoodlums, as gangsters of the mind whose crime is infinitely more evil than larceny or dope smuggling or white slavery or the other standard crimes of our criminal underworld. The Communist sin is one of the mind, and more offensive than one of the flesh.

In yesterday's hearing we were presented with proof that the Castro regime financed the full-page New York Times advertisement with which the Fair Play for Cuba Committee announced itself to the public on April 6, 1960. We were presented with proof that the Fair Play for Cuba Committee had from its inception violated the Foreign Agents' Registration Act. We were presented with proof that Mr. Robert Taber, the head of the committee, had committed perjury when he testified before the subcommittee on May 5.

The proof today is conclusive. But, before this proof was made public, the Subcommittee on Internal Security was the target of an international campaign designed to ridicule the subcommittee and the hearings in the case of the Fair Play for Cuba Committee.

It is a sad commentary on the intellectual climate of our times that a well known and once revered American periodical and many American newspapers, basing themselves on the columns of this periodical, gave unwitting assistance to this campaign—without troubling to check on the facts. This is a situation which, I believe, calls for some comment.

In May 1960 the Subcommittee on Internal Security held its first hearings in the case of the Fair Play for Cuba Committee. The subcommittee had solid reasons for investigating the possibility of collusion between this pro-Castro organization and the Castro Government. The specific reason for the hearings was to determine whether there may not have been a circumvention of the Foreign Agents' Registration Act which warranted examination with a view to possible legislative remedy.

Among the first group of witnesses called before the subcommittee was Mr. Kenneth Tynan, a British drama critic who was one of the signers of the full-page advertisement in the New York Times. He was called before the subcommittee on the reasonable assumption that, as a signer of the advertisement, he might be able to shed some light on its origin and financing.

In last October's issue of Harper's magazine, Mr. Tynan wrote an article entitled "Command Performance," which purported to be an account of his appearance before the subcommittee. It was a mendacious and clearly libelous article, which charged the subcommittee with asking a whole series of questions that were never asked. Some of these questions were so preposterous that any reader who accepted Mr. Tynan's version at face value would have to conclude that the subcommittee was composed of incompetents and idiots who lack all sense of propriety and judicial procedure.

Part of Mr. Tynan's purpose in writing this article was to portray himself as an injured innocent, unjustly hailed before a barbarous and ludicrous inquisition. But it was also part of his purpose—and I believe a rereading of his article will demonstrate this—to defend the Fair Play for Cuba Committee, to ridicule the subcommittee's investigation, and to turn public opinion in this country and abroad against the Senate subcommittee.

Because of Mr. Tynan's obvious predilection for people like Alger Hiss and for pro-Communists and things pro-Soviet, I was not surprised by the quality of his article.

To my mind, the article simply provided further proof that Mr. Tynan is a pro-Communist liar.

I do not wish to waste the time of the Senate by itemizing all of the falsehoods contained in Mr. Tynan's article in Harper's. I dealt with some of his most brazen lies in my letter to Harper's—which I shall ask to have inserted in the RECORD at the end of my remarks.

I would like to comment, however, on one of Mr. Tynan's statements, because in it he accomplishes the rare intellectual feat of telling a lie, within a lie, within a lie. I quote from Mr. Tynan's article:

> We then moved on to the Cuba advertisement. Hilarity, hereabouts, began to displace dread; such was the caliber of the inquisition that astonished amusement became the only possible response. Had I received money for signing the ad? No. Was it paid for by Cuban gold? No.

Neither these questions nor any questions remotely resembling these were asked of Mr. Tynan. He was asked simply whether he knew anything about the finances of the Fair Play for Cuba Committee—to which he replied that he did not.

This is a horse of an altogether different color from—"Was the ad paid for with Cuban gold?" But what is even more interesting than Mr. Tynan's imaginary question is Mr. Tynan's imaginary answer. He replied, according to his article, that the ad was not paid for with Cuban gold.

We are led to this compound conclusion:

First. Mr. Tynan lied about the question which, he said, was asked of him.

Second. Even if such a question had been asked, Mr. Tynan either lied in his article when he pretended to be in a position to answer the question negatively—or else he lied in his hearing when he told the subcommittee that he knew nothing about the finances of the Fair Play for Cuba Committee.

Finally, if this question actually had been asked of Mr. Tynan, and if he actually had knowledge which enabled him to reply to the question, Mr. Tynan would now be guilty of perjury—because the ad was, in fact, paid for with Cuban gold.

I submit that any man who can crowd so many lies into the framework of one small statement is a virtuoso.

As I have said, Mr. Tynan's article did not surprise me. What did surprise me was that Harper's magazine accepted this article—which was libelous, if untrue—without troubling to check the facts with the Subcommittee on Internal Security or to obtain its version of the story.

Such a procedure, I submit, was indefensible, even if the author had been a person of less questionable repute than Mr. Kenneth Tynan.

It was all the more indefensible because the article in question was written by an author with Mr. Tynan's antecedents. Here was a man who bore all the stigmata of the intellectual fellow-traveler.

He was and is an avowed Castro fellow traveler.

He masterminded the anti-American spectacular for British television which brought protests from its three most prominent liberal participants—Mr. Norman Cousins, Mr. Norman Thomas, and Dr. Robert Hutchins. Messrs. Cousins, Thomas, and Hutchins protested because they had not been aware that their individually filmed interviews would be used to bracket them with Alger Hiss and a whole string of known Communists.

Mr. Cousins' wire of protest, which received considerable press attention, complained of the "serious misrepresentations" that were made to him—by Mr. Tynan—at the time his participation was solicited.

The editors of Harper's were aware of these things—and these things should have raised at least a few questions about Mr. Tynan's credibility in their minds.

But the editors of Harper's apparently considered it unnecessary to check for accuracy, since it was only the Subcommittee on Internal Security that was being maligned.

The article was printed.

An advance press release was issued that made Mr. Tynan's article the most publicized contribution to the October issue of Harper's.

The Mayfair Agency, which is a division of Harper & Brothers, distributed a circular to libraries across the country which listed "Command Performance" by Mr. Tynan as 1 of the 10 most significant articles of the month.

Many American editors, because they accept Harper's as a responsible and authoritative magazine, swallowed Mr. Tynan's mendacious story and wrote columns criticizing and ridiculing the Subcommittee on Internal Security.

There were also, I am told, many critical newspaper editorials, based on Mr. Tynan's article, in Great Britain, Canada, and other countries.

I would like to say a few words about what happened when I attempted to reply to Mr. Tynan.

Mr. Tynan's article appeared in the last week of September. On September 30, immediately after I had read the article, I wired Mr. John Fischer, the editor of Harper's, protesting against the fact that no effort had been made to consult me or to check the facts in Tynan's article with the subcommittee—and I requested permission to reply in approximately equal space.

Harper's agreed to publish a reply of considerably shorter length as a letter to the editor. My reply was mailed to them on October 14. It was published

in the January issue, 3 months after Tynan's article had appeared.

I am personally at a loss to explain this timelag—a lag which, in my opinion, largely vitiated the effect of my reply. Perhaps a week or 10 days, but no more than this, was lost in negotiations with Harper's lawyers. The lawyers wanted ironclad proof for every statement made in my letter; and they insisted, in addition, that I sign a statement holding Harper's blameless if Mr. Tynan should sue for libel. I believe I am correct in stating that Mr. Tynan, when he submitted his original article, was not called upon to sign any comparable statement by the editors of Harper's. The legal standards that apply to U.S. Senators must apparently not be applied to liars and fellow travelers who malign Members of the Senate.

After all this, my reply to Kenneth Tynan finally appeared in the January issue of Harper's. My letter was followed by a reply from Mr. Kenneth Tynan, as false and intellectually dishonest as his original article. And, winding up the discussion, there was a commentary by the editor, Mr. John Fischer. Mr. Fischer did not discuss the merits of my reply to Mr. Tynan, but simply declared that congressional investigations have done far more harm than good and that "the pursuit of wrongdoers should be left to the police agencies and their punishment to the courts."

Mr. Fischer's philosophisizing reveals an abysmal ignorance of the function of congressional committees and of the capabilities of the police agencies and the courts. Not all wrongdoing is covered by existing legislation—and where it is not so covered or where there are loopholes, wrongdoers are free to thumb their noses at the police and the courts. The hearings in the case of the Fair Play for Cuba Committee constitute a classic example of the ability of congressional committees to uncover wrongdoing against which the police and the courts were unable to act—thus pointing the way to new or reinforced legislation.

I believe that Harper's magazine owes an apology to the Senate Subcommittee on Internal Security, to the U.S. Senate, and to the American people. And I personally hope that they will see fit to apologize for providing Mr. Tynan with a platform for his mendacious attack on the Senate Subcommittee on Internal Security and for their inexcusable procedure in printing his lying article without taking the elementary precaution of ascertaining the true facts.

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

Mr. DODD. I yield.

Mr. JOHNSTON. I think it would be well to state for the RECORD that this magazine, when it is sent through the mails, is being subsidized by the Federal Government.

Mr. DODD. Yes.

Mr. JOHNSTON. I serve with the Senator on the Internal Security Subcommittee and also on the Committee on Post Office and Civil Service. I know that everything the Senator from Connecticut is saying today is true.

Mr. DODD. I thank my distinguished and able colleague, the senior Senator from South Carolina.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD Tynan's article entitled "Command Performance," published in Harper's magazine for October 1960; my letter to the editor of Harper's, Mr. Tynan's reply to my letter, and the editor's note, all published in Harper's for January, 1961; an editorial entitled "Senator Dodd's Anti-Red Zeal Clouds the American Image," published in the Providence Journal of October 4, 1960; an editoral entitled "Defiling America," published in the Washington Post of September 28, 1960; and an editorial entitled "First Amendment," published in the New York Times of October 5, 1960.

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

[From Harper's magazine, October 1960]

COMMAND PERFORMANCE: A BRITISH CRITIC'S REPORT ON HIS INTERROGATION BY A SENATE COMMITTEE

(By Kenneth Tynan)

On May 5 of this year I paid my first visit to Washington, D.C. It was long overdue; I remember chiding myself as I stepped off the early plane from New York, for although I had been working as an English journalist in America for more than 18 months, I had somehow never found time for a trip to the Capital. I was glad of a chance to repair the omission, the more so because I planned to return to my London home at the month's end, and the opportunity might not repeat itself. The day was hot and blue, and the city looked green and gracious through the windows of the airport taxi. Fairer weather could not be imagined for sightseeing; and, my wits contentedly numbed by a tranquilizing tablet, I had almost forgotten the purpose of my journey when my lawyer, who had traveled with me from New York, leaned forward and told the driver to pull up at the main entrance of an imposing, characterless office block that lay just ahead of us.

"That's the New Senate Office Building," he said. We entered it together. I straightened my tie and buttoned my jacket, in the breast pocket of which was a subpena I had received, about 8 days before, instructing me to present myself for questioning before the Internal Security Subcommittee of the U.S. Senate.

Since November 1958 I had been employed as the Broadway drama critic of the New Yorker—a post that had been offered me, to my flattered amazement, shortly after the lamented death of its former occupant, Wolcott Gibbs. At that time I was reviewing plays for the London Observer, whose editor generously allowed me to accept the offer and spend two theater seasons in New York. I was no stranger to America; annually, since 1951, I had crossed the Atlantic to inspect the current Broadway crop and report on its merits in the English press.

When I responded to the New Yorker's summons, I brought with me to Manhattan a profound and sympathetic curiosity about America, an American wife, and a small daughter bearing an American passport. Also, and inevitably, I brought with me a bundle of convictions about life in general, and the chances of its continued existence on this endangered planet. I was (and am) a supporter of the British Labor Party; I endorsed (and endorse) the campaign for nuclear disarmament; and I took part in the inaugural trudge of protest to the atomic weapons establishment at Aldermaston. Halfway across the Atlantic, aboard the *Ile de France*, a midwesterner who was one of my table companions, asked me almost rhetorically whether I believed in socialized medicine; and, when I said I did, inquired much less rhetorically whether I had told that to the editor of the New Yorker, and whether I didn't think somebody ought to inform him. He was not smiling; but I am afraid I smiled, rightly judging that the editor would consider my private opinions none of his business. During my stay with the magazine, many minor changes in my copy were suggested. Nearly all of them had to do with grammar, syntax, and redundancies; none was political.

To turn out a weekly theater piece is not, unless you are Flaubert, a fulltime job; and I was delighted when Associated Television—one of the largest organizations in British commercial TV—invited me to produce for them a program on the general topic of American nonconformity. What especially allured me about the project was that it might enable me to crack, if not splinter, a fallacious image of American life that had become rooted in many good English minds during the McCarthy era—namely, the idea that America was a monolithic stronghold of sameness, peopled by faceless organization men. My own experience had taught me that this notion was absurd; I knew that the country abounded in dissidents of all kinds; and this was as it should be in a nation that was founded, after all, on the right to dissent.

Hence I embraced the job, and flew to London in the summer of 1959 to compile, after exhausting debates with my employers, a list of articulate and representative American nonconformists. The program was filmed that fall—in New York, San Francisco, and Los Angeles—with an exiguous budget, a crippling schedule, and a cast necessarily restricted to people who were both willing and available at the time of shooting. In January of this year, the show was transmitted in England under the title of "We Dissent"; a late-nite, 90-minute cultural gesture, it consisted of statements made by 20-odd lively American mavericks on the state of nonconformity in general and the nature of their own noncomformity in particular.

WE DISSENT

Dissent in the arts was supported by Norman Mailer, Jules Feiffer, Alexander King, Mort Sahl, and a clutch of "beat generation" boys, including Allen Ginsberg, Bob Kaufman, and Lawrence Ferlinghetti. Norman Cousins excoriated the nuclear arms race; Kenneth Galbraith summarized his qualms about the affluent society; the Reverend Maurice McCrackin explained why he chose imprisonment rather than pay income tax for military purposes; and there were cogent contributions from Norman Thomas, Robert Hutchins, and C. Wright Mills.

America being by definition the greatest capitalist country on earth, it followed that socialism and dissent would frequently be allied. Accordingly, I also included one admitted member of the Communist Party (Arnold Johnson); and four speakers reputedly linked with the extreme left—Clinton Jencks, of Mine, Mill & Smelter Workers' Union; the Reverend Stephen Fritchman of the Unitarian Church; Dalton Trumbo, the Hollywood screenwriter; and Alger Hiss, to demonstrate that even a man who had been imprisoned for giving perjured testimony about alleged espionage activities could still speak his mind freely in America. Apart from Mr. Trumbo, none of them came out with specifically Socialist opinion, unless you count Mr. Jencks' suggestion that the formation of a labor party, on the English model, would be a good thing for American politics. After lengthy discussions with the production staff of Associated Television,

we decided to exclude American dissenters of the extreme right such as Senator BARRY GOLDWATER, William F. Buckley, Jr., and the imperial wizard of the Ku Klux Klan. Their participation, it was felt, might have caused British viewers to construe the program as a slanted piece of anti-American propaganda.

The British press reaction to the show was generally enthusiastic, though a few critics animadverted on the camera work, and several more expressed their amazement at the distressing mildness of American dissent. The response in America, where the show had not been seen, was much more emphatic. A number of southern newspapers dubbed it subversive, and the New York Daily News, in an editorial headed "Here Are Your Hats, Gentlemen," charged the participants with fouling their own nests, and urged them to hop aboard the next boat to England, Russia, or China. Immediately afterward, the Messrs. Cousins, Hutchins, and Thomas wrote to me, protesting against the context in which I had placed them; and I received a letter from Benjamin Mandel, formerly the business manager of the Daily Worker and now the research director of the Senate Internal Security Subcommittee, asking for a full transcript of the program.

I told Mr. Mandel that the transcript belonged to Associated Television, whither I advised him to direct his request. I assume that it was granted, because on February 25, 1960, a fully documented attack on the program was delivered on the floor of the Senate by Senator THOMAS J. DODD, the vice chairman of the Internal Security Subcommittee and an ex-employee of the FBI. To say that the Senator spoke with feeling would be to do him less than justice; he spoke with the fiercest sort of retributory zeal. He described "We Dissent" as a fraud and a prime example of the kind of irresponsible criticism that undermines the Western alliance; he also condemned its outrageously one-sided nature, and a condensed version of the script was reprinted, at his petition, in the CONGRESSIONAL RECORD. A copy of his speech was sent to me (by whom I know not), and I foolishly consigned it, duly read, to the wastepaper basket. It nettled me, of course, but I took it in a spirit of fair comment, and assumed that there the subject would end. I could not, as it turned out, have been wronger.

Later in the spring of 1960 I received a letter from a fledgling organization called the Fair Play for Cuba Committee, asking me whether I would lend my name to a forthcoming advertisement in the New York Times that was intended as a rebuttal of the incomplete and frequently inaccurate accounts of the Cuban revolution that were then appearing in the American press. (I had written, for the January issue of a national magazine, an article about Havana that mentioned Fidel Castro sympathetically; hence, I imagine, the appeal for my signature.) The ad cited, and factually disputed, a number of tendentious remarks about Castro's regime that had been printed in Newsweek, U.S. News & World Report, and the New York Journal-American. It went on to state that Castro's purpose was to give Cuba back to the Cubans, and concluded by emphasizing the need for full and unbiased reportage. Having assured myself that the factual points made in the ad were valid, I appended my autograph to the list, which included Jean-Paul Sartre, Simone de Beauvoir, Truman Capote, Norman Mailer, James Baldwin, and half a dozen others, of whom I had not heard.

Soon afterward the ad hit print. I do not think it gave much aid or comfort to America's enemies, although I have no doubt that it offended a great many American companies whose Cuban interests were being imperiled by Castro's social upheaval. Time magazine took a swift and lofty swipe at the signatories; but I noted with pleasure a quotation in the same publication from a speech by Herbert L. Matthews, a senior member of the New York Times' editorial board. "I have never," said Mr. Matthews, "seen a big story so misunderstood, misinterpreted, and badly handled as the Cuban revolution." Consoled by Mr. Matthews, I stopped fretting and returned to the familiar task of explaining to the readers of the New Yorker the nature and quality of the live entertainment available in the immediate neighborhood of Times Square.

EIGHT SHAKY DAYS

I was leaving my apartment en route for the theater (the date was April 27) when a little man emerged from the elevator and thrust into my hand an envelope containing a subpena from the Senate Internal Security Subcommittee. It commanded me to appear in Washington about 40 hours later, and it was blank in the section that called for a statement of the subject matter with which the investigation was concerned.

My first response was bewilderment, and my second dread—the kind of nebulous chill that besets all of us when the finger of officialdom points straight in our direction. Economic fears swelled up; supposing I was publicly smeared, would my American earnings be jeopardized? And how could I answer the committee's questions without fatally comprising my integrity? I canceled the theater and phoned a lawyer who wired the committee and successfully demanded a postponement of 8 days. They were, without question, the strangest and shakiest 8 days of my life. I put through a call to the British Embassy in Washington, and asked whether a Senate committee was entitled to subpena a visiting foreign journalist; I was told that anyone—of whatever nationality—could be summoned to Washington as soon as he set foot on American soil. It was just my bad luck, I gathered, that I happened to be the first nonresident alien ever to have been congressionally subpenaed. I then called an English correspondent, stationed in Washington. He was scarcely more encouraging.

"They've never done this to a European journalist before," he said, "but there's no reason why they shouldn't. They could subpena the Pravda man if they wanted to. And frankly, old chap, it's hard enough to be liberal out here without people like you coming along and sticking your necks out."

Had I been, perhaps, prematurely international in my approach? I talked to the editor of the New Yorker, who was superficially unperturbed, though below the surface he was clearly a little rattled, as I gathered from his pleasure when I told him that my hearing was to be held in camera. Private interrogations are like auditions; if the performer shows signs of star quality (i.e., if his leanings toward communism are distinct and provable), he is usually recalled for a public session. Finally, I telephoned Norman Mailer to find out if he had received a subpena. He hadn't, and was somewhat irked that he hadn't. At his request, I asked my lawyer why he had been overlooked. "Well, for one thing," he replied, "Mailer isn't employed by anyone." In other words, he had no job to lose.

On May 3, 2 days before my appearance in Washington, George Sokolsky of the Journal-American devoted his whole column to excerpts from my television show, linked by comments expressive of his puzzlement and disgust. He did not mention me by name; nor have I any idea how he gained access to the transcript. Twenty-four hours later he returned to the assault, quoting from C. Wright Mills and Alger Hiss, and professing never to have heard of Jules Feiffer. His last sentence was: "Whoever picked this gang did not know America, but I shall give you more of this." But he never did. The next day was May 5, the date of my trip to Washington. Instead of naming and blasting me, as I had anticipated, he wrote a piece about college girls and their place in society. I cannot escape the suspicion that, in some crucial, irreparable way, I let Mr. Sokolsky down.

CURVE BALLS

Before I ventured into the room in which I was to be quizzed, I had learned a little about the habits, procedures, and history of the Internal Security Subcommittee. I knew that it was 10 years old, that its anti-leftism was virulent, and that it had been prominent in the abortive investigations of Owen Lattimore and the Institute for Pacific Relations. I also knew that it accepted only the fifth (or self-incrimination) amendment as a legitimate excuse for refusing to answer its questions; to be mum for any other reason could lead to a citation for contempt of Congress. Not at all idly, I wondered if any other Western democracy had ever entrusted such extraordinary powers to the politicians in its legislature. This subcommittee can call anyone in America to question without stating in advance what the questions are to be about. It can punish lies with charges of perjury, and silence with the threat of imprisonment, unless the witness is willing to declare that, by answering, he might be branding himself a criminal. That such authority should exist outside a court of law struck me at the time (and strikes me still) as highly unconstitutional. Throughout the session, I had to keep reminding myself that I was not in England. The task was not overwhelmingly difficult.

The room in Washington was cool and oblong, abutting onto the resonant public chamber. A slim table ran down its midst. When I arrived, with my lawyer, there were assembled the subcommittee's attorney, a florid, genial man named Julien Sourwine; a couple of secretaries; a records clerk; an official stenographer; and the research expert, Mr. Mandel. Senator DODD had not yet arrived, and there were some jocular conversational preliminaries, mainly concerned with the wonderful efficiency of the Senate Office Building's new intercom system. "The only people we have trouble hearing," said Mr. Sourwine slyly, "are the witnesses."

Finally, with no apology, and the most perfunctory greeting, Senator DODD turned up 30 minutes late and took his place as acting chairman, flushed, frowning, and silver-haired. I identified myself, and was duly sworn in; whereupon, the hearing began. The questioning was done mainly by Mr. Sourwine, beaming with encouragement, though Senator DODD leaped in from time to time with supplementaries of his own. We started off on my TV show: Was it not, said Mr. Sourwine, expressly designed to hold the United States up to ridicule and contempt? (I should like to quote verbatim, but since I have been forbidden access to the transcript, I must resort to oratio obliqua.) I explained that that was not the aim of the program; that it had been intended to combat the false idea, common in Europe, that America was a land of intellectual conformity. I was then asked how I had contacted such people as Arnold Johnson, Clinton Jencks, and Dalton Trumbo, all of whom, Mr. Sourwine said, had been named by sworn witnesses as past or present members of the Communist Party (Jencks in testimony before this subcommittee, Trumbo in testimony before the House Committee on Un-American Activities). By means of the telephone, I said, and by means of addresses supplied in England. With whom, in England, had I discussed the program?

This stunned me; it had not occurred to me that the authority of an American committee might extend to England. I replied that I had discussed it with the production staff that had been assigned to me by Asso-

ciated Television. But what were their names? (Thus Mr. Sourwine.) Their names, I pointed out, were listed on the credit titles. In consequence, every one of them was entered into the record; even the cutter of the show may have some very rough questions to answer should he ever apply for an American visa. Again, I was asked to confirm that the show had been slanted in the direction of anti-Americanism. I replied by drawing the subcommittee's attention to the testimony of Prof. Eugene Rostow of the Yale Law School, who had been present in the studio throughout the transmission. When it was over, the narrator had asked him whether he thought America should demand a right to reply.

"Oh, not at all, not at all," he had told the viewers. "I don't think this program was unfavorable to America. Of course, it doesn't present the whole story, but it didn't purport to do that. It presented a very interesting and very significant part of the story of American life."

At this point Senator DODD broke in, and inquired how I had got on to Gene Rostow, who was a friend of his. As untriumphantly as I could, I said that we had telephoned the U.S. Embassy in London and asked them if they could recommend to us a visiting American intellectual whose comments on the show would be informed and impartial. Professor Rostow had been their first choice.

We then moved on to the Cuba advertisement. Hilarity, hereabouts, began to displace dread; such was the caliber of the inquisition that astonished amusement became the only possible response. Had I received money for signing the ad? No. Was it paid for by Cuban gold? No. Did I know any of the other signatories? Sartre and de Beauvoir by reputation; Mailer, Baldwin, and Capote, socially. Was I—and it was here that my fear melted into a deep intestinal chuckle—was I aware that President Eisenhower had made a speech in which he stated that the Castro regime was a menace to the stability of the Western Hemisphere? No, I was not. And did I think myself justified in holding opinions that openly defied those of the President of the United States? I brooded over this for a long, incredulous moment, and then replied that I was English, and that I had been forming opinions all my life without worrying for a second whether or not they coincided with those of the President of the United States. (Had my wits been active enough, I might have pointed out that Senator DODD himself, as a Democrat, must sometimes have found himself in the heretical position of having to defy President Eisenhower.)

Utterly unperturbed, Mr. Sourwine then flung me a curve ball. Had I or had I not contributed an article to a certain quarterly magazine (which he named, though to avoid libel I had better not)? I said I had. Was I aware that it was notorious as a Communist-front publication? I was not. How had I come to write for it? The editor had called me up, told me that he ran a small-circulation organ of culture and liberal opinion, and invited me to contribute; ever ready to assist embattled little magazines at no inconvenience to myself, I had offered him a thousand words on the current Broadway season. They had previously appeared, I added, in the impeccably non-Communist pages of the London Observer; nor had I received (or demanded) any payment for the reprint.

UNSPENT PASSION

Here, I think, the session would have ended, had I not urged my lawyer to request that there be entered into the record a statement that I had prepared the night before. It ran as follows:

"As an English journalist, I have paid regular annual visits to the United States for the past 9 years. I have spent the past two winters here as guest drama critic of the New Yorker; during this period I have also been employed by the Observer, a London weekly newspaper. I am a visitor to the United States, not an immigrant or a resident alien; nor have I done anything during my stay to belie the statement I made when my visa was first granted—namely, that I am not and never have been a member of the Communist Party or of any affiliated organization. It may be worth adding that the only organizations to which I pay dues are the Royal Society of Literature, the Critics' Circle, and the Diners' Club.

"In answering the questions that the committee may put to me, I am perfectly willing to reply to any queries about my activities in the United States; and I have no intention of invoking any of the amendments to the Constitution. I should like, however, to express my regret that the committee should have seen fit to employ its authority to subpena a visiting journalist. It has not done so before, to the best of my knowledge; and I respectfully suggest that there may be better ways of demonstrating to the world this country's traditional regard for freedom of speech. Constitutionally, of course, it is within the committee's power to subpena whom it chooses; I merely submit that governmental grilling of foreign newspapermen is not a practice that one instinctively associates with the workings of Western democracy. It is true that the Soviet Government has frequently censured—and sometimes expelled—visiting journalists with whose opinions it disagrees. I can think of several American correspondents to whom this has happened. I leave it to the committee to decide whether this is a wholly desirable precedent.

"As I understand it, the function of a congressional committee is to gather information on the basis of which new legislation may be recommended. I cannot help finding it anomalous that a foreign visitor should be compelled to contribute to the legislative processes of a country not his own. I am profoundly interested in the making of English law; but I am modest enough to feel that the making of American law is none of my business."

After that, I was allowed to quit the chamber. A clerk trotted after me, and asked me to sign a form that would entitle me to claim a witness fee of $12. His pen contained bright red ink—"No political connotation, of course," he said tactfully, and was gone. I left the building and lunched with a peppery liberal journalist who has been covering the Washington scene since the thirties. He told me that things had loosened up a lot since McCarthy died, and I think he wondered why I looked so quizzical.

I flew back to New York and to a new hazard, not unconnected (I somehow suspect) with the subcommittee's investigation. The immigration authorities had discovered a technical oversight in my passport; my permit to work in the United States had accidentally been allowed to expire, and there was a distinct chance that I might be deported. After a lot of effort, inconvenience, and legal consultation, I managed to leave New York in my own time, on my own terms, and of my own volition. I even contrived to pay my lawyer's bill, which amounted to close on $1,500. On the credit side, I had $12, plus what Milton called a "new acquist of true experience from this great event." I am not sure, however—to pursue the quotation—that I had "calm of mind"; nor can I say, with any truth, that all my passion was spent.

THE EASY CHAIR—DODD VERSUS TYNAN: A DEBATE ON CONGRESSIONAL INVESTIGATIONS

(Guest columnists this month are Senator THOMAS J. DODD, of Connecticut, and Kenneth Tynan, British drama critic. Their comments on Mr. Tynan's article, "Command Performance," raise some fundamental questions about free speech, a free press, and the proper role of congressional investigating committees. They are followed by an editorial note on points not covered by either of the debaters.)

(By Senator DODD)

In its issue for October, Harper's ran an article by Mr. Kenneth Tynan, British drama critic, purportedly describing his appearance before the Senate Subcommittee on Internal Security, on May 5, 1960. Mr. Tynan's article was full of inaccuracies, some minor, some grave. I regret that Harper's saw fit to print Mr. Tynan's statement without troubling to check his version of the facts or his allegations with the Subcommittee on Internal Security.

In the paragraphs that follow, I present the other side of the story.

Mr. Tynan was one of several witnesses called before the subcommittee for the purpose of attempting to obtain more information about the Fair Play for Cuba Committee, which announced itself to the public with a full-page advertisement supporting Castro in the New York Times for April 6, 1960. Since Mr. Tynan was one of the signers of this advertisement, it was reasonable for the subcommittee to assume that he might be able to shed some light on the organization and on the origins and financing of the New York Times advertisement.

The hearings in the case of the Fair Play for Cuba Committee have not been completed and it would therefore be improper for me to venture a final opinion. I assure you, however, that the Subcommittee on Internal Security had solid reasons for investigating the possibility of collusion between this pro-Castro organization and the Castro government. The specific reason for the hearings was to determine whether there may not have been a circumvention of the Foreign Agents Registration Act which warranted examination with a view to possible legislative remedy.

As one item in a much larger case, there is the shocking fact that the Secretary of the Fair Play for Cuba Committee, Miss Joanne Grant, repeatedly invoked the fifth amendment when called before the subcommittee and asked a long series of questions relating to Communist affiliations and associations with the Castro government.

The hearings were held in executive session, as is the subcommittee's general custom with initial hearings. The purpose of this procedure is to assure privacy to those witnesses who have only information to give and to protect those against whom the evidence is fragmentary or inconclusive or completely incorrect, as occasionally happens.

The subcommittee had made no public charges or allegations against Mr. Tynan, nor has it sought to expose him or harass him. A statement has, however, become necessary by way of replying to the serious public allegations which Mr. Tynan has now made against the subcommittee.

Mr. Tynan has endeavored to convey the impression that the subcommittee's action in calling him as a witness constituted a violation of freedom of the press. This is nonsensical. Under its mandate from Congress, the subcommittee has the right and the duty to request information from visitors and residents, aliens and nationals, journalists and nonjournalists, if it has reason to believe that the information requested has a direct bearing on the matter under consideration. If the prerogatives that normally apply to freedom of the press are respected, I fail to see how a request for information, per se, can constitute an infringement of freedom of the press.

In Mr. Tynan's own case, there is another reason for rejecting his plea for immunity from congressional committees.

As a foreign journalist in a democratic country, Mr. Tynan (who has now returned

to England) was completely free to think and write what he pleased about American politics. But when Mr. Tynan participated in a full-page advertisement in the New York Times obviously intended to exert pressure on the State Department in favor of the Castro regime, he was not expressing an opinion—he was engaging, with American citizens and with an American organization, in a political pressure action vis-a-vis the American Government. There is no law preventing a visiting journalist from doing so; but at the point where he does so, in my opinion, he assumes the same responsibilities as the American citizens with whom he is cooperating.

To deal with all of the inaccuracies in Mr. Tynan's article would require a 5,000-word article. Let me mention only those that I consider particularly glaring.

Mr. Tynan said that he was unable to quote verbatim because he had been "forbidden access" to the transcript. Copies of testimony, for obvious reasons, cannot be mailed out until the testimony has been released for publication. But in the long history of the subcommittee, no witness or his counsel has been denied access to the transcript of his own testimony in executive session. The fact is that Mr. Tynan never requested access.

Mr. Tynan stated that the questioning started with his TV show, "We Dissent." The record shows that it started with the "Fair Play for Cuba Committee," and his relations with it. The effect of this inversion of the facts is to create the impression that Mr. Tynan was really called before the subcommittee because of his TV program and not because of his involvement with the Fair Play for Cuba Committee.

When questioned about his relations with the Fair Play for Cuba Committee, Mr. Tynan stated that he was not a member, that he had not contributed to it, that he had simply given his signature to the statement which was printed in the New York Times. * * * On these points, Mr. Tynan's account in Harper's was accurate. At other points, however, his account lapses into the kind of fantasy that is difficult to explain.

"Such was the caliber of the inquisition," wrote Mr. Tynan, "that astonished amusement became the only possible response. Had I received money for signing the ad? No. Was it paid for by Cuban gold? No."

I can state categorically that neither these questions nor any questions similar to them were asked of Mr. Tynan. Since he consistently took the stand that he knew nothing about the organization or workings of the Fair Play for Cuba Committee, however, I cannot help marveling that he should now be able to respond with so firm and knowledgeable a "no" to imaginary question number two: Was the ad paid for with Cuban gold?

According to Mr. Tynan, he was asked whether he thought himself "justified in holding opinions that openly defied those of the President of the United States" on the question of Cuba. The question addressed to Mr. Tynan by the counsel for the subcommittee had nothing to do with opinions; it had to do with political action. The question was whether he had taken the action of participating in the petition, knowing that it ran completely counter to the policy of the U.S. Government. Such a question, I submit, was valid.

As is essential and proper in all such cases, Mr. Tynan was asked some general questions about his background.

He was asked whether he had in March 1960 contributed an article to Mainstream, a periodical which consistently toes the party line and which was identified as a publication of the Communist Party in the Guide to Subversive Organizations published by the House Committee on Un-American Activities in 1951. Mr. Tynan agreed that he had contributed the article in question, but he said that he had done so without knowing whether it was a Communist publication, and without troubling to ask.

He was also asked about the program which he had produced for the British Television Network which purportedly dealt with the matter of dissents and dissenters in America. I found Mr. Tynan's discussion of the program in his Harper's article a prime example of intellectual fuzziness. In his article he maintains the pretense that his program placed a heavy emphasis on the Socialist point of view because in a capitalist society socialism and dissent are so frequently identified. Under the Socialist caption, he bracketed a long string of Communists and pro-Communists. Unless my information is completely mistaken, the great majority of Mr. Tynan's colleagues in the British Labour Party take the stand that communism has nothing to do with democratic socialism and that socialism is being libeled when Communists are identified as Socialists.

The proud tradition of dissent in America was represented on Mr. Tynan's program by several legitimate dissenters like Robert Hutchins, Kenneth Galbraith, Norman Thomas, and Norman Cousins. But I challenge Mr. Tynan's contention that our tradition of dissent is in any way represented by most of the other members of his tendentiously composed amalgam—by Communists, party-liners, and a convicted perjurer, by beatniks, eccentrics, a dope addict, and a self-described expert on sex deviation.

Some of the eccentrics displayed no definite political bent. But so far as political viewpoints were represented, it was a pro-Communist viewpoint that predominated.

There was Arnold Johnson, legislative director of the Communist party, one of the 28 Communists sentenced to prison under the Smith Act.

There was Clinton Jencks, head of the United Mine, Mill, and Smelter Workers' Union, which was expelled from the CIO in 1950 because of its Communist control. In hearings before the Senate Internal Security Subcommittee in October 1952, Jencks was identified by two witnesses in sworn testimony, as a member of the Communist Party and he invoked the fifth amendment in refusing to answer questions about his Communist associations.

There was a Rev. Stephen Fritchman of Los Angeles, whose many associations with Communist-front organizations are recorded in the hearings of the House Committee on Un-American Activities of September 12, 1951, and December 7, 1956, and who invoked the fifth amendment when he was asked about his membership in the Communist Party and his other pro-Communist activities.

There was Dalton Trumbo, one of the "Hollywood Ten" sentenced to prison for contempt of Congress because they refused to answer questions relating to their membership or activities in the Communist Party. At the hearings before the House Committee on Un-American Activities in October 1947, Trumbo's party membership card was produced and he was subsequently identified as a member of the Communist Party by six witnesses.

Finally, there was Alger Hiss. "We Dissent" described Hiss as someone who had been convicted of perjury in a famous trial. It failed to mention the fact that one count of the conviction was that he had perjured himself when he denied turning over secret State Department documents to Whittaker Chambers, a self-admitted Soviet agent; nor did it mention the fact that Hiss had been identified as a member of the Communist underground in Government by at least three independent witnesses in testimony before the House Un-American Activities Committee on August 3, 1948, and before the Senate Internal Security Subcommittee on August 2, 1951, and February 19, 1952, respectively.

The so-called dissenters were not simply members of the panel. Clinton Jencks was presented as the spokesman for nonconformist trade unionism in America; the Rev. Stephen Fritchman as the spokesman for nonconformist religion in America; Dalton Trumbo as the spokesman for nonconformist Hollywood writers. Only one of this group, Arnold Johnson, was formally identified as a Communist or Communist sympathizer, nor was any reference made to the fact that they had all either taken shelter behind the fifth amendment like the Reverend Fritchman, or else had been identified as Communists as stated above.

Mr. Tynan obviously thinks otherwise, but, for my own part, I believe that there was no place on such a program for a single Communist or party liner. I submit that Moscow agents and Moscow dupes have absolutely nothing in common with the American tradition, that they are not even dissenters but rigid totalitarian conformists who would deny the right of dissent to others.

For my own part, too, I must marvel at either the miraculous workings of the laws of chance or the rare esoteric knowledge of the roster of fifth amendment cases which enabled Mr. Tynan to select, with unerring accuracy, names like Clinton Jencks and Dalton Trumbo and Stephen Fritchman, which command recognition by 1 American in 1,000 and probably by no more than 1 Englishman in 10,000.

Mr. Tynan asserts that part of the purpose of this program was to demonstrate that America was still a land where the tradition of dissent was very much alive. I challenge this assertion. If the English language has any meaning, his program portrayed America as a land where conformism and fear of nonconformism prevail and where dissenters are persecuted, deprived of passports, incarcerated, and blacklisted.

The program was severely criticized by three of its participants, Mr. Norman Thomas, Mr. Norman Cousins, and Dr. Robert Hutchins. Mr. Cousins and Mr. Thomas both told me that they were in basic agreement with the description of the program which I presented to the U.S. Senate on February 25. Mr. Cousins, in a cabled protest to the Associated Television Network, said that he had not been informed that his interview would be used in the context of "What's Wrong With America," and he vigorously protested the misrepresentations that had been made to him at the time he did the recording. He requested permission to organize a 90-minute television program on the subject of "What's Right With America." I made a similar proposal in my speech in the Senate and in a letter to the head of Associated Television. Mr. Tynan, who believes in freedom of speech, apparently was opposed to a counter-program, although it is not clear whether Associated Television consulted him before deciding not to accede to our request.

Under ordinary circumstances, Mr. Tynan's testimony before the Subcommittee on Internal Security would probably not be published because it is admittedly fragmentary and inconclusive. Since Mr. Tynan has publicly broached the matter, however, I shall recommend that, in proper time, his testimony be printed together with all the other testimony on the Fair Play for Cuba Committee."

BY MR. TYNAN

Senator Dodd overestimates my capacity for total recall. There is not one sentence of verbatim transcription in my whole account of the interrogation. Nor did I pretend there was. I was working without a transcript and said so. I paraphrased what I could recall of the strange proceedings, in the manner of a drama critic outlining the plot of a play. I had returned to England

shortly after the hearing, and it was not until more than a month later that I finally decided to write about it. I naturally sought legal advice about getting hold of the transcript. I was told that it was unavailable to me, and that under the Subcommittee's standard procedure I would not be permitted to have copies or photostats made. This nettled me, since it meant that the factual evidence would be in the hands of the other side; all the same, I decided to go ahead and write the piece from memory. * * * What I didn't realize at the time was that I could have inspected it if I had been in Washington. As I was in London, this notion never occurred to me. * * *

Hence I got the order of events slightly wrong, and either misheard or misremembered two questions. I take the Senator's word for it that I wasn't asked whether I was paid for signing the Fair Play for Cuba ad; I was merely asked what I knew about its financial background. By the reference to "Cuban gold," I hoped to clarify a similar question about the ad's sponsorship, since it was perfectly obvious, in the context of the hearing, that the subcommittee thought the Cuban Government had paid for it. In a recent TV interview broadcast by the Canadian Broadcasting Corporation, Senator DODD quoted me as having said "on the record" that I "didn't know who paid for the ad." This seems odd, in view of the fact that he now claims I was never asked any such question.

His other points arise out of pure, understandable petulance. The Fair Play for Cuba ad was not a political pressure action vis-a-vis, the American Government; it was addressed solely to newspaper readers and recommended no action other than fuller and fairer reportage of the Cuban situation. The Senator further says that I was questioned about participating in a petition that ran counter to the policy of the U.S. Government; I said I was questioned about holding opinions that ran counter to that policy. The difference between holding opinions and publicly expressing or endorsing them seems to me infinitesimal; or at least it ought to be, in a reasonable society. When, for example, an American newspaperman in London writes an article lambasting British policy, I feel no patrotic urge to have him hauled up for questioning about his loyalty to Mr. Macmillan.

A sort of reflex action now prompts me to ask the Senator a few questions. If the purpose of interrogating me was to elicit information about the "fairplay" committee, why were no subpenas sent out to such other signatories of the ad as Norman Mailer, Truman Capote, and James Baldwin? Why was most of my hearing concerned not with Cuba but with my TV program on American dissent? How does the Senator justify the subcommittee's demand that I should name the employees of an English TV company with whom, in England, I had discussed my TV show? And is there not a touch of impertinence in questioning me at length about a program that neither Senator DODD nor any other member of the subcommittee had seen? And is not that impertinence compounded by the fact that the Senator's friend, Prof. Eugene Rostow, dean of the Yale University Law School, had stated in the closing session of the show: "I don't think this program was unfavorable to America. It presented a very interesting and very significant part of the story of American life?" And is the Senator not aware that I wholeheartedly supported the screening 2 days later on the same network, of an unrehearsed discussion entitled "Right To Reply," on which the merits of my own program were freely debated by a group of panelists including Dean Rostow?

For the Senator's benefit, let me clarify a few things about the show itself. There was nothing "esoteric" or "miraculous" in our knowledge of fifth amendment cases. The indictments of Dalton Trumbo and Clinton Jencks were widely reported in the European press; and the circumstances of the Hiss case are part of the common knowledge of our time.

As to the Reverend Stephen Fritchman, he is the minister of the First Unitarian Church of Los Angeles (one of the three cities in which the program was filmed). We had been repeatedly informed that the Unitarian Church was among the most independent, and least conformist, of all American religious groups. We did not know that Reverend Mr. Fritchman had ever taken the fifth or any other amendment, though even if someone had told us, I doubt whether we would have dropped him from the show; we were concerned with his religion, not his politics.

Senator DODD asserts that it was the pro-Communist viewpoint that predominated. Can he really have studied the transcript? If he had, he would know that Clinton Jencks spoke in favor of an American labor party on the British pattern; that Dalton Trumbo advocated socialism without jails, and that Mr. Fritchman passionately extolled the American tradition of religious liberty. Even Arnold Johnson, who was expressly identified as a member of the Communist Party, did nothing more subversive than object to the imprisonment of American citizens because of their political beliefs. And Alger Hiss? He deplored the spread of conformity, described the American legal heritage as one of our finest areas of valuable nonconformity, and called America a dynamic, growing, developing country.

Does Senator DODD really disagree with this testimony? And would he like to repeat his statement, made over CBC–TV, that my program featured sex perverts, when it did nothing of the sort? (It included one spokesman for a society dedicated to the reform of the laws against homosexuality.) And what about the other 20-odd people who appeared, apart from the four whom Senator DODD regards as legitimate dissenters?

The truth is that I cannot understand what the Senator means by legitimate dissent. It looks as if he meant safe, uncontroversial, toothless dissent; which by my definition is not dissent at all. If I were invited to produce a program on British dissenters, I would feel myself bound to include advocates of civil disobedience and members of the Communist Party; if I did not, the British press would undoubtedly call me unfair, and complain of my conformist bias. It saddened me, incidentally, when Norman Cousins protested against my program. He was fully informed about its nature and purpose; I attribute his lapse of memory to the fact that he was interviewed on the press day of the magazine he edits, and may not have absorbed everything that was told him.

Senator DODD points out, as evidence of his magnanimity, that the subcommittee has not sought to expose me; as what, I wonder, could I possibly be exposed? I must, however, agree with him that I gave an article to a magazine called Mainstream without troubling to ask whether it was a Communist publication. I seem somehow to have got out of the habit of asking these indispensable questions. In the past decade I have contributed pieces to Vogue, Harper's Bazaar, the Atlantic, Harper's, the New Yorker, Holiday, Theater Arts, the New York Times, the New York Herald Tribune, and the Paris Review without bothering to inquire about the editors' political affiliations. In future I shall be more careful.

George B. Merlis, an American tourist who was arrested last summer by the Russian secret police and expelled from the U.S.S.R., has sent me a copy of a letter he has written to Senator DODD. His alleged offense was distributing copies of the pro-American magazine, Amerika. "While I was in the custody of the secret police of the Soviet Union," he tells the Senator, "no attempts were made to question my political beliefs. I can safely say that I was better treated by these dread agents of a totalitarian state than Mr. Tynan was treated by elected representatives of a democracy. The actions of your committee are shameful." If it is any comfort to Mr. Merlis, I would never dream of judging America by the behavior of Senator DODD; nor would anyone I know and respect. We know an exception when we see one. But we cannot help bristling, and being regretfully amused.

EDITOR'S NOTE

Neither comment reaches to the underlying question: What is the proper role of congressional investigating committees?

Senator DODD's legal right to summon a foreign journalist is not open to question; but his judgment in so doing certainly is. A little forethought should have warned him that journalists are likely to write about such experiences—with highly damaging results to America's reputation. (It is fortunate that Mr. Tynan's article was published in this country rather than abroad, where the repercussions almost certainly would have been much worse.) And no explanation can ever erase the impression that the committee's line of questioning was likely to discourage free expression of political views in the press and on the air.

Indeed, the whole record of congressional inquiries into un-American activities indicates that they have done the United States far more harm than good. They have turned up remarkably few subversives who had not already been spotted by the FBI or other security agencies. But they have furnished mountains of ammunition to hostile propagandists; they have made it infinitely harder to recruit good men into public service; and, particularly during the McCarthy era, their excesses corroded the fabric of American life.

Moreover, when a legislative body takes on the additional roles of policeman and judge, it breaks down the traditional boundaries between the three branches of Government. It undermines our basic doctrine of separation of powers, which holds that legislative committees should confine themselves to developing information needed for wise legislation; while the pursuit of wrongdoers should be left to the police agencies and their punishment to the courts. Perhaps the Tynan episode will help a little to encourage legislators to stick to their proper jobs—and to consider in advance the consequences of their actions.

[From the Washington Post, Sept. 23, 1960]

DEFILING AMERICA

If one begins with a premise that divided opinions are a threat to internal security, one is bound to end by despising the first amendment. The Senate Internal Security Subcommittee, like its House counterpart, the Committee on Un-American Activities, has done this throughout the whole of its history. Both congressional bodies have conceived it to be their business to expose and censure ideas of which they disapprove.

The latest and most embarrassing instance of this attitude is recounted in the October issue of Harper's by Kenneth Tynan, drama critic of the London Observer, who served as guest critic of the New Yorker during the last two theater seasons. Mr. Tynan helped to produce in England, a television program titled "We Dissent" in which 20-odd maverick Americans expressed some heterodox views. He also allowed his name to be used in a newspaper advertisement appealing for fair play for Fidel Castro. For these enormities he was subpenaed by the Internal Security Subcommittee and interrogated at length regarding his beliefs and associations.

The first amendment was meant to forbid just this sort of impediment to free expression. Its premise is that internal security grows out of freely voiced criticism and the resolution of conflict through untrammeled public discussion. But the Committees' thought police tactics inhibit dissent by calling those who express it to official account for their views. Mr. Tynan, an Englishman, understands the first amendment far better than his inquisitors. He said to them with admirable restraint and understatement:

"I respectfully suggest that there may be better ways of demonstrating to the world this country's traditional regard for freedom of speech. Governmental grilling of foreign newspapermen is not a practice that one instinctively associates with the workings of Western democracy. It is true that the Soviet government has frequently censured—and sometimes expelled—visiting journalists with whose opinions it disagrees."

The hideous fact about Mr. Tynan's tale is that it is true. It will be heard around the free world—to the bitter shame of the United States. What propaganda can the Internal Security Subcommittee possibly prevent one half so damning as the defilement of America which it perpetrates itself?

[From the Providence Journal, Oct. 4, 1960]

SENATOR DODD'S ANTI-RED ZEAL CLOUDS THE AMERICAN IMAGE

Our ineffable neighbor from Connecticut, Democratic Senator THOMAS J. DODD, has been at it again.

In the current edition of Harper's magazine, British Journalist Kenneth Tynan offers a marvelously sardonic report of a secret grilling he underwent last spring at the hands of Mr. DODD, in the Senator's capacity as vice chairman of the Senate Internal Security Subcommittee, and that group's counsel, Julien Sourwine. Mr. Tynan is the dramatic critic of the London Observer, and recently completed a 2-year stint as guest critic in this country for the New Yorker magazine.

While he was over here, Mr. Tynan did two things that displeased Senator DODD'S committee. He lent his name to a newspaper advertisement urging fairer reporting of the Cuban revolution, and he produced for a British TV network a 90-minute program called "We Dissent," which presented the views of a mixed bag of American mavericks, including one acknowledged Communist and Alger Hiss. Mr. Tynan says he signed the ad because he objected to a number of tendentious remarks about Castro's regime in various U.S. publications, and that the TV program was designed to show Britons that America was not a monolithic stronghold of sameness, peopled by faceless organization men.

But Senator DODD took a far darker view of Mr. Tynan's motives. So he summoned the British critic before his subcommittee and pelted him with a whole series of accusatory questions. Did he receive Cuban gold for lending his name to the advertisement? Was not the TV show expressly designed to hold the United States up to ridicule and contempt? And so on and on; one needs to read the whole Harper's article to catch the full flavor of the impression the inquisition made upon Mr. Tynan.

There was one question, though, that really took the cake. Did he think himself justified, Mr. Tynan says he was asked, in holding opinions that openly defied those of the President of the United States?

"I brooded over this for a long, incredulous moment," the British critic writes, "and then replied that I was English, and that I had been forming opinions all my life without worrying for a second whether or not they coincided with those of the President of the United States."

Mr. Tynan believes this is the first time a congressional committee has subjected a visiting foreign journalist to such a questioning, and he told the Dodd group, with wonderful British understatement, that "governmental grilling of foreign newspapermen is not a practice that one instinctively associates with the workings of Western democracy."

After the hearing, Mr. Tynan encountered some difficulties, which he suspects were not wholly coincidental, with the U.S. immigration authorities. But "after a lot of effort, inconvenience, and legal consultation, I managed to leave New York in my own time, on my own terms, and of my own volition."

The whole business cost Mr. Tynan some $1,500. It cost the reputation of the United States in Great Britain a great deal more than that.

[From the New York Times, Oct. 5, 1960]

FIRST AMENDMENT

Too frequently in the past congressional committees seeking to preserve the security of the United States have failed to understand the meaning of the first amendment, confusing dissent with disloyalty, criticism with subversion. That was McCarthyism, which has declined but has not yet died. Too frequently in the present do we still see evidence of the same mentality, in both the Senate Internal Security Subcommittee and its counterpart, the House Un-American Activities Committee.

At the present moment the Internal Security group is the more obvious offender. It is attempting to force the scientist Linus Pauling to reveal the names of persons who helped collect 11,000 signatures to a 1958 petition urging an international agreement to stop testing nuclear weapons—something that the committee apparently feels had a subversive tinge to it at the U.N. then, although the U.S. Government is pursuing the same objective at Geneva now. Dr. Pauling says that to make public the names of those who helped circulate the petition might lead to reprisals. Whether or not his fears are justified, it is evident that the committee is pursuing its usual policy of harassment of suspected leftwingers and dissenters in its pursuit of Dr. Pauling.

The mentality of the Senate committee is well illustrated by another matter that has recently come to light. This was its degrading action last spring in questioning Kenneth Tynan, the British drama critic who was then visiting this country, about his views on Cuba and about the script of a television show he had helped produce in England voicing the opinions of a number of well-known American dissenters. To suggest, as the questioning did, that there was something wrong in Mr. Tynan's holding political opinions contrary to those of the President of the United States makes the committee appear even more ridiculous than it is and—something much more important—undermines American democratic principles.

And—just to remind ourselves that all the infringements of personal liberty are not committed by Congressional committees but sometimes are committed by their State counterparts—Dr. Willard Uphaus is still in a New Hampshire jail.

THE COTTON INDUSTRY

Mr. FULBRIGHT. Mr. President, American cotton producers have always depended upon foreign markets. From its inception the industry has exported on the average about 50 percent of its production. As a Senator from a great cotton-producing State and as a member of the Senate Foreign Relations Committee, I have always concerned myself with the problems in the world cotton market.

A strong export market for our cotton is essential to the economic health of the entire cotton industry. It is certainly essential to the economy of Arkansas. Cotton is by far the most important crop produced in my State. In 1959 the value of the cotton crop was over $276 million and represented 53 percent of the total value of all Arkansas crops. In that year Arkansas' proportionate share in export sales of cotton was approximately 750,000 bales—half of the State's total production. A total of 7,200,000 bales of U.S. cotton was exported in the last marketing year reducing the carryover to almost one-half of the level of 4 years ago. Exports this marketing year are expected to reach 6½ million bales and, if domestic consumption is at the expected level, the carryover will drop to about 6¾ million bales next August—a decrease of 800,000 bales from last year. This is approximately a normal carryover.

Many people here and abroad fail to appreciate the important role played by the U.S. Government in the world cotton market. I wish to invite to the attention of my colleagues an excellent article by Dr. M. H. Horne, Jr., which appeared in the September 1960 issue of the Annals of the American Academy of Political and Social Science. Dr. Horne, a noted economist with extensive experience in cotton economics, discussed the leadership of our Government in the world cotton market. One of the significant points in his article was an exposition of the advantages which our leadership provides to other cotton exporting nations. The United States, according to Dr. Horne, plays the role of the residual supplier on the world market thus bringing greater market stability to other cotton exporting nations. In filling the role of residual supplier and as the world price leader, the United States has provided a little recognized source of strength to weaker cotton-producing nations.

He also points out that world cotton consumption is now increasing at the rate of 1.5 million bales a year and that until the 1955–56 season our share of the postwar export market declined drastically with corresponding benefits to foreign producers. With the implementation of the export subsidy program in 1955–56, American cotton producers began to enjoy a more equitable share in the world market. Since then, foreign production has increased but at a reduced rate. In looking to the future Dr. Horne takes the position that our cotton farmers' hopes for a real comparative advantage in the world market rest with improvements in technology which will lower production costs. In other words, the cotton farmer must produce more efficiently if we are to hold our own in the world market.

Another interesting piece pertaining to the cotton industry appeared in the New York Times of January 9. This article contains a brief résumé of the vast changes which have taken place in cotton production in recent years. As an indication of the advances in the tech-

nology of cotton production, the article points out that in 1939 it took three times the acreage to produce a crop which was 300,000 bales less than used to produce the 1960 crop. Mechanization on cotton farms has replaced hand labor to a great extent, although there are still many cotton producing areas in my State and others that depend on a certain amount of hand labor. The technological revolution in cotton farming promises to be the means by which the farmer, in spite of rising costs of machinery and other materials, can put out a better product at a lower cost per pound. If our farmers can continue the trend toward more efficient production I am confident that we will be able to maintain our fair share of the world cotton market. I hope that the cotton industry can agree upon a program for consideration by the Congress and the new administration which will not jeopardize the export markets for our cotton.

I commend both of these articles to the attention of my colleagues and I ask unanimous consent that they be printed in the RECORD following my remarks.

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

COTTON

(By M. K. Horne, Jr.)

Cotton is a clear case of an agricultural commodity for which the U.S. Government functions as the world price leader. This is true by virtue of some simple arithmetic. During the past five seasons we supplied 32 percent of the cotton which moved in world trade. Of some 40 other cotton-exporting countries there was none which could account for even half so much. The basic decisions governing the general price level at which we export cotton are made by one agency, the Federal Government. In other words, one decision-maker determines the price for a third of the international trade in cotton. So long as the foreign world depends upon us for this large fraction of its imports, we can, by withholding cotton except at a certain price, draw the whole market up toward the general vicinity of that price. And so long as we hold big stocks, we can, by selling cotton at any price, drop the whole market down toward the vicinity of that price.

This position of price leadership is accentuated by the fact that virtually all our competitors in cotton exports—Mexico, Egypt, and so forth—have neither the local finances nor the supplies of foreign exchange to permit them the luxury of holding their cotton through periods of price weakness. Only the United States can afford this dubious luxury.

Our role as the price leader is far from a comfortable one. Whenever price leadership exists in any commodity, the smaller competitors enjoy quite a trading advantage. When market conditions are tight and sales are easy to make, they can raise their prices up to or above that of the leader. When the market is glutted, they can nearly always continue making sales by cutting their prices slightly below that of the leader.

This is just the situation which has bedeviled the makers of U.S. Government policy toward cotton. In the season before last, for example—August 1, 1957–July 31, 1958—this country obtained 41 percent of the world trade in cotton. This was because the volume of trade was relatively strong. Last season, on the other hand, was one of recession in the world cotton trade, and we received only 22 percent of the business.

THE ROLE OF RESIDUAL SUPPLIER

It is charged, quite correctly, that in these circumstances the United States serves merely as the residual supplier of cotton to the world. Other countries, by selling below our price when necessary, can assure themselves of a market for their production year after year. In crudest terms, we take whatever market they leave us.

It is a great oversimplification, of course, to generalize in this manner without regard for differences in quality and merchandising efficiency. The quality of cotton is a thing of vast importance, complexity, and—I must add—controversy; but if space permitted a discussion of this subject we still would find that in a broad sense our country functions as the residual supplier.

There naturally is much critcism of the Government for allowing itself to be caught in this weak bargaining position for the world market. Indeed the existing law undertakes to rid us of this position by ordering the Commodity Credit Corporation "to make cotton available at prices not in excess of the level of prices at which cottons of comparable qualities are being offered in substantial quantity by other exporting countries."

The difficulties are apparent. If the United States were a small factor in the world cotton trade, the Government could not be the price leader even if it wanted to. But since it actually is such a large factor, the Government does not really have the power to abandon the role of price leadership. If we try to follow the prices of our competitors downward, we may drive them down further. We could find ourselves following downward a price which we ourselves were driving downward.

There seem to be only two routes by which we could escape the burden of price leadership. One would be by continuing to become a smaller and smaller factor in the world cotton trade until at length we no longer held the power to affect the price so decisively. We are much closer to that position now than in decades past. Indeed within recent years we seem to have experienced short periods in which the world received a foretaste of this condition. During 1955 particularly, for a number of months the United States was virtually out of the world market because, seemingly for the first time, other countries were pressing to sell more than enough cotton for the entire immediate export demand. For the first time the sellers of foreign-grown cotton were not competing primarily with the United States but rather with one another—and the world price took a steep plunge.

The other route would be by taking the Government out of its role as maker of the general price level for U.S. cotton. It holds this role by means of support programs which tend to set a floor for prices and of large stock holdings which tend to set a ceiling at the level where these stocks may be released upon the market. In addition the law authorizes export subsidies which cause the export price to differ from the domestic. Currently a payment-in-kind subsidy on exports is in effect.

If the Government relinquished this entire function, the United States apparently would no longer serve as the world price leader because there would be no concentration of the basic pricemaking power. The whole structure of the world market presumably would be radically changed. It would resemble much more closely the classical concept of many buyers and many sellers, none in a position of special dominance.

The following comments, however, will deal with the situation in which we are today, in which we have been for a long time, and in which we shall be for some indefinite future time: the situation of the price leader.

THE EFFECT UPON FOREIGN PRODUCTION

The foremost cotton-producing countries of the foreign free world read like a roster of the strategically placed nations in the struggle for progress and freedom: India, Egypt, Mexico, Brazil, Pakistan, and so on. Surely we must have careful regard for their economic stability and progress. What is their interest in the U.S. cotton policy?

Few kind words are ever said for it in international councils, but as a matter of fact, this policy, must have served as an enormous boon to the progress of less-developed nations.

The fundamental nature of cotton prices is not too commonly understood. On the demand side, it is fundamental that cotton is an industrial raw material. Seven-eighths of the retail value of the typical product is added after the fiber leaves the farm. The notion that the mills can make quick and easy shifts between cotton and rayon belongs to theory, not to fact. Such shifts do occur, but they typically require years of sustained technical and merchandising effort. In the short-run, the quantity of raw cotton consumed does fluctuate quite importantly, but the fluctuations are governed by the requirements of the spinning mills throughout the world. These requirements change as the mills respond to the up-and-down motion of the textile cycle. On the supply side, the quantity available in any short-run period is seriously affected by changes in the weather all over the world. These short-term fluctuations in both demand and supply are not caused by the price of raw cotton, nor can small price changes bring them into equilibrium. A tendency toward wide short-term fluctuations in prices is inherent.

In today's world, important expansion in cotton production requires long-range plans and substantial investments—even, to a considerable extent, in the underdeveloped countries. More and more, any significant expansion depends on great irrigation projects. Such investments involve great risks. It seems inescapable that U.S. cotton policy has served effectively to remove most of the price risk involved, as well as maintaining the world price during most of the postwar period at levels which were quite attractive to the foreign producer.

Under these conditions foreign free-world production rose to 12.4 million bales in 1950–51—approximately equaling its prewar peak—and from that point proceeded to build up rapidly to 17.5 million in 1958–59. This is indeed a healthy rate of growth, and it takes on greater meaning from the fact that in the decade of the 1950's the main trend of U.S. production was forced downward by acreage restrictions.

In addition to maintaining the world price, our cotton policy has provided reasonable assurance to every foreign producer that he could market his crop virtually every year, while we ourselves absorbed the impact of fluctuations in our annual volume of exports ranging from 7.5 to 2.2 million bales. Such is the lot of the residual supplier. In absorbing the main shock of changes in the supply and demand situation, we maintained the only important stock of surplus cotton in the world, even when our carryover reached 14.5 million bales in August 1955.

If we have regard solely for the interests of the foreign producing nations we evidently should think long indeed before abandoning our role as the great stabilizing factor in the cotton markets of the world. I would judge that few if any forms of foreign aid have meant so much to the strength and progress of the weaker nations.

THE EFFECT UPON U.S. EXPORTS

What, on the other hand, is in the direct national interest of the United States?

I would think, first of all, that our policy needs to be based on a deep understanding

of the basic economics involved—the real nature and function of supply, of demand, and of price. This is a prime obligation of a country which holds the burden of such overtowering leadership. I refer most emphatically, to the supply, demand, and price of this particular commodity. We cannot afford the luxury of theoretical generalizations any more than we can afford that of narrow minded self-interest.

In the present structure of the world market, it is futile for this country to try to free itself from the handicaps of price leadership. In struggling to do so, we would batter and punish other nations far more than we would help ourselves. And we still would find it impossible to export some normal portion of our production each season, as other nations tend to do.

Our real interest calls for a longer view. Though we are obliged to play the part of the residual supplier, we can profitably direct our attention to the size of the residual. We cannot keep this from fluctuating a great deal between one season and the next, but we surely can take rational measures aimed at protecting or expanding the average size of the residual over a period of years. The residual involved is, in simplest terms, the gap between total consumption and production of cotton in the entire foreign world. If that gap disappears we have virtually lost our export market. If it expands, our exports are bound to expand.

Many forces determine the long-range trend of foreign consumption and production. Some of them are entirely outside the province of our national policy or of private industrial policy. Others are within the proper reach of our influence. Sales promotion has a significant bearing on the volume of cotton consumption. Techniques of industrywide promotion which have been pioneered for the past two decades in this country are now being transported to 14 leading foreign nations by means of Public Law 480 programs, with major contributions coming from industry groups both in this and in the foreign countries involved.

In this context it is most interesting to examine the function of price. While our role as price leader is a handicap within the time span of a single marketing season, it certainly need not be if we can project our thinking over a period of years. Over the years—and only then—the price of cotton does indeed become a major influence upon the quantity consumed and the quantity produced. Whether we like it or not, our Government holds the power, through price, to influence very materially the trend of both consumption and production abroad. This great power can be used with reasonable regard for the direct interest of our own producers as well as those in foreign lands.

A basic source of optimism is the spectacular rate of growth in foreign cotton consumption. In the whole foreign world—Communist included—cotton consumption has increased in every single year since 1943–44. It has doubled since 1946–47. It exceeded its prewar peak level in 1950–61, reaching 24.6 million. From that point it has climbed upward to 36.9 million in 1958–59, and perhaps to 38.5 million in 1959–60. An average increase of 1.5 million bales per year.

Surely in this dynamic market situation it is not greedy for the United States producer to hope that he might maintain his export market at the same average level, or even share modestly in the market expansion. The fact is, however, that throughout the postwar period of 1955–56, the upward trend of foreign production not only equaled but exceeded the tremendous growth in consumption, so that our residual part of this market was trending downward and our export market was headed toward extinction. In the season of 1955–56 the Government embarked on a program of substantial export subsidies. In the ensuing years foreign production has continued an upward trend, but the pace of the increase has been sharply reduced, so that the residual between foreign consumption and production has begun to show an upward tendency and the outlook for United States exports across the years has improved.

A CHANGING PRICE POLICY

In the meantime, the farmer is making a real effort to move with reasonable speed toward the point where he can hold a sound place in the world market without reliance on the export subsidy. Much has been achieved in the field of education on the real market significance of the cotton price. The prices received by farmers for cotton have had a pronounced downward trend over the past decade. The old clamor for 90 percent of parity is seldom heard today. In 1958, with urging from the cotton industry and the cotton farmer, new legislation was adopted which set the support price on a downward course. For the season beginning August 1, 1960, it has been announced that the export subsidy will be reduced from 8 to 6 cents, accompanied by an offsetting reduction of almost as much in the support price to the farmer. More of this could occur in future years. The declining prices received by the farmer are the more significant because they come in an environment of rising prices for the factors of production. Not many American cotton farmers, even in the most efficient bracket, give much evidence of prosperity today. Neither, incidentally, do many cotton farmers in other lands.

In the cost of production, the great disadvantage of the American cotton farmer is the price of labor. In many other aspects of production he has a competitive advantage. As progress is made in the use of machines, chemicals, and scientific techniques in replacement of labor, the hopes of this country for a real comparative advantage in cotton production become brighter. The possibilities of such progress, even to the point of sensational breakthroughs in several key problem areas, are quite enormous. If in the next decade the technology of cotton production remains rather dormant, it is likely that our genuine economic claim upon a large place in the world cotton market will decline. If great technological progress is made, as it can be, the United States farmer probably will achieve a real comparative advantage in the true classical meaning of the term.

USE OF MACHINERY BOLSTERS COTTON—REVOLUTION IN FARMING PUTS INDUSTRY ON AN EFFICIENT BASIS—CROP YIELD UP

The technological revolution in the U.S. cotton-growing industry finally has resulted in its emergence on a sounder basis than ever.

This change has not been made without a heavy cost to the Federal Government during the transition period. Also, thousands of families have been uprooted in the process and the number of cotton farms in the United States has steadily declined. They amount to about 1 million compared with more than 2 million 20 years ago.

Those who have been compelled to leave the cotton farms, however, have been absorbed in industry and generally their earning power has been increased. The problem now is to keep the former farmers employed in their new work and to furnish adequate housing in the big cities where most of them have gone.

U.S. DOMINANCE LIKELY

The creation of bigger and bigger cotton farms, most of them completely mechanized, has assured that the United States for years will occupy the dominant position in the world's expanding cotton-growing industry.

In the change, hand labor on the cotton farm virtually has disappeared. The yield an acre has been more than doubled and today a mechanically equipped cotton farm is operated just as efficiently as an industrial plant.

Last year's domestic crop of 14,200,000 bales was produced from a harvested acreage of 15,316,000 acres. The yield was 445 pounds an acre, down slightly from the 462 an acre in 1959.

Just what the technological revolution has meant to cotton is demonstrated by the 1930 crop, which was produced almost entirely with animal power and hand labor. In that year, the crop amounted to 13,900,000 bales, or 300,000 fewer than in 1960. Further, it was produced from a harvested acreage of 42,450,000, or almost 3 times larger than in 1960. And the yield an acre was only 157 pounds, or only about one-third of last year's crop.

The cultivation of the 1960 cotton crop was done almost entirely with tractor power. It is estimated that better than 50 percent was mechanically gathered, compared with only 43 percent in 1959.

With the implements now being used on cotton farms being improved and made larger, the personnel needed on a farm will decline further. Recently, the Department of Agriculture said that if farmers were to make the maximum use of all known technology the yield an acre by 1975 could be increased to 616 pounds, or about 40 percent more than in 1960.

Since the average yield in some of the Far West States is not far from 1,000 pounds an acre, or two bales, many in the trade believe this forecast is too conservative.

NATIONAL ALLOTMENT SET

For the 1961 crop, the national allotment has been set at 18,450,000 acres. Taking into consideration the acres allotted in 1960 to choice B growers—those that accepted a 40-percent acreage allotment for a lower support program—the acreage available for planting in 1960 will be increased by 5.3 percent. It is calculated that this year's allotment will produce a crop of 15,500,000 bales.

From its inception, the cotton industry has depended upon exports for the disposal of 50 percent of its production. In the years of high support prices, the export level dropped sharply and surplus supplies increased to a record level of 14,500,000 bales in the season ended July 31, 1956. Exports in the marketing year ended on that date were only 2,200,000 bales, or about 16 percent of the 12,700,000 bales produced that season.

Through subsidy payments, the Eisenhower administration brought the price of U.S. cotton on a competitive basis with other growths and cotton exports moved ahead in the years that followed. Despite the increase in production since, surplus stocks at the end of last season declined to 7,550,000 bales, or to almost one-half the level of 4 years earlier.

Exports this season are expected to reach 6,500,000 bales, representing about 46 percent of the production. This would compare with 7,200,000 bales in the 1959–60 season, when sales abroad amounted to roughly 50 percent of the crop produced that season.

If exports should reach their expected level and domestic consumption should amount to 8,500,000 bales, as the trade estimates, a further drop in the carryover on July 31 to around 6,750,000 bales is likely.

TRANSPORTATION IN THE COLUMBIA BASIN

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a very fine editorial published in the Oregon Journal, Portland, Oreg., November 25, 1960, relating to a transportation industry

convention, making appropriate comments thereon, be printed in the RECORD.

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

RAILROADS, TRUCKERS, BARGEMEN TRADE BLOWS AT RATE DISCUSSION

(By Tom Humphrey)

It took both courage and imagination on the part of President Charles Baker and Executive Vice President Herb West of the IEWA to expose its Columbia Basin membership to a no-holds-barred discussion and criticism of inland waterways in particular and the bitterly competitive transportation industry generally at the 27th annual convention in Portland this week.

This was especially true in light of the fact that the Columbia Basin has been involved in a cold war between the railroads and the bargelines and their supporters over the current $7 million selective reduction in freight rates on wheat and a contest between the Southern Pacific and Santa Fe over control of the Western Pacific.

LIVES UP TO NAME

Billed as the "most important discussion you have had an opportunity to hear," the IEWA panel discussion of transportation problems certainly lived up to its billing. Top spokesmen for the railroads, the truck lines, the waterways and the shippers delivered hard-hitting critiques of transportation problems and the "unfair tactics" of their competitors. And with U.S. Senator WARREN G. MAGNUSON, Democrat, of Washington, chairman of the Senate Committee on Interstate and Foreign Commerce, acting as moderator, a panel of Oregon, Washington, and Idaho newspapermen bored into the panel with questions designed to answer the topical question: "What are the necessary ingredients for a strong, economically sound national transportation system?"

No clearcut answer to this question was obtained. But Senator MAGNUSON told a packed joint luncheon meeting of IEWA and the Portland Chamber of Commerce in discussing national transportation policy in the 1960s, that such a policy must involve keeping the transportation industry alive, competitive, and strong in a rapidly developing economy. He indicated his belief that the Congress in dealing with such complex and tricky policy questions as regulation, taxes, subsidies, user's charges, and mergers, would seek to place each segment of the transportation industry on an equal status.

ALL DEBATED

All these questions were hotly debated by the transportation panelists, who were given an extra 2 hours to develop facts and opinions on what's wrong with transportation policy.

The railroads, represented by Burton N. Behling, chief economist for the Association of American Railroads, charged that the railroads are plagued by overregulation and overtaxation and that the waterways, trucking, and air transport industries are underregulated and oversubsidized. He argued against all subsidies and for fully compensatory user charges on trucks, barges, and airlines using public facilities and for authority for railroads to engage in other modes of transportation and for greater freedom to compete in rates. He also advocated more mergers to restore the railroads to full health and vigor.

The trucking industry, represented by Welby M. Frantz, chairman of the board of the American Trucking Associations, came back by charging that the railroads are using the rate structure as a vicious weapon to attack the solvency of competitors and that they still cling to the "divine-right-to-traffic" theory. He advocated intermode arrangements and joint rate and service agreements which would employ the maximum advantages of each type of transportation and honest, intelligent cooperation of carriers and shippers to end the transportation cold war and preserve the independence of each mode.

DEFENDS BARGES

Not to be outdone, Braxton B. Carr, president of the American Waterways Operators, stoutly defended the tug-barge industry on inland waterways and lashed out at railroad proposals of a 2-mill user charge on barge traffic which he said would drive commerce off the rivers and canals of the Nation. He charged that selective rate cutting by the railroads has been the chief instrument of destruction of the coastwise and intercoastal carriers and the decline of the Great Lakes trade.

In effect, Edwin F. Steffen, chairman of the national agricultural cooperative transportation committee of the National Council of Farmer Cooperatives, the spokesman for the shippers, expressed dissatisfaction with both rail and truck transportation systems. He defended exemption of certain agricultural and fishery commodities from rate regulation. But he charged that shippers have been forced into private truck transportation business to protect their interests and declared that shippers can't pay for the built-in deficiencies of the railroads.

These widely divergent, sometimes bitter, views offered no pat solutions for easing the fiercely competitive transportation battle. But they did suggest that it would be in the public interest to end the cold war between modes of transportation and get on with the business of providing the services needed at reasonably competitive prices.

And as we said in the beginning, it took courage on the part of IEWA, stanch advocate of inland waterway development, to invite spokesmen of national stature in competing modes of transportation to fire both barrels at inland navigation. Let us add that Carr, representing inland water carriers, did all right in defending them as a vital, money-saving segment of the transportation industry.

PROPOSED FARM LEGISLATION

Mr. CARLSON. Mr. President, one of the difficulties in working out legislation affecting agriculture is the differences of opinion and general lack of agreement among farm organizations and quite often farmers themselves.

On January 5 a number of Kansas farm organizations met at Wichita, Kans., and arrived at some general conclusions and agreements on proposed farm legislation, particularly as it affects wheat.

A meeting of national farm leaders and others interested in agriculture has been called for the last of January here in Washington, D.C. It is my hope that they can reach some basic agreement on a program which will assure the farmer his fair share of the national income.

The income of the farmer has steadily declined during the past few years, while at the same time our farm surpluses have increased. The Federal budget, or Federal expenditures for agriculture have gone up, but farm income continues to lag behind the income of other Americans.

This problem is of serious concern, not only to the farmers themselves, but also to every citizen of this Nation, as it has resulted in a problem which is getting out of hand. It is one which must have attention and I can assure Senators it is not an easy problem. In fact, it is not a political problem—it is an economic one.

In 1960 farm income was over $11 billion, which is about the same as it was in 1959; however the 1951 farm income was over $15 billion, or about 25 percent greater than at the present time.

During the period from 1951 to 1961 farm costs have greatly increased by increased cost of farm machinery, labor costs, and taxes. This is the real problem.

I ask unanimous consent that the wire which I received from the representatives of the Kansas farm organizations who attended the meeting in Wichita be printed as part of my remarks.

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

DODGE CITY, KANS.,
January 6, 1961.

Hon. FRANK CARLSON,
Senate Office Building,
Washington, D.C.

I am happy to inform you Kansas farm groups agree on farm program in following resolution transmitted for your information and consideration. Resolution signed by Anson Horning, president, Kansas Association of Wheat Growers; J. H. Dean, general manager, Farmers Cooperative Commission Co.; P. J. Nash, general manager, Farmers Union Jobbing Association; Martin J. Byrne, president, Kansas Farmers Union; James W. Ingursen, chairman, executive committee, Kansas State Grange.

"Whereas officers and representatives of the Kansas State Grange, the Kansas Farmers Union, the Kansas Association of Wheat Growers, the Farmers Cooperative Commission Co., and the Farmers Union Jobbing Association, representing virtually every wheat producer in the State of Kansas, are assembled this 5th day of January 1961 at Wichita, Kans.; and

"Whereas the aforesaid organizations have discussed effective farm programs, maintaining and improving farmer income, agreement among farm groups and benefits of an effective farm program to all parts of our economy; and

"Whereas the assembly has approved a motion for representatives of the various groups in the meeting to draw up a document showing agreement on principles discussed: Therefore be it

"*Resolved,* That the assembly as a group adopt the general principles of the 1960 marketing program for wheat, supported by the National Grange, the National Farmers Union, the National Association of Wheat Growers, and other farm groups, as offering the greatest possibilities for a farm program beneficial to wheat producers and all segments of our economy, including the consumer; and be it further

"*Resolved,* That the group agrees to give active support to informing their respective membership and the general public of the principles of the program and the reasons it merits their support; and be it further

"*Resolved,* That the group agrees to inform the proper legislative bodies on a State and National level of the unity of their action on this farm program."

This resolution was adopted unanimously.

ANSON HORNING.

AIR POLLUTION MENACES OUR CITIES' FUTURE

Mr. KUCHEL. Mr. President, throughout my service in the Senate I have sought on many occasions to assist

efforts directed at protection of our people against the undeniable menace of air pollution. It will be my privilege shortly to introduce further legislation which I trust will strengthen the forces seeking fundamental knowledge which is vital to the success of air pollution control programs.

In the meantime, I wish to bring to the attention of the other Members of this body an excellent, challenging, and thought-provoking article which warns that the air pollution problem is far more serious than many people appreciate, and, indeed, that it is grievous.

I ask unanimous consent to have printed in the RECORD an article from a special review section of the Los Angeles Times devoted entirely to the complex question of smog.

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

[From the Los Angeles Times, Jan. 8, 1961]

PALL CAST ON CITIES' FUTURE

(By Ray Herbert)

The link between air pollution and the future of the Nation's metropolitan centers is inescapable.

Seemingly any carefully charted growth pattern could fall short of reaching its obvious potential if fumes, smoke, and distasteful dust particles are allowed to desecrate the urban complex without any promise of relief.

One of the Nation's leading planners believes that the surest way to insure this stable growth lies in the control or elimination of automobile exhausts. Edmund N. Bacon, executive director of the Philadelphia Planning Commission, puts it this way:

"The future of our metropolitan areas will be greatly influenced by the answer to the question of whether we strengthen the downtown areas as a center of business, commerce, and culture, as well as a residential area, or whether we allow these elements to become widely dispersed over the region."

SHOPPERS ANNOYED

Any factor he says, that can improve environmental conditions in the center city is a stroke in its favor.

Like everyone who frequents a busy downtown district, he regards air pollution caused by automotive exhaust as an annoyance to people who supply the central city's lifeblood.

"It tends to create undesirable atmospheric conditions and makes it much more difficult to keep buildings clean," he pointed out. "The destructive effect on foliage and flowers, which are so important in making downtown areas attractive, is well known."

MAJOR EFFECT

Because of this, he said, the development of a policy of exhaust control "will have a major effect on the future distribution of activities throughout the metropolitan area."

Obviously this reference would apply with particular force to cities like Chicago, Detroit, and Los Angeles, where the automobile is a prime factor in the movement of people.

In Pittsburgh, once the Nation's smoky city, partial control has already been effected through mandatory semiannual police inspections.

In its attempt to clean the air even further, Pittsburgh seems to be adding luster to a smog enforcement program which began after World War II. Accompanying it was the redevelopment of its downtown core, a master-planned undertaking which gave the city its famed Golden Triangle, a multimillion showcase of professional know-how and the envy of planners and developers throughout the world.

RESIDENTS LEAVE

Yet while Pittsburgh was striving to translate the objectives of its master plan into concrete and steel, it lost thousands of residents. Pittsburgh had a population of 676,000 in 1950, but the 1960 census put it at 604,000.

"We could not get talented young people to take jobs in our city," Dr. Edward R. Weidlein, retired president and board chairman of the Mellon Institute, explained recently. "One look at our grimy buildings and sooty air and they and their wives went elsewhere. Now all that has changed."

Some form of automotive exhaust control will probably play a key role in the future of the Chicago metropolitan area, a region already earmarked as one of the Nation's 10 supermetropolises in the year 2000. By then it will have a population of 11 million.

TWO MILLION CARS

Recent registration figures showed more than 2 million automobiles, trucks and buses in use now in the metropolitan region. Half of them are registered in Chicago alone, a city with 3.5 million residents.

But the particulate matter contained in dustfall—not necessarily exhaust fumes—has been the greatest single source of annoyance to Metropolitan Chicago's more than 6 million residents. Another source of trouble was the pungent odor that drifted from the Chicago Union Stockyards, but this has been largely eliminated through planned decentralization and air-washing equipment.

H. Hayward Hirsch, director of the community development division of the Chicago Association of Commerce and Industry, believes the city's long-standing air pollutants, as such, will play a relatively minor part in the metropolitan area's planning pattern.

ZONING IMPORTANT

"Rather, much more significance will be attached to land availability, pattern of expressway extensions and area zoning which will affect distribution of land usage between commercial, industrial, agricultural and residential purposes," he explained.

In New York, the Nation's largest city, the relationship between air pollution and the planning structure of Manhattan's suburban communities is gaining increasing attention.

Regionally, the New York area must plan for a population of nearly 25 million by the year 2000. This outlook points up the telltale signs contained in a study by the New York State Air Pollution Control Board. It showed that even Long Island, a primarily residential and rural region, is generating some pollutants.

"Air pollution problems may be expected to intensify in this region, unless early control programs are instituted, because the population trend is eastward into Suffolk County," the report said.

CASE OF NIAGARA AREA

Although New York's air pollution problem is major in scope, the Niagara Frontier area outranks it in priority attention on a statewide basis.

Because vacant land is at a premium, Niagara Falls, an industrialized center with a population of 101,000, has directed much of its plant expansion into communities outside the city limits.

To regulate this fringe development, the surrounding towns and villages have put zoning ordinances to work as they affect both residential and industrial construction. The Niagara region is also relying on a $120,000 metropolitan area planning project to help guide this growth.

IDEAL PLAN

"When the project is completed," says Charles B. Read, manager of the Industrial Department of the Niagara Falls Area Chamber of Commerce, "it should produce an ideal plan for the future development of a very large portion of the western part of New York State."

Similarly, Wheeling, W. Va., the largest city in the heavily air polluted Upper Ohio River Valley, put its future in the hands of an areawide planner. The city lies in the heart of a raw steel-producing and coal-consuming region.

"When the master plan for Wheeling and its surrounding area was prepared," said Ivan E. Myers, executive director of the Wheeling Area Conference on Community Development, "it was recognized, as it had been previously in Pittsburgh, that control of air pollution was a major step in the development of the community."

ATMOSPHERE IMPROVES

Not long ago, Wheeling's atmosphere began to improve, largely as a result of voluntary air pollution control measures. Windows were staying cleaner longer and motorists found themselves driving downtown in midday without using their headlights, something they could not have done 5 years ago.

This extreme murkiness so often associated with air pollution in the Midwest and East has never characterized the eye-irritating variety of smog the Los Angeles area experiences. Often the smog here is invisible, or nearly so. It settles over much of the metropolitan area as a cloud of yellow-tinted fumes—the collective emissions of hundreds of thousands of automobiles, trucks, and buses.

Rigid control measures, some authorities believe, have stifled most of the other smog-generating sources.

No one will deny that Los Angeles County, like other regions suffering the manifold discomforts of air pollution, is responsible for diffusing its own atmosphere.

FREEWAYS UNMATCHED

Its freeway system, for instance, is unmatched anywhere in the world, handling—at the four-level interchange on the fringe of the Los Angeles Civic Center—more than 320,000 automobiles and trucks daily.

Yet, as one county official pointed out, the efficiency planned and built into the system has served only as an open invitation for more motorists to use the freeways and, in turn, send more pollutants into the atmosphere.

"The tendency of people to congregate in urban communities," says Dr. W. L. Faith, managing director of the Air Pollution Foundation, "puts a load of pollution into the atmosphere that will probably continue to increase until economic and politically palatable means of control are developed."

The latest figures show more than 3.2 million motor vehicles registered in Los Angeles County.

By 1980, Southern California will have 10 million vehicles traveling 120 billion miles annually, a good share of them in Los Angeles County.

Freeways and streets must be planned to handle this traffic flow. But what about the air pollution it will generate?

Dr. Faith believes the answer lies in control devices or afterburners on automobiles and trucks—a smog elimination program that will take at least 5 years.

EFFICIENT TRANSPORT

An efficient mass transportation system, now under consideration, could also help. Planners here believe it would remove thousands of automobiles from the county's streets and highways each day.

Recently, the air pollution committee of the Los Angeles County Medical Association recommended that any such system be electrically operated as a further means of reducing exhaust fumes.

In one sense, the Los Angeles County Regional Planning Commission has already embarked on a program that it feels may ultimately result in a reduction in the number of miles driven, although not necessarily in the number of motor vehicles.

Milton Breivogel, director of the Regional Planning Commission, explained it this way:

"We have turned to a concept of decentralization of industry into balanced areas. It's our aim to provide enough space for industries, resident, commercial establishments, schools, agriculture and recreation through a detailed land use plan."

Of the county's 10 subregional areas, studies have already been completed for the southeast part of the county and the East San Gabriel Valley.

PATTERN FOR SHOPPING

"These studies, in a sense, will provide land use patterns which will serve as a format for people who live, say, in the East San Gabriel Valley to work there," Breivogel explained. "The pattern for shopping facilities and recreational uses will be laid out. Only occasionally will these people find it necessary to drive to Pasadena or downtown Los Angeles."

He said the commission, in developing this concept, is trying to encourage the creation of jobs "where the people are."

"We're thinking," he explained, "of the effect, traffic, crowded streets, air pollution, and other factors have on the human being."

AMENDMENT OF CLOTURE RULE

The Senate resumed consideration of the resolution (S. Res. 4) to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. KEATING. Mr. President, I desire to address myself to the motion made by the distinguished majority leader to refer to committee the pending resolution. I strongly oppose this motion and I hope it will be defeated. Let us face facts. If successful, this maneuver will destroy any real possibility of changing rule XXII at this session.

It will gravely imperil all civil rights legislation, including even an extension of the life of the Civil Rights Commission.

It will repudiate the solemn platform pledges of both political parties and the promises of both presidential candidates. It will shatter the hopes of what I believe to be an overwhelming majority of the American people who want to restore a semblance of democratic rule to this great legislative body.

Mr. President, the Nation is living on the threshold of outer space. Facing us are most serious and pressing questions in the field of international affairs, as well as untold domestic issues yet to be resolved.

We are engulfed by a highly competitive world of action. We were told last fall, prior to the presidential election, by both political candidates: Inaction is a key word of the past; this Nation must move forward. Yet this motion is a prelude to retreat and inaction on the very first substantive issue facing the 87th Congress.

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

Mr. KEATING. I shall be happy to yield for a question.

Mr. RUSSELL. It will be a question. The Senator refers to a substantive issue. Does the Senator believe the Senate should proceed to handle all the substantive matters embraced in the platform of the two major parties without any committee consideration?

Mr. KEATING. No, I do not believe that.

Mr. RUSSELL. Then why does the Senator from New York think this resolution should not be referred to committee, whereas he thinks that all other measures should be referred to committee?

Mr. KEATING. I shall be very happy to explain why I do not think this measure should be referred to the committee. The reason is that we have had experience before with rule changes. We know that when proposals of this nature go to committee, they are always faced, upon return, with a filibuster. The very same thing may well happen during this session. Proposals to change the rules may very well be brought back here a week or two before the great rush for adjournment is on, at which time even the threat of a filibuster may lead to their defeat.

But we do not face that situation today; and I assume that is why the Democratic platform includes the statement that this action will be taken at the beginning of the Congress, not later.

Mr. RUSSELL. Does not the Senator from New York recall that no later than last year, 1960, the Senate proceeded to change its rules, and voted, and by a majority vote did change the rules in the very respect to which the Senator from New York is now addressing himself?

Mr. KEATING. No, it was at the opening of the first session.

Mr. RUSSELL. Oh, no; it was at the opening of the second session of the Congress—not at the opening of the Congress, but at the opening of the second session of the Congress. That particular Congress had then been in being for more than 1 year. Yet the Senate proceeded by majority vote to change the rule.

Mr. KEATING. But the change which was made was a very insignificant one.

I have no doubt that some minor change might be effected as a face-saving device. I, myself, may propose a change which might not be objected to by the Senator from Georgia; and it might well be said, when we came around to considering this one, several months hence, "Well, that is a fair change, so we will make that change, in order to comply with our political platform." And, Mr. President, technically speaking, it might be a change; but it would not be one to comply with the spirit of the platforms.

Mr. RUSSELL. Is not the complaint of the Senator from New York addressed to the fact that a majority of the Senate did not agree with him, rather than to any failure of the Senate to have an opportunity to work its will? Could not a majority of the Senate, when the matter was pending, have voted to change the rule to provide for cloture by majority vote, if a majority of the Senate had desired to do that?

The cold fact is that the Senate had the matter of a change of the rules before it in 1960; and the Senate then had a chance to work its will; and there was nothing to prevent a majority of the Senate, if a majority so desired, from including the very provision the Senator from New York is espousing here today. In the light of that situation, does not the Senator from New York think that his argument that this resolution should not be referred to committee falls rather flat?

Mr. KEATING. Let me say that, of course, whenever a majority of the Senate does not agree with the Senator from New York, he thinks the majority is wrong; and no doubt the Senator from Georgia thinks the majority is wrong when they do not agree with him. But that is not my complaint. I expect that this proposed rule might frequently work to my disadvantage; but I am seeking to give a majority of the Members of the Senate an opportunity to work their will on any legislation which comes before it.

However, I must say that my recollection differs from that of the Senator from Georgia.

Mr. RUSSELL. Mr. President, I was in error about the year. I confused the civil rights bill that was considered last year with the rule change that was acted upon in 1959. I think my error might be forgiven, however, because the Senator from New York, the Senator from New Jersey [Mr. CASE], and other Members always couple those matters together.

Mr. KEATING. Of course, I forgive the Senator from Georgia for any indiscretions or sins of omission or commission, of which, I am sure I have committed more than he has.

Mr. RUSSELL. I am not in a position to reveal all of mine; therefore, I cannot count them here publicly on the Senate floor.

Mr. KEATING. But the point is that at the beginning of this session we are faced with exactly what we were faced with at the beginning of the last Congress; and although that change was a minor one, it was made at the beginning of the 86th Congress and not after committee hearings. We all know that the right time to legislate on this subject is now, and not many, many months hence.

Mr. RUSSELL. Mr. President, the Senator from New York is correct when he says it was done at the opening of a session. But, as I recall, it was done by a vote of approximately 70 to 20—although I do not have the exact figures before me now. So at that time a majority of the Senate did have an opportunity to vote.

Mr. KEATING. But only after all other efforts to change the rule had been defeated. I voted for that change, and I believe it was a slight advance in the direction of making this body a democratic one. I certainly was not satisfied or pleased with the change which was made, for it was only a small step in the right direction.

Mr. JAVITS. Mr. President, at this point will my colleague yield to me?

The PRESIDING OFFICER (Mr. METCALF in the chair). Does the Senator from New York yield to his colleague?

Mr. KEATING. I yield.

Mr. JAVITS. I wish to point out to my colleague how correct he is, because

that change made no change whatever in the score of some 23 efforts, with only 4 successes, because all 4 of the successes were attained when the rule required the affirmative votes of two-thirds of the Members present and voting. But notwithstanding the fact, for example, that on 2 of those occasions—in 1950—when more than 60 percent of the Members present and voting sought to effect cloture, they were unsuccessful. So my colleague is absolutely correct when he says the change made in 1959 was not meaningful in terms of the practicalities of the situation.

Mr. KEATING. I thank my colleague for his comment.

Mr. RUSSELL. Mr. President, will the Senator from New York yield again to me?

Mr. KEATING. I yield.

Mr. RUSSELL. Of course, the Senator from New York has gone back into the origin of the rule, and then down to this good day. But in discussing matters which transpired in the last Senate, it seems to me that both the Senators from New York inveigh more against the refusal of a majority of the Senate to follow them than they inveigh against the rule. I recall that last year—and I am very certain about this—both of the Senators from New York signed a cloture petition that was brought before the Senate, but they failed to get even a bare numerical majority of the Senate to vote in favor of gagging the Senate at that time. So the fact that the rule requires a two-thirds vote, rather than just a majority—as the senior Senator from New York [Mr. JAVITS] advocates, means nothing, because when he tried that last year, he did not get even a majority of the Members who voted on that proposition to vote to gag the Senate.

Mr. KEATING. What I inveigh against is not my inability to succeed in getting the Senate to adopt my point of view. But I inveigh against the possibility that a minority of the Senate can prevent a majority of the Senate from voting and from working their will on legislation.

I repeat that I am perfectly well aware that this issue goes far beyond the field of civil rights. The last time it was successful, in effect, it had to do with an amendment to the Atomic Energy Act. I do not know what my position would have been at that time, for I was not then a Member of the Senate. It might have been very regrettable, from my point of view, that unlimited debate was ended; and I recognize that such a rule change, if it had been put into effect, would have been bound to affect many of us adversely on many occasions.

But it is inconceivable to me that eventually the Senate will not come to the point of view that a majority of the Members of the Senate may direct the action of the Senate, just as the public at large thinks is the possibility now. The general public does not realize that it is possible for a group of 10 or 12 able-bodied Members of this body to prevent the Senate from acting on any issue. However, they could do that, if necessity arose, by starting at the very beginning of the session, and could stymie this legislative body from one end of the year to the other. That is a situation which, in my judgment, the American people do not condone and do not desire to have continued; and that is the reason why I oppose the pending motion.

I was referring to the great amount of talk we heard about moving forward. This is our first effort to move forward toward some new frontier, and yet we are turning backward. We know what happened to Lot's wife when she looked backward. If we do not realistically face the future as I believe we should, the same sad fate may turn out to be ours.

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

Mr. KEATING. I yield.

Mr. RUSSELL. Am I to understand that the distinguished Senator from New York is now about ready to don his buckskin coat and fall in the van of those who are laying out the metes and bounds of the New Frontier?

Mr. KEATING. I want to disabuse the Senator from any such intention on my part.

Mr. RUSSELL. The Senator said he wanted to move toward a new frontier.

Mr. KEATING. There are many features of the New Frontier which I am certain I shall oppose; but I shall never oppose the right of this legislative body to have a majority rule. I may speak at some length on a number of those proposals, but I shall never try to prevent action by the Senate, eventually, on any one of those pieces of legislation, seriously as I may be opposed to them, and I am sure I shall oppose some of them.

When I speak about the New Frontier, it is not to support the program of the New Frontier, but to point out that the very first step toward the New Frontier is a retreat, which is the action we are being asked to take in this Chamber today.

There has been a proud boast, on the part of the devotees of the New Frontier—and I do not mean to include the distinguished Senator from Georgia [Mr. RUSSELL] necessarily in this; he will probably be a member of the posse part of the time, and not a part of it the rest of the time, especially if he runs true to what I know to be his legislative record in the past. We were told that this posse was saddled up to go forward; and it appears now, by this device before us, that they are going to turn out to be merely "ghost writers in the sky."

The majority leader's motion to submit these proposed changes in the Senate rules to the Committee on Rules and Administration for study is, unquestionably, at this time the very surest way to insure that no meaningful and effective changes in the Senate rules take place during the 87th Congress; and I say this without impugning in any way the honor of our majority leader who is beyond cavil; we all know him to be a man of honor. We have only to look at the results of such a move made in the 85th Congress to foretell the outcome, if the motion of the majority leader shall be adopted.

In 1957, after 7 days of exhaustive and comprehensive hearings, the Committee on Rules and Administration reported favorably a change in rule XXII which is substantially the same as the proposal offered by the Senator from Minnesota [Mr. HUMPHREY], the Senator from California [Mr. KUCHEL], and other Senators.

It should also be noted that this hearing was preceded by equally exhaustive studies in 1947, 1949, and 1951.

In spite of the favorable report of the Rules and Administration Committee, the extensive testimony and the desire of a great number of Senators to vote on the issue of changes in the rules, there was not one vote taken which related to the proposal favored by the Rules and Administration Committee during the 85th Congress.

It does little good to try to build highways toward a better America when others are engaged in building roadblocks.

I would ask the distinguished majority leader what assurances we have that the inaction of the 85th Congress will not be a precedent for the 87th. Are we going to walk, or are we going to be paralyzed? Are we going to ride toward responsible legislation, or are we going to ride in circles around it? The need for a change in the Senate rules was no less apparent in the 85th Congress than it is now. Inaction dealt the death blow to any rules change in the 85th Congress, and inaction now would have the same sorry effect in the 87th Congress, if this motion were adopted.

Throughout the recent presidential campaign, both candidates for President and Vice President actively called for changes—at least, the candidate of my party did—in the Standing Rules of the Senate. It should also be noted that both political parties, in their 1960 platforms, advocated changes in the Senate rules. The Republican plank was even more explicit in one respect than the Democratic plank, in that the Republican plank specifically referred to rule XXII. The Democratic platform also called for changes in the rules and specifically called for such changes at the beginning of the session.

Mr. President, I ask unanimous consent that excerpts of the Republican and Democratic Parties' 1960 platforms relating to changes in the rules be printed at this point in the RECORD.

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

EXCERPTS FROM THE 1960 REPUBLICAN AND DEMOCRATIC PLATFORMS RELATING TO CHANGES IN SENATE RULES

REPUBLICAN PLATFORM

We pledge our best efforts to change present rule XXII of the Senate and other appropriate congressional procedures that often make unattainable proper legislative implementation of constitutional guarantees.

DEMOCRATIC PLATFORM

In order that the will of the American people may be expressed upon all legislative proposals, we urge that action be taken at the beginning of the 87th Congress to improve congressional procedures so that majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either House.

Mr. KEATING. Mr. President, I know some persons have asserted that party platforms are meaningless, that they are not binding, that they serve merely as window dressing for the real objectives of our political parties. There

can be no criticism, in my judgment, of any member of either party who voiced his opposition to this provision of the platform before the election, as I presume would apply to the distinguished Senator from Georgia. I have never subscribed to the idea that it was not possible for any member of a political party, after a platform was adopted, to remain a good party member and say, "This particular part of the platform I do not agree with." There have frequently been planks in the platforms of the Republican Party with which I have not been in agreement. I have tried always to make that clear before an election. There certainly can be no criticism of those who did that in backing the motion made by the distinguished majority leader. But if they have not done that, and the result is to have this motion carried, in my judgment, it will be a deception to a vast number of the American people who took these promises very seriously.

In my definition, a political platform is not a launching site to get a candidate or a party off the ground, but a solemn pledge of principles subscribed to and a solemn set of promises made to be kept.

We certainly misled a lot of people when we spent long hours debating and arguing and negotiating over each phrase in the platform, and listened for days to testimony on each subject, and published and circulated millions of copies of our final product, if we did not mean what we said in those documents.

And we compounded this deceit when each of our candidates traveled the length and breadth of this Nation and appeared before more than 65 million Americans in a single TV program to reiterate his firm support for majority rule in Congress, and for strengthened civil rights legislation.

Mr. President, if this motion carries, we can forever hereafter expect the most cynical, disbelieving attitude toward the good faith of our parties. Our platforms would be viewed as two gay deceivers, all form and no substance. No one likes to be fooled that way. We cannot, in good conscience, raise the hopes of the American people up, then run them down, as though we were operating an elevator instead of a responsible deliberative body.

The situation is all the more distressing because the Vice President's opinions on parliamentary questions have paved the way for prompt and fair consideration of this issue now, not later. Not until the beginning of the 88th Congress will it be possible to proceed with more dispatch and less peril of a filibuster than right now. And of course, despite my high regard for the Vice President-elect, we have no assurance from him that he will follow the precedents which Vice President NIXON has established. History records that he, as a Senator, opposed the position taken by the Vice President.

The practical effect of the Vice President's ruling is to permit a majority of Senators at this time to make changes in the Senate rules without danger of a filibuster, to permit a majority to vote the previous question, to permit a majority to sustain the ruling of the Presiding Officer; and if we act now, while the distinguished Vice President is presiding, there is no device known to me, nor I believe known to any parliamentarian, which can prevent action by a majority vote.

At any other time, one more than a mere one-third of the Senate will be in a position to block any action by a majority by engaging in a filibuster. And thus, needed legislation will be talked to death, instead of to life.

The Vice President's rulings are based upon article I, section 5, of the Constitution of the United States, which declares that "each House may determine the rules of its proceedings." Now is the time for a majority of the Senate to exercise its constitutional prerogatives. On this subject, opportunity knocks but once every 2 years. Indeed, if Vice President NIXON's opinions are rejected by Vice-President-elect Johnson, this may be our last opportunity for some time.

Inaction by the Senate with respect to changes in the filibuster rule will take its toll on many types of legislation. But let it be acknowledged that at the present time, as has been said, it is in the area of civil rights that the impact of the filibuster will be the most decisive. Hence a vote on the motion does involve a vote on the human civil rights of all citizens. All of us are well aware of the parliamentary pressures which can be brought to bear on a majority which is attempting to enact civil rights legislation. As long as the dark and menacing cloud of filibuster clings close to this Chamber, it will be impossible to enact any meaningful semblance of the pledges in this area made by both parties over and over during the recent campaign.

As a matter of fact, there are several distressing signs that vitally needed civil rights legislation is to be given a low priority in the struggle across the new frontier. I have not heard of any task force reports on this subject. We have had task force reports on a great many things. I have heard of none in the area of civil rights.

I derived little encouragement from the announcement of committee assignments yesterday. And the detachment of our vigorous new President on this issue of rules changes has not been exactly helpful, although his position, that he does not feel he should interfere with the rules of the Senate, is of course understandable under the doctrine of separation of powers. It appears to this observer that the question of civil rights legislation has become at least temporarily lost in the vast wilderness of the new frontier.

Of course, more than civil rights legislation is involved here. Rule XXII applies to everything the Senate considers. And as long as the Rules of the Senate permit a filibuster, Senators on either side of any issue may be expected to use it, and should not be criticized for doing so. This places in jeopardy every one of the controversial proposals which may come before the Senate—and let me remind my colleagues that not every filibuster has been conducted by Senators from the same States. Those who support this motion should recognize the potential perils of their action with respect to other issues having nothing to do with civil rights.

Mr. President, the Humphrey-Kuchel substitute is consistent with the practice of every State legislature in the Union. My own State of New York, for example, provides that the assembly may limit debate by a majority vote on a motion for the previous question, while the senate is able to invoke a form of cloture after 2 hours of debate by a majority vote.

Arkansas, Louisiana, North Dakota, and Montana, to mention a few, are other States allowing a motion for the previous question to cut off debate. Of course, we are confronted with different issues in the Senate—but the differences are a matter of degree, not kind. And in my judgment, the differences in degree make it more, not less, important that a majority of the Senate be allowed to act after full debate.

In all since 1841, there have been over 40 measures of considerable importance filibustered by a minority in this body, with the majority unable to in any way take action.

At this time, Mr. President, I ask unanimous consent to have printed in the RECORD certain historical material entitled "Outstanding Senate Filibusters from 1841 to 1960."

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

OUTSTANDING SENATE FILIBUSTERS FROM 1841 TO 1960

In 1841 a bill to remove the Senate printers was filibustered against for 10 days.

A bill relating to the Bank of the United States was filibustered for several weeks and caused Clay to introduce his cloture resolution.

In 1846 the Oregon bill was filibustered for 2 months.

In 1863 a bill to suspend the writ of habeas corpus was filibustered.

In 1876 an Army appropriation bill was filibustered against for 12 days, forcing the abandonment of a rider which would have suspended existing election laws.

In 1880 a measure to reorganize the Senate was filibustered from March 24 to May 16 by an evenly divided Senate, until two Senators resigned, giving the Democrats a majority.

In 1890 the Blair education bill was filibustered.

The force bill, providing for Federal supervision of elections, was successfully filibustered for 29 days. This resulted in the cloture resolution introduced by Senator Aldrich which was also filibustered and the resolution failed.

In 1893 an unsuccessful filibuster lasting 42 days was organized against a bill for the repeal of the Silver Purchase Act.

In 1901 Senator Carter successfully filibustered a river and harbor bill because it failed to include certain additional appropriations.

In 1902 there was a successful filibuster against Tri-State bill proposing to admit Oklahoma, Arizona, and New Mexico to statehood, because the measure did not include all of Indian territory according to the original boundaries.

In 1903 Senator Tillman (South Carolina) filibustered against a deficiency appropriation bill because it failed to include an item

paying his State a war claim. The item was finally replaced in the bill.

In 1907 Senator Stone filibustered against a ship subsidy bill.

In 1908 Senator La Follette led a filibuster lasting 28 days against the Vreeland-Aldrich emergency currency law. The filibuster finally failed.

In 1911 Senator Owen filibustered a bill proposing to admit New Mexico and Arizona to statehood. The House had accepted New Mexico, but refused Arizona because of her proposed constitution. Senator Owen filibustered against the admission of New Mexico until Arizona was replaced in the measure.

The Canadian reciprocity bill passed the House and failed through a filibuster in the Senate. It passed Congress in an extraordinary session, but Canada refused to accept the proposition.

In 1913 a filibuster was made against the omnibus public building bill by Senator Stone, of Missouri, until certain appropriations for his State were included.

In 1914 Senator Burton (Ohio) filibustered against a river and harbor bill for 12 hours.

Senator Gronna filibustered against acceptance of a conference report on an Indian appropriation bill.

In this year also the following bills were debated at great length, but finally passed: Panama Canal tolls bill, 30 days: Federal Trade Commission bill, 30 days; Clayton amendments to the Sherman Act, 21 days; conference report on the Clayton bill, 9 days.

In 1915 a filibuster was organized against President Wilson's ship purchase bill by which German ships in American ports would have been purchased. The filibuster was successful, and as a result three important appropriation bills failed.

In 1917 the armed ship bill of President Wilson was successfully filibustered, and caused the defeat of many administration measures. This caused the adoption of the Martin resolution embodying the President's recommendation for a change in the Senate rules, on limitation of debate.

In 1919 a filibuster was successful against an oil and mineral leasing bill, causing the failure of several important appropriation bills and necessitating an extraordinary session of Congress.

In 1921 the emergency tariff bill was filibustered against in January 1921, which led Senator Penrose to present a cloture petition. The cloture petition failed, but the tariff bill finally passed.

In 1922, the Dyer antilynching bill was successfully filibustered against by a group of southern Senators.

In 1923 President Harding's ship subsidy bill was defeated by a filibuster.

In 1925 Senator Copeland (New York) talked at length against ratification of the Isle of Pines Treaty with Cuba, but the treaty was finally ratified.

In 1926 a 10-day filibuster against the World Court Protocol was ended by a cloture vote of 68 to 26, the second time cloture was adopted by the Senate.

A bill for migratory bird refuges was talked to death by States rights advocates in the spring of 1926, a motion for cloture failing by a vote of 46 to 33.

In 1927 cloture again failed of adoption when it was rejected by 32 yeas against 59 nays as a device to end obstruction against the Swing-Johnson bill for development of the Lower Colorado River Basin.

One of the fiercest filibusters in recent decades succeeded in March 1927, in preventing an extension of the life of a special campaign investigating committee headed by James A. Reed, of Missouri. The committee's exposé of corruption in the 1926 senatorial election victories of Frank L. Smith in Illinois and of William S. Vare in Pennsylvania had aroused the ire of a few Senators who refused to permit the continuance of the investigation despite the wishes of a clear majority of the Senate.

In 1933, early in 1933, a 2-week filibuster was staged against the Glass branch banking bill in which Huey Long first participated as a leading figure. "Senators found him impervious to sarcasm and no man could silence him." Cloture was defeated by the margin of a single vote. Finally, the filibuster was abandoned and the bill passed.

In 1935 the most celebrated of the Long filibusters was staged on June 12–13. Senator Long spoke for 15½ hours, a feat of physical endurance never before excelled in the Senate, in favor of the Gore amendment to the proposed extension of the National Industrial Recovery Act. But the amendment was finally tabled.

In 1938 a 29-day "feather duster" filibuster in January–February defeated passage of a Federal antilynching bill, although an overwhelming majority of the Senate clearly favored the bill.

In 1939 an extended filibuster against adoption of a monetary bill, extending Presidential authority to alter the value of the dollar, continued from June 20 to July 5, 1939, but finally failed by a narrow margin.

In 1942, 1944, 1946, and 1948 four organized filibusters upon the perennial question of Federal anti-poll-tax legislation were successful in these years. An attempt to pass fair employment practice legislation in 1946 was also killed by a filibuster. The Senate cloture rule proved ineffective in these cases as a device for breaking filibusters.

In 1949 a motion to take up a resolution (S. Res. 15) to amend the cloture rule was debated at intervals in the Senate from February 28 to March 17 when it was amended and agreed to.

In 1950 a motion to take up the FEPC bill (S. 1728) was debated in the Senate, May 8–19, 1950, a total of 9 days. Ten Senators spoke in favor of the motion to take up (really in support of the bill) and eight Senators spoke against the motion. According to a rough calculation, the proponents of the motion and bill used 35 percent, and the opponents used 65 percent, of the space in the CONGRESSIONAL RECORD devoted to the subject. During the 9-day period 3,414 inches of the RECORD were consumed with discussion of FEPC and 2,835 inches with other matters.

Mr. Malone filibustered for 11 hours against the conference report on the slot machine bill (S. 3357) in December 1950.

In 1953 a prolonged debate took place on the so-called tidelands offshore oil bill. It began April 1 and ended May 5. The tidelands debate lasted for 35 days, one of the longest on record. During this debate Senator MORSE established a new record for the longest single speech. On April 24–25 he spoke for 22 hours and 26 minutes.

In 1954 an extended debate occurred in July on a bill to amend the Atomic Energy Act of 1946 (S. 3690). The debate lasted 13 days. On July 26 Senator Knowland sought to invoke cloture on S. 3690, but his motion failed by a vote of 44 yeas to 42 nays.

In 1957 (August 28–29) during the debate on the civil rights bill of 1957, Senator STROM THURMOND made a 24-hour and 18-minute speech, the longest in Senate history.

In 1960 the Senate debated civil rights from February 15 to April 11. Actual debate on civil rights consumed 37 days, during which 45 rollcall votes were taken. Eighteen southern Senators conducted a systematic filibuster. In an effort to break the filibuster, around-the-clock sessions were held from February 29 through March 8. The Senate was in continuous session for 9 days, or a total of 157 hours and 26 minutes, with two breaks.

Mr. KEATING. Mr. President, filibusters have not respected party lines or sections of the country, nor have they been confined exclusively to any group of issues. There could be a filibuster against a tax reduction or an effort to close tax loopholes. There could be a filibuster against a declaration of war or measures to defend our Nation. In the past, whether the issue has been a fiscal matter, conservation, economic development, immigration, the national security, statehood, or civil rights, whenever a determined minority has set out to prevent the will of the majority from being enacted, the result has been foreign to the hallowed precepts of a constitutional democracy.

I shall now discuss very briefly the changes presented.

Briefly stated, the Anderson-Morton proposal would invoke cloture through a vote of three-fifths of the Senators present and voting. This would be unquestionably a step towards more democratic rule in the Senate; however, it would not fully realize the wishes of a considerable portion of this body. The proponents of this change urge moderation. The moderation is twice compounded, for we are asked to send the moderate approach to the Committee on Rules and Administration.

The theory of the proponents of the Anderson-Morton proposal is that the Senate should follow the middle ground in considering any change in rule XXII. My feeling is that the middle ground of the compromise should not deprive the majority in this body of a vote on questions which may be pending before the Senate at a future date. The only ground for compromise should rest in assurances of full debate for all sides of an issue through a majority rule in the Senate. Once this end is achieved, the biennial parliamentary altercations involving proponents and opponents with respect to a change in rule XXII will be resolved. For that reason I am personally strongly in favor of the so-called Humphrey-Kuchel resolution. That proposal would allow section 2 of the existing rule XXII to remain in effect and add to it an alternative provision allowing a constitutional majority of the Senate to invoke cloture after extended debate. Through this provision a majority of the Senate would be able to act on pending legislation. But the point I make is that if the pending motion were carried, we would have no opportunity to act on any of these questions—an opportunity which we now have. If the motion is defeated, we can act on the Kuchel-Humphrey substitute. If it is defeated, we can act on the Anderson-Morton proposal or any other amendments before this body for consideration. There is no power on earth, including any U.S. Senator, which, under the rulings of the present occupant of the chair of the Presiding Officer of the Senate, could get around the advisory rulings, which the Presiding Officer would make in connection with a motion to table, a motion for the previous question, or an appeal from any ruling of the Chair.

In addition to these two proposals I wish briefly to refer to one which it is my intention to offer, if the pending motion

is defeated, as I hope it will be. That is a proposal to amend the Humphrey-Kuchel substitute. Indeed, if that proposal were defeated, I would offer the same proposal in connection with the Anderson-Morton resolution. I do not in any way wish to complicate or delay the orderly disposition of any other proposals; and, of course, if the motion carries my only recourse will be to present my views to the Rules Committee, on which I serve, in the appropriate hearings. I have been informed by several of the cosponsors of the Humphrey-Kuchel amendment that they not only have no objection to my proposal, but that they enthusiastically embrace it, and they have encouraged me to present it for consideration. I believe also that even Senators who may most ardently oppose any change in the filibuster rule would regard my suggestion for the distribution of time after cloture as more satisfactory than the present practice. I would even be so sanguine as to express the hope that my distinguished friend from Georgia and other like-minded Senators would find that this suggestion would be an improvement in our present procedure.

Briefly, the purpose of this proposal would be to permit both sides of any issue before the Senate to have equal time in debate after cloture is invoked. This proposal would in no way impair, and in fact would serve to enhance, the reputation of the Senate as the greatest deliberative body in the world.

Under the present cloture rule, and the amendment proposed by Senators HUMPHREY and KUCHEL, each Senator is entitled to speak 1 hour after cloture is invoked. My proposal would provide for 100 additional hours of debate after cloture has been invoked. However, the additional time would be allocated equally, without regard to party lines, among those favoring and those opposing the bill or other matter pending before this body. This would have the effect of assuring that the voice of the minority could be fully heard on all issues. Each side of the issue would be granted 50 hours, no matter how few Senators were in the minority. This is the main distinction between my amendment and the Humphrey-Kuchel amendment.

I approach the subject of changes in the rules as one who believes strongly that constructive debate is the best path to sound policies.

The present distinguished occupant of the chair, the Senator from Montana [Mr. METCALF], and I both served in the House of Representatives, as did the majority leader and many other Senators, and I think we have the feeling that it was relatively infrequent that any Member's mind was changed in the debate on the floor. It has been my experience in this body that debate on the floor does change the minds of Senators rather frequently. After hearing learned argument presented by Senators on all sides of an issue in many instances my mind has been changed. The opportunity is present to hear both sides, and I should not in any way wish to interfere with very full debate on any issue.

I am equally prone to believe that under a democratic system, after such debate a vote by the majority for an issue must be possible. A majority may sometimes be wrong, but so may less than a majority, and under our Constitution, unless otherwise specified, it is the majority of the Senate, not the endurance of the minority, which must resolve the issues facing us.

Let it be clear that none of the ordained constitutional protections for the minority will be impaired to the slightest degree by a curb on unlimited debate.

I am sure that the basic precepts and principles embodied in our Constitution standing alone justify a change in rule XXII. In addition, the steadily growing volume of business handled by the Congress makes more burdensome and dangerous the lengthy talkfests which can afflict our deliberations.

The proposal cosponsored by many of my colleagues would allow the sentiment of a constitutional majority to prevail. It, too, would comply with the words of the beloved champion of minority rights, Abraham Lincoln, as he said in his first inaugural:

> A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of free people.

Therefore, I ask that every Senator from both parties who campaigned for and supported the respective platforms of our parties and did not divorce himself from that part pertaining to the present issue carefully weigh the issue and canvass his conscience in the vote on the pending motion.

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

Mr. KEATING. I yield.

Mr. KUCHEL. I congratulate the distinguished Senator from New York on the comments he has made on this important subject. The Senator from New York, as our Presiding Officer well knows, is an excellent lawyer. He has indicated forthrightly the moral commitment of the Democratic Party and the Republican Party on this issue as promised to the American people last year, and the overwhelming reason and logic behind that commitment. I again renew my congratulations.

Mr. KEATING. I thank my friend from California for his kind words.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, it is so ordered.

UNANIMOUS CONSENT TO LIMIT DEBATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent, on behalf of myself and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], that the Senate proceed to vote on the Mansfield-Dirksen motion, or on any amendment or motion thereto, at 3 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Reserving the right to object, may we know whether the time will be allocated and divided?

Mr. MANSFIELD. With the proviso that the time will be equally divided between the distinguished minority whip, the Senator from California [Mr. KUCHEL], and the majority leader.

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

The time is under the control of the two leaders.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. It is almost a quarter to 2. How much time will each side have at its disposal?

The PRESIDING OFFICER. Thirty-seven and one-half minutes. The majority leader will have 37½ minutes, and the minority leader will have 37½ minutes.

Mr. DIRKSEN. Inasmuch as I am a cosponsor of the resolution, the minority whip will handle the time.

The PRESIDING OFFICER. Does the majority leader desire to yield some time? The time is under the control of the Senator from Montana and the Senator from California.

Mr. MANSFIELD. I yield 5 minutes to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I rise to support the Mansfield-Dirksen motion to commit the pending resolution to the Rules Committee.

When I came to the Senate in 1957, I was assigned to the Committee on Rules and Administration. At that time eight resolutions related in one way or another to debate in the Senate were referred to the Committee on Rules and Administration. The committee created a special subcommittee, composed of the present senior Senator from New York [Mr. JAVITS] and the junior Senator from Georgia, to hold hearings on those resolutions. Hearings were held on June 17, June 24, June 25, June 28, July 2, July 9 and July 16, 1957. I hold in my hand the printed testimony taken at that time.

Those hearings were the most comprehensive ever held on the rules governing debate in the Senate. There appeared before our subcommittee 45 individuals to testify in person. Thirty of those individuals were against any change of the rule as it then related to closure of debate in the Senate. Fifteen of those witnesses favored closure of debate. Thus, of the witnesses testifying in person, the vote was 2 to 1 against any rule change whatever.

Furthermore, the total of persons either testifying in person or submitting statements for the record was 132, of whom 100 were opposed to any rule change. Therefore, at that time, more than three-fourths of those expressing opinions to the subcommittee were opposed to any change in the rule.

Nothwithstanding that fact, the rule was changed 2 years later by resolution offered by the majority and minority leaders to provide for the closing of debate on a vote of two-thirds of the Senators present and voting, rather than two-thirds of the Senators chosen and sworn.

It was thought at that time that, upon the decisive action by majorities of both parties in the Senate, the clamor from radical groups to recreate the Senate in their own image had been laid to rest forever.

Notwithstanding that, those who would appease such radical groups, which do not believe in the Constitution of the United States, our representative form of government or the separation of powers in our republican form of government that we have created, are continuing their efforts to throttle the Senate.

Why is that true? It is true because they know the Senate, composed of 100 Members, with two Senators from each of the 50 States, constitutes the greatest defense of our system of government that we have in our country today. They recognize that a Senator from sparsely populated Idaho has the same voice in the Senate as a Senator from populous New York. They realize that Senators from small States have votes equal to those of Senators from large States. They understand that constitutional government cannot be diluted or undermined by their radical theories so long as each State has an equal voice and vote in the Senate.

Of the eight resolutions which were referred to the Committee on Rules and Administration for hearings in 1957, not one provided for closing debate by a three-fifths majority of the Members of the Senate. So the issue which is before us today—the three-fifths issue—has never been before the Committeee on Rules and Administration. Not one word of testimony has ever been taken on that proposal.

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

Mr. TALMADGE. I ask for 1 more minute.

Mr. HUMPHREY. The Senator from Georgia may have as much time as he wishes.

Mr. TALMADGE. I thank the Senator from Minnesota.

One of the great features of the U.S. Senate is that it does not act with undue haste. Every Member of this body is fully aware that before action is taken on any matter, the matter should be thoroughly studied by the appropriate committee and the testimony of expert witnesses heard.

Yet we have this unstudied resolution supported by some of our colleagues and the constitutional Presiding Officer of the Senate before us on the basis that the Senate has no rules. Its sponsors would have us run roughshod over our committee system and strike down the pillars of liberty which have stood in the Senate since 1789. They go so far as to contend that the Senate is not even functioning; that thus far we are not even organized; and that we have no rules. That is the strangest philosophy that has ever advanced in this honorable body.

Mr. President, the resolution should be referred to the Committee on Rules and Administration on the same basis as each other piece of proposed legislation which is introduced in the Senate. That committee should hold exhaustive hearings to determine whether the grassroots citizenry wants Senators gagged on the vote of a three-fifths majority before they have had the opportunity to talk an issue out before the country.

Mr. President, the philosophy of this resolution is not that which created the Constitution of the United States and has preserved this Republic. It is not the philosophy which has made our Republic the greatest Nation on earth.

Our country is unique in that its citizens enjoy the highest standard of living the world has ever known and have with it the greatest degree of human liberty that mankind has ever experienced from the dawn of history to the present time.

Mr. President, one of the principal reasons this is true is that we have an institution like the Senate of the United States wherein one having the honor and responsibility of representing a sovereign State can do so without restraint in accordance with his ideas, the wishes of his constituents, the needs of the Nation, and his duty to Almighty God.

I urge the Senate not be casual—not to act lightly and strike down a safeguard which has been so fundamental in preserving the foundation of our great Republic. I hope that by an overwhelming vote the Senate will sustain the majority and minority leaders, who have served long in this body and understand the wisdom of its procedures and the necessity for preserving them. In so voting, we shall do much to preserve the Republic of the United States.

Mr. KUCHEL. Mr. President, I yield myself 5 minutes.

Mr. President, the Senate will commit a tragic and irretrievable mistake, in my judgment, if it adopts the motion now before us to send to the Committee on Rules and Administration the two resolutions providing for a change in the rules. I said earlier in the debate that the Vice President of the United States performed a unique and valuable service, and a courageous and honorable one, when he announced that in his opinion, the Constitution of the United States gives to the majority of Senators, in each new Congress, the constitutional right to determine by what rules they shall be guided in their deliberations. That was the essence of the opinion which the Vice President rendered, and he gave us, thus, the opportunity at the opening of this new Congress to rid ourselves, once and for all, of the evil, vicious, undemocratic practice of filibusters.

Mr. President, I have experienced filibusters. I have sat with my colleagues in this Chamber for weeks, day and night, as we went around the clock, in an effort, finally, to bring the Senate, by sheer physical exhaustion, to an opportunity to vote.

Now, when we have this opportunity, I think it would be fatuous and foolish to throw it away and to send to committee the resolution which many Senators on both sides of the aisle have sponsored. That resolution can be adopted now. It should be adopted now. It will provide for a cloture petition to be signed by 16 members of the Senate. It will provide that after 15 days, exclusive of Sundays and holidays, a constitutional majority of the Members of the Senate can determine that the time has come to vote. It will provide for 100 additional hours of debate, even after cloture has been approved by a constitutional majority.

Mr. President, I desire to recite some history. On April 30, 1958, the Committee on Rules and Administration sent to the Senate, by a bipartisan majority of its members, precisely—word for word—the text of the resolution which the Senator from Minnesota [Mr. HUMPHREY] and I, and other Senators, have cosponsored. From April 30, 1958, through all the intervening weeks and months of the last Congress, including all of 1959, that resolution remained on the calendar, available to be taken up at any time. But it never was taken up. When the last Congress adjourned sine die, no action had been taken on the resolution, and it went down the drain.

Study the resolution? The study was made, and the Committee on Rules and Administration made a recommendation. It sent to the Senate exactly the resolution which is now before us.

On that basis, I urge Senators to stand together and oppose the motion. I question the good faith of no one in this Chamber. I have the greatest respect for my leader on this side of the aisle, and I have equal respect for the Democratic leader. But, Mr. President, this is the single occasion upon which you and I and a bipartisan majority of the Senate can make progress in American government. This, in my judgment, is the single occasion when your party's platform and my party's platform may be vindicated by constructive action, and when the evil practice of filibusters may be eliminated from the rules of the Senate.

Mr. CASE of New Jersey. Mr. President, will the Senator from California yield me 6 minutes?

Mr. KUCHEL. Mr. President, I yield 6 minutes to the Senator from New Jersey.

Mr. CASE of New Jersey. Mr. President, once again the Senate has an opportunity to strengthen its rules so that it can more effectively carry out its basic constitutional mandate to legislate.

The change in rule XXII proposed by the Senator from Minnesota [Mr. HUMPHREY], the Senator from California [Mr. KUCHEL], and other Senators, including myself, would restore the Senate to full effectiveness as a legislative body by making it possible for a constitutional majority—51 Senators—after 15 days to put an end to filibusters.

Early last year the country and the entire world were treated to the spectacle of a filibuster in the Senate. It had its comic aspects, as most of us can remember. But, overall, it was a sorry episode; and it was damaging, I believe, to the Senate and, indeed, to the entire Congress and to the Nation as a whole.

At this time we can, and we should, put an end to such a legislative performance. Both political parties have pledged action to that end. The Republican platform, adopted last summer, states unequivocally:

> We pledge our best efforts to change present rule XXII of the Senate and other appropriate congressional procedures that often make unattainable proper legislative implementation of constitutional guarantees.

Filibustering—just the ever-present threat of filibustering—has subtle and pernicious effects on the legislative process. Time and again we have seen the possibility of filibuster used to defeat, delay, or compromise proposed legislation—and not only civil-rights legislation, although in that field its workings can be seen most clearly. The consideration of measures in the fields of housing, minimum wage, immigration, and education has been impeded or thwarted in vital respects by the availability of the filibuster.

A filibuster—the effort by a minority to prevent the majority from ever reaching a vote on a measure the minority opposes—is possible only because of rule XXII. As it now stands, with the slight improvement of 1959, rule XXII provides that cloture, limitation of debate, can be secured only by a two-thirds vote of the Senators present and voting. In practical effect, it denies a clear majority of the Senate an opportunity to vote on any measure which a sufficiently determined minority opposes. The 1959 revision was a return to the old rule of 1917, a rule which on the record proved singularly ill adapted to its purpose. Between 1917 and 1959 there were 22 votes on motions to impose cloture. Only four were successful. Adoption of a constitutional majority requirement would help the situation, but by no means would open the floodgates. Under such a requirement, nine attempts would have been successful.

The fact is that any issue which becomes the subject of filibuster is going to impel full attendance if and when a vote is reached. That is the heart of the problem—to make it possible for a vote to be reached. Then—but only then, under the present rules—a majority of the Senate can, as contemplated by the Constitution, register its will.

In the past, the argument against a change in the rules has rested on two principal arguments. One is the so-called tradition of unlimited debate in the Senate. That is purely and simply a myth, as I discovered when, as a member of the Committee on Rules and Administration, I made an exhaustive study in this regard.

Such tradition as there is—and there is somewhat less than many assume—is on the side of those who believe that the Senate's primary responsibility is to act legislatively, to approve or disapprove proposed legislation. The refusal to permit the Senate to get to the point of action, whether affirmative or negative action, is a relatively recent development. The early Senate, under its rules, precedents, and customs, had the authority to control debate effectively. And, for the most part, would-be filibusterers were restrained by insistence that Senators confine their speeches to the matter before the Senate and that Senators conduct themselves with the traditional dignity of the Senate. There was, on occasion, delay in reaching a vote; but in good time a vote could be reached. The Presiding Officer—be he John Adams, Thomas Jefferson, Aaron Burr, or John Gaillard of South Carolina—was mindful of the prohibition, set out in Jefferson's Manual, against speaking "impertinently, superfluously, or tediously without let or hindrance."

The second major argument made against a change in the rule governing change in the rules is that the Senate is a continuing body. I confess that the relationship of this argument to the procedure used in making a change in the rules at the opening of a new Congress has always mystified me. In the sense that two-thirds of the Senate membership carries over from one Congress to another, the Senate is of course continuing. But pending or proposed legislation does not carry over. Bills must be reintroduced, nominations resubmitted, and committee chairmen reelected. Everyone knows that an act passed in perpetuity by one Senate can be repealed by a simple—not a constitutional—majority in the next Senate.

If one Congress cannot by legislation bind a succeeding Congress, how can one Senate bind a future one in its rules of procedure—especially in the face of the constitutional provision that each House may determine its own rules—article 1, section 5. The constitutional power to legislate is surely at least equal to the constitutional power to determine the rules. Moreover, there is no necessary or inherent conflict between them, provided we recognize, as the Vice President has explicitly stated in his advisory rulings, the right of each Senate to adopt or amend rules as a majority believes will best facilitate the business of the Senate and the discharge of its responsibilities under the Constitution.

We are acting in accord with the Constitution if we act by majority vote to change rule XXII in such a way as to make possible the termination of filibusters. The proposed change would encourage, not discourage, thorough exploration of important issues. It would improve the functioning of a vital part of our legislative structure, a structure in whose continuance lies, I believe, the best protection of the rights of both the majority and the minority.

It seems plain, to me, that one Senate cannot subordinate the constitutional power of the Senate to act legislatively, through a majority, by seeking to impose procedural restraints to prevent a majority in future Senates from working its will in determining the rules under which they will operate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement of my individual views, which I made as a member of the committee, when dealing with this subject, under date of August 21, 1958.

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

PROPOSED AMENDMENTS TO RULE XXII OF THE STANDING RULES OF THE SENATE (RELATING TO CLOTURE)—INDIVIDUAL VIEWS OF MR. CASE OF NEW JERSEY

At the time the Committee on Rules and Administration filed its report (S. Rept. 1509) on Senate Resolution 17 (Calendar No. 1534) I had not completed compiling certain historical data which I felt should be included in that report. Thus I obtained permission of the committee to file this information at a later date as part 2 of the report.

This report, in the form of my individual views, is in no sense a dissent to the brief majority views, to which I fully subscribe. This second part of Report No. 1509 is intended to supplement and support the fine work already done by giving more fully the history of control over debate in the Senate.

This history clearly shows, I believe, that up to about the time of the Civil War a majority of the Senate, under its rules and precedents and the dignity of its customs, did have the authority to—and for the most part did—effectively control debate and prevent filibusters by insisting that Senators confine their speeches to the question at issue and that Senators conduct themselves in a manner in keeping with the traditional courtesy and dignity of the Senate. Exceptions may be cited, but the truly representative picture of the Senate prior to the Civil War, as shown by the historical records of the Senate, is that of a body of men who observed dignity and restraint in debate, who did not consider talking to consume time a parliamentary instrument appropriate for use by the Senate. When delay by speech was tolerated the Senators engaged in this dilatory device either kept their remarks germane to the issue or the majority did not choose at the moment to insist upon strict observance of the rules and precedents. In short, as the evidence presented below demonstrates, the filibuster as a device not merely to delay but to prevent Senate action is a modern institution which finds no support or sanction in early Senate history and practice.

Under the present rules, moreover, there is an ever-present danger of this kind of stultifying filibuster. This is the evil which a majority of Senators desire to root out. Filibusters which are staged by one or more Senators merely for the purpose of delaying a vote in the Senate for a time and to bring the question dramatically to the attention of the country may or may not be justified in particular instances, depending on one's point of view.

But these filibusters do not prevent the majority from ultimately acting, and are not the kind of conduct against which Senate Resolution 17 is aimed.

THE PRESENT RULE AND PROPOSALS FOR CHANGE

By their cosponsorship of Senate resolutions designed to amend rule XXII, at least 53 Senators in Congress have expressed themselves in favor of changing the standing rules of the Senate, in order to make it easier to control filibusters. Thirty-eight Senators were cosponsors of Senate Resolution 30, submitted by the distinguished Senate minority leader, Mr. Knowland, in behalf of himself, the distinguished majority leader, Mr. JOHNSON of Texas, and 36 other Senators. The senior Senator from Illinois [Mr. DOUGLAS] submitted Senate Resolution 17, on behalf of himself and 14 other Senators, including the junior Senator from New Jersey. In short, a majority of the Members of the Senate are in favor of amending rule XXII in one way or another, having in mind the general objective of strengthening the control of the Senate over debate.

Senate Resolution 17 was reported from the Rules Committee on April 30, 1958, and, therefore, has been a pending item on the Senate Calendar for more than 3 months.

Under the present wording of rule XXII, a limitation on debate may be imposed only by the affirmative vote of two-thirds of the Senators duly chosen and sworn; that is, 64 Senators at the present time. This means that in order to prevent the imposition of cloture, only 33 Senators need to vote against it or to fail to appear in the Senate, to vote either way. An absent Senator in effect votes against cloture, under the present wording of rule XXII.

Senate Resolution 30 provides that cloture may be imposed on the affirmative votes of two-thirds of the Senators present and voting. Senate Resolution 17, on the other hand, provides two routes to cloture. One route, similar to that under Senate Resolution 30, is that two-thirds of the Senators present and voting may impose cloture. The other route is that cloture may be provided after a waiting period of 15 days on the affirmative vote of a majority of the Senators duly chosen and sworn, which at the present time would be 49 Senators. The difficulty with Senate Resolution 30, so far as the voting requirement is concerned, is that it would not constitute any significant change from the present rule. A further difficulty with Senate Resolution 30, which I only mention at this point, is that it would attempt to nullify the constitutional power of each Senate to make its own rules.

We know from the history of efforts to impose cloture from the beginning of the cloture rule in 1917 up to 1949—when the wording of rule XXII was changed from "two-thirds of those present and voting" to "two-thirds of those duly chosen and sworn"—that out of the 19 attempts to invoke cloture, only 4 were successful. Since 1949, three more attempts to impose cloture failed, and would have failed even if the rule had been "two-thirds of those present and voting," as it read prior to 1949. Since 1927, 12 attempts have been made to impose cloture. All of them failed.

In summary, since 1917, in 22 attempts to adopt cloture, 4 succeeded under the requirement that two-thirds of those Senators present and voting favor it. If rule XXII had always required two-thirds of the entire membership of the Senate, the successful attempts to impose cloture would have numbered three—only one less than under the former rule requiring two-thirds of those Senators present and voting. This is the same wording as that contained in Senate Resolution 30. On the other hand, if rule XXII had, from 1919 on, permitted cloture on the basis of a majority of the entire membership of the Senate—49 Senators—the successful attempts to impose cloture would have numbered nine. These facts indicate the significance of the change proposed in Senate Resolution 30.

The change proposed in Senate Resolution 17 would restore [1] at least a modicum of control of debate in the Senate, and permit a fair application of majority rule in the deliberations.

FREE DEBATE VERSUS FILIBUSTER

The basic issue involved in the effort to secure reasonable control over debate in the Senate has been greatly confused by the very different meanings that have come to be given to the term "free debate."

It is, therefore, of first importance to distinguish at the outset between the right to debate fully the merits of a controversial subject—a right sometimes spoken of as "the right of full or free debate"—and the right to filibuster—the right to talk without any limitation other than that imposed by physical strength. The latter assumes the right to speak, not to the issue in an effort to influence a vote on its merits, but merely to consume time and thus to thwart a majority of Senators (and the Senate insofar as it has power to act as a body) in their desire to come to a vote. Nonetheless, it is often labeled by the champions of filibuster as "the right of free debate."

The confusion over the term "free debate" has not come about entirely by accident. Rather than appear as champions of the absolute right to filibuster, the opponents of amending rule XXII cast themselves in the role of defenders of minority opinion and free debate. They rest their case largely on the emotional impact of this term "free debate" and the myth that the "early Senate" deliberated under rules permitting Senators to engage in irrelevant and dilatory speech under a right of free or unlimited debate. For instance, no responsible opponent of amending rule XXII who offered testimony at the hearings of the Talmadge-Javits special subcommittee contended for no limitation whatsoever on debate in the Senate. Rather they declared for a moderate or reasonable cloture rule designed to protect the country from the tyranny of a temporary majority. They argued that the present rule provided such reasonable protection.

As already indicated, however, the experience over the last decades demonstrates that under the present rule cloture as a practical matter cannot be imposed in the face of determined opposition by even a small number of Senators. Because of this very practical fact, those who wish to defend the right to filibuster can, without seeming to be inconsistent, safely say that they advocate a reasonable cloture rule even while relying on the filibuster or the threat of it to avoid the passage of legislation which they strongly oppose. Thus it is that many people, in their attempt to understand the problem of filibusters have been confused by the semantic shell game played so deftly with the words "the right of free debate."

The problem is seen with far greater clarity if it is viewed in the light of the basic requirements of an effective and democratic legislative process. They are:

1. The minority on any pending question must have an opportunity to debate fully the merits of that question, and

2. The majority, after opportunity to the minority to debate fully any question, must have the right, if it so desires, to reach a vote on the question.

Within the scope of these two principles, I, too, believe strongly in the right of free debate. At the same time I reject absolutely the right to filibuster as repugnant to democratic procedures and as violative of the spirit of the Constitution.

Those opposed to changing the rule to make filibusters more difficult have advanced many arguments, but their main case has rested on the alleged right of a minority of Senators, usually representing a large sectional interest in the Nation (such as the South), to prevent by filibuster legislative action by a majority of Senators (but less than 64 Senators). This argument is a restatement in modern terms of the theory of concurrent majorities so ably formulated by John C. Calhoun. Under his theory legislation favored by a majority in the country as a whole should be subject to the veto of a sectional interest. The country rejected Calhoun's theory of government at the time of the Civil War, but its spirit has been reborn in the form of the modern filibuster. The only difference is that where Calhoun would have given the minority a direct veto, the filibuster applies an indirect veto. And the opposing minority need not be a sectional interest though it usually has been so.

EARLY SENATE PRECEDENTS ON FREEDOM OF DEBATE

In support of their argument that the rules should not be changed to prevent a minority from imposing a bar to legislation by veto, the opponents of rule change rely on their interpretation of the spirit of the Constitution as shown by selected excerpts from the records available to us of the debates in the Constitutional Convention of 1787 and by selected passages from the Federalist papers. The one source they do not rely on is the wording of the Constitution itself, which clearly states that except for the situations specifically mentioned therein, a majority of the whole Senate "shall constitute a quorum to do business."

They refer to the Constitution as a magnificent compromise worked out by the Founding Fathers between the big States and the little States. They speak of its checks and balances and refer to Senators as Ambassadors from sovereign States. Out of all this, they have conjured up the power, even duty, of Senators to protect States rights by the senatorial privilege of filibustering permitted under the present rules.

The fact is, however, that the available information concerning the debates in the Constitutional Convention of 1787 as well as the views expressed in the Federalist papers which even remotedly touch on the question of debate are both meager and especially so when taken out of context, conflicting.

The junior Senator from New York, Mr. JAVITS, in his analysis [2] of the ideas which governed the deliberations of the Constitutional Convention clearly showed, I think, that the prevailing view among the delegates favored majority control of the Senate and would have opposed the right to filibuster if that issue had been squarely raised. I am content to let this point rest on his brilliant analysis and shall not duplicate the evidence here.

The other principal bulwark of the case made out by those opposed to amending the cloture rule is the myth, previously alluded to, that from the Senate's early days the license of unrestrained and irrelevant speech—"the right to free debate"—has been a traditional and historic senatorial prerogative. The opponents to rule change rely on this myth as a strong precedent, taken alone, and also as support for their claims that the spirit of the Constitution would be somehow violated if the Senate rules were changed to make cloture a practical possibility.

The opponents of change do have trouble, however, with the fact that the first Senate rules did provide for a motion for the previous question, which under general parliamentary law, immediately closes debate and brings the pending issue to a vote. We can take it for granted, I am sure, that the Members of the first Senate, some of whom were delegates to the Convention of 1787, had freshly in mind, at the time they adopted their rules, the ideas which prevailed during the deliberations at Philadelphia.[3]

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[1] I use the word "restore" advisedly because the problem for the present Senate as a body is to restore a semblance of the control over debate that the early Senate had during the years when the Senate earned its reputation as the greatest deliberative body in the world.

[2] See the first part of S. Rept. No. 1509, 85th Cong., 2d sess., issued Apr. 30, 1958.

[3] By the time the Senate adopted its first rules on April 16, 1789, 20 Senators had been chosen and 16 had appeared to take their seats in the Senate. Of these, 13 were present on April 16, of whom 9 had served in the Continental Congress. Of these 9, 6 had also served as delegates to the Constitutional Convention of 1787. Of the committee of 5 Senators elected to draft rules, the chairman and one other had served in the Continental Congress and another one had been a delegate to the 1787 Convention. When the

The opponents of rule change attempt to avoid this difficulty by contending that the modern use of the previous question is a perversion of that motion as used in the 17th century British Parliament and as inherited and used by the Continental Congress and the early U.S. Congress. They are aided in their contention by the confusion which has in recent years surrounded the early use of the previous question motion. Senator JAVITS in his incisive historical account of this motion, supported by the thorough and brilliant scholarship of Mr. Irving Brant, the eminent biographer of James Madison, has dispelled the confusion and made it clear that in the 17th and 18th century House of Commons the motion for the previous question was a most effective instrument of cloture.

I shall therefore not burden this discussion with the historical details of the use of the previous question motion in the House of Commons but refer those interested in a full discussion to Senator JAVITS' individual views.

In the Continental Congress the motion for the previous question was available to close debate.

In the U.S. Senate and the House of Representatives [4] also this motion was a device to bring debate to a close. That this motion could also be put to other uses such as delaying further consideration of an issue is beside the point. The use the motion would serve in any given situation depended upon how the Members of the body voted. A majority by their affirmative or negative vote determined the effect of the motion.

A stronger argument available to opponents of rule change based upon the early use of this motion in the Senate (and in the House, too, for that matter) is that debate was originally permitted both on the motion for the previous question and thereafter, even if it carried, on the main question. This fact has led some students of this motion to the erroneous conclusion that debate on a motion for the previous question could be had "without let or hindrance." [5] Those who so hold, however, overlook two controlling factors: (1) Under the Senate rules in effect until 1828 the Vice President, as the President of the Senate, had authority to decide all questions of order and decorum without appeal; and (2) Thomas Jefferson's Manual of Parliamentary Practice, which codified the general parliamentary law in effect at the time it was compiled and which was regarded as controlling on all questions not specifically covered by Senate rules, provided in section XVII: "No one is to speak impertinently or beside the question superfluously or tediously." In other words, in the British practice and the later American practice, an affirmative vote on a motion for the previous question usually was followed immediately by a vote on the main question without debate. This was so because the members of these parliamentary bodies knew that when a favorable vote was obtained on a motion for the previous question, the sense of the House was to close debate and vote on the main question. If, however, a member or two desired to develop a point considered by them important to the issue, the courtesy which prevailed in those Houses would permit the additional remarks to be made, except in times of great political tension as in the years of the Cromwellian revolution in England in the middle of the 17th century or in the turbulent days in the House of Representatives in 1811 leading up to the War of 1812. Amendments could even be offered, and I do not doubt that on occasion a Senator, after a motion for the previous question had been made or following a favorable vote thereon, was indulged while he talked germanely, even though tediously, in order to allow a colleague to reach the Chamber from some nearby place in the Capital in time to vote. I dare say that on a few rare occasions a Senator or two was even permitted to engage in extended debate in this manner while a few or more much needed votes were hurrying by stagecoach, by horseback, or by boat to reach the Senate Chamber in time. Such situations, however, were usually cared for by adjourning the debate for a day or two.

Thus it is that both sides to the controversy about the effect of a motion for the previous question are in part correct. Those who have held that the motion did bring debate to a close are right—that was certainly the usual practice. But the opponents of the rule change are also right in saying that a motion for the previous question did not shut off the opportunity to offer remarks, especially if they were brief and to the point at issue. But they are grossly incorrect in representing that in the House of Commons, in the Continental Congress, in the early Senate, or in the early House of Representatives, a Member could speak "impertinently, superfluously, or tediously" "without let or hindrance." The majority was always there to cut off a Member who was so foolish as to step beyond the boundaries of traditional parliamentary propriety and decorum and thus tempt too far the patience of the majority.[6] In short, majority rule was absolute in those days—at least insofar as "free debate" was concerned. The privilege was generally extended fully because it was rarely abused. The privilege varied inversely with the abuse.

A look at the record is persuasive.

RULES OF 1789

The pertinent rules of 1789 are as follows:

"The report of the committee appointed to determine upon rules for conducting business in the Senate, was agreed to. Whereupon.

"*Resolved*, That the following rules, from No. I to XIX, inclusive, be observed.

* * * * *

"III. Every Member, when he speaks, shall address the Chair, standing in his place, and when he has finished, shall sit down.

"IV. No Member shall speak more than twice in any one debate on the same day, without leave of the Senate.

* * * * *

"VI. No motion shall be debated until the same has been seconded.

* * * * *

"VIII. While a question is before the Senate, no motion shall be received unless for an amendment, for the previous question, or for postponing the main question, or to commit it, or to adjourn.

"IX. The previous question being moved and seconded, the question from the Chair shall be: 'Shall the main question be now put?' And if the nays prevail, the main question shall not then be put.

* * * * *

"XVI. When a Member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, without debate; but, if there be a doubt in his mind, he may call for the sense of the Senate."

JEFFERSON'S MANUAL

The following excerpts from Jefferson's Manual also have evidential value on the early Senate usages concerning debate.

"SECTION XVII. ORDER IN DEBATE

* * * * *

"When a Member stands up to speak, no question is to be put, but he is to be heard unless the House overrule him (4 Grey, 390; 5 Gray, 6, 143).

* * * * *

"In the Senate of the United States the President's decision is without appeal.

"No man may speak more than once on the same bill on the same day; or even on another day, if the debate be adjourned. But if it be read more than once in the same day, he may speak once at every reading (Co., 12, 115; Hakew., 148; Scob., 58; 2 Hats., 75). Even a change of opinion does not give a right to be heard a second time (Smyth's Comw. L., 2, c. 3; Arcan. Parl., 17).

"But he may be permitted to speak again to clear a matter of fact (3 Grey, 357, 416), or merely to explain himself (2 Hats., 73) in some material part of his speech (Ib., 75), or to the manner or words of the question, keeping himself to that only, and not traveling into the merits of it (Memorials in Hakew., 29), or to the orders of the House, if they be transgressed, keeping within that line, and not falling into the matter itself (Mem. Hakew., 30, 31).

* * * * *

"No one is to speak impertinently or beside the question, superfluously, or tediously (Scob., 31, 33; 2 Hats., 166, 168; Hale, Parl., 133).

"Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that by conversation or any other noise they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill manners without sufficient reason, or inattentive to a member who says anything worth their hearing (2 Hats., 77, 78).

"SECTION XXXII. READING PAPERS

* * * * *

"It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House (2 Hats., 117, 118).

"For the same reason, a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

"A member has not a right even to read his own speech, committed to writing without leave. This also is to prevent an abuse of time. and therefore is not refused but where that is intended (2 Grey, 227)."

But most important is the preface to his Manual which is quoted in full with emphasis supplied in black brackets:

"JEFFERSON'S MANUAL [7] OF PARLIAMENTARY PRACTICE WITH REFERENCES TO ANALOGOUS SENATE RULES

"Preface

"The Constitution of the United States, establishing a legislature for the Union under certain forms, authorizes each branch

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first Senate reached its full strength on June 25, 1790, 18 of the 26 Senators had served in the Continental Congress and 12 had been delegates to the Convention.

In his inaugural address to the Senate on April 21, 1789, Vice President John Adams said: "It would be superfluous, to gentlemen of your great experience, to urge the necessity of order." *

[4] And later, in the Senate of the Confederacy.

[5] This contention was made during the debate in January 1957 on Senator ANDERSON'S motion to adopt rules at the beginning of the 85th Cong.

[6] In the House of Commons and in the Continental Congress it was the patience of the Speaker as supported by the majority that would be tempted, and in the Senate down to 1828 it was the patience of the Vice President.

[7] Compiled by Thomas Jefferson during the time he served as Vice President of the United States and President of the Senate, 1797 to 1801.

of it 'to determine the rules of its own proceedings.' [The Senate has accordingly formed some rules for its own government; but these going only to few cases, it has referred to the decision of its President, without debate and without appeal, all questions of order arising either under its own rules or where it has provided none.] This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel, weightily and seriously, this confidence in his discretion, and the necessity of recurring, for its government, to some known system of rules, that he may neither leave himself free to indulge caprice or passion nor open to the imputation of them. But to what system of rules is he to recur, as supplementary to those of the Senate? To this there can be but one answer. To the system of regulations adopted for the government of some one of the parliamentary bodies within these States, [or of that which has served as a prototype to most of them. This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States.] It is deposited, too, in publications possessed by many and open to all. [Its rules are probably as wisely constructed for governing the debates of a deliberative body, and obtaining its true sense, as any which can become known to us; and the acquiescence of the Senate, hitherto, under the references to them, has given them the sanction of its approbation.

"[Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I have here endeavored to collect and digest so much of these as is called for in ordinary practice, collating the Parliamentary with the Senatorial rules, both where they agree and where they vary.] I have done this as well to have them at hand for my own government as to deposit with the Senate the standard by which I judge and am willing to be judged. I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsel's most valuable book is preeminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to a part of the text, the residue being inferred from known rules and principles. For some of the most familiar forms no written authority is or can be quoted; [no writer having supposed it necessary to repeat what all were presumed to know. The statement of these must rest on their notoriety.]

"I am aware that authorities can often be produced in opposition to the rules which I lay down as Parliamentary. An attention to dates will generally remove their weight. The proceedings of Parliament in ancient times, and for a long while, were crude, multiform, and embarrassing. They have been, however, constantly advancing toward uniformity and accuracy, and have now attained a degree of aptitude to their object beyond which little is to be desired or expected.

"Yet I am far from the presumption of believing that I may not have mistaken the Parliamentary practice in some cases, and especially in those minor forms, which, being practiced daily, are supposed known to everybody, and therefore have not been committed to writing. Our resources in this quarter of the globe for obtaining information on that part of the subject are not perfect. [But I have begun a sketch, which those who come after me will successively correct and fill up till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality.]"

This evidence alone suffices, I believe, to make clear that the early Senate would never have tolerated being rendered impotent days and weeks by the unseemly spectacle of Senators one after another taking turns in speaking irrelevantly and tediously merely to consume time. The very size of the Senate made a successful filibuster almost impossible. The first Senate had only 26 Members. By the time of the admission of Missouri as a State in 1821, the number of Senators had grown to 48. It was still only 66 in 1859, when Oregon was admitted. In fact it was my faith in the Senate as a great deliberative body which first made me suspicious of the myth of "free debate" and caused me to reexamine the entire question.

YEARS 1789 THROUGH 1828

Both John Adams and Thomas Jefferson presided with firmness and dignity over the Senate during their respective terms. Certainly they did not tolerate, and no one thought of attempting, the modern type of filibustering during their terms as Vice President. In the case of Adams, one can find complaints that he talked more than any Senator and lectured Senators whenever he felt it advisable to do so on matters of decorum and order in debate.

In the case of Aaron Burr, the next Vice President, some advocates for retaining the present rules have suggested that it was at his initiative that reference to the previous question was deleted in the first general revision of the rules in March 1806. I have found no evidence to support this claim. In any case, the evidence we have indicates that Burr presided over the Senate in the tradition set by Adams and Jefferson and that if he suggested the deletion of the previous question from the rules it was because it was not needed. Furthermore, we know from his farewell address to the Senate that Aaron Burr was no advocate of unlimited and irrelevant debate. On page 71, volume 14 of the Annals of Congress—8th Congress, 2d session, March 2, 1805—the editor of the debates gave the following account:

"He [Vice President Burr] doubted not but that they [the Members of the Senate] found occasion to observe, that to act without delay was not always to act without reflection; that error was often to be preferred to indecision. * * *

"That his errors whatever they might have been, were those of rule and principle and not of caprice. * * *

"That if, in the opinion of any, the discipline which had been established approached to rigor, they would at least admit that it was uniform and indiscriminate. * * *

"That the ignorant and unthinking affected to treat as unnecessary and fastidious a rigid attention to rules and decorum. * * *

"But he thought nothing trivial which touched, however remotely, the dignity of that body, and he appealed to their experience for the justice of this sentiment and urged them in language the most impressive, and in a manner the most commanding to avoid the smallest relaxation of the habits which he had endeavored to inculcate and established."

Further evidence that Burr was no friend of irrelevant speech is provided by William Plummer, a Senator from New Hampshire at the time, and of the opposite political party from Burr, who recorded in his private journal that "Mr. Burr, the Vice President presides in Senate with great ease, dignity, and propriety. He preserves grand order, silence, and decorum in debate—he confines the speeches to the point."

A succinct review of the early Senate parliamentary practice was made by Senator Robert S. Owen, of Oklahoma, on February 13, 1915. He said:

"Mr. President, that was the rule of the Senate up until 1806. At that time the rules were modified so as to omit the reference to the previous question, not by putting in any rule denying the right of the previous question, but merely omitting the previous question, on the broad theory that courtesy of free speech in the Senate would preclude any Member from the abuse of the courtesy of free speech extended to him by his colleagues, and would preclude a Senator from consuming the time of the Senate unduly, unfairly, or impudently, in disregard of the courtesy extended to him by his colleagues. The failure to move the previous question now is merely a matter of courtesy in this body, and carries with it, so long as it lasts, the reciprocal courtesy on behalf of those to whom this courtesy is extended that they shall not impose upon their colleagues who have extended the courtesy to them of freedom of debate or deny their courteous and long-suffering colleagues the right to a vote. Freedom of debate may not under such an interpretation be carried to the point of a garrulous abuse of the floor of the Senate by the reading of old records and endless speechmaking made against time, which has emptied the Senate Chamber and destroyed genuine debate in this body. At the time the previous question was dropped from the written rules of the Senate as a right under such written rules there had been no need for the 'previous question.' The previous question had only been moved four times and only used three times from 1789 to 1806—that is, during 17 years.

"There is no real debate in the Senate. Occasionally a Senator makes a speech that is worth listening to—occasionally, and only occasionally. The fact is that even speeches of the greatest value which are delivered on this floor have little or no audience now because of this gross abuse of the patience of the Senate, which has been brought to a point where men are no longer willing to be abused by loud-mouthed vociferation of robust-lunged partisans confessedly speaking against time in a filibuster, and are unwilling to keep their seats on this floor to listen to an endless tirade intended not to instruct the Senate, intended not to advise the Senate, intended not for legitimate debate, not for an honest exercise of freedom of speech, but for the sinister, ulterior, half-concealed purpose of killing time in the Senate and thereby preventing the Senate from acting, thus establishing a minority veto under the pretense, the bald pretense, the impudent and false pretense, of freedom of debate."

After Burr, the Vice Presidents down to the beginning of John C. Calhoun's term in 1825 apparently followed the pattern set by their predecessors. During a great part of this time, owing to deaths and illnesses of the successive Vice Presidents, John Gaillard, of South Carolina, as President pro tempore presided with great dignity and firmness over the Senate deliberations for many years. His firmness in controlling debate has specific significance as he was chosen President pro tempore again and again for a period extending more than 15 years.

During Calhoun's tenure as Vice President (1826), for reasons not beyond the suspicion of faction, the Senate lost control over debate and the deliberations became, for the first time, unseemly and chaotic. This created a crisis and brought on the debate over rules in 1828.

The crisis in Senate decorum and order was caused by John Randolph of Roanoke. Earlier he taught the House of Representatives to filibuster and caused the House to revise its precedents and change its rules to provide that a motion for the previous ques-

tion immediately closed debate. Randolph came to the Senate in 1825 and during his 2 years as a Member of the Senate drove it to the point of desperation by endless days of talks for hours at a time without the slightest reference to the pending business, a state of affairs until then unknown to the punctilious and formal Senate. The then Vice President, John C. Calhoun—who never himself engaged in irrelevant speech—would not call Mr. Randolph to order, holding that he had no authority to call to order on a question of the latitude of debate.

Without a change in the rules the Senate was helpless to defend itself against Randolph's irrelevancies because under the rules the Presiding Officer's rulings on order and decorum in debate were final and could not be appealed. Calhoun was bitterly at odds with both President John Quincy Adams and Henry Clay, who was then Secretary of State. Randolph's tirades were directed mostly at these two men. Though he denied it, critics of Calhoun contended that he had broken with tradition and the precedents and refused to enforce the rules for partisan political reasons. In any case, charges and countercharges flew both in and out of the Congress.

In the fall of 1826 the Virginia Legislature relieved the distress of the Senate in the 20th Congress by replacing Randolph with John Tyler as one of the two Senators from Virginia. The Senate early in the 1st session of the 20th Congress set about to restore order and in February 1828 a thorough discussion of the rules governing decorum took place. It resulted in amendment of the rules to provide explicitly that the Vice President had such authority on his own initiative, and made his rulings subject to appeal. In making the Vice President's rulings appealable the Senate intended two things: First, to strengthen Senate discipline by adding the weight of the majority to the decision of the Chair on questions of order when an appeal was taken; second, to provide protections against any possible arbitrariness on the part of a presiding officer.

The debate preceding the changes is of particular interest because it involved such a full discussion of Senate practices relating to order and decorum in debate. Excerpts (with emphasis supplied in black brackets) from it are set out below.

"[From Gales and Seaton's Register of Debates in Congress, 20th Cong., Feb. 11, 1828, pp. 295–296]

"Senator WILLIAM SMITH of South Carolina. * * * [It was a rule of the Senate for 35 years, for the President to call to order, and he, himself, had been the subject of it. He had been called to order by his late venerable friend, Mr. Gaillard. He had appealed to the Senate to say whether he was out of order, and the decision was, that there could be no appeal.] It seemed to be assumed by some gentlemen, that they were going to place a tyrant in the chair, and that against his lawless rule it was necessary to provide. This did not produce any effect on his mind. * * * [Or, suppose that a Senator were to go at length into the consideration of a subject entirely foreign to the question in hand, and talk of the Army or the Navy when the question of the proper location of a road was before the Senate? Or discuss the expediency of an appropriation, when no appropriation was contemplated? Would the Chair sit silent and permit this irrelevancy? Certainly not. If he did, an individual might talk here a whole day, and arrive at nothing. There were rules, the enforcement of which could not be taken from the Chair without making the Senate a mere nullity.] It would be, in fact, throwing a new and inconvenient duty into the hands of the Members by setting them to watch over and administer the rules, which, in reality, belongs to the President. * * * He believed that every deliberative body must have a presiding officer, and that individual ought to have the requisite authority [for conserving the order of the meeting, and advancing the progress of the public business]."

"[From Gales and Seaton's Register of Debates in Congress, 20th Cong., Feb. 12, 1828, p. 305]

"Senator DAVID BARTON of Missouri. * * * Let me suppose, said Mr. B., that this Senate, being a permanent and continuous body of but a small number of men, had gone on, as it might have done, without any written rules at all for its government to perform the duties imposed upon it by the Constitution, what then would have been the power and the duty of the presiding officer? The Constitution says in one brief sentence applicable to both Houses, 'Each House may determine the rules of its proceedings.' It does not say how the determination shall be made; whether the decisions of the Senate on each case as it might arise, growing up at length like the common law itself, into a code for the government of the body, shall be the rules of its proceedings; or, whether a set of arbitrary rules written a priori, and liable to be found either good or bad, upon experience, shall govern its proceedings. Either mode would be equally the determinations of the Senate, and equally obligatory on the Members and the President. Nay, sir, the long-settled practice of this body, that has gone on with the sanction of many years, might be considered a more deliberate determination of the Senate than any literal rule, even were there a literal rule to the contrary. Upon what principle is it that we daily hear the Chair declare that the unanimous consent of the Senate will dispense with a written rule, even in cases where there is no written rule to authorize such dispensation? Is it not upon the plain principle that the power that can create, can dispense with the rule? This Senate has the same right to form for itself a parliamentary law or code for its own government, that the British Parliament or any other legislative body has. Precedents made in good times were the materials of which the great system of the common law itself, so highly and so justly eulogized the other day by the Senator from Kentucky [Mr. Rowan] was composed. Mr. [B. said, it is an axiom derived from the experience of mankind, that we are not to look for those precedents that are worthy of being followed, or of entering into a code for our guide, to times of the highest and the worst of party excitements, such as the session of 1825–26 was. He should therefore look beyond that epoch to the halcyon days of the predecessor of the present presiding officer, and see what he [Mr. Gaillard] did. He was placed in a situation that gave him decided advantages over the present presiding officer—a situation that gave peculiar weight and dignity to his decisions, and to the practice of the Senate under his long and benign administration. He presided in a time when the present rancor of party strife was unknown. He stood aloof, in that chair, from the parties of the day. He was not looked to as the head of any great party in this Nation, contending for rule; nor were his decisions subjected to the illiberal imputation of having any ulterior object in view. Drawing precedents, then, from those times (for his experience, he said, did not enable him to go back beyond that administration), he considered the law of the Senate clearly settled, that the Vice President possessed, and ought to have exercised, the power of restraining the wholly irrelevant latitude of debate of that period, which has been so unnecessarily drawn into review upon the discussion of this amendment].

"[The officer to whom he had alluded [Mr. Gaillard] was in the constant practice of preserving order in the body, by calling back a rambling Member to the subject before the Senate, when he had gone entirely from it, even in the language of the most decent and orderly style. True, he did those things in so mild and affable manner that the Member himself did not feel that he had been reproved; and the audience who witnessed the exercise of the power, left the Senate Chamber without the impression that any Member had been out of order. His authority was the long practice of the Senate, sanctioning Mr. Jefferson's Manual as their parliamentary law, in conjunction with their few positive rules and practical determinations.] Those long practices of the body, in its best days, with the uninterrupted sanction of the Senate, he contended, were as fair and as constitutional a determination of our rules of proceedings as if they had been written down and printed upon paper or parchment, subject to constant change, as experience should afterward either approve or condemn them. He thought, indeed, such long practice was the best mode of forming a code for the government of the Senate. He went on to instance some cases in which the present Presiding Officer had, as he thought, exercised the general power of preserving order in the cases where the written rules of the Senate were silent, as if an innumerable train of amendments should be offered consecutively to each other; and in cases of considering votes carried or rules dispensed with, where no objection was heard; all of which owed its authority to the unwritten practice or determination of the body.

* * * * *

"He did not think the political friends of the Vice President ought to reject the offer to the other side of this House to settle the disputed power and duty of the Chair, to restrain the irrelevant or disorderly latitude of debate, restoring, at the same time, the right of appeal to the Senate, as a check upon the decisions of the Presiding Officer. He should, therefore, give to this amendment the support of his vote.

"Senator SAMUEL BELL, of New Hampshire. The Constitution creates the office of Vice President, and expressly imposes upon him the specific duty of presiding over the deliberations of the Senate. That duty cannot be performed, either usefully or efficiently, without the power of preserving order. The power to preserve order must therefore be necessarily incident to the office. The Senate itself cannot divest the Vice President of this power, because he holds it from the Constitution; but they may enlarge, or limit, or modify it, because this power is expressly vested in the body by the Constitution. When the Constitution gives to the Vice President the power of presiding over the Senate, it refers him to the well known usages of all legislative bodies for the extent and nature of his powers and duties. It was necessary that he should be invested with this power, because it was to be exercised from the first moment the Senate assembled, and before it was possible that they could establish rules for this purpose. There could be no assignable motive why the power so universally held and exercised by the presiding officers of all other deliberative bodies, should be withholden from the Vice President, since the Constitution gives to the Senate the power of modifying the rules he should adopt, or establishing others, as this body should think fit. The Vice President is required by the Constitution to conform to, and regulate his conduct, as a presiding officer, by the rules so amended or modified. Should he, from culpable motives refuse or neglect to conform to rules so established, he would be liable to impeachment and removal from office. Every exercise of the power of preserving order, however different in character, rests on the same principle for support. When the presiding officer calls the attention of the Members to business, or

commands silence, he is performing an act of preserving order, equally as when he requires a Member to adhere to the rules of decorum in debate. The same power which authorized the one, authorizes the other; any attempt to distinguish between them is destitute of even a colorable foundation.

"But should we believe that the language of the Constitution, which invests the Vice President with the power of preserving order in the Senate, to be ambiguous, has not that ambiguity been removed, and its meaning long since settled by the uniform practice of all the presiding officers of the Senate, and that, too, by the assent and approbation of the Senate? [That construction of the Constitution which gives to the Vice President the power of preserving order in cases where the Senate have not established any rules, is not of modern date, nor established with a view to any temporary object, but is as old as the Constitution itself. It commenced with the existence of this Government, and was continued without interruption for 35 years. Within that time, some of the ablest men this country has ever produced have presided in the Senate. When I name Jefferson and Gaillard as of the number of those presiding officers of the Senate, who believed that the Constitution invested the Vice President with this power, no man will have occasion to blush when he admits that he holds the same opinion.] These were not of that class of men who are prone to claim or exercise powers which do not legitimately belong to them.

"[Mr. Jefferson, in his Manual, compiled expressly for the use of the Senate, declares expressly, that the Vice President possesses this contested power and gives us to understand distinctly that such had been the uniform practice in the Senate. Mr. Gaillard was a Member of the Senate more than 20 years, and for a great length of time discharged the duties of a presiding officer in it. His character is well known to every Member of this body. It will not be denied, that, to an unassuming and discriminating mind, he united a knowledge of the rules of proceeding in legislative bodies seldom equaled. That he not only adopted, but carried into practice, constant and uniform practice, the power of preserving order in the Senate, which Mr. Jefferson affirmed, but which is now denied to be constitutionally vested in the Vice President, is known to many of the Members of this body.] It is true that all these distinguished men may have entertained erroneous opinions on this question, but I cannot admit it, unless upon stronger evidence than any I have yet heard. If the question were to be settled by the authority of names—and questions seem to be sometimes so settled—it would require no ordinary weight of such authority to outweigh that of such men as I have named, and several others that I might have named. I do not contend that this is the only way in which it should be settled, but I must be permitted to say that a construction of the Constitution so long and satisfactorily settled, and by such men, should not be overturned without great deliberation and reflection upon the consequence likely to result from it. By the unexpected course which the discussion of this question has taken, I have felt myself called upon to express my opinion on this question, and the grounds of that opinion. I have done it with reluctance, and with great respect for those who entertain a different opinion. It is a question on which an honest difference of opinion may exist, and as such it should be considered and treated. I do not feel any deep interest in the adoption of the amendment under consideration; yet, as I believe it will conduce to the better preservation of order under the present construction of the powers of the presiding officer of the Senate, I will give it my support."

"[From Debates in Congress, 20th Cong., 1st sess., 1827–28, vol. 4, pt. 1, pp. 313–314–315]

"Mr. WILLIAM SMITH, Senator from South Carolina. For his own part, he never had a doubt but that the President of the Senate had the right to call to order. The very nature of his office implies that power. He was not one of those who relied upon constructive powers where they were not expressly given, but in this case he had the invariable practice of the Senate, from its commencement in 1789, up to the session of 1825, a term of 36 years, to sanction this opinion. He recollected very well that he had himself been called to order by the President of the Senate, more than once. On one occasion, a gentleman in the Chair [Mr. Gaillard] for whose memory he entertained the most profound respect, had called him to order for words spoken in debate, when he, Mr. S. himself, conceived he was correct, which induced him to appeal to the Senate, and was again told by the Chair, there was no appeal from his decision; and the Senate supported the Chair.

* * * * *

"[It is the invariable practice of the presiding officer in every legislative body in the United States, to keep order in their respective bodies, and if a Member wanders from the question in debate, to call him to order.

"[If the uninterrupted practice of the Senate for the 36 first years of its existence, for the President, in all cases, and more especially if a Member wander from the question before the Senate, in debate, to call him to order, and bring him back to that question, can weigh anything, or if the analogy of the universal usage in all other legislative bodies, and all public assemblies whatever, that look to their presiding officers to perform the office of calling to order, as an official duty, can have any weight in bringing us to a fair conclusion, we cannot doubt but that it belongs to the Chair, ex vi termini, to call to order.] What higher duty can be required of the Chair? Merely putting the question upon bills and resolutions, is certainly a minor duty. Such a duty as could well be discharged by an additional clerk, as the reading is now by the Secretary.

"One gentleman had said, there was 48 Senators in this House, either of whom could call to order. It is admitted. But suppose any one Senator should so far forget himself as to make, in the course of his argument, indecorous and unkind remarks upon any other Member to whom he might be opposed, [that were foreign to the subject before the Senate;] could it be expected that the Member assailed would rise to call the other to order in his own defense? There is no man of delicate sensibility who would do so. It would be a task too invidious for a Member who was not assailed, to take up the subject. And to what extravagance would it not lead, were the President to fold his arms and sit silent? [Or suppose the question before the Senate to be upon an appropriation for a turnpike road, and a Senator should rise in his place, and address the Chair upon the subject of an Indian treaty, or upon a naval expedition, for an hour, without once touching the subject submitted by the Chair, for the consideration of the Senate; could the President of the Senate sit in dignified silence? It is impossible to imagine he would]."

"[From Debates in Congress, 20th Cong., 1st sess., 1827–28, vol. 4, pt. 1, pp. 318–319, 322]

"Mr. EZEKIEL F. CHAMBERS, Senator from Maryland. * * * Then we are in this dilemma: We have rules, but no one has authority to call them into action. Our predecessors must have differed widely from ourselves on these matters, or they have applied their time and their talents to small account. [The illustrious author of this book (Jefferson's Manual) had intimated a very different opinion on this subject. He had prepared and presented to the Senate for their use a parliamentary rule, sanctioned by its usage for more than 200 years, which pointed to the Presiding Officer as the individual to move in questions of order.] He then alluded to what had been called by the honorable gentleman from Delaware [Mr. McLane] and he must be permitted to think very incorrectly called, inherent power. If the honorable gentleman had reference to power of the Presiding Officer, not derived from the Constitution or laws of the United States, or rules of the Senate, he knew of none such, and utterly denied that they existed. If, on the contrary, he had reference to powers derived from these sources, he could not well perceive with what propriety the term "inherent" could be applied to them.

* * * * *

"[With the conviction of the constitutional existence of these powers in the Presiding Officer, and an entire willingness to rely on their exercise, the Senate, at an early period, 'formed,' to use Mr. Jefferson's language, some rules for its own government, but these going only a few cases, they have referred to the decision of their President, without debate and without appeal, all questions of order arising under their own rules, or where they have provided none: thus placing 'under his discretion,' as he continues, 'a very extensive field of decision.']

"On some of the plainest as well as the most important items of legislative order, the Senate had no written rule whatever. [He believed in every legislative body it was held necessary to restrain the speaker from subjects wholly and obviously foreign and irrelevant to the matter in hand. But yet, unless it had eluded his research, there was no written rule of the Senate to secure this necessary result. Not one word on the subject. If he were now to leave the subject of the rules and practice of this body, and indulge himself in a history of the beauty, the splendor, and the utility, of the Chesapeake & Delaware Canal, he would deny the authority of any individual in this Chamber, whether President or Member, to charge upon him a violation of order, on the hypothesis, that the lex scripta is the only rule of this House. If the lex non scripta, if anything beside the Constitution, laws of Congress, or written rules of the Senate could restrain me, I ask (said Mr. C.), where is it found, and when found I ask, does it confine the primary call to the Member, and refuse it to the President except on appeal?] This is the question, and we must not lose sight of it, and gentlemen will find the same argument which proves the authority of the Member, proves the authority of the President; and if they deny the authority of either or both, they leave us in a miserable condition, totally unable to secure the preservation of order or decorum at all. This is a state of things from which we wish to escape, and the interesting inquiry is, by what mode can we do so?

"Mr. JOSIAH S. JOHNSTON, Senator of Louisiana. I believe the right of calling to order, preserving order, and deciding on all questions of order, belongs to the presiding officer. The Chair declines to exercise the power. [The Vice President rose and explained, that he stated specifically that he did call to order in all cases, except for words spoken.] I take the distinction of the Chair. As far as the decision goes it is correct. But it supports the very argument I have endeavored to maintain—that power by which you call to order in any case, which you distinguish as ministerial, is by virtue of a right inherent in the office. There is no rule that vests that power, in any case, in the Chair. But assuming that power, how is the distinction taken between those cases, where you can act from cases of disorder arising

from words spoken? There is none in the rules. The distinction seems to be artificial. My mind cannot perceive the criterion on which the discrimination is made. The delicacy which declines the exercise of power, because it is doubtful, is meritorious. [But I am sure the Chair will never avail itself of the pretence which has been urged in this debate, that the surrender of power is favorable to liberty. Power is delegated to be exercised for the security of liberty. Liberty depends not on its being without limits and without control, but on its being regulated. The power of the presiding officer is necessary to the despatch of business, and the order and dignity of the body.] To release every Member from the restraints of the rules, and restore him his liberty to say and do what he pleases, instead of being favorable, will be fatal to liberty. It is not liberty in that sense for which government was instituted; it was regulated liberty secured by law (pp. 336–337)."

Randolph's role as the precursor of the modern filibuster is further indicated in Dr. Franklin L. Burdette's book "Filibustering in the Senate." On page 16 he says:

"In any event, it seems likely that there were no major or extended filibusters in the dignified Senate prior to the advent of the remarkable John Randolph of Roanoke."

On page 19 he says:

"One is inclined strongly to suspect that the Senate's first extended and spectacular filibusters were staged by that southern opponent of the Adamses [John Randolph]. * * * If men filibustered in the years immediately following, they at least did so with gravity and beneath the cloak of relevancy."

YEARS 1829 THROUGH 1841

Not until 1837 was there another serious attempt at filibustering. In that year the opponents of the resolution to expunge from the Senate records the 1834 resolution of censure against President Jackson attempted an "incipient filibuster," in the words of Dr. Burdette. But an incipient filibuster is far short of the object of our attention today.

In the course of debate on July 3, 1840, Senator Oliver H. Smith, of Indiana, called Senator Tappan to order—in the words of the editor of the debates—"for digressing from the question immediately before the Senate." The Chair ruled Senator Tappan out of order and he agreed that the entire debate was out of order. This appears at page 504 of volume 8 of the Congressional Globe.

A few minutes later Senator Robert Strange of North Carolina, speaking of the Senate rules said:

"When we met here at the beginning of this session, we adopted the rules lying upon our tables (p. 505, id.) and thereafter Senator Albert S. White, of Indiana, is quoted as follows:

" 'Mr. White said that the rules of the Senate were adopted every session, and the same power which adopted could modify or abrogate them at its pleasure. It had been frequently asserted in the discussion that the rules of the body were designed for the protection of the minority. This he denied. The protection thus afforded was only incidental. They were framed for the regulation of our proceedings and the guidance of our Presiding Officer.' "

Neither Senator was refuted by anyone at the time or thereafter.

I do not attach any particular significance to these remarks but perhaps those who contend that the Senate is a continuous body in all respect to the rules may want to ponder them.

A list of outstanding filibusters contained in Limitation of Debate in the U.S. Senate, by Dr. George B. Galloway, begins with the year 1841. I submit that a close study of the course of the debate on the rechartering of the National Bank in that year will not leave one convinced that a genuine filibuster occurred—at least not the destructive kind I am talking about. In fact, the bank bill passed and was vetoed by President Tyler. In speaking of this debate, Dr. Burdette said in his book at page 24:

"Not yet was filibusterism so organized that it could completely paralyze the program of the Senate."

That 1841 debate is significant, however, in supporting my main contention that the gentlemen of the old school of the pre-Civil War days, did not and could not under the Senate rules and precedents filibuster.

At various stages of the debate Henry Clay complained that the Democrats were engaging in protracted talk and were delaying the progress of the Senate's business. In answer to these charges John C. Calhoun and other Senators were vigorous in their denial of dilatory speech and also affirmed the traditions of the Senate for pertinent speech in the dispatch of public business. Excerpts from their remarks are given here:

"JOHN C. CALHOUN, of South Carolina. But he must express his hope that the Senator would not depart from that generous, liberal, and courteous habit of proceeding, which was the real honor of the Senate. Very rarely was such a thing witnessed as the attempt to thwart a measure by the mere consumption of time, or by a resort to the technicality of rules. Seldom has it been attempted to stop debate by sitting out the question * * * (June 12, 1841, vol. 10, Congressional Globe, p. 46).

"It was not his intention, and he knew it could not be the intention of any of his friends, to waste unnecessarily one particle of the time of this session; but time they would require to amend the bill, and that was all they asked. Certain he was, that no other than a fair and open opposition, on principle, was meant. As long as discussion was necessary, they should have it—beyond that, they did not look (July 12, 1841, vol. 10, Congressional Globe, p. 184).

"There never had been a body in this or any other country, in which, for such a length of time, so much dignity and decorum of debate had been maintained. It was remarkable for the fact the range of discussion was less discursive than in any other similar body known. Speeches were uniformly confined to the subject under debate (July 15, 1841, vol. 10, Congressional Globe, p. 205).

"WILLIAM R. KING, of Alabama. Nobody on his side of the House wished to see the session prolonged; all concurred, he was sure, in desiring an early period of adjournment. Mr. K. never had concurred in any attempt to defeat measures by mere delay. * * *

"WILLIAM ALLEN, of Ohio. I have ever been unwilling to break the silence of the body (the Senate) for the mere purpose of talking * * * (June 12, 1841).

"THOMAS HART BENTON, of Missouri. With respect to debates, Senators have a constitutional right to speak; and while they speak to the subject before the House, there is no power anywhere to stop them. It is a constitutional right. When a member departs from the question, he is to be stopped: it is the duty of the Chair—your duty, Mr. President, to stop him—and it is the duty of the Senate to sustain you in the discharge of this duty. We have rules for conducting the debates, and these rules only require to be enforced in order to make debates decent and instructive in their import, and brief and reasonable in their duration. The Government has been in operation above 50 years, and the freedom of debate has been sometimes abused, especially during the last 12 years, when those out of power made the two Houses of Congress the arena of political and electioneering combat against the Democratic administration in power. The liberty of debate was abused during this time; but the Democratic majority would not impose gags and muzzles on the mouths of the minority; they would not stop their speeches; considering, and justly considering, that the privilege of speech was inestimable and inattackable—that some abuse of it was inseparable from its enjoyment—and that it was better to endure a temporary abuse than to incur a total extinction of this great privilege.

"But, sir, debate is one thing, and amendments another. A long speech, wandering off from the bill, is a very different thing from a short amendment, directed to the texture of the bill itself, and intended to increase its beneficial, or to diminish its prejudicial, action. These amendments are the point to which I now speak, and to the nature of which I particularly invoke the attention of the Senate."

At the end of the session Clay and Calhoun and King engaged in the following colloquy:

"Mr. Calhoun hoped the country would now be satisfied that there had been gross delusion in the attempt made to throw all the blame of delaying the business of this extra session on the opposition. On Saturday week he (Mr. Calhoun) and his friends proposed to take the final vote on the succeeding Monday; and who had delayed the bill ever since? Was it not the gentlemen themselves? But further delay is now asked for amendments that have been gone over twice already—in the Senate and in committee—with all the consideration that could be given to them. It was now surely obvious that the consent of the Senate had gone as far as the Senator from Kentucky could expect. The Senate was now full, and no good reason could be urged why the vote should not be taken on the engrossment, with a view of coming to the final vote tomorrow.

"Mr. Clay of Kentucky said there was such a thing as a ruse de guerre. He would put it to the candor of the gentlemen on the other side to say if such was not the case in the proposition made on Saturday week to go to the final vote on the succeeding Monday. He (Mr. Clay) was, however, willing to admit that his side of the Senate had occupied its share of time; but it was hardly fair to charge him and his friends with the whole of the delay. The gentlemen themselves, in 1 day, had made 7 speeches in succession. But he would not now go into these matters. He had risen to say he would propose to the gentlemen to take the question tomorrow, at 12 o'clock, without debate.

"Mr. King said he had understood, when he made the proposition on Saturday week to take the question on the succeeding Monday, that the ostensible reason for delay arose out of the absence of the Senator from North Carolina [Mr. Graham], but knowing that could make no difference, he had acted in good faith; for he believed it was by arrangement that that Senator and the Senator from Virginia [Mr. Rives], who was understood to be opposed to the bill, were both absent, having paired off, so that they could, without affecting the vote on this bill, attend to the necessary call for their absense. Why, they, if the gentlemen opposite were in earnest in their proclaimed desire of coming to the vote on the Bank bill—why did they introduce their loan bill, and their bankrupt bill, not to interfere, but for the purpose of delaying the final vote on this Bank bill? As to the imputation that the amendments offered by his (Mr. King's) friends were intended to embarrass the measure, he could with confidence say that there was not one of these amendments which had not been offered in good faith.

"The Senator from Kentucky had alluded to the number of speeches made in defense of these amendments by the Senators in the opposition; but the Senator seemed to forget that he himself had made nearly as many speeches as the whole of them put together.

He and his friends had consumed by far the greater part of the time devoted to the discussion of this bill. The Senator has the command of a sufficient majority. He has been offered the immediate opportunity of acting with that majority. What, then, can be the reason that, instead of acting at once, further delay is asked for on the pretence of having more amendments to offer? He [Mr. KING] now wanted the country to understand truly who it was that was causing the delay of business in this extra session of Congress. He wished the country to understand that the cause of delay does not rest with the minority."

YEARS 1846 THROUGH 1856

The next outstanding filibuster listed by Dr. Galloway occurred in 1846. The debate over this bill, relating to the Oregon territorial dispute with Great Britain, lasted about 2 months but the bill did pass. The issue was of great importance to the Nation and many Senators on both sides wanted to make their views known. Though therefore protracted, the debate as recorded in the Congressional Globe was always relevant. Time was spent but the Senate was not frustrated. As the excerpts that follow indicate, the speaking was not for the purpose of deliberately delaying action by the Senate.

Senator William Allen of Ohio, chairman of the Committee on Foreign Relations, while opposed to the particular legislation, was nonetheless responsible for its progress as floor manager. In discharge of h[illegible] responsibilities, on March 24, 1846, in the words of the editor of Globe, Mr. Allen "rose and said he desired to ask the attention of the Senate to the question of determining upon what day the Senate would be willing to take the vote upon the passage of the Oregon resolutions. It was now, he believed, forty or fifty days since the debate upon this subject was opened. How the intervening time had been consumed was known to all. He had no personal right to complain of the time consumed by other Senators in the discussion, after having himself consumed two days of the time of the Senate; but he desired, for many reasons which it would not be necessary for him to state to the Senate, that there should be some day fixed, by a general understanding, on which to bring the discussion on the subject of the notice to a conclusion. He desired that the day should be made known, if practicable, before the arrival of the day itself, in order to accommodate those of his fellow Senators who were compelled by circumstances to absent themselves for a short time, and who had named to him the necessity which existed for such absence, and who strongly desired to be present when the vote was to be taken upon this important question. By fixing the day many of those gentlemen might probably regulate their absence so as to be present on that day. By leaving the time entirely indefinite, the Senate might suddenly come to a vote, to the surprise and mortification of those who chanced to be absent; and to this extent injustice would be done to those Senators.

"He named these circumstances without naming the still greater and more important considerations connected with the great interests of the country. After some 3 or 4 months devoted to the consideration of this subject in the two Houses of Congress, it seemed to him that the Senate ought to be able to fix some day, and that not a remote one, when the sense of the Senate could be taken upon the subject. He was aware that the previous question was not in use here; he was aware it was not the habit of the Senate to pass a resolution to take a subject out of discussion, and to direct the vote to be taken on a given day; but he was likewise aware that it had been their habit to have a conversational understanding that an end would be put to a protracted debate at a particular time. It was with this object that he now rose, and he would name Saturday next as the day on which the vote should be taken. This would leave sufficient time for the exposition of the views of those Senators who still desired to be heard upon the subject. He made this proposition in order that Senators might not be taken by surprise. Much had been said about quieting the apprehension of the country. He had never indulged in that description of remark, and he thought it was entirely out of place as connected with the subject to which his proposition now had reference. He made that proposition with a view of obtaining, if practicable, a general understanding as to the time when the vote should be taken.

"Mr. Morehead said he did not know to what extent the practice to which the honorable Senator had alluded had prevailed in the Senate, to fix some given day for the decision of a pending question. Even if there was a rule of this kind, or a practice which amounted to a rule, he trusted it would not be applied to a question like that which had been under discussion for several weeks past. It was, he believed, generally regarded as the most important question which had attracted the attention of Congress for many years. He could not perceive the necessity for fixing any particular day when the question must be decided; for if they were to do so, they might, to some extent, while aiming to promote the convenience of some Members of the Senate, inflict a very great inconvenience upon other Members, by depriving them of the opportunity of delivering their views upon the question. That, he was sure, was not the object of the honorable Senator. It seemed to him, therefore, in view of the well-known courtesies of the Senate—of the well ascertained disposition of that body never, at any time, to press the vote upon any question when any considerable number were absent; and, regarding the well-known disposition which prevailed on all occasions to consult the convenience of Senators, it seemed to him that it would be quite safe to trust to that courtesy that the Senate would not, in the absence of any of its Members, insist upon a vote, or take any proceeding that would disoblige or prove a source of embarrassment or inconvenience to any. He supposed there were various Senators who yet desired to make some observations upon the subject. Being one, and the humblest of the body, and the least disposed to throw himself upon the indulgence of the Senate at any time, he should nevertheless feel disposed before the debate closed to submit his views to the Senate. There were Senators who might desire to be heard who were not present this morning, and, therefore, he would suggest to the honorable Senator from Ohio not to press his proposition, but to allow it to lie over until tomorrow.

"Mr. Allen observed that he would not protract the discussion at this time, because he was unwilling to consume the time which rightfully belonged to his honorable friend from Mississippi [Mr. Chalmers]. His object in calling the attention of the Senate to the subject was, that Senators might reflect upon it, and unite in some informal understanding respecting the time for closing the debate."

On March 26, Senator Allen again touched on the subject of coming to a vote:

"THE DEBATE ON OREGON

"Mr. Allen rose and said, that if there were no more reports to be made, he desired the indulgence of the Senate, while he recurred to some observations which he had made 2 days ago, in reference to an informal understanding that the Senate would on a certain day proceed to vote upon the passage of the Oregon resolutions. The suggestions which he had offered on a former occasion were made with a view of attracting the attention of Senators to the question of fixing a definite day on which the vote might be taken. Subsequently to that time he had had an opportunity of ascertaining the views of many Senators on this subject, and he believed he might very safely express the hope that the Senate would proceed to vote on the question on Friday week, with a view to the final settlement of it by a vote of this body. This, it would be admitted, would afford ample time for the fullest discussion of the question by those who desired to discuss it. And he would suggest, though it was a matter which was of course altogether within the power of the Senate, and in which he had no more right to have his wishes consulted than any other single Senator, still he would suggest, that, in order to afford the amplest opportunity to the Senators who had not yet spoken to deliver their views, the Senate continue to sit the whole week out.

"There was some excuse for asking the attention of the Senate to this matter, and it was found in the fact that there must of necessity be a definite period for the termination of the discussion. There was some excuse to be found in the fact that many Senators, in consequence of peculiar circumstances, would, after the next 10 days, be compelled to be absent from the body for some time, and all were anxious to be present when the vote was to be taken upon so important a question. He merely threw out these suggestions. Of course the Senate would act as they saw fit. He thought it proper, however, to suggest what he believed to be the prevalent opinion of the body as to the time for taking the vote on the question.

"Mr. J. M. Clayton said that he concurred with the Senator from Ohio that some time should be fixed for the termination of the debate, and he would be perfectly satisfied that the vote should be taken upon the day which the Senator had named. He was aware that many Senators, who would be reluctant to be absent when the vote was to be taken, would be compelled to be away for a time from the Senate. He had no desire whatever to prevent any Senator who desired to address the body upon the question from doing so; but he thought the time named by the Senator from Ohio was a reasonable time, and sufficient to allow every Senator an opportunity to express his views. He did not know that any debate which could now take place would change the opinion of a single member of that body; still he was anxious to give every one an opportunity to be heard. He could not conceive, after all that had been said, that it was possible that any benefit could be derived from protracting the debate beyond the time mentioned by the Senator from Ohio. He did not know what the proper mode was, whether by resolution or by a general understanding; he rose only for the purpose of saying that he, for one, was satisfied with the time named by the Senator.

"Mr. Allen said he had stated what he understood the practice of the Senate to be. It was known to Senators that the previous question was not in use, and it had never been the practice to introduce a resolution for fixing the time for terminating a debate. This was a practice which had grown up elsewhere, but had never been introduced into the Senate; the practice was to have an informal understanding, and to carry it out, by refusing to adjourn until the question was taken.

"Mr. Niles said he concurred in the remarks of both the honorable Senators who had just spoken. He was not in favor of curtailing debate upon any question, especially upon one of great national importance like the present. At the same time Senators must be aware that it is necessary that the debate should be brought to a close; and it seemed to him that the termination of the discussion might reasonably be fixed for the day

mentioned by the Senator from Ohio. The subject had been before the two Houses for a long time. In the British Parliament they denominated a debate which lasted 12 nights a 'monster debate'; this might, with great propriety, he thought, be styled a 'monster debate,' as it had lasted nearly 2 months, and had exercised an influence on the business affairs of the country. It appeared, therefore, to him, that it was very proper that the present undefined position of the subject should be changed by taking a vote. He thought the debate should be brought to a close at as early a day as that named by the Senator from Ohio, and, that every Senator who had not yet expressed his views might have an opportunity to do so, he for one would submit to any degree of personal inconvenience, and would be disposed to sit on the 2 days in the week on which the Senate was in the habit of adjourning, and to hear 2 speeches a day.

"Mr. Jarnagin said there was no proposition, he believed, before the Senate to adjourn over; and he would remark that he saw no probability of such a motion being made in the present state of the debate, which, he trusted, would be allowed to proceed until those who had not yet had an opportunity to address the Senate might have an opportunity to do so, and then the vote could be taken. There was no precedent, he believed, in that body, for limiting debate to a given period. There was no precedent for urging forward the close of a debate to such an extent that 2 speeches must be delivered in 1 day. Some gentlemen had taken 2 days for a single speech; and, having said all they purposed saying, were now anxious to hasten the debate to a close. He, for one, did not purpose addressing the Senate upon the Oregon question; but he now entered his protest against the adoption of any rule or practice by which debate should be stifled in that body. Gentlemen might determine for themselves upon a motion to adjourn; whether it were expedient to do so without having a rule to govern them. He did not understand the Senator from Ohio as proposing anything further than to bring the matter to the notice of Senators individually. But they were told that it was necessary to put an end to the debate; that it was highly proper to have a day fixed in their own minds for its termination. That was a matter which he protested against. And he would take occasion to say that, for one, he was ready to vote now, and had been ready for 2 or 3 weeks past. But when all who desired it had had an opportunity to address the Senate, it would be time enough to take the vote.

"Mr. Woodbridge said he did not hold to the expediency of adopting any artificial rule in this case; when gentlemen had had the opportunity, which they ought to have, of addressing the Senate, it would be time enough for the Senate to act. There were two Senators absent, and he knew they would be extremely desirous of being present when the vote was taken. The Senator from Connecticut [Mr. Huntington], and the Senator from Rhode Island [Mr. Simmons], the latter of whom, he believed, was desirous of expressing his views on the subject, were both absent. Though he was desirous that the debate should be brought to a close, yet he was also desirous of giving to every gentleman an opportunity of discussing the question if he desired it.

"Mr. Hannegan said if he had rightly understood the Senator from Ohio, and he was confident that he had, the Senator had proposed no rule, as he was represented by the Senator from Tennessee to have done. The Senator from Ohio simply suggested to the Senate the propriety of determining informally that on tomorrow week the question should be taken. The Senator did not propose to adopt a resolution or to fasten a rule upon the Senate from which there should be no departure; but he simply proposed, as an act of courtesy to the Senators present and to those who were absent, that the time for taking the vote should be known beforehand, that no one might be taken unawares. The Senator from Michigan [Mr. Woodbridge], suggested the absence of the Senator from Connecticut. If the health of that Senator were such as to permit him to be present, he would have timely notice; but if, as he had reason to believe, his health would not admit of his attendance, was the action of the Senate to be suspended on that account in a matter of this kind? He was not for preventing any Senator from expressing his views, but he held that the 9 days which would intervene between this morning and the day named by the Senator from Ohio would be amply sufficient. There were gentlemen on his side of the chamber who, though they had spoken, would like to say more, but who were willing to waive their privilege in order that this protracted debate might be brought to a close. He thought it was due to the country that the Senate should come to some conclusion upon this subject."

On April 11 Senator Allen again spoke:

"TERMINATION OF THE DEBATE

"Mr. Allen rose and remarked that he thought it might be assumed as tolerably certain that some time within the present week the Senate would proceed to vote on the Oregon resolutions. This being the case, he was of the opinion that it would be an accommodation to many Senators to have an understanding as to the exact day on which the Senate would proceed to vote upon them. And he would here state that it was his intention when they came to the vote to move to lay upon the table the resolution reported by the Committee on Foreign Relations, and to take up that which was sent to them from the House of Representatives, in order to test the sense of the Senate upon that resolution. He was desirous that a day should be determined on, inasmuch as some of the members of the body would be unavoidably absent, he understood, within a few days, and they would like to time their absence so that it should not fall on that day when the vote should be taken.

"Mr. R. JOHNSON. Does the Senator name a day?

"Mr. ALLEN. I would propose that it be Wednesday next, or Thursday, if the Senators prefer it.

"Mr. Morehead said that for one he had not the slightest objection to fixing upon some day for terminating the debate, provided it was not to be regarded as establishing a precedent.

"[Mr. Webster here intimated that such was not the intention.]

"Mr. M. was quite willing, then, that Thursday should be the day. He would remind the Senator, however, that discussion might arise on the various propositions by way of amendment to the resolution of notice, which would preclude the possibility of taking the final vote on that day.

"Mr. R. Johnson presumed that any gentleman desiring to speak on Thursday, would not be cut off by this arrangement.

"Mr. HANNEGAN. Certainly not. But the Senate may refuse to adjourn.

"Mr. Allen stated that it was not proposed to establish any arbitrary rule, which would be contrary to the practice of the Senate. Nor was it his desire to interfere with the rights or wishes of any Senator who might desire to speak. But every Senator could resolve in his own mind that the debate should terminate, and not to adjourn before a vote was taken.

"Mr. WEBSTER. I have no objection.

"Mr. Allen then suggested that Wednesday might be fixed on.

"Mr. WEBSTER. Thursday.

"Mr. Allen acquiesced, and named Thursday.

"Mr. Moorehead suggested that a discussion, after the first vote, might arise on the various amendments, and the debate might thus be protracted beyond the day named.

"Mr. WEBSTER. Such debate would be short.

"Mr. ALLEN. It is not likely that a discussion on the amendments would be a very protracted one. After a debate of such length, every Senator must have pretty clearly determined, in his own mind, as to the form of notice for which he will vote. As regards myself, such is my unwillingness to put off the final vote on this question, that I will waive my right to reply to any remarks made during the discussion, reserving the privilege to answer on some occasion which may present itself hereafter. When a running discussion arises, it has been the usual practice of the Senate to sit it out; otherwise, we should no sooner see land, than we might be at sea again.

"Here the conversation dropped."

Finally on April 16 the Senate came to a vote, but first Senator Allen said:

"Mr. Allen then rose and said, that five-and-sixty days ago, he had opened this discussion. In the intervening debate, many things had been said to which he could desire an opportunity to reply. But in view of the public interests, as well as with a becoming regard to the patience of the Senate, he would not longer protract the discussion, by a speech which might have the effect of reopening it altogether. He should waive any right that he might have to reply to arguments urged against those presented by him, or to observations which had been made in the course of the discussion, directed more against him personally than the positions which he had assumed. He should therefore fulfill the promise made by him to the Senate a few days ago, by now moving to lay upon the table the resolution reported from the Committee on Foreign Relations, and the accompanying proposition of amendment, with the view of now proceeding to the consideration of the resolution sent to the body from the House of Representatives, entitled 'A joint resolution of notice to Great Britain, to annul and abrogate the convention,' and so forth. This motion he made, not because he preferred the House resolution to that reported from the Committee on Foreign Relations. The very fact of having acquiesced in that resolution, and reported it, was a declaration of his own preference for it, as reported, and also of the preference of a majority of the Committee on Foreign Relations. But he should, nevertheless, make the motion to take up the House resolution first, because upon that resolution the Senate was obliged to act; and secondly, because, although the latter clause of that resolution was objectionable to him, he was willing to vote for it as it stood, in deference to the House of Representatives, who had sent it there by so large and overwhelming a vote; and still further, because the adoption of that resolution as it stood, by putting an end to the matter, would, in all probability, be followed by the sanction and signature of the President; whereas, if amended, and reported back, or if they passed the resolution of the Committee on Foreign Relations, the whole matter would be again sent to the House, and the question exposed to the danger of delay from a renewal of the discussion there, probably resulting in a conflict between the two Houses themselves as to the form of the notice. These, then, were the reasons which induced him to offer the motion which he now made."

One indication that Senate tradition was holding firm through the 40's was the action of the presiding officer on July 5, 1848, in ruling Senator Clayton, of Delaware, out of order for speaking on matters not pending

before the Senate. Senator Clayton at first appealed the decision but after discussion withdrew it.

Again on August 12 of the same session the Chair by a vote of 27 to 2 was overruled on an appeal from a ruling that a Senator had not been irrelevant in his remarks. This was indeed a strong demonstration that the Senate meant to live by its rules.

On April 3, 1850, Vice President Fillmore took occasion to address the Senate on the subject of decorum in debate. He reviewed the rules relating to debate in its various aspects and traced the precedents on the subject. His remarks and those of Senator William R. King, of Alabama, who presided over the Senate during the 31st and 32d Congresses as President pro tempore after Fillmore's elevation to the Presidency on June 10, 1850, follow:

"DECORUM IN DEBATE [8]

"The VICE PRESIDENT. There being no further morning business, the Chair claims the indulgence of the Senate to submit a few remarks in relation to his own powers and duties to preserve order.

"On assuming the responsible duty as presiding officer of this body, I trusted that no occasion would arise when it would become necessary for the Chair to interpose to preserve order in debate. I could not disguise the fact that, by possibility, such a necessity might arise. I therefore inquired of some of the Senators to know what had been the usage on this subject, and was informed that the general practice had been, since Mr. Calhoun acted as Vice President, not to interfere unless a question of order was made by some Senator. I was informed that that distinguished and now lamented person had declined to exercise the power of calling to order for words spoken in debate, on the ground that he had no authority to do so. Some thought the rule had been since changed, and others not; but then there still seemed to be a difference of opinion as to the power. Under these circumstances, though my opinion was strongly in favor of the power, with or without the rule to authorize it, I thought it most prudent not hastily to assume the exercise of it, but to wait until the course of events should show that it was necessary. It appears to me that that time has now arrived, and that the Senate should know my opinion on this subject, and the powers which, after mature reflection, I think are vested in the Chair, and the corresponding duties which they impose. If I am wrong in the conclusion at which I have arrived, I desire the advice of the Senate to correct me. I therefore think it better to state them now, when there is the opportunity for a cool and dispassionate examination, rather than wait until they are called into action by some scene of excitement which may be unfavorable to dispassionate deliberation and advice; for while I should shrink from no responsibilities which the office with which I am honored imposes upon me, I would most scrupulously avoid the assumption of any power not conferred by the Constitution and rules of this body.

"The question then presents itself, 'Has the Vice President, as presiding officer of this body, the power to call a Senator to order for words spoken in debate?"

"The sixth rule of the Senate is in the following words:

" 'When a Member shall be called to order by the President or a Senator, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.'

"It will be seen that this rule does not expressly confer the power of calling to order either upon the President or a Senator, but impliedly admits that power in each, and declares the consequences of such call.

"The constitutional provisions bearing upon this subject are very brief. The first is:

" 'The Vice President of the United States shall be President of the Senate, and shall have no vote unless they be equally divided.'

"The next is:

" 'Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds, expel a Member."

"The first clause which I have quoted, confers no express powers, yet the general power and duties of a presiding officer, in a parliamentary debate, were well understood by the framers of the Constitution, and it can hardly be doubted that they intended to confer upon the Vice President those powers, and required of him the performance of those duties. But the power expressly conferred to make rules to regulate its proceedings, clearly conferred upon the Senate authority to make rules regulating the conduct of its Members, including its presiding officer. What, then, are we to understand from this rule?

"I have availed myself of the leisure afforded by the last recess, to look into the history of this rule, that I might, if possible, gather from it the intent of the Senate in adopting it. I find that one of the first acts of this body, in 1789, was to appoint a committee to prepare a system of rules for conducting business in the Senate.

"The committee reported a number of rules, which were adopted, and among the rest the two following:

" 'Sixteenth. When a Member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not. Every question of order shall be decided by the President without debate; and if there be a doubt in his mind, he may call for a sense of the Senate.

" 'Seventeenth. If a Member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter.'

"These rules remained the same until 1828; but in 1826, Mr. Calhoun, then Vice President, declared that, in his opinion, he had no authority to call a Senator to order for words spoken in debate. In 1828, the rules were referred to a committee for revision, and were reported without any amendment to these rules; but when they came up for consideration in the Senate, they were amended so as to read as they now do, namely:

" 'Sixth. When a Member shall be called to order by the President or a Senator, he shall sit down; and every question of order shall be decided by the President without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question or order.

" 'Seventh. If a Member be called to order by a Senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.'

"It will be seen by the comparison, that the proposed rule expressly recognized the authority in the President to call to order, and gave an appeal from his decision, which the former rules did not.

"It also made a distinction between a call to order for words spoken by the President, and by a Senator for words spoken, by requiring in the latter case that the objectionable words should be reduced to writing, but not in the former. On this amendment, a long and interesting debate sprung up, which may be found in Gales and Seaton's Register of Debates, volume 4, part 1, pages 278 to 341; and in this debate, though Senators differed widely as to the power of the President to call to order without the amendment, and as to the policy of adopting it, yet all seemed to conclude that, if adopted, he would have less power, and the amendment was finally agreed to by a vote of more than 2 to 1; and thereupon it is reported that Mr. Calhoun—

" 'The Vice President then rose and said that he took this opportunity to express his entire satisfaction with that portion of the amendment giving to Senators the right of appeal from the decision of the Chair, as it was not only according to strict principle, but would relieve the Chair from a most delicate duty. As to the power conferred upon the Chair, it was not for him to speak, but he assured the Senate that he should always endeavor to exercise it with strict impartiality.'

"It appears to me, then, with all due respect to the opinions of others, that this rule recognized the power to call to order in the Vice President, and, by implication at least, conferred that power upon him.

"The next question is, Does the possession of the power impose any duty to exercise it?

"The power, it will be seen, is conferred equally upon the Chair and every Member of the Senate, and in precisely the same language. Is the duty, then, more imperative upon the President than upon any and every Member of the Senate, to perform the unpleasant but necessary task of exercising it? There is a marked distinction between this rule and the corresponding rule of the House of Representatives. By the 22d rule of that body, a Member may call to order, but it is made the imperative duty of the Speaker to do so. The words are:

" 'If any Member in speaking or otherwise transgresses the rules of the House, the Speaker shall, or any Member may, call to order,' and so forth.

"It is perhaps to be regretted, if the Senate desires that its presiding officer should perform this delicate and ungracious duty, that its rule had not been equally explicit with that of the House.

"The reason why Senators so seldom interfere by calling each other to order, is doubtless because they fear that their motives may be misunderstood. They do not like to appear as volunteers in the discharge of such an invidious duty. The same feeling must, to some extent, operate upon the Chair, unless his duty be palpable. But upon mature reflection, I have come to the conclusion, though the authority be the same, yet that the duty may be more imperative upon the Chair than upon the Senate, and that if the painful necessity shall hereafter arise, I shall feel bound to discharge my duty accordingly. I shall endeavor to do it with the utmost impartiality and respect. I know how difficult it is to determine what is and what is not in order, to restrain improper language, and yet not abridge the freedom of debate. But all must see how important it is that the first departure from the strict rule of parliamentary decorum be checked, as a slight attack, or even insinuation of a personal character, often provokes a more severe retort, which brings out a more disorderly reply, each Senator feeling a justification in the previous aggression. There is, therefore, no point so proper to interpose for the preservation of order as to check the first violation of it.

"If, in my anxiety to do this, I should sometimes make a mistake, I am happy to know that the Senate has the remedy in its own hands, and that, by an appeal, my error may be corrected without injury to anyone. Or if I have wholly mistaken my duty in this delicate matter, the action of the Senate will soon convince me of that fact, and in that event I shall cheerfully leave it to the disposition of the Senate. But I have an undoubting confidence that while I am right, I shall be fully sustained.

"I trust I shall be pardoned for making one or two suggestions on some points of minor importance. This body has been so

[8] Pp. 631 and 632, The Congressional Globe, vol. XXI, pt. I, 31st Cong., 1st sess.

long and so justly distinguished for its dignity and decorum, that I cannot but apprehend that some neglect on my part renders these remarks necessary. We all know that many little irregularities may be tolerated in a small body that would cause much disorder in a large one. The Senate has increased from 26 to 60 Members. The natural tendency of the increase of Members is, to relax the discipline—that when the strict observance of rules is most essential to the dignity and comfort of the body, it is the most difficult to enforce.

"The second rule is a very salutary one, but perhaps too stringent to be always observed in practice. It reads as follows:

" 'No Member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper while the Journals or public papers are reading, or when any Member is speaking in any debate.'

"Mr. Jefferson, in his Manual (p. 140), which seems to be a code to common law for the regulation of all parliamentary debates in the country, says that no one is to disturb another in his speech, etc., nor to pass between the Speaker and the speaking Member. These are comparatively trifling matters, and yet the rules and law of the Senate would seem to require that its Presiding Officer should see them enforced. I trust, however, that it is only necessary to call attention to them to insure their observance by every Senator. But the practice seems to have grown up of interrupting a Senator when speaking, by addressing him directly, instead of addressing the Chair, as required by the rule.

"The Manual declares that it is a breach of order for one Member to interrupt another while speaking, unless by calling him to order, if he departs from it. It seems to me that the objection should be a very urgent one, indeed, that can justify one Member in interrupting another while speaking, and that all would find it to their advantage if this rule were more strictly enforced than it has been, and that in all cases the Senator rising to explain should address the Chair, as required by the rule.

"As presiding officer of the Senate, I feel that my duty consists in executing its law, as declared by its rules and by its practice. If these rules are too strict, it would be better to modify than violate them. But we have a common interest and feel a common pride in the order and dignity of this body, and I therefore feel that I can appeal with confidence to every Senator to aid me in enforcing these salutary regulations. I feel it my duty to say thus much before proceeding to the course of action I have decided upon.

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"Mr. KING. I have listened with great attention to the statement of the presiding officer, and entirely concur in the views he expresses of the rights and duties appertaining to that position. It is necessary—it is essentially necessary, that those duties should be strictly performed by the Vice President, or any other presiding officer whom the Senate may select in his absence. They should feel it to be their imperative duty to enforce order, to protect persons in debate, and put down every species of disorder. I hope, therefore, that we may have this statement placed on the Journal, as a guide to other presiding officers, and I move that it be placed there, if it meets, as I trust it will, the full approbation of the Senate.

"The motion to enter the Vice President's statement on the Journal was agreed to unanimously."

In 1856 the question of Senate decorum again became a matter of debate. A Senate committee reported a motion to amend the rules to provide, among other things, that Senators when speaking were to confine themselves to the question under debate. The suggested amendment was not adopted by general assent, but the Senators for the most part also agreed that the suggested amendment merely recited the rule which had been controlling since the beginning of the Congress in 1789.

The pertinent parts of the 1856 debate with emphasis supplied in black brackets follow:

"[From the Congressional Globe of June 26, 1856, pp. 1477–1484]

"JESSE D. BRIGHT, Senator of Indiana (the President pro tempore). The Secretary read the proposed amendments to the 3d and 6th rules; which are, to amend the 3d rule by inserting, after the word 'place,' in line 2, 'and shall confine himself to the question under debate. He shall avoid personality, and shall not reflect improperly upon any State;' so that the rule will read:

" '3. [*Every member, when he speaks, shall address the Chair, standing in his place, and shall confine himself to the question under debate.*] He shall avoid personality, and shall not reflect improperly upon any State; and when he has finished shall sit down.'

"Mr. JUDAH P. BENJAMIN, Senator of Louisiana.

"I have no objection to these amendments, except to the first clause, which I deem to be entirely unnecessary, and will probably give rise to more confusion and difficulty than would occur in its absence. The first clause, which requires the person speaking to confine himself to the subject under debate, will give opportunities for constant calls to order; but we all very well know that the Senate will never refuse to hear a gentleman in any line of remark that he thinks proper to make on any public subject, if he is not guilty of any indecorum or impropriety of speech. I think the provision useless—entirely so. It is a rule which will merely give opportunities for calls to order and wrangling, as to whether or not a gentleman is in order, and is confining himself to the subject under debate—one of the most difficult questions on earth to determine. I think we had better leave that out.

"Mr. CHARLES E. STUART, Senator of Michigan. [I will only suggest, in reply to the honorable Senator, that I understand this to be the rule and the parliamentary law now.] I understand the same thing of every amendment which is proposed by the committee to our rules. There has been a difference among gentlemen as to what is the strict law, and as to what is the duty of the Presiding Officer of the Senate in enforcing the rules. [Every amendment, I believe, except that which relates to reflecting on a State, is, in my opinion, the true construction of the rules now.] The committee were induced to present this report to make the matter certain. For myself, I have no solicitude about it.

"Mr. JOHN J. CRITTENDEN, Senator of Kentucky. Mr. President, [I do not think the rules require any amendment whatever,] and it is a dangerous experiment to attempt it. I can say, for one, without entering into the subject, that I am unwilling that the rules of this body shall be changed. They have grown up from the experience of a thousand years. If a gentleman supposes he can now, by some 20 or 30 lines, add to those rules which have grown out of the experience and wisdom of a thousand Parliaments and Senate, I think he is mistaken. I hope we shall make no innovation on them; and I concur with what the gentleman from Louisiana has suggested, that we shall have more controversies and disputes growing out of it than now exist. We have enough already. I do not want any amendments whatever to the general rules of our proceedings.

"Mr. JOHN P. HALE, Senator of New Hampshire. I rise to express the hope that these amendments will not prevail, and that we shall not meddle with the rules. There is great danger, at a time when anything exciting occurs, of running into hasty legislation in passing rules or laws growing out of such events. [If this is the parliamentary law now, it is well enough as it is, without an additional rule.]

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"Mr. ANDREW P. BUTLER, Senator of South Carolina. I do not rise to add anything to what has been said by the Senator from Kentucky, or by the Senator from New Hampshire, on the point before the Senate, but simply to call the attention of the Senate to what I think was [a very distinct declaration of this body in Mr. Fillmore's time, while he was Vice President, that the Chair had fully the power on any occasion to call any Member to order. when, in the opinion of the Chair, he was out of order.] That right being conceded to the Chair—and I am willing that some declaration of the kind shall be made now—it is not likely to lead to abuse; because, if an appeal is taken from the Chair, we shall always have the opinion of the Senate on the point raised.

"My judgment is different from yours, Mr. President, and Mr. Calhoun's. I believe that the Chair has the power. Such certainly was the opinion of the Senate when Mr. Fillmore made the communication to which I allude, in reference to his powers. Mr. King, who was then on the floor—a very experienced parliamentarian—said at once that certainly was his understanding, and he moved that the paper communicated by the Vice President be filed as the opinion of the Senate.

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"Mr. JOHN M. CLAYTON, Senator from Delaware. * * * In the days when Gaillard occupied that seat, the order preserved in the Senate was vastly better than it has been since, as men were more cautious of what they said to each other in debate.

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"[It is generally understood by every Member, when he rises in debate here, that he should confine himself to the subject before the Senate.] It is a matter that I think may very well be left to the sense of propriety and dignity of every gentleman here.

* * * * *

"Mr. STEPHEN ADAMS, Senator from Mississippi. Mr. President, the first objection made to this amendment is to the first clause, providing that a Member shall confine himself to the question under debate. [No one whom I have heard speak objects to the propriety of the debater confining himself to the subject matter under consideration. All experience in legislation has shown the propriety and necessity of such a rule. I understand it to be the parliamentary law by which we are already governed, and yet it is not definite, fixed, and certain; it is not provided] for by our rules or by the parliamentary law in such a manner as to give it practical effect. For this reason it is proposed to give effect to that which is recognized by every Senator, as proper in itself, by placing it in our rules.

"It is said, however, that Senators will be liable to be called to order when they are wandering from the subject, and others do not directly understand their meaning. Why, sir, the presumption is, that Senators will not intentionally violate a rule of the body. No one will say that it is wrong to require conformity to the rule, whether the departure be intentional or unintentional. Our experience proves, that Senators will sit by and listen under all circumstances, and interfere with reluctance. Our experience proves, also, that the Chair with reluctance interrupts a Senator, when he is speaking, and particularly when he is in the heat of debate. He must be guilty of a palpable violation, before either the Chair or any Senator will call him to order. I think that the confusion which Senators apprehend will not result from the proposed rule, but that good will ensue from its adoption.

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"Mr. LEWIS CASS, Senator from Michigan. I say, then, we ought to do something. I am not very conversant with the rules; but if I understand the changes now proposed, I think they are very reasonable and proper.

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"Mr. ISAAC TOUCEY, Senator from Connecticut. * * * These provisions will conduce to the facility of business, and to the decorum of debate, very much indeed. The only danger, in my judgment, is that they may not be enforced. If every Member who rose in his place to speak to any subject confined himself to that subject—if he abstained from personalities and reflections on any State. * * *

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"Mr. JOHN P. HALE, Senator of New Hampshire. * * * If it be, I should not like to see the liberty of debate infringed upon here. [And when I speak of the liberty of debate, I do not mean the license of debate, for I will go as far as anybody to restrict and restrain that. But, sir, I would say of this liberty of debate, this freedom of speech (distinguishing it always from license), as was said in olden times, and as every man can say, with a great price it has been obtained;] with a very great price it has come down to us through the struggles of our ancestors in thousands of years; it has been baptized in the blood of martyrs on the scaffold, and comes to us canonized by the blessings of the good and the true, who have manifested their fidelity to the great principles of civil liberty in the history of our country ages and ages back.

"[Now, sir, while I will be second to no man in restraining license and doing what may be done to keep debate within its legitimate, its constitutional limits of propriety, I am unwilling to do anything which shall have a tendency to deprive the representatives of the people or of the State * * *.]

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"Mr. JUDAH P. BENJAMIN, Senator from Louisiana. * * * We have had no trouble here during the time I have been a Member of this body—I do not remember a single instance where the Senate has had the slightest difficulty in conducting its deliberations—from the fact that any gentleman was going out of the subject under discussion * * *.

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"Mr. JUDAH P. BENJAMIN, Senator from Louisiana. * * * The Senator, at the same time that he says this, declares his willingness to lay down, as broadly and clearly as any man can desire, the proposition, that [freedom of debate is not to degenerate into license or licentiousness of debate, and that under freedom of debate he does not claim license. Well, sir, that distinction is as old as freedom or debate itself is].

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"MR. CHARLES E. STUART, Senator of Michigan. Mr. President, I have listened for some time with, I confess, no little surprise, to the various discussions on the meaning of these amendments, and the meaning of the rules. Now, so far as I know, there is no single item in the amendments proposed that changes the parliamentary law which governs all deliberative assemblies. That is my undertanding of it. [I repeat, there is not a rule of the Senate which regards debates, there is not anything in the amendments proposed, that affects this body differently from what it would be if it sat without a rule, under the parliamentary law.

* * * * *

"[I am willing that they shall strike out the portion in reference to confining a Member to the subject under debate. It will not change the law in my opinion; but it will still remain in the privilege and power of the Presiding Officer to call a Senator to order whenever he thinks he is wandering from the question under debate, without these words as well as with them.]

* * * * *

"Mr. JOHN J. CRITTENDEN, Senator from Kentucky. I simply rise to ask him if he is of that opinion, and will withdraw all the rest he has proposed, [which, he says, is but a repetition of rules already existing.] If he will do this, we can have the question disposed of at once. I hope he will do it.

* * * * *

"Mr. JAMES A. PEARCE, Senator from Maryland. The rules of the Senate are not what are ordinarily so called. The few printed rules which we have were adopted for the purpose of varying, in some instances, the parliamentary law, and adding to that law in other particulars. [The law which governs the proceedings of the Senate is generally the parliamentary law as laid down in the manual of Mr. Jefferson. The rules of the Senate, ordinarily so called, are altogether inadequate to the exigencies which arise in the transaction of the business of the Senate.]

* * * * *

"This is an indecency for which he may and should be called to order. No Member shall digress from the subject matter to utter personality. If he does, says the parliamentary law, 'Mr. Speaker shall repress him,' that is the language.

* * * * *

"Mr. WILLIAM BIGLER, Senator from Pennsylvania. [I think it would be clearly right to infer that the parliamentary law, as defined by Mr. Jefferson, is the rule governing the Presiding Officer. He has a large discretion here in calling a Member to order. In arriving at a conclusion as to the performance of that duty, I take it for granted that it is intended that the parliamentary law, as defined by Mr. Jefferson, shall be his rule of action.]

"Mr. JAMES C. JONES, Senator from Tennessee. I do not know that any such provision is necessary. I understood the Senator from Maryland to assume, and I have heard no dissent from his position, [that the parliamentary law, as defined by Mr. Jefferson, is the rule of the Senate, with such additions as the Senate has chosen, or may choose, to make for itself. I take it for granted that that parliamentary law is the rule of the Senate. It seemed to be the general impression of this body, as far as I could see, or hear, or ascertain, that they only desired the single question settled, that the Presiding Officer had the power and the right and the duty of calling a Member to order. * * * I take it for granted that the parliamentary law, as laid down by Mr. Jefferson in his manual, is the law of the Senate, unless where it conflicts with some special rule of this body.] If it were necessary, I should be willing to so define it, but I do not think it necessary. I desire to arrive at a practical result, to give the power to the Presiding Officer, to whom, in my opinion, it belongs; but it would be as well to say so expressly, and thus to relieve him from all embarrassment."

The discussion of the rules in 1856 appears to have been the last one in which Senators were generally agreed that Jefferson's Manual was, in effect, a part of the rules and that Senators were required to be relevant in their remarks. Thereafter the picture began to change. In 1863 and again in 1865 the Senate was the scene of brief but intense filibusters staged a day or two just prior to final adjournment of the short session which ended on the 4th of March of each of those years.

The filibuster in 1863 was stopped by an arbitrary ruling of the Chair. The filibuster in 1865 was successful in defeating legislation to grant the State of Louisiana again the full rights of a State. This filibuster is listed by Dr. George Galloway in his study of filibusters as the first one successfully to block legislation. By 1872 the Senate no longer required a Senator to be relevant in his remarks. In that year Vice President Schuyler Colfax ruled that "under the practice of the Senate the Presiding Officer could not restrain a Senator in remarks which the Senator considers pertinent to the pending issue."

With this ruling the Senate had abandoned effective control over debate. The day of the filibuster had arrived. In 1879 the Republicans, by successful filibuster, defeated legislation to repeal Federal election laws. In December 1890 and January 1891 in the 2d session of the 51st Congress, the Democrats staged a successful filibuster against passage of the so-called force bills. Thereafter almost every session of Congress witnessed one or more successful stultifying filibusters.

The chapter headings of Dr. Burdette's book Filibustering in the Senate significantly read as follows:

"An Instrument of Policy?" (This covers roughly the period from John Randolph's days in the Senate (1826) down through 1879); "Filibustering Unrestrained" (1880 through 1907); "The Modern Filibuster" (1908–17); and "Turmoil" (1917–40, date of publication of book).

In spite of the Senate's abandonment of Jefferson's Manual as controlling over debate, down through the years a Senator could be heard from time to time appealing to the Senate to return to the original practices. For instance, as recently as 1925 Senator Joseph T. Robinson, a distinguished and able Democratic senatorial floor leader, contended:

"No change in the written rules of the Senate is necessary to prevent irrelevant debate. Parliamentary procedure everywhere contemplates that a speaker shall limit his remarks to the subject under consideration. The difficulty grows out of the failure of the Presiding Officer of the Senate to enforce this rule."

Even today, however, the Senate does not have free or unlimited debate in certain aspects of its work. In its rule that an amendment may be tabled without prejudicing the principal measure under debate the Senate adopted a forceful check on debate—and one that was resisted for years.

For years one of the favorite but permissible and legitimate dilatory devices had been to offer amendments and then to talk about them at length.

Another instance is found in the Legislative Reorganization Act of 1949. It provides that debate on Presidential reorganzation plans shall be limited to 5 hours on each side. Further evidence that it is not considered unreasonable to suggest that the Senate severely limit debate and prevent other dilatory tactics was recently provided in the reciprocal trade agreements bill as reported by the Senate Committee on Finance. While the bill did not pass the Senate as reported, the reported bill contained severe limitations on debate admittedly designed to prevent a filibuster against Senate action to support any Presidential decision to overrule the recommendations of the Tariff Commission. In reporting the bill with these provisions the committee said the provisions were intended to prevent a successful filibuster. Some Senators who have opposed any change in rule XXII voted for the committee's severe cloture language. Indeed, it seems that we do not hesitate to restrict ourselves except perhaps in one field—that of civil rights. If that issue be raised, then it is that we hear about the historic tradition of "free debate." But we have seen that this is a myth. It is time that the opponents of civil rights cease taking refuge in that argument and debate the issue on its merits.

THE FILIBUSTER AS SEEN FROM THE SENATE FLOOR

Many of the Senate's outstanding members have condemned the filibuster in the strongest terms. Some sample comments follow:

Senator Robert L. Owen of Oklahoma:

"No one man, no matter how sincere he may be or how patriotic his purpose, should be permitted to take the floor of the Senate and keep the floor against the will of every man in the Senate except himself, and coerce and intimidate the Senate. To do so is to destroy the most important principle of self-government—the right of majority rule. * * * My use of this bad practice to serve the people does not in any wise change my opinion about the badness of the practice of permitting a filibuster. I acted within the practice, but I think the practice is indefensible, and I illustrated its vicious character by coercing the Senate and compelling it to yield to my individual will."

Senator Thomas J. Walsh of Montana:

"A majority may adopt the rules, in the first place. It is preposterous to assert that they may deny to future majorities the right to change them. A court would make itself the subject of ridicule that should attempt to adopt rules one of which should provide that they could be changed only by a vote of two-thirds of the judges. It would not be tyrannical to make such a rule; it would be futile. The court, when wiser men graced the bench, would contemptuously, by a majority, set it aside. It is scarcely less preposterous that a legislative body should by rule deny itself the right to bring debate to an end and to proceed to a vote; nay, that it should by rule provide that so long as any Member should hold the floor and pretend to debate, there should be no vote; that though such pretense should be persisted in until it became a hollow mockery, a transparent sham, a subject of open raillery and jocularity, there should be no vote; that so long as there remains one Member with physical strength to keep the floor there should be no vote.

Senator Oscar W. Underwood of Alabama (speaking in support of his motion for majority cloture by use of the motion for the previous question in 1925):

"Every Senator who knows me knows that I have been opposed to unlimited debate in the Senate ever since I have been a Member of the Senate; that I believe in a reasonable cloture rule. But if the Senate is going to play the game of allowing deuces to run wild, to have unlimited debate, and anybody can engage in a direct or concealed filibuster if he desires to do so, I want to assure my friends that when I thought the occasion was of sufficient importance I would not hesitate for a moment, now or any other time, to use the rules of the body by which we play the game to effect the legislation that I desired. I do not blame any Senator for using those rules as long as they are the rules. I am not critical of the Senator who plays the game according to the rules; and that is the rule."

Senator John Sherman of Ohio:

"The rules of the Senate are made to expedite the public business in an orderly and proper manner. We are not here for any other purpose except to legislate, to make laws. * * * All the rules ought to aim for the accomplishment of that purpose and no other. * * * The right to debate a question broadly has been recognized by the Senate of the United States from the beginning of our Government; but when the rules of this body, intended to expedite legislation, are used as an obstruction by the minority in order to defeat the will of the majority, those rules should as soon as possible be corrected, changed, and altered."

Senator James Hamilton Lewis of Illinois:

"(The filibuster) is bringing upon this body the contempt of the Nation and the disrespect of mankind."

Senator Joseph T. Robinson of Arkansas:

"The question involved, is whether at a time when the country is suffering from a depression unparalleled in its history, at a time when legislation is badly needed, the Senate will demonstrate its unfitness and its incapacity to do business. Why not debate these issues, determine them upon their merits, and let a majority of the Senate decide?"

Vice President Charles G. Dawes (describing the end of a session):

"The most determined obstructionists are fawned upon, cajoled, flattered—anything to get their acquiescence that the Senate may do its constitutional duty—but so far in vain. It is a shameful spectacle—and yet so common that it passes here as a matter of course."

On an earlier occasion Mr. Dawes stated:

"It is amusing to note the attitude toward cloture. So jealous are the Senators of the prerogatives given individuals through the power of obstruction made possible by the absence of the majority cloture rule obtaining in all other important parliamentary bodies that they are reluctant to make use of even this kind of cloture. The idea of giving precedence of the right of the majority to perform their duties over the 'sacred right of free speech' seems more or less obnoxious. This 'sacred right of free speech' in the Senate often translates itself in practice into the right of any individual to indulge for as long a time as he desires in oratory, relevant or irrelevant to the subject under consideration. This, of course, is no true definition of the right of free speech. When the Senators vote by two-thirds to limit debate under the present cloture rule they do subjugate this ridiculous privilege to the higher duty they owe the Government under the Constitution.

"The invoking of the present two-thirds cloture rule practically negatives the arguments against majority cloture, and this may account for the reluctance to use it. Such public demonstrations of the viciousness of the present rules are not welcomed, but they have to be made. There have been many able Senators, like Oscar W. Underwood, Charles S. Thomas, Atlee Pomerene and others who, in the past, have urged the reformation of the Senate rules and pointed out the outrages upon the public interest which they, in their present form, have made possible.

"No one in the Senate, however, has yet undertaken to reform the rules by the threat to use them against the proper conduct of business until they are reformed—in other words, to use them as a bludgeon to force a reform instead of to force through some personal or sectional legislation, generally to the public disadvantage."

SUMMARY

We have seen how the early Senate by use of the motion for the previous question and the precedents in Jefferson's Manual and by the Vice President's unappealable authority to rule on questions of order and decorum held filibusters in effective check. We have noted the gradual erosion of that control over debate after the Civil War until finally it was lost.

Article I, section 5, clause 2 of the Constitution of the United States provides that each House may determine the rules of its proceedings. A majority of the Senate in the first instance adopted the Senate rules, and a majority of the Senate may amend the Senate rules. In view of this, is it not strangely undemocratic to require 64 Senators to vote affirmatively in order to close a debate on any measure and bring it to a vote? Is it not even more strange to have a provision (sec. 3, of rule XXII) under which the Senate may not vote on a motion to change the rules as long as even one Senator wishes to prevent the vote by speaking? Of course, one Senator acting by himself cannot for long prevent a vote on changing the rules, but a few Senators (far less than a majority) can do so.

The problem of controlling filibusters is of the first magnitude because the mere threat of a filibuster affects, to more or less extent, all important and controversial legislation. In recent years successful filibusters have involved solely the legislative struggles to assure Negroes equality under the law in fact as well as in theory.

This is the emotionally charged background behind the entire controversy over cloture and the question of the Senate's adoption of "rules" (either new or old) at the beginning of each new Congress.

The country needs to find solutions to the problems involving civil rights. These problems cannot find adequate solutions as long as a minority of Senators can, by filibuster or the threat of filibuster, block legislation designed to assist Negroes in their efforts to achieve first-class citizenship. Moreover, this basic problem influences many other aspects of American life, such as education and housing. Until the Senate reforms rule XXII, we shall face almost insurmountable obstacles in our efforts to make progress in these fields.

In order for the Senate to become a more effective and democratic body, responsive to the desires and needs of the majority of American citizens, it must reform its rules and return to practices of the early days. Senate Resolution 17 is a very moderate step in this direction.

Mr. CASE of New Jersey. Mr. President, we are immediately faced with the taking of the vote on the motion of the majority leader to refer this entire matter to the Committee on Rules and Administration, for its subsequent report.

Mr. HOLLAND. Mr. President, at this point will the Senator from New Jersey yield for a brief question?

Mr. CASE of New Jersey. I yield.

Mr. HOLLAND. I ask this question for information: Did the committee of which the Senator from New Jersey was an able member, have before it a suggestion that debate could be closed by three-fifths vote?

Mr. CASE of New Jersey. Yes, that was one of several suggestions which were presented to the committee.

Mr. HOLLAND. Was testimony taken upon that proposal?

Mr. CASE of New Jersey. I must confess that so far as concerns the testimony actually taken, my memory is not fresh, because I was not a member of the subcommittee which actually took the testimony. I believe there were two members of the subcommittee; I think they were the Senator from Georgia [Mr. TALMADGE] and the Senator from New York [Mr. JAVITS]. I was not present at all its sessions.

Mr. President, as I was saying, the question immediately facing us is the prospective vote on the motion of the majority leader to refer Senate Resolution 4 to the Committee on Rules and Administration. The entire effect of agreeing to that motion will be to make it impossible for the Senate to act without inhibition on its rules. Of course, the reason for that is simply stated: If we refer the resolution to the committee, we shall then, by acquiescence, have adopted the rules of the preceding Senate, and those rules will make it impossible for the Senate to terminate debate

upon a proposed change in the rules. I suggest that this is perhaps one of the purposes—although certainly not the only one—of Senators who would vote for adoption of the motion of the majority leader.

The Vice President has already stated his opinion that at the beginning of a new Congress—which is where we are now—the Senate by majority vote can close debate upon a proposal for new or amended rules of the Senate, and that this right will persist only so long as the Senate is acting on that matter at the beginning of a new Congress.

The PRESIDING OFFICER. The time yielded to the Senator from New Jersey has expired.

Mr. CASE of New Jersey. I should like to have an additional minute, if possible.

Mr. KUCHEL. I yield 1 additional minute to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 more minute.

Mr. CASE of New Jersey. Mr. President, the Senate should have no doubt at all about what it is doing when it votes on this motion. If the Senate votes in favor of the adoption of the motion, the Senate will deliberately be throwing away any possibility of terminating debate or preventing a filibuster against a proposed change in the rules.

Yesterday, I suggested that unanimous consent be given that if the motion is agreed to and if the resolution is referred to the committee, and thereafter is reported to the Senate, the resolution then be considered on the same basis as if it were considered at this time.

The PRESIDING OFFICER. The time of the Senator from New Jersey has again expired.

Mr. CASE of New Jersey. May I have an additional one-half minute?

Mr. HOLLAND. Mr. President, inasmuch as I disturbed the Senator from New Jersey by asking a question, for which he was gracious enough to yield, I yield one-half a minute to him.

Mr. CASE of New Jersey. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey may proceed for an additional one-half minute.

Mr. CASE of New Jersey. In short, I have asked that the Senate give unanimous consent to have the matter considered then as if it were considered at the beginning of a new Congress, and with no rights waived. But the majority leader refused to go along with me in presenting such a request to the Senate.

However, it seems to me that unless that is done, the Senate will be deliberately foreclosing itself from any chance to have uninhibited consideration of this matter. Therefore, I ask unanimous consent—and I may say that I do this with the knowledge of the majority leader——

The PRESIDING OFFICER. The additional time yielded to the Senator from New Jersey has again expired.

Mr. CASE of New Jersey. Mr. President, may I have 1 additional minute?

Mr. KUCHEL. I yield 1 more minute to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 more minute.

Mr. CASE of New Jersey. Mr. President, as I was about to say, I now send to the desk a proposed unanimous-consent agreement, and ask that it be read. I do this with the knowledge of the majority leader.

The PRESIDING OFFICER. Without objection, the proposed agreement will be read.

The legislative clerk read as follows:

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, that when the Committee on Rules and Administration reports to the Senate S. Res. 4, or any other resolution to amend the Standing Rules of the Senate with respect to limitation of debate under rule XXII or otherwise, any rights existing under the Constitution of the United States with respect to the Senate's right to close debate by a majority vote in order to act effectively on its own rules at the beginning of a new Congress shall be preserved, and the referral of this resolution and the intervening conduct of business by the Senate shall not be considered acquiescence in such rules so as to prejudice any rights existing with respect to adoption or amendment of the rules at the opening of a new Congress.

Mr. CASE of New Jersey. Mr. President, I submit that request on behalf of the Senator from New York [Mr. JAVITS] and myself, and with, as I have suggested, the knowledge—although not the approval—of the majority leader.

Mr. HOLLAND. I object.

The PRESIDING OFFICER. Objection is heard.

The additional time yielded to the Senator from New Jersey has expired.

Mr. HOLLAND. Mr. President, I yield 1 minute to the Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared.

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

STATEMENT BY MR. ELLENDER

Debate in the Senate over the past few days on the pending resolution has once again demonstrated to me that the arguments advanced for revising rule XXII are not realistic or even reasonable, but are founded upon emotion and, to a large extent, upon a propensity among some Members of this body to play politics with questions and issues about which they have little or no practical knowledge.

It is no secret that the main reason the so-called liberal advocates of a revised cloture rule have become so vociferous in their demands is their overwhelming obsession for more stringent, more obnoxious so-called civil rights legislation. In the past, they have been unable to obtain the force bills they demand, since the representatives of the areas these bills would affect the most have had available means whereby the entire Nation might be alerted to the dangerous poison which lies beneath the sugarcoating of these legislative monstrosities—bills such as part III of the 1957 and 1960 civil rights bills, the fair employment practice legislation, and the most recent attempt to have so-called enrolling officers usurp the powers of local registrars of voters, to name only a few.

In other words, it is my view that advocates of a change in rule XXII have held opponents of their plan up to public contempt and ridicule, have labeled the southern delegations as "obstructionist" and sectional, solely and simply in the course of a purely political effort.

Yet, as a practical matter, it is they who are being sectional. After all, the legislation they demand is purely sectional in character. It is directed first and foremost at the people of the South.

What proponents of these force bills would like is to be able to point the dagger of sectional legislation at the throat of the South, secure in knowledge that all weapons available to the South's elected representatives have been effectively abolished.

What is there about the civil rights issue that seems to make some completely lose their sense of perspective—yes, their sense of reason?

Take the Supreme Court, for example. Just 6½ years ago the Court was called upon to rule again upon the issue of separate but equal schools.

How logical, how sound it would have been for the Court to follow long-established jurisprudence and hold that public facilities for the white and Negro races need only be separate but equal.

Instead, acting upon impulses similar, if not identical, to those motivating the rules-change advocates today, the Court threw caution to the winds, abandoned logic law, and stare decisis, and introduced the inexact, speculative, and disputed issues of psychology and sociology into the basic jurisprudence of American constitutional law. This unwarranted decision has caused much strife, and I seriously doubt that integration will ever be forced down the throats of an unwilling people.

One would think that some Members of the Congress would have learned the lesson this experience has taught. Unfortunately, such has not been the case. Reason is laid aside; prudence has succumbed to expediency; the fires of sectionalism burn fiercely in the Chambers of both Houses of Congress.

I do not mean to be facetious but events of the past few years have often compelled me to believe that too many people have become so ensnared in the nets of their own making that they have lost completely their sense of reason.

Take the issue of majority rule, for example.

Proponents of easy cloture in the Senate cry loudly for majority rule. Events have demonstrated that they want majority rule in order to force upon the people of one area of our country a number of Supreme Court decisions, among other things, which run directly counter to the wishes of the citizens those decisions most directly affect.

Yet, what was the source of those decisions? The Supreme Court—nine men.

If Supreme Court rulings, handed down by nine men, upsetting longstanding principles of law, are consistent with the liberal demand for majority rule, then the system of mathematics I was taught in school has certainly been greatly changed.

Nine out of one hundred and seventy-eight million cannot be a majority.

The proponents of a gag rule in the Senate make a great hue and cry about their desire to protect minority groups in the Nation. I ask just how inconsistent can anyone get?

Here we see a supposedly reasonable group of men demanding complete majority rule, rule which would destroy what few rights minorities still possess, in order to purportedly protect the rights of minorities.

It might be very wise for us, at this time, to look back and reread the words of those who framed our present form of government. Let me read to Senators from the writings of James Madison, one of the principal architects of the Constitution, in the Federalist Papers.

The following is from the Federalist, No. 63, dealing with the Senate, and it is written by Madison:

"Thus far I have considered the circumstances which point out the necessity of a well-constructed Senate only as they relate to the representatives of the people. To a people as little blinded by prejudice or corrupted by flattery as those whom I address, I shall not scruple to add, that such an institution may be sometimes necessary as a defense to the people against their own temporary errors and delusions. As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves until reason, justice, and truth can regain their authority over the public mind? What bitter anguish would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and status on the next."

Read against the avowed purpose of the proponents of rules change today, the excerpt from the Federalist I have just quoted reemphasizes the need for continuation of rule XXII, not its repeal or modification. Rule XXII, I might add, is the only protection the people have against momentary desires based not upon thoughtful reflection, but upon emotion, yes politics.

Of course, we have heard the argument often that unlimited debate, or the threat of unlimited debate, frustrates the majority in the execution of its will. I submit that if, in fact, such a frustration does occur, it results from the basic constitutional principles upon which our Government is founded—it is a direct result of the need for protection of minorities against the overwhelming power of pure majority rule.

This is obviously the case in connection with the present debate. I want to compliment the so-called liberal bloc in the Senate for being honest and aboveboard. While they base their case most often upon the argument for majority rule they are quite frank in admitting that the reason they want majority rule is in order to permit the expeditious passage of so-called civil rights bills. As matters now stand, they feel they are hindered, either directly or indirectly by the existence of a determined minority opposed to their legislative demands. They recognize that the minority which opposes them is bolstered by the wishes of the people they represent, and have available one of the most potent weapons available to any free people, that is, the means and ability to arouse public opinion, given a sufficient time to do so.

Hence, the liberal bloc, in order to work its will, would strip its minority opponents of the weapons they now possess.

This, according to their viewpoint, is an absolute necessity in order for their collective will to prevail. However, even while I commend my friends in opposition to me on their candor, I would remind them that they have dug for themselves a deep and dark legislative pit and are rapidly pushing one another over the side into it.

Philosophers from the time of Aristotle have argued against pure majority rule. The gist of such arguments is the changing composition of a majority. In other words, a majority on one issue is quite often a minority on another.

Given pure majority rule it is eventually possible for a hard-core minority, by combining with other minorities, on a given issue, to control the course of legislation—thus achieving the actual effect of minority rule under the guise of majority power.

Aside from the purely philosophical arguments against what is attractively termed "majority rule," I believe my good friends who so glibly and frequently demand the amendment of rule XXII should take cognizance of the fact that they, themselves, have frequently used the protection extended to minorities for their own purposes. In brief, they have utilized rule XXII in order to block action on legislation to which they might be opposed just as those of us who have opposed so-called civil rights legislation have availed ourselves of the rule's provisions.

I recall when the 85th Congress had before it the so-called Great Lakes diversion bill. The bill was considered during the closing days of the 2d session of the 85th Congress, and debate was hot and heavy. Many Senators who today demand the repeal or amendment of rule XXII were opposed to the bill. They knew that the hour was getting late, that many Senators and all the Members of the House were anxious to adjourn the Congress and begin the arduous tasks of campaigning for reelection. Tempers were short, bodies were tired.

In my judgment, if a vote had been reached on the Great Lakes diversion bill, it would have passed by a considerable number of votes. In other words, a majority favored the measure.

Yet, a minority of Senators, opposed to the bill, blocked Senate action on the measure by threatening a filibuster.

Senators might recall the following exchange, which took place during the early morning hours of August 24, 1958:

"Mr. PROXMIRE. * * * I deeply appreciate the position taken by the Senator from Illinois. I do not blame him one bit. However, I mean what I say—and I never meant anything more sincerely—when I say we have a big case to make tonight. I mean we have a big case to make. I have 756 pages of the RECORD to read, much of which still has to be read. Several pages of the RECORD have been read.

"I have the floor now and I am ready to read. I want all Senators to know, if they wish to stay and listen, there is a lot of good information to be presented. If Senators do not wish to stay, if they come back tomorrow night at this time, I will still be here reading." (CONGRESSIONAL RECORD, vol. 104, pt. 15, p. 19539.)

Of course, the junior Senator from Wisconsin subsequently stated in all seriousness, that he was not engaging in a filibuster, that he merely wanted an opportunity to lay the facts before the Senate.

I want to make it abundantly clear that I have no quarrel with those who utilize the provisions of the Senate rules in the manner in which they think best for their people, their State, and their Nation. That is not only their right, it is their solemn duty. I do, however, take issue with an argument or proposition whose premises shift and waver, almost from day to day, depending upon "whose ox is being gored," so to speak.

I also want to state that rule XXII is capable of being used to block action on legislation which, on a given occasion, might have received the votes of a majority of this body. As a matter of fact, I believe it is obvious that the junior Senator from Wisconsin used the provisions of rule XXII for just that purpose in the instance I just cited, and I commend him for it. He was convinced he was right, that the bill concerned would have injured his constituency, and he acted accordingly.

I do object, however, to those who have on past occasions used the protection accorded minorities by rule XXII, to protect their own rights, now seeking to amend rule XXII in order to deny Senators from one geographic area that same right.

As a matter of fact, I have halfway been expecting a resolution to be offered, amending the Senate rules to guarantee unlimited debate except where so-called civil rights legislation might be concerned, with the stipulation, in that case, that a bare majority could end debate at any time. Frankly, I would commend those who demand a change in Senate rules for such an approach—at least, their resolution would then be in accord with their real objectives.

The Senate should also consider another argument advanced by those who demand a change in rules; namely, that the existence of rule XXII, as now constituted, paralyzes the Senate in the conduct of its business. "Paralysis," of course, is a relative term. It is attractive and perhaps a bit seductive to those who are not familiar with the facts. However, in my opinion, about the only fair way we have of judging the future is to examine it in the light of the past.

The first Senate met in 1789. At that time, it adopted rules of procedure which, for all practical purposes, made the invocation of cloture, or a limitation on debate, the rule rather than the exception. At that time, the so-called previous question rule was in effect, which had the practical effect of choking off debate immediately.

In 1806, the Senate completely revised its rules, and eliminated the previous question entirely. From 1806 until 1917, when the rules were again amended, it was impossible to shut off debate in the Senate by moving the previous question, and the rules contained no overall provision for cloture. In this regard, it is interesting to note that during the period 1789 to 1806, the period when the previous question rule was in effect, it had been used only three times.

In addition, during the period 1806 to 1917, the Senate operated without any limitation on debate whatsoever, save for that which could be invoked by unanimous consent.

As a matter of fact, there was no provision for limiting Senate debate during the entire course of the War Between the States, although proposals to achieve that purpose were numerous. Certainly, the Union stood in grave peril during those days—certainly, unlimited or prolonged debate—even filibustering—could have worked great injury upon the Union war effort. Yet, the work of the Senate was not paralyzed, despite the lack of any limitation on debate at all. This, of itself, renders rather ridiculous the arguments of proponents of majority rule cloture to the effect that the present two-thirds rule paralyzes the work of the Senate.

During the period 1917 to 1949, cloture was obtainable by two-thirds of the Senators present and voting, assuming the presence of a quorum, subject to the general exception that cloture could not be invoked on a motion to take up, it having been concluded by the Senate that a motion was not a measure within the purview of rule XII.

In 1949 agitation for an easy cloture rule came to a head. Then, as now, the right of unlimited debate in the Senate had been attacked by the proponents of so-called civil rights legislation. Then, as now, a general rules change was demanded in order to obtain action on specific legislation, namely, force bills.

In 1949, the Senate rules were changed. The amended rule XII provided that cloture could be invoked only by two-thirds of all Senators duly elected—and, in return for this concession, cloture was made applicable to a motion to take up, with the further exception that there could be no limitation of debate on a motion to take up a change

in Senate rules, or a measure which would amend or add any Senate rule.

In 1959 the Senate voted to change its rules to the effect that cloture could be achieved by two-thirds of Senators present and voting.

The history of efforts to limit debate in the Senate amply buttresses my proposition that although a quick and easy method of limiting debate is demanded by proponents of the pending resolution under the guise of general majority rule principles, their real and avowed objective is special legislation—so-called civil rights legislation, directed at the South.

In addition, as I have indicated earlier, I fear that their zeal has clouded their judgment, and that they today find themselves in the position of attempting to dispose of their birthright for a mess of pottage.

Freedom of debate has served a useful purpose in the past, as I intend to demonstrate in a few moments. It has not, as some would have us believe, either injured the national welfare or paralyzed the work of the Senate. It has, I might add, blocked action on measures which, if enacted, would have led to the downfall, if not outright destruction, of our free way of life.

During the 24 years I have served in the Senate, I have observed several legislative proposals either defeated or delayed by unlimited debate. In all cases, if these bills had been enacted in the fever of enthusiasm with which they were initially greeted, they would have made possible the complete destruction of our way of life.

Today, I will mention and partially discuss only three of these.

The first is the so-called Federal fair employment practices legislation which would have dictated to an employer whom he could hire and fire.

The second was the 1946 Full Employment Act, which, prior to amendment on the Senate floor, would have permitted Government competition with private enterprise in almost any field of endeavor, under the guise of maintaining full employment.

The third was a proposed amendment to the minimum wage law which sought to vest broad and sweeping authority in a network of bureaucratic boards—authority to fix minimum wages, without any effective ceiling, and without the consent of the employer, in nearly every area of national production. In other words, the proposal would have gone far beyond the Federal Government placing a floor under wages, and would have permitted Uncle Sam, in effect, to fix wages.

All three of these proposals were either defeated or modified as a result of the guarantee of unlimited debate.

The logical question now arises: Was the defeat of these items of legislation wise and prudent—did, in fact, the guarantee of unlimited debate achieve a meritorious purpose?

The answer must be found in the terms of the bills themselves, but before I discuss these bills, I would remind Senators that their enactment would have spelled the death knell of a free economy by:

First. Sanctioning Government-owned competition with private enterprise in any field whatsoever.

Second. Permitting the Federal Government to dictate minimum wage levels for each and every class of workers engaged in commerce, with no effective ceiling on such levels.

Third. Dictating to private enterprise whom it could hire and fire.

Now, let us look at the original Full Employment Act of 1946.

This measure was introduced on January 22, 1945, by Senators Murray, Wagner, Thomas, and O'Mahoney, and given the bill number S. 380. It was the outgrowth of some serious thinking that had been done during World War II, prompted by experiences required during the great depression of 1929–40.

Briefly, the measure sought to assure continuing full employment in a free competitive economy, through the concentrated efforts of industry, agriculture, labor, State and local governments, and the Federal Government.

In title, as in other ways, this was a laudable proposal. The Congress sought to lay down a policy which, if implemented carefully and in accordance with law, would make impossible a repetition of the breadlines, soup kitchens, and doles of the late depression.

One portion of the original S. 380, as it came to the floor of the Senate, provided as follows:

"To the extent that continuing full employment cannot otherwise be assured (the Federal Government), shall provide such volume of Federal investment and expenditure as may be needed, in addition to the investment and expenditure by private enterprises, consumers, and State and local governments, to assure continuing full employment."

Those were high-sounding and purposeful words. But they were deceptive words, also, because, as Members of the Senate pointed out at that time, they carried the seed of that evil weed, socialism.

Senators will note that the language called for unrestricted Federal expenditures.

Presumably, debate on the floor of the Senate later showed, the proponents had public works subsidies or similar projects in mind. But the provision of the bill did not limit such investment and expenditure to public works. It did not limit that investment and expenditure at all. Presumably, the Federal Government could have created jobs in any manner it pleased—even by going into competition with private industry.

The Federal Government, faced with the prospect of a business depression, would not have been required to limit its relief endeavors to the payment of subsidies and the creation of additional jobs through the construction of public works. Indeed not. Instead, some of the now-famous Washington planners would have suggested that the Government go into the steel business, or the automobile business, or the clothing business. It would have been possible for the Government to build plants to compete directly with private industry.

Then, of course, there is FEPC.

I do not believe I must go into detail concerning the so-called FEPC bills. They are purely and simply social legislation attempting to inject the long arm of Uncle Sam into areas which are, and should remain, closed to Federal intervention.

However, they carry attractive overtones in that they are purportedly designed to make it illegal for an employer to deny employment to any qualified person on the basis of race, religion, or national origin.

Although FEPC legislation seems to appear in each and every Congress, none thus far has been enacted and, if I have my way, none ever will be. As a matter of fact, the closest the Congress ever came to enacting FEPC legislation was back in 1950, when the House passed H.R. 4453, sponsored by Representative ADAM CLAYTON POWELL, of New York, who has never been particularly concerned about the practical effect of such legislation, but who seems intent upon maintaining his undisputed position as No. 1 spokesman of the National Association for the Advancement of Colored People—an organization, incidentally, which cannot be accused of being either reasonable or thoughtful.

At any rate, even the passage by the House of the Powell bill did not amount to much, since as reported from the House committee it involved only factfinding functions. There was no enforcement authority provided.

Be that as it may, the fact remains that the sole reason such legislation has not been enacted into law long before this is because proponents know that those of us who strenuously oppose FEPC and similar force legislation have available to us the means of rallying public opinion, through unlimited debate.

Thank God that we do, for enactment of FEPC legislation would not only mutilate what remains of good feeling among the white and Negro races in the South, but it would also be another nail driven into the coffin sought to be prepared by those who desire a socialized America. In this connection, I would like to quote briefly from the draft of a minority report prepared by my distinguished colleague from Alabama [Mr. HILL] on S. 1728, a Senate FEPC bill, introduced during the 81st Congress:

"Under our Constitution it has never been seriously questioned that a man has the right to set himself up in business, to select his own employees on the basis of such qualifications as he might within his own free and uncontrolled discretion consider advantageous to the undertaking, and to do all this without hindrance or interference. This personal freedom of contract is basic to the free-enterprise system and to the whole American concept of individual freedom.

"The far-reaching character of this provision of S. 1728 is given its true perspective when we consider that laws have been enacted governing the form or substance of contracts voluntarily entered into; that laws make illegal certain types of contracts; that the labor laws require collective bargaining as a method of arriving at contracts and affect the scope of contracts. But the right of contract is left free to be exercised between voluntary parties.

"Our history of encouragement to the men and women who give employment has been one of the compelling reasons for our unparalleled industrial success which again and again has served our Nation so well in time of need.

"But under the bill every act of the employer or any of his subordinates in hiring, discharging, promoting, or otherwise regulating conditions of employment is subject to complaint and investigation on the grounds of discrimination.

"The employer is subject to a Commission having wide powers of rulemaking investigation, and the issuance of cease-and-desist orders. But the right of trial by jury is denied and judicial review is provided with a clearly recognized inferential power to punish contempt of court orders.

"The inquiries and investigations directed by the act would vex and harass business to the point where orderly plant management and efficient production would be impossible.

"The small businessman, already overburdened, would encounter new regulations, investigations, hearings, and litigation far beyond his time, his energy, or his finances.

"Labor organizations would be subject to interference and supervision of their internal affairs. And the law which tells the employer who his workers shall be today, can be reversed and the worker told who his employer shall be tomorrow—and where and at what wages."

I turn now to the third item I mentioned previously, that is, the bill which would have given authority to a group of bureaucrats to, in effect, fix wages throughout the country.

Senators may recall that on August 1, 1945, S. 1349 was introduced in the Senate, amending the Fair Labor Standards Act of 1938. That bill would have provided for a minimum wage of 65 cents per hour during

the first year of operation, 70 cents per hour during the second year, and 75 cents per hour thereafter, with the added proviso that the 65-, 70-, or 75-cent-per-hour rate in effect at a given time was to be regarded as a base or peg-point for unskilled laborers. As to the others, the Wage and Hour Administrator would have been authorized to convene industry committees empowered to define "reasonable job classifications and recommend rates to maintain wage differentials between the minimum for unskilled workers and those for interrelated job classifications."

In other words, S. 1349, as introduced, would have made 75 cents an hour a minimum wage for unskilled workers some 2 years after its approval, with power in the Administrator and his handpicked industry boards to fix higher minimum wages for semiskilled or skilled workers, based upon the 75 cents per hour minimum for unskilled workers. There was no ceiling in the bill as to what the maximum minimum wage might be.

Fortunately, the Senate Committee on Education and Labor, on which I was privileged to be a member, struck this authority from the bill before reporting it to the Senate. As part 2 of Senate Report 1012 of the 79th Congress, 2d session, notes:

"The committee * * * (2) deleted all reference to the setting of minimum wages for semiskilled and skilled occupations above the proposed minimum."

Frankly, I happen to know that the reason this authority was deleted by the committee, before the bill was reported, resulted from the determination on the part of many Senators to discuss the bill in detail and at considerable length should it ever come to the Senate floor in the same form as it was introduced.

The committee, realizing that discretion was the better part of valor, deleted the wage-fixing authority which S. 1349 contained, before reporting it to the Senate for action.

Here, again, we have an example of how the right of unlimited debate has saved our people from the theft of their liberties under the guise of so-called majority rule. In my judgment, a majority of the Senate probably favored the shotgun authority S. 1349 would have given to the Administrator of Wages and Hours.

I have cited three instances which illustrate how the right of unlimited debate has assisted in preserving the basic free enterprise system of our Nation. I believe these three specific examples, taken at random, completely rebut the pious pronouncements of those who would substitute so-called majority rule for sane and sober deliberation in the Senate.

Let me repeat, had the three bills which I have listed been enacted into law—the first one fixing wages without the consent of employers; the second forcing employers to hire workers not of their choice; and the third providing the Federal Government with authority to give employment to everyone and compete with private enterprise—in my judgment, they would have destroyed private enterprise. We could have hung crepe on the door of private enterprise if those three pieces of proposed legislation had been enacted. The threat of filibuster and filibuster prevented their enactment into law.

If we need any other evidence to demonstrate the fallacy inherent in the plea of rules-change proponents today, we can find it in the words of Alexis de Tocqueville, a brilliant young French political scientist who warned, after visiting America in 1831, of the folly of so-called majority rule. I quote from volume I, "Democracy in America," by De Tocqueville:

"In my opinion, the main evil of the present democratic institutions of the United States does not arise, as is often asserted in Europe, from their weakness, but from their irresistible strength. I am not so much alarmed at the excessive liberty which reigns in that country, as at the inadequate securities which one finds there against tyranny.

"When an individual or a party is wronged in the United States, to whom can he apply for redress? If to public opinion, public opinion constitutes the majority; if to the legislature, it represents the majority, and implicitly obeys it; if to the executive power, it is appointed by the majority, and serves as a passive tool in its hands.

"The public force consists of the majority under arms; the jury is the majority invested with the right of hearing judicial cases; and in certain States, even the judges are elected by the majority. However iniquitous or absurd the measure of which you complain, you must submit to it as well as you can.

"If, on the other hand, a legislative power could be so constituted as to represent the majority without necessarily being the slave of its passions, and executive so as to retain a proper share of authority, and a judiciary so as to remain independent of the other two powers, a government would be formed which would still be democratic, without incurring hardly any risk of tyranny."

These words were written in the mid-1830's. Though over a century and a quarter old, they are good advice today. I urge Senators to heed them, and to retain the U.S. Senate as the great bastion of freedom which it is today—a rock against which the tides of mutable majorities may wash, but one which they will never destroy.

I express the hope that the pending motion to committee will be agreed to.

Mr. GOLDWATER. Mr. President, will the Senator from Florida yield 5 minutes to me?

Mr. HOLLAND. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, I am completely opposed to any modification of Senate rule XXII which is designed to curtail or weaken the right of extended debate in the Senate.

The Senate of the United States has always prided itself on its justified reputation as the greatest deliberative legislative body in the world. The power of a minority, yes, sometimes of even a single Senator, to act as a brake on the efforts of the majority to rush through hasty and ill-considered legislative action, is completely consistent with the scheme of checks and balances, the principle of the separation of powers, and the special character of the Senate itself, all of which were deliberately written into the Constitution by the Founding Fathers for the purpose of guarding against ill-conceived action.

Moreover, it is unnecessary to emphasize that Republican Members of the Senate have rarely resorted to protracted debate during recent years. To the contrary, it has been the Democrats in the Senate, including several who are loudest in denouncing rule XXII, who have most frequently engaged in a filibuster, even exclusively so, during that same period. I do not mention this in condemnation. As a matter of fact, it is my intention to do everything that I can to preserve rule XXII in its present form, for never was the need for this rule greater than it is at this time. Moreover, it should be pointed out that rule XXII has already been relaxed. In 1959, the Senate modified the rule to permit termination of debate by two-thirds of those present and voting, instead of the more rigorous previous requirement of two-thirds of all the Members of the Senate. If predominant sentiment in the Senate at any time genuinely wishes to cut off debate, the present rule offers no obstacle.

I wish to emphasize, however, that in fighting to preserve the rule, I shall be doing so not merely for the reason that minority rights in the Senate must remain protected, but that in the present situation, the rule can be a most helpful device for enabling the forgotten American, who constitutes the majority of the electorate, to effectuate his will.

The election of last November clearly indicates that more than half of our citizens who voted rejected the reckless and spendthrift planks of the Democratic platform. Senator Kennedy's margin exceeded Vice President NIXON'S by about 114,000 votes. But 116,248 votes were cast in Mississippi for a slate of unpledged electors, 227,881 for the States Rights Party, 18,344 for the Constitution Party—Texas, 4,204 for the Virginia Conservative Party, 1,401 for the Constitution Party—Washington, 1,767 for the Tax Cut Party, 539 for the Independent American Party, and 10,373 for the Conservative Party—New Jersey, for a total of 380,757 conservative votes.

Even if the 39,692 votes of the Socialist Workers—Trotskyist—Party, the 48,031 votes of the Socialist Labor Party, and the 1,485 of the Afro-American Party are added to Senator Kennedy's total, to which they were more likely to go than to Mr. NIXON'S in the absence of candidates of their own, the popular vote against Senator Kennedy would still be by a margin of less than 114,000 over the Vice President. Moreover, these figures do not include the substantial number of Alabama voters who selected 6 out of 11 electors opposed to the Democratic platform.

In the light of these considerations, I have both a moral obligation and a public duty to resist with all my strength the efforts of the Democratic administration to impose their dangerously spendthrift programs on an electorate the majority of which has rejected them. However, because of their minority position in the Senate, Republicans do not have enough votes either to halt such reckless proposals or even to secure their modification along saner and less extravagant lines. To permit such proposals to become law would mean so enormous an increase in the volume of Federal spending as to require either an intolerable rise in the already unbearable burden of taxation or a resort to deficit financing through Federal borrowing on so huge a scale as to make drastic inflation, with its tragic effect on the personal savings, insurance, pension funds, and social security of the American people absolutely inevitable.

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

Mr. GOLDWATER. Will the Senator yield me 2 more minutes?

Mr. HOLLAND. I yield 2 additional minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 additional minutes.

Mr. GOLDWATER. I thank the Senator.

Mr. President, I do not intend to sit idly by while these Democratic proposals push the pay envelopes, savings, insurance, pensions, and social security funds and benefits of the forgotten American ever more rapidly down the road to complete destruction, or at best reduce them to a tiny fraction of their present value.

It is my purpose, therefore, to bring home to the American public, which by its vote rejected these programs, their full import, of the catastrophic impact they will have on the hard-earned, painfully accumulated nest-eggs, to say nothing of the pay envelopes, of the American people of the United States.

I, and I hope my Republican colleagues likewise, shall subject each of these proposals to the most exacting scrutiny, the most careful examination, and, where necessary, the most extensive floor debate needed to enlighten our people as to just what they have at stake. It is imperative that no aspect of these proposed measures remain undiscussed. The American public has a right to know what they portend, and what they mean, down to the last detail. It is precisely in situations such as these, where the public welfare is so profoundly involved, that the most extensive debate becomes absolutely necessary and that rule XXII finds its strongest justification. I shall, therefore, in fulfillment of my obligation to follow the will of the American people and to protect the interests of the forgotten American, resist in every possible way any attempt to weaken rule XXII, or to curtail such essential, even indispensable, debate on the Senate floor.

The PRESIDING OFFICER. The proponents of the motion have 20 minutes remaining; the opponents have 23½ minutes.

Does the Senator from California wish to yield any time?

Mr. KUCHEL. Mr. President, I wonder if the Senator from Florida would agree to a short quorum call, without damaging the time of either of us, unless there is a Senator present in the Chamber who wishes to speak.

Mr. HOLLAND. Mr. President, we have one Senator present who desires to speak and is ready. At the same time, I want to yield to the Senator from California, who has more time, and who I understand has more requests for speaking time. I am happy to cooperate in any way I can.

The PRESIDING OFFICER. Time is running.

Mr. HOLLAND. I yield 6 minutes to the Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, in the short period of slightly more than 170 years, the United States has grown and prospered from a group of scattered provincial settlements along the eastern seaboard into the foremost Nation of the world. The population in this period increased from less than 4 million to almost 180 million. Our people enjoy greater material abundance than any other people on earth, and the highest standard of living in the world. Even more important, the individuals who comprise our Nation have throughout the period enjoyed freedom of thought, speech, and action, and it is this very individualism in which lies the secret of our national success.

The existence of individualism in the United States is no accident, but is a direct result accomplished by the system of government inaugurated through the Constitution. It would seem logical that all of us who share in the unsurpassed benefits of our governmental system would be both informed on the mechanics of its operation and jealous protectors of both the word and the spirit of its structure.

It is indeed a disillusioning experience to be confronted with such ignorance of the spirit of the Constitution, or disdain for its accomplishments, as that with which we are confronted in the U.S. Senate by this proposal to alter the Senate rules with regard to limitation on debate. We are confronted with arguments based on Rousseau's treacherous theory of democracy—a doctrine as alien to our system of government as any of the foreign isms which we find so repugnant. Rousseau's philosophy is no more or less than rule by the unbridled will of the majority, whether the majority be large or small, temporary or continuing. In essence it is the rule of emotion, providing neither protection for individual rights nor orderly conduct of society, which is the only reason for government's existence. Our Government is not democratic, but is a federated constitutional Republic, and under the explicit terms of the U.S. Constitution, the National Government is charged with the responsibility of insuring to the people of each State a republican form of government, and thereby, charged with preventing the institution of a democracy in any State.

Individual rights cannot exist where the emotional will of the majority is absolute, and our governmental system rejects democracy for that reason. Throughout our entire structure of government there are checks instituted on the will of the majority. While these checks do not provide an aggressive weapon for the individual, or the individuals within a minority, they do insure the existence of a negative weapon by which individuals may defend their basic rights against assaults from even the majority.

One of the many of such checks on the will of the majority is embodied in the relative freedom of debate in the U.S. Senate. This check would be even more consistent with the purpose of our governmental structure were it to permit no cloture whatsoever. The present rule provides a minimum protection, and a forum for those individuals who find themselves temporarily in a minority insofar as representation in the Senate is concerned, if not among the populace as a whole.

The design of the Senate as an institution was intended to provide a degree of stability through deliberation, which, in its absence, would have been missing from the governmental structure. No less an authority than the Father of our Country, himself, attested to this fact. It is related that shortly after adoption of the Constitution, Thomas Jefferson upon his return from France, breakfasted with George Washington, and their conversation centered on various aspects of the Constitution. During the course of the conversation, Jefferson protested to George Washington against the establishment of two Houses in the Congress. Washington asked "Why did you pour that coffee into your saucer?" "To cool it," Jefferson replied. "Even so," said Washington, "we pour legislation into the Senatorial saucer to cool it." Unfortunately, in the last few decades the Senate had abdicated its intended function as a damper on hasty, impetuous, and extreme actions by the Congress. There remains, however, by virtue of the relatively free debate permitted under rule XXII, a forum for those who cherish individualism and individual rights, even for those individuals represented by a minority in the U.S. Senate; and quite possibly, this remaining check serves as a mitigant against the excesses of the majority.

The impetuosity which underlies the current effort to emasculate rule XXII constitutes more than an assault on the procedure of the Senate. This impetuosity is the embodiment of a completely radical, political philosophy, which is un-American to its very roots. Its immediate manifestation is in the form of an attack on a mode of procedure that is only one element—albeit an essential element—of the machinery by which individualism is protected in this country. It is the initial step in an effort to substitute conformity as a national characteristic for individualism, the very factor responsible for our Nation's success. It is the desire of the adherents of this new radical political philosophy to achieve absolute control of the National Government, and through its massive and numerous instrumentalities, to design a pattern of conduct for all Americans and enforce their conformity.

As novel as may be their approach, and despite their protests to the contrary, there is nothing new about the aim the conformists seek to achieve. It is as old as the writings of Lenin and Marx and is best known as state socialism. Nothing could be more indicative of state socialism than the intolerance which is exhibited by the proponents of majority cloture in the U.S. Senate toward the expression of views by Senators opposed to the welfare state measures and to the destruction of federalism. I am optimist enough to believe that the Senate has not yet degenerated to a point at which it will renounce its intended purpose and responsibility, and abjectly surrender to the autocratic forces of state socialism, who implore us to sacrifice the protection of individualism on the treacherous and alien altar of majority rule.

The PRESIDING OFFICER (Mr. LONG of Missouri in the chair). The time of the Senator from South Carolina has expired.

Who desires to yield time?

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

Mr. HOLLAND. Mr. President, it is my understanding that the distinguished Senator from California suggests the absence of a quorum, subject to the understanding that no more than 2 minutes will be consumed in the call of the roll, and the quorum call will then be called off; with the further understanding that the unanimous-consent agreement will be undisturbed.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I shall not object—I suggest that the attachés of the Senate be notified to call the offices of Senators and ask them to be in the Chamber in time for the vote.

Mr. KUCHEL. Mr. President, I join in that request; and I renew my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. How much time do the opponents to the motion have?

The PRESIDING OFFICER. The opponents have 20 minutes.

Mr. KUCHEL. I yield 5 minutes to the able and distinguished senior Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I think we had better understand very clearly what we are to vote upon. I think all Senators know. What we are to vote on is tantamount to a motion to kill. Let us have no misunderstanding about that. It is tantamount to a motion to table every proposal to amend rule XXII which is before the Senate.

Mr. President, in my opinion, for all practical purposes, it will mean the death of this effort if it passes. I say that with the greatest affection and respect for the majority leader, because, whether we refer the measures to the Committee on Rules and Administration or not, nonetheless any Senator, including myself, could introduce a bill, which would be referred to the Committee on Rules and Administration also. If the chairman of the Committee on Rules and Administration feels like doing so—and I am sure he does—he can have hearings held on the bill. Then we shall have gained nothing—absolutely nothing—by all this procedure.

Mr. President, history shows that one does not get any amendment to rule XXII unless one does it here and now.

It has already been mentioned that we had a report recommending an amendment to rule XXII from the Committee on Rules and Administration April 30, 1958, but, Mr. President, that was not the first time. We had reports recommending amendments in April of 1947, in February of 1949, in March of 1952, and in May of 1953.

History shows that the only time we had any action was when we did it on the spot under the conditions of debate in 1957 and 1959. Otherwise, nothing happened. So without wasting any time in further argument, which Senators have heard thoroughly if they paid any attention to the debate, the fundamental point is this: The present Vice President—not the next one; I do not know what he will rule, and I am very much worried about it—has said that the Senate is proceeding under the constitutional right to end debate. Right now there is a good chance that if the majority really wishes to amend the rule, it can also end debate and thereby get itself into a position to vote. When this opportunity passes by us, with all the good will and indefatigable zeal on our side for the 60 percent rule, and even with both the majority and minority leader on our side, we can well be stood up by a minority in this Chamber, as we have been time and again on civil rights and other bills, and we will get absolutely nothing out of this effort.

Let us not forget that the American people had a pledge from my party specifically to amend rule XXII, and also a pledge from the other party specifically to modernize the rules of the Senate so that the majority could control its actions as called for by the Constitution. I say to my colleagues that this is a critically important vote. The vote comes early, but it will count for a great deal, and will not be forgotten for 4 years. The reason is that for 4 years I think we are going to be frustrated by what the Senate may do today, if we should keep these manacles upon our hands. We have now failed to strike them off in the one opportunity which the historic advisory opinion of Vice President NIXON has given us.

I had in mind, for example, moving to amend this motion in order to require a report by a day certain. Such action would not be very gracious to my colleague, the Senator from Montana [Mr. MANSFIELD], who I think in good faith said he will bring in a report as soon as he can. It would be gilding the lily and begging the question. The point is that we have the power as the majority. It is proposed that we relinquish that power. When Senators vote "yea" on this question, they will vote to give up the power to pass effective and meaningful civil rights legislation—yes, civil rights legislation—and let the people of the United States never forget it.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE of South Dakota. The Senator from New York made the point which I sought to bring about by interrogation, namely, that a "yea" vote on the motion would be a vote to throw away the decision of the Vice President. However one may regard the issues in the various proposals before the Senate as to what might be required, this vote is essentially to determine whether or not the Senate wishes to throw away the determination of the Vice President that under the Constitution the Senate has the right at the beginning of a new Congress to determine its rules. I think it ought to be regarded and recognized that that is what it is. If the procedure of referring such questions to the Rules Committee were used we would in no way be operating differently than we could operate in the middle of a session or at any time in a session. A resolution could be submitted and it could be referred to a committee. But this is the only opportunity to vote on the question and exercise what the Vice President has called the constitutional right of the Senate to determine its own rules.

Mr. JAVITS. I thank the Senator, and I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I wish to make only a very short speech. I completely agree with the Senator from New York, and associate myself with his argument.

Mr. JAVITS. We have heard very great constitutional lawyers and great parliamentarians like the Senator from South Dakota [Mr. CASE], who has just spoken, who understand the situation so well. Whatever may be characterized as ideology, we know and understand the issue before us. It has been thoroughly debated, and the only point I wish to add is that an affirmative vote would fly in the face of and to use a harsher word, would be a repudiation of both political platforms. It could create a climate in this Chamber, in which there would be very few new frontiers. Whatever deals have been made in respect to these votes, the American people should not forget the climate which would be created in this Chamber if the motion should prevail, and it will be the duty of myself and others like me not to let them forget it, if we can help it.

I thank my colleague for yielding me the time.

Mr. KUCHEL. Mr. President, how much additional time do the opponents of the motion have remaining?

The PRESIDING OFFICER. Fifteen and a half minutes.

Mr. KUCHEL. I yield 2 minutes to the distinguished senior Senator from Pennsylvania.

Mr. CLARK. Mr. President, the issue on this vote is as clear as it can be. It is whether we wish to keep the opportunity of changing the rules of the Senate so as to make it possible for the Kennedy program to reach the floor and be voted on on its merits, or whether we wish to take the calculated risk that a determined minority under the present rules can prevent that program from ever coming to a vote on the merits. This is the only issue which confronts us on this vote. It is true that our party platform is explicit. It is true that our President-elect has adopted the platform, and so has the Vice President-elect. These are important subsidiary issues.

But as my friends on this side of the aisle vote on the motion, I suggest there is only one issue: Are they for the Kennedy program or against it? I realize that the distinguished majority leader and some who share his views are certainly and clearly for the program, but

I suggest in all deference that they are mistaken in their belief in two regards: First, that if the change of the rules proposed under the two pending motions goes to the Rules Committee, I am confident that it can never be debated later in the session.

Second, I believe they are mistaken in their view that to continue our discussion on this subject would be to prejudice the enactment of the Kennedy program. Nothing could be further from the truth. Without the shadow of a doubt, we could dispose of all the measures before us with respect to the rules within the next 4 or 5 days. I plead with my colleagues not to be led astray by the specious view that we will ever be able to change the rules in the 87th Congress if we send these measures to the Rules Committee, and the other equally fallacious point of view that by continuing our debate on the changes in the rules for the next few days, bringing the question to a final vote, as we clearly can do, we will be interfering in any way with the Kennedy program.

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

Mr. KUCHEL. Mr. President, how much additional time remains to the opponents?

The PRESIDING OFFICER. The proponents have 11 minutes, the opponents 13½.

Mr. KUCHEL. We have 13½ minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. KUCHEL. I yield 2 minutes to the distinguished majority whip, the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. Mr. President, Senate Resolution 4, submitted by the Senator from New Mexico [Mr. ANDERSON] and the amendment in the nature of a substitute, are both sound and practical proposals for changes in the rules of this body. Those of us who proposed the majority rule resolution in the nature of a substitute knew full well that our chance of success was very limited. Nevertheless, it is a conviction that some of us held very sincerely, and as the Senator from Pennsylvania has noted, it is our belief that the Democratic platform commits this party as the majority party in the Congress, and the party of the executive branch of the Government, to the fulfillment of the majority rule principle in the legislative processes, and particularly as it relates to the rules.

I wish the RECORD to be clear that in 1958 the Committee on Rules and Administration has already reported a proposal similar to that which was sponsored by the Senator from California [Mr. KUCHEL], myself, and others. Insofar as the proposal "three-fifths of those present and voting" is concerned, the fact is that there are votes in this body to pass now the Anderson proposal. I think the Anderson proposal would be a decided improvement over the present situation. I said so in caucus, I have said so to the press, and I say so here on the floor of the Senate. I say that no Senator ought to be afraid that a rule which requires that three-fifths of the Senators present and voting after a cloture petition has been filed and has remained at the desk for a 2-day period, which is required under section 2 of rule XXII, is in any way an attempt to gag the Senate. A three-fifths vote would simply make it a little more possible for a majority in this body to take action.

The duty of the Members of the Senate and the duty of the Congress is to have a quorum that shall be sufficient to do business. That is what we are here for.

I know we are fighting an uphill battle. I know that if these proposals are committed to the Committee on Rules and Administration that the committee will act. I take the majority leader's word for that. He is a man of complete integrity. I am confident that we will have a rule reported to the Senate. I am equally confident that we will have a filibuster on the change of the rule.

Therefore the time to act is now. Timing in politics is as important as the substance of the issue. Any man who serves in the Senate knows it, or he would not be here in the first place.

I call on my colleagues to resolve the issue at this time. I say to them if they can vote for the Kuchel-Humphrey resolution, we would like it, but if they cannot, then let us adopt the Anderson resolution, which is an improvement over the present rule.

Mr. KUCHEL. Mr President, I yield 1 minute to the Senator from Connecticut.

Mr. BUSH. Mr. President, I shall oppose the pending motion, because I am against filibusters and wish to vote for the Humphrey-Kuchel resolution, of which I am a cosponsor, to amend rule XXII. I do not see how in the world we are going to get away from filibusters unless we change that rule of the Senate.

I also oppose the motion because adoption of it would prevent me from voting on Senate Resolution 6 submitted by the Senator from South Dakota [Mr. CASE] and myself, to change the rule, so as to require that a rule of germaneness be a rule of the Senate. I have seen much time wasted in nongermane debate when an issue is pending. I believe, indeed, if we were to adopt a rule of germaneness, that we could cut our time here in half in dealing with various measures that come before the Senate from time to time. Therefore, I oppose the motion also because its adoption will not give me a chance to vote on that resolution.

Mr. KUCHEL. Mr. President, I yield 2 minutes to the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. Mr. President, I will vote against the motion, and I will do so because it is my belief that the rule under which we are operating ought to be changed. Unless it is changed now, the prospect of changing it later will be substantially reduced, if not completely nullified.

I do not want my vote to be construed that I shall abjectly follow what is declared to be the solemn commitment made by the political parties in their conventions. It would be wrong, in my opinion, for a Senator to abandon his honest views on what is in the best interest of his country and to vote for a measure merely because at a political convention individuals with eyes fixed avidly upon ways and means of winning an election were satisfied to make promises of the most extravagant nature, knowing that they were incapable of being fulfilled; or, if they were to be fulfilled that they would be inimical to the security of the country.

I believe the rule should be changed.

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

Mr. KUCHEL. I yield an additional half minute to the Senator from Ohio.

Mr. LAUSCHE. I am firmly of the opinion, regardless of what may be said to the contrary, that we have seen extravagant promises and commitments made solely for the purpose of winning votes, without any concern as to what the impact will be upon the security of the Nation.

Mr. KUCHEL. Mr. President, I yield the balance of the time in opposition to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I was very happy today to hear the able Senator from New York [Mr. JAVITS] say that we will get no amendment of the rules unless we act here and now. After 8 years of experience in trying to work out something, I realize how correctly he has spoken.

I agree fully with the Senator from Minnesota [Mr. HUMPHREY] when he said that the Committee on Rules and Administration will act if the resolution is referred to the committee. However, no one need be fooled by that. There is no possibility whatever that the Senate will adopt a change after it comes from the Committee on Rules and Administration. Any one who has followed the course of history here, knows it.

In 1949, which was the beginning of my experience in the Senate, eight resolutions were referred to the Committee on Rules and Administration. Only one resolution was reported by the committee. It was reported from the committee only after a round robin was signed. Senators were required to sign a round robin that they would consider only one thing. They did not trust the Senators; they made them sign a round robin.

In the 82d Congress, four resolutions were referred to the Rules Committee. One was reported by the committee. No action was taken by the Senate.

In the 83d Congress, four resolutions were referred to the committee. One was reported from the committee by Senator Jenner, which he had promised to do. Senator Taft not only recommended that he do so, but said he would favor it. That resolution was known as Senate Resolution 20. It was placed on the Senate Calendar, and was objected to 10 times on the call of the calendar. It was well understood that nothing would be done about it.

In the 84th Congress, one resolution was referred to the committee. It died in committee.

In the 85th Congress eight resolutions were referred to the committee. One resolution was reported, but it died on the calendar.

In the 86th Congress, one resolution was referred to the committee, and it died there.

In 1953 the leadership implied that if the debate on adopting rules could be laid aside, the matter of a change in rule XXII would be taken up at a later date. The implication was brought up in two ways:

First. An admonition by Senator Taft that the business of the Congress would languish during the rules debate, and

Second. Proper resolutions to bring about a change in rule XXII had been prepared and were awaiting introduction once the Senate could proceed to organize.

In support of the need for haste, Senator Taft said in the CONGRESSIONAL RECORD, volume 99, part 1, page 114, column 1 and I call this particularly to the attention of the Senator from Pennsylvania [Mr. CLARK]:

Mr. President, it is vitally important to the Nation that the Senate be a continuing body. Let us consider the situation which will arise on the 20th of January, when new Cabinet officers are to take office. We must have Cabinet officers appointed as quickly as possible. We must have officials to operate the Government.

That is the same kind of story we are hearing now. We are told "you had better act quickly, so we can operate on January 20."

Senator Taft continued:

If we should become involved in a rules fight, the discussion could go on forever. In fact, I would venture to say that if there were a majority in the Senate who wished to adopt the procedure suggested by the Senator from New Mexico [Mr. ANDERSON], the discussion would proceed almost indefinitely; we would continue the debate for a month in order to break the filibuster that might develop under such circumstances. Therefore, I believe it is exceedingly unfortunate to raise a controversy regarding the rules at this time and contend that the Senate must begin all over again at the beginning of the session and confront all the uncertain and difficult question that could arise under such circumstances.

There was also a leadership tactic directed at tying rule XXII to general civil rights legislation and then to talk about rule XXII as if it were a civil rights bill. This is best expressed in the 1953 colloquy between Senator DIRKSEN and Senator Jenner, CONGRESSIONAL RECORD, volume 99, part 1, page 115, column 2. Senator DIRKSEN concludes his opening comment with this sentence:

If I recall correctly from conversations with the distinguished Senator from Indiana, Mr. Jenner, if he assumes the chairmanship of the Rules Committee, I am confident one of his first acts will be to try to bring such modification to the floor of the Senate.

To which Senator Jenner replied:

When the order of business calling for the introduction of bills and resolutions is reached, I shall offer the resolution, which is based upon a report—Report No. 1256—which came from the Rules Committee at the last session. I think its adoption will take care of a great deal of the controversy which has arisen over the cloture rule.

I propose to offer the resolution to which I have referred at the first opportunity during the present session of the Congress.

To which Senator Taft replied, CONGRESSIONAL RECORD, volume 99, part 1, page 115, column 3:

I feel that the rules are adequate to deal with the present situation. I shall ask the Senate to vote to lay on the table the motion of the Senator from New Mexico, when the debate has been had on this question.

In 1957 Senator Knowland picked up the leadership refrain that the rules should not be changed at the first of the session; that the Senate is a continuing body, and that the aim of rules changes, that is, civil rights legislation, could best be adopted by the introduction and referral to the appropriate committee of a civil rights bill. He promised to introduce, and later did introduce, such a bill.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. ANDERSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the colloquy which took place on January 4, 1957, with Senator Knowland, in which he made the sort of promise he made, and also the colloquy of January 4, 1957, in which the Senator from New Mexico predicted we would end by having no rules change.

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

In support of this history, the CONGRESSIONAL RECORD, volume 103, part 1, page 210, column 1, reports Senator Knowland as follows:

I believe the correct procedure would be to have the bill introduced next Monday, when Senators will be able to introduce bills, to urge early committee hearings, to have it reported to the Senate, and to debate it fairly and fully, as it should be debated, affecting as it does many citizens in all parts of our country. We shall have a committee to which to refer such a bill next Monday, if the Senate has any rules under which to proceed. We shall have a Committee on Foreign Relations to which to refer the President's message which will be delivered tomorrow, if the Senate has rules tomorrow. But whether the Senate has rules or not apparently will depend to no small extent upon whether this body in its judgment lays on the table the motion of the Senator from New Mexico [MR. ANDERSON].

On Monday next, when it will be possible to introduce proposed legislation in the Senate, I shall introduce, and I shall ask all my colleagues on this side of the aisle, and I hope, many of them on the other side of the aisle, to join with me, a proposal to amend rule 22 of the Senate. I cannot introduce such a proposal now, under the general agreement, but I should like to read it to the Senate.

I do not say this proposal is the final solution. I do not say, after a committee has met, after hearings have been had, after testimony has been taken, after there has been a study made of the traditions of 167 years and the needs of the present, that the proposal may not be greatly improved.

That is what we have committees for. But I propose to introduce, on behalf of myself and any other Senator who cares to join me, a proposal which reads:

"That subsection 2 of rule XXII of the Standing Rules of the Senate is amended (1) by striking out 'except subsection 3 of rule XXII,' and (2) by striking out 'two-thirds of the Senators duly chosen and sworn' and inserting in lieu thereof 'two-thirds of the Senators present and voting.'"

Section 2 would read:

"Subsection 3 of rule XXII of the Standing Rules of the Senate is repealed."

The junior Senator from New Mexico predicted that the course recommended by Senator Knowland—also by Senators Dirksen and Jenner in 1953—would bypass the adoption of rules and any change in rule XXII. I am quoted as follows in the CONGRESSIONAL RECORD, volume 103, part 1, page 213, column 1:

Oh, Mr. President, the Senator from California will find that he can send his resolution to the Committee on Rules and Administration, but that after weeks and after months it will not see the light of day on the floor of the Senate. It will not see the light of day on the floor, anymore than did the resolution of the Senator from Indiana [Mr Jenner].

The Committee on Rules and Administration wrestled and wrestled with the matter. It labored long and brought forth a mouse, and placed it on the calendar of the Senate. There it reposed, quietly. No one ever moved to bring it up.

This prediction was followed by the following colloquy taken from the CONGRESSIONAL RECORD, volume 103, part 7, page 9349:

Mr. ANDERSON. I would also remind the Senator from Minnesota that when we had a discussion of this matter in the early days of the session, when the question was one of a change in rule XXII, there was considerable discussion about the rules of the Senate and the rights of Senators. At that time I tried to make it clear that that was probably the only chance any Member of the Senate would have at this session to vote in regard to anything even remotely resembling that subject. Since then, a number of months have come and gone; and now it is apparent that my prediction was not too bad.

Mr. HUMPHREY. Mr. President, the Senator from New Mexico was a good prophet.

Mr. ANDERSON. I said to the Senators who stood beside me then that we might not have another chance to vote on that subject at this session or, indeed, at any session, until we vote on a proposal to change rule XXII.

Mr. DIRKSEN. Mr. President, does that conclude the time on the part of the opponents?

The PRESIDING OFFICER. That concludes the time on the part of the opponents.

Mr. DIRKSEN. How much time remains for the proponents?

The PRESIDING OFFICER. Nine minutes.

Mr. DIRKSEN. Oh, Mr. President, there must be 11 minutes.

The PRESIDING OFFICER. Nine minutes remain until 3 o'clock.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the minority leader be given an additional minute beyond the time which remains.

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

Mr. DIRKSEN. Mr. President, let me first make this clear. The Republican platform reads:

We pledge our best efforts to change present rule XXII of the Senate and other appropriate congressional procedures that often make unattainable proper legislative implementation of constitutional guarantees.

But the platform does not say how or when or where or why, in any particular.

The new frontier platform, if I may be indulged that appellation, speaks about the modification of the rule, but it does not go into any specifics as such.

So it is proper legislative procedure to commit this rather controversial matter to the bosom of the Committee on Rules and Administration for further consideration. Unless I am misinformed, the three-fifths proposal has never specifically been considered by the Committee on Rules and Administration. I have made as diligent inquiry as I could, and neither the three-fifths proposal nor the modifications of the three-fifths proposal were ever considered by the committee. That is an additional reason why the resolution ought to be referred to the Committee on Rules and Administration.

But my attitude is based upon experience; and certainly experience dictates some restraint. We can move far better by restraint and by taking some time, rather than by acting too hastily now.

If I have to allude to any specifics in that field, I make so bold as to say that had there been no restraints in the Senate rules in 1937, the President would have packed the Supreme Court of the United States in 48 hours. However, it was because a group of Senators insisted on ventilating that issue and stirring the people of the country, so that great windrows began to roll in upon the Senate, that the proposal to pack the High Tribunal was finally stopped.

The rules are a restraint against monetary clamor; against the pressure of appeals. Last night I cited what I thought was a classic example. My party was at a low ebb of 87 Members in the House of Representatives in 1935. But the leaders of the majority leader, the New Deal party, knew what they had to contend with. The first thing they did in January 1935, was to change the discharge rule, by which a committee could be bypassed with 145 signatures. The majority party boosted the number of signatures required to 218, so as to make it more difficult for their own party members to rush through ill-advised, ill-considered legislation. I have seen that happen time and again.

I had the experience of voting against a bill, the first one in 1933, which was not even in print; it was introduced in typewritten form. It was euphemistically referred to as the Economy Act of 1933. Yes, we had economy. The salary of everyone on the Federal payroll was cut, as were the pensions of veterans, as well. I voted against the measure, and my political annihilation was threatened. But I saw the day when every word and comma of the Economy Act of 1933 was expunged from the statute books of the country. I was in a hopeless minority, and we could not stop that action. That is a situation in which restraint is needed.

I saw the Potato Act go on the books, an act authored and inspired by Mr. Wallace. It provided that only potatoes of a certain size could go into the market. Where is that act? It has gone. It failed in the Senate because some restraint was exercised upon it.

I saw the Blue Eagle come into existence. Under the Blue Eagle, Congress suspended the Antitrust Acts and established codes, under which a pants presser up in New Jersey was put in jail because he would not charge 50 cents for pressing a pair of pants.

I saw the time when proposed legislation came from that body over there to put strikers into the Army. My good friend, the distinguished Senator from Georgia, remembers that, I am sure.

Mr. RUSSELL. Very well.

Mr. DIRKSEN. Then over there, being politically sensitive, we used to say, "Let the Senate do it. Let the Senate stop it;" because the Senate had a weapon, an instrumentality in the rules, which the other body did not have, because all the time was rationed within the 5-minute rule, under which amendments are considered. The only weapon the minority had was the motion to recommit a bill, if they undertook to do so. That is all the restraint we had.

But what a wonderful thing that those measures went to a legislative graveyard because there were some restraints in the rules of the Senate.

I am looking down the road. There will not be time, according to the clock, for me to say much about this, but I shall mention one or two points.

If we look at page 23 of the platform of the party of hope—we are called the party of memory; they are called the party of hope [laughter]—I shall read from that platform:

> We will repeal the authorization for "right to work" laws.

Is that all that is involved? No. It is the authority of the Federal Government to preempt all authority in the field of labor legislation.

I may be the only one, but I will be here to do my full share; but unless we have these restraints, we will not stop that.

Then the platform reads:

> We pledge ourselves to repeal the limitations on rights to strike, to picket peacefully, and to tell the public the facts of a labor dispute and other antilabor features of the Taft-Hartley Act and the 1959 act.

That goes for the secondary boycott. There it is.

What weapon do we have, what restraint do we have, if it is not in the Senate rules?

Take a look at page 16 of the platform of the party of hope. What does it say?

> We shall propose the bolder and more effective use of the specialized agencies to promote the world's economic and social development.

How far do they propose to go? We cannot tell for the moment. The three-fifths majority proposal, standing by itself, may not be sufficient restraint; perhaps some other qualifications are necessary. But we are standing at the beginning of a long road. Here is the road map. Read it carefully. See what is in it. I want to be certain that if we get to a fork in that road, and it is pretty rough and tortuous, I will have some control over my own course, some weapon, some instrumentality, in order to do my duty by the public, and to articulate my responsibility as I see it.

Mr. President, if time permits, let me point out that there is a pledge for food banks to be established all over the world. It is pledged that we shall explore the possibility of shipping and storing a substantial part of our food surpluses in a system of food banks to be located in distribution centers in the underdeveloped world. That is a great one; and I should like to see how we are going to monitor the weevils in a food bank in Africa or Asia and keep the discoloration from getting into the rice crop, and all the other things that go along with that.

What lies ahead of us, I do not know. But I know there have to be restraints upon hasty and sometimes ill-advised action; and the only place where they will be found is in the Senate, not in the other body, which operates under a 5-minute rule, so that when a bill comes in, the chairman of the committee and its ranking member control all the time; and if they do not grant time to any other Member, no other Member can engage in the debate. The only hope there is for a Member to proceed under the 5-minute rule; and if he requests an extension of time, but if there is objection, he is done. In that event, his maximum contribution will be 5 minutes' worth. It is no wonder that those of us who used to serve there used to say, "Let the Senate do it."

Mr. President, I will accept the responsibility. I say I hope very much that the motion submitted on behalf of the majority leader and myself will prevail and that the resolution will be referred to the Committee on Rules, for further consideration, because the principal sponsor of this motion is an honorable man; and he has given the Senate his word that there will be no delay, that the resolution will be considered in the committee, and that the resolution will be brought back to the Senate. That evidence and that earnest of good faith are enough support for the motion that is before us.

The PRESIDING OFFICER. Under the unanimous-consent agreement, all available time has expired.

The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD], submitted on behalf of himself and the Senator from Illinois [Mr. DIRKSEN].

Mr. MANSFIELD. Mr. President, on this question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll; and Mr. ANDERSON answered "nay," when his name was called.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry: What is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANS-

FIELD] to refer Senate Resolution 4, submitted by the Senator from New Mexico [Mr. ANDERSON], to the Committee on Rules and Administration.

Mr. DOUGLAS. I thank the Chair.

Mr. HOLLAND. Mr. President, I rise to a further parliamentary inquiry: Would not the pending motion, if agreed to, carry with it to the Committee on Rules and Administration all the matters now pending, rather than only the one just now mentioned by the Presiding Officer?

The PRESIDING OFFICER. The pending motion, if agreed to, would carry with it only the so-called Humphrey, Kuchel, and others amendment to the resolution.

The clerk will resume the call of the roll.

The Chief Clerk resumed and concluded the call of the roll.

Mr. CASE of South Dakota. Mr. President, on this vote I have a pair with my colleague from South Dakota [Mr. MUNDT]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Ohio [Mr. YOUNG] are absent on official business.

If present and voting, the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. MUNDT] is absent on official business, and his pair has been previously announced by his colleague.

The result was announced—yeas 50, nays 46, as follows:

[No. 6]

YEAS—50

Bartlett	Ervin	McGee
Bennett	Fulbright	Miller
Bible	Goldwater	Monroney
Blakley	Gore	Robertson
Bridges	Hayden	Russell
Butler	Hickenlooper	Saltonstall
Byrd, Va.	Hickey	Schoeppel
Byrd, W. Va.	Hill	Smathers
Capehart	Holland	Sparkman
Carlson	Hruska	Stennis
Chavez	Johnston	Talmadge
Cotton	Jordan	Thurmond
Curtis	Kerr	Wiley
Dirksen	Long, Hawaii	Williams, Del.
Dworshak	Long, La.	Yarborough
Eastland	Mansfield	Young, N. Dak.
Ellender	McClellan	

NAYS—46

Aiken	Fong	Morton
Allott	Gruening	Moss
Anderson	Hart	Muskie
Beall	Hartke	Neuberger
Boggs	Humphrey	Pastore
Burdick	Jackson	Pell
Bush	Javits	Prouty
Cannon	Keating	Proxmire
Carroll	Kuchel	Randolph
Case, N.J.	Lausche	Scott
Church	Long, Mo.	Smith, Mass.
Clark	Magnuson	Smith, Maine
Cooper	McCarthy	Symington
Dodd	McNamara	Williams, N.J.
Douglas	Metcalf	
Engle	Morse	

NOT VOTING—4

Case, S. Dak.	Mundt	Young, Ohio
Kefauver		

So the motion to refer to the Committee on Rules and Administration was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote just had.

CVII——40

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I wish to make an announcement to the Senate.

After consultation with the distinguished minority leader, it is the intention of the leadership to adjourn until Friday when we adjourn later this afternoon. It is the hope of the leadership also, in view of the most recent developments, that the committees will speed up their activities insofar as hearings with regard to nominees for the incoming administration are concerned.

REFERENCE OF VARIOUS RESOLUTIONS TO COMMITTEE ON RULES AND ADMINISTRATION

Mr. MANSFIELD. Mr. President, I move that the following resolutions, now on the Calendar of Resolutions and Motions Over Under the Rule, be referred to the Committee on Rules and Administration, namely:

Senate Resolution 5 (by Mr. HUMPHREY and other Senators), a resolution amending section 3 of the cloture rule of the Senate.

Senate Resolution 6 (by Mr. CASE of South Dakota), a resolution to amend rule XIX by inserting a new paragraph governing procedure on amendments and providing for germaneness.

Senate Resolution 9 (by Mr. CLARK), a resolution to amend rule XXIV to add a new section 3, relative to conference committees.

Senate Resolution 10 (by Mr. CLARK), a resolution amending section 134c of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)).

Senate Resolution 11 (by Mr. CLARK), a resolution to amend rule XXV to increase sizes of the Committees on Finance and the Judiciary.

Senate Resolution 12 (by Mr. CLARK), a resolution to amend rule III relative to reading of the Journal.

Senate Resolution 13 (by Mr. CLARK), a resolution to amend rule XIX to add a new section 8 relative to germaneness of debate.

Senate Resolution 14 (by Mr. CLARK), a resolution to amend section 134 of the Legislative Reorganization Act of 1946 relative to committee hearings.

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

Mr. MANSFIELD. I am delighted to yield.

Mr. CLARK. In view of the vote which has just been taken, I think it would be a waste of the Senate's time to bring up these proposed subsidiary changes in the rules, important though I believe them to be. If the Senate is not willing to make any change in the rule to limit debate, but wishes to refer such proposals to committee—which, in my judgment, would kill the proposal for the remainder of the session—it obviously would not be willing to make changes in the other rules I have proposed. I therefore have no objection to the motion of the majority leader.

Mr. MANSFIELD. I also wish to state that Senate Resolution 6 is by the Senator from South Dakota [Mr. CASE].

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

COMMITTEE SERVICE

Mr. MANSFIELD. Mr. President, I move that the committee appointments referred to the Senate by the Democratic steering committee be taken up for approval.

Mr. CLARK. Mr. President, I desire to be heard on this matter. I will tell my colleagues that I shall speak for approximately a half hour. At the end of my speech I will express no serious objection to the motion, but I desire to be heard.

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

Mr. CLARK. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the list of Members on this side of the aisle assigned to committees by the Democratic steering committee, which was read yesterday, be considered as having been read at this moment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The list is as follows:

Committee on Aeronautical and Space Sciences: Mr. Kerr (chairman), Mr. Russell, Mr. Magnuson, Mr. Anderson, Mr. Symington, Mr. Stennis, Mr. Young of Ohio, Mr. Dodd, Mr. Cannon, and Mr. Holland.

Committee on Agriculture and Forestry: Mr. Ellender (chairman), Mr. Johnston, Mr. Holland, Mr. Eastland, Mr. Talmadge, Mr. Proxmire, Mr. Jordan, Mr. Young of Ohio, Mr. Hart, Mr. McCarthy, and Mrs. Neuberger.

Committee on Appropriations: Mr. Hayden (chairman), Mr. Russell, Mr. Chavez, Mr. Ellender, Mr. Hill, Mr. McClellan, Mr. Robertson, Mr. Magnuson, Mr. Holland, Mr. Stennis, Mr. Pastore, Mr. Kefauver, Mr. Monroney, Mr. Bible, Mr. Byrd of West Virginia, Mr. McGee, and Mr. Humphrey.

Committee on Armed Services: Mr. Russell (chairman), Mr. Byrd of Virginia, Mr. Stennis, Mr. Symington, Mr. Jackson, Mr. Ervin, Mr. Thurmond, Mr. Engle, Mr. Bartlett, Mr. Cannon, and Mr. Byrd of West Virginia.

Committee on Banking and Currency: Mr. Robertson (chairman), Mr. Sparkman, Mr. Douglas, Mr. Clark, Mr. Proxmire, Mr. Williams of New Jersey, Mr. Muskie, Mr. Long of Missouri, Mrs. Neuberger, and Mr. Blakley.

Committee on the District of Columbia: Mr. Bible (chairman), Mr. Morse, Mr. Hartke, and Mr. Smith of Massachusetts.

Committee on Finance: Mr. Byrd of Virginia (chairman), Mr. Kerr, Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Douglas, Mr. Gore, Mr. Talmadge, Mr. McCarthy, Mr. Hartke, and Mr. Fulbright.

Committee on Foreign Relations: Mr. Fulbright (chairman), Mr. Sparkman, Mr. Humphrey, Mr. Mansfield, Mr. Morse, Mr. Long of Louisiana, Mr. Gore, Mr. Lausche, Mr. Church, Mr. Symington, and Mr. Dodd.

Committeee on Government Operations: Mr. McClellan (chairman), Mr. Jackson, Mr. Ervin, Mr. Humphrey, Mr. Gruening, and Mr. Muskie.

Committee on Interior and Insular Affairs: Mr. Anderson (chairman), Mr. Jackson, Mr. Bible, Mr. Carroll, Mr. Church, Mr.

Gruening, Mr. Moss, Mr. Long of Hawaii, Mr. Burdick, Mr. Metcalf, and Mr. Hickey.

Committee on Interstate and Foreign Commerce: Mr. Magnuson (chairman), Mr. Pastore, Mr. Monroney, Mr. Smathers, Mr. Thurmond, Mr. Lausche, Mr. Yarborough, Mr. Engle, Mr. Bartlett, Mr. Hartke, and Mr. McGee.

Committee on the Judiciary: Mr. Eastland (chairman), Mr. Kefauver, Mr. Johnston, Mr. McClellan, Mr. Ervin, Mr. Carroll, Mr. Dodd, Mr. Hart, Mr. Long of Missouri, and Mr. Blakley.

Committee on Labor and Public Welfare: Mr. Hill (chairman), Mr. McNamara, Mr. Morse, Mr. Yarborough, Mr. Clark, Mr. Randolph, Mr. Williams of New Jersey, Mr. Burdick, Mr. Smith of Massachusetts, and Mr. Pell.

Committee on Post Office and Civil Service: Mr. Johnston (chairman), Mr. Monroney, Mr. Yarborough, Mr. Clark, Mr. Jordan, and Mr. Randolph.

Committee on Public Works: Mr. Chavez (chairman), Mr. Kerr, Mr. McNamara, Mr. Randolph, Mr. Young of Ohio, Mr. Muskie, Mr. Gruening, Mr. Moss, Mr. Long of Hawaii, Mr. Smith of Massachusetts, and Mr. Metcalf.

Committee on Rules and Administration: Mr. Mansfield (chairman), Mr. Hayden, Mr. Jordan, Mr. Cannon, Mr. Hickey, and Mr. Pell.

Mr. CLARK. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. HICKEY in the chair). The Senate will be in order.

Mr. CLARK. Mr. President, the pending motion presents a slate of Democratic nominees for the various standing committees, which will shortly be passed on by the Senate.

Senators are familiar with the provisions of rule XXV, which require that all members of standing committees be elected at the opening of each Congress.

The procedure within my party used to be, in the days of Woodrow Wilson, that the steering committee would present a slate to the Democratic conference, which would then approve, disapprove, or modify that slate.

Mr. STENNIS. Mr. President, will the Presiding Officer restore order in the Senate? The Senate is completely out of order.

Mr. CLARK. I thank the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CLARK. Mr. President, during the days of Woodrow Wilson, the procedure in my party was for a steering committee appointed by the majority leader to make committee assignment and then to report such assignments to the conference for approval. That custom was changed, I think, during a period with respect to which the minutes of the Democratic conference have been lost. In any event, it has not obtained for at least the last 10 years, and perhaps longer.

The procedure now is to have the steering committee nominate directly to the Senate, and to have the Senate elect both the majority and minority committee members in due course.

To my gratification I was appointed a member of the steering committee less than 48 hours ago. I attended the sessions of that committee at which the slate presented by the majority leader was agreed upon—frequently, I should add, after some debate and by a divided vote.

I objected within the steering committee to the slate selected for the Committee on the Judiciary, including its chairman, and the slate selected for the Committee on Finance, including its chairman.

A rather odd procedure has crept up. The man whose name is first on the list as the steering committee presents its recommendations is automatically selected to be chairman, even though he is not designated as such either by the steering committee or by the Senate.

I ask, Mr. President, that the slate selected by the Democratic steering committee for members of the Committee on Finance be printed in the RECORD at this point by unanimous consent.

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

Committee on Finance: Mr. Byrd of Virginia (chairman), Mr. Kerr, Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Douglas, Mr. Gore, Mr. Talmadge, Mr. McCarthy, Mr. Hartke, and Mr. Fulbright.

Mr. CLARK. Mr. President, I similarly request that the slate presented by the Democratic steering committee for the Committee on the Judiciary appear in the RECORD at this point by unanimous consent.

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

Committee on the Judiciary: Mr. Eastland (chairman), Mr. Kefauver, Mr. Johnston, Mr. McClellan, Mr. Ervin, Mr. Carroll, Mr. Dodd, Mr. Hart, Mr. Long of Missouri, and Mr. Blakley.

Mr. CLARK. My objection to the slates, Mr. President, extends not only to the slates but also to the chairmen.

I am happy to report that I have had most friendly relations, which I hope will continue, with both the chairman of the Committee on the Judiciary and the chairman of the Committee on Finance.

The first vote I cast in the Senate in 1957—a voice vote, to be sure—was in opposition to the distinguished Senator from Mississippi [Mr. EASTLAND] as chairman of the Judiciary Committee. Such opposition has not changed our cordial relations. I know it will not. I am just as much opposed to him as chairman of the Judiciary Committee now as I was then, for reasons which he understands, and I think for reasons which I believe my colleagues understand, having to do entirely with the fact that the Judiciary Committee under his very able leadership has become the graveyard for all civil rights measures, forcing us into very peculiar parliamentary procedures to get any measure dealing with civil rights to the floor.

My disagreement with the chairman of the Finance Committee, the very able senior Senator from Virginia [Mr. BYRD] is of more recent origin. It, too, has not impaired our friendly relations, and I am confident that it will not. I shall place in the RECORD a little later on today a full record of that disagreement as it has appeared in the public press.

I should like to state my reasons for my objections to certain of the proposed committee assignments, and while I shall not request a yea-and-nay vote, and probably the recommendations will be overwhelmingly approved by a voice vote, I wish the RECORD to indicate that I shall vote nay on the slate with respect to both the Finance Committee and the Judiciary Committee.

I should like to state my reasons. I am a strong proponent of the program of President-elect Kennedy. I am also a believer in the platform of my party. I campaigned vigorously for our candidate for President and our candidate for Vice President, both of whom endorsed in toto the platform of the Democratic Party. I am confident that a bipartisan majority of the members of both the Finance and the Judiciary Committees are sincerely, firmly and honestly opposed to the major portions of the Kennedy program and the Democratic platform which is within the legislative purview of those two committees. I suggest that my colleagues examine the slate of Democrats and the present membership of Republicans. I ask unanimous consent that the Republican members of the Judiciary and Finance Committees at the end of the 86th Congress may appear at this point in my remarks.

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

FINANCE COMMITTEE

JOHN J. WILLIAMS, of Delaware.
FRANK CARLSON, of Kansas.
WALLACE F. BENNETT, of Utah.
JOHN MARSHALL BUTLER, of Maryland.
CARL T. CURTIS, of Nebraska.
THRUSTON B. MORTON, of Kentucky.

JUDICIARY COMMITTEE

ALEXANDER WILEY, of Wisconsin.
EVERETT MCKINLEY DIRKSEN, of Illinois.
ROMAN L. HRUSKA, of Nebraska.
KENNETH B. KEATING, of New York.
NORRIS COTTON, of New Hampshire.

Mr. CLARK. There may, of course, be one or two changes in the list of Republican nominees. My understanding is that they have not yet been decided upon. But I am confident that those changes will be minor. I say again that I am sure any knowledgeable Senators—and I hope we are all knowledgeable regardless of how recently we were elected to this body—will appreciate the fact that there is a bipartisan majority in both of those committees which will make it difficult, if not impossible, to bring some measures advocated by the Kennedy administration to the floor in recognizable form. I do not challenge the sincerity of those who feel this way in both committees, but I feel quite strongly, insofar as my party is concerned, that it would be unwise for us to reward those who mean to wreck the program of the Kennedy administration by electing them to positions of responsibility where they will be more readily able to carry out their declared intention.

With respect to the Judiciary Committee, the area of responsibility to which I refer is civil rights. With respect to the Finance Committee, the area to which I refer is medical care for the aged tied to social security, tax reform,

including the closing of tax loopholes, and matters relating to monetary, fiscal, and debt policy.

I do not believe that we will do justice to those candidates whom we supported on that platform which we adopted if, as I say, we make it easy for those who oppose that platform to work their will. This situation arises only with respect to the Judiciary and Finance Committees. As I review the proposed membership on other standing committees, I am reasonably confident that we can expect measures sponsored by the administration—and supported also by an increasing group of liberal Republicans—to reach the floor in such shape that if we do not agree with the action of the committee, we can at least intelligently amend them on the floor to bring them more in accord with the program of the President, if that is what a majority of this body desires to do.

I turn to a more philosophical aspect of this problem. In my judgment, one of the great defects in the Congress is inadequate party responsibility. The Congress of the United States has less party responsibility than has any other legislative body in the free world. We appear here to ignore party platforms. The program of the President was ignored by many of my Republican friends during the 4 years that I have been here. I fear the program of our President-elect is similarly going to be ignored by many of my colleagues.

I am not an advocate of blind party responsibility. In my judgment it goes too far in the House of Commons. There a man's political career is seriously prejudiced, if not terminated, if he so much as dares to vote against his party leader or his party whip. I think that is wrong. In my opinion party responsibility goes too far in my own Commonwealth of Pennsylvania, one of the most partisan States in the Nation, I regret to state. There, if a member of the house or the senate, with any consistency at all, votes against the program of his party leadership, he is deprived of his committee seats, and pretty well hustled out of the party. I would advocate no such rule in this body.

I believe each Senator should vote in accordance with his conscience. If he does not believe in the party platform and his conscience impels him to remain within the Democratic Party, that is his business, and I would make no effort to throw him out. But I do not believe our conference should reward with promotion and with posts of seniority and privilege, such as committee chairmanships, men who have stated their honest and earnest belief that the program of our party should be defeated almost in its entirety, and certainly within the field of responsibility of the committees to which we are about to promote them.

I believe we ought to have a general rule of thumb with respect to party responsibility in the Congress of the United States, which is that those who wish to sail as officers of the Democratic ship should be prepared to fly under the colors which their party has hoisted on the masthead. This principle has been rather substantially ignored in past years. It is being ignored now in connection with the composition of those two committees.

I am aware of the delicate feelings of all of my colleagues in this body, and of the fantastic public acceptance of the notion that the Senate of the United States is a citadel where incense is burned and bells tinkled and candles lit and due obeisance made, as though to Oriental monarchs, toward those who have acquired a certain amount of seniority and are permitted to enter into what I have found to be a quite nonexistent group called the Inner Club.

But, Mr. President, seniority is not enshrined in the Constitution of the United States. It appears nowhere in any of the laws of the United States. It is not even a standing rule of the Senate. It has been frequently ignored during my short tenure here.

The distinguished Vice-President-elect, former Senator JOHNSON, of Texas, was not elected majority leader by reason of any seniority. At the time he was elected, he was a relatively junior Senator. Our present distinguished majority leader [Mr. MANSFIELD], who reluctantly accepted his post—and I honor him for his dedication and his concept of public duty—does not hold his post by reason of seniority. Neither does the agreeable and able majority whip [Mr. HUMPHREY]. Neither does the secretary of the Democratic conference, the very personable junior Senator from Florida, [Mr. SMATHERS]. Neither does that distinguished veteran Republican, the junior Senator from Illinois [Mr. DIRKSEN] hold his post as minority leader by reason of seniority; nor does his colleague, the minority whip, the Senator from California [Mr. KUCHEL], hold his position by seniority.

I make the next statement with some embarrassment, although not much. I was a candidate for the Committee on Foreign Relations before the steering committee. I had the seniority to make claim to that position. However, my claim was denied, after a close vote, and seniority was ignored. I hold no bitterness for that decision. It is the luck of the draw. Actually, perhaps I can do more good for my party by remaining on the Committee on Labor and Public Welfare to help the President-elect put through his program to raise the minimum wage, to provide Federal aid to education, and enact many other important bills involving the welfare of the American people, which I am confident will come out of that committee, a committee which certainly carries a majority of Kennedy men on the Democratic side.

I mention the matter of seniority to show that it depends on whose ox is being gored. It can be used with great effect to maintain the status quo, to keep in positions of power those who do not wish to change in a changing world. But when seniority is suggested as an argument on behalf of the claims of some of us who are not in the status quo group, it is very easy to pass it over.

I say again that there is no personal animus in my heart about this. I am content with what has been done. Perhaps "content" is too strong a word. I mean that I am not as unhappy about it as I was earlier. It is something that I am prepared to live with in good humor. My friend the Senator from Illinois [Mr. DOUGLAS] suggests that I am resigned, if not content.

But let me return to the question of how the Committee on Finance and the Committee on the Judiciary can be so constituted that the program of the President-elect will be granted a favorable reception.

I am well aware of the fact that it is almost impossible to dislodge from a committee a Senator who has been serving on it. I can well understand why a serious effort to do so might occasion some resentment. Accordingly, I had thought that the way to handle the matter would be to expand the size of the Committee on Finance from 17 to 21, and to expand the size of the Committee on the Judiciary from 15 to 17. Then I would hope that the majority leader would impress upon the steering committee—and I would be only too happy to help him in this regard—the desirability of filling those positions with Kennedy men, not anti-Kennedy men. I would hope my good friends across the aisle, while they would not slavishly follow the program of the President—and I would not ask them to—would see to it that the vacancies on the Republican side might be filled with men who recognize that this is the second half of the 20th century.

I hope no Senator will ask me to take my seat under rule XIX, section 2, for having made, in good nature, that comment.

I have pending at the desk a rule to enlarge the size of these two committees. I raised the question in the steering committee, at least loudly enough to assure myself that if I so moved there would be no second to my motion. The resolution has now been referred to the Committee on Rules and Administration, which is to be headed by the majority leader.

It may well be that at a later date during this session the majority leader will conceivably change his mind, and come to the conclusion that the only way we can get the program of the President through is to enlarge these committees. I know the majority leader is just as sincerely interested in the program of the President as I am.

So perhaps the presence of those resolutions in the Committee on Rules and Administration, to be headed by the majority leader, will serve a salutary purpose. I hope that, despite the composition of those committees, the committees at least will feel it incumbent upon them to consider promptly the major measures in the program of the President and to report those measures, whether favorably or unfavorably, so that the Senate will have an opportunity to consider them.

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

Mr. CLARK. I am happy to yield to my good friend from Louisiana.

Mr. LONG of Louisiana. Might I ask the Senator from Pennsylvania whether

his argument goes contrary to the philosophy that committees in general should reflect, insofar as possible, the balanced judgment of the Senate as a whole?

Mr. CLARK. No.

Mr. LONG of Louisiana. In other words, I have in mind the concept that it is desirable that the percentage of liberals and the percentage of conservatives, or the percentage of those who hew to the administration program, as against those who do not, should be approximately equal on the various committees.

Mr. CLARK. If the Senator from Louisiana will follow me in a little elementary arithmetic, I think I can answer that question. I am sure the Senator from Louisiana, with whom I have such pleasant relations, will understand that anything I say about him is in lighter vein.

There are 65 Democrats in the Senate of the United States. In my opinion, 40 of them are committed, on the whole, to the Democratic platform and to the program of the President-elect. In my opinion, 10 of them—and I shall not indulge in personalities; I would much prefer not to be pressed as to who they are—are what I have called Goldwater Democrats. I am sure they would be pleased and honored to be counted in the category led by the distinguished junior Senator from Arizona.

The other 15 Democratic Senators, who include my able and genial friend from Louisiana, are what I call switch hitters. They sometimes run with the hare, and sometimes run with the hounds. I think that in the coming session they are much more likely to be Kennedy men than not. They certainly were not always liberals in the last session, but I have the feeling that they are not entirely beyond reprieve. I wonder if that answers the Senator's question.

Mr. LONG of Louisiana. I am not sure that it does, because to some of us it seems that these tags and labels can be very misleading. The senior Senator from Pennsylvania regards himself among the liberals, I am sure.

Mr. CLARK. No, no. I have abolished all reference to liberals and conservatives. I now speak only in terms of Kennedy men and anti-Kennedy men.

Mr. LONG of Louisiana. Under last year's set of labels, I imagine the senior Senator from Pennsylvania would regard himself as a liberal.

Mr. CLARK. Before we change the semantics, I was happy to accept that designation, except, I must say, that when friends of mine like Arthur Krock and Bill White refer to us as so-called liberals, I still sting a bit.

Mr. LONG of Louisiana. The point I had in mind was that according to the appellations, tags, and labels, which columnists like to use, the senior Senator from Pennsylvania would have been regarded as a liberal, when that term was used, as also would the senior Senator from Illinois.

Mr. DOUGLAS. I am very proud to be included in that group.

Mr. LONG of Louisiana. The junior Senator from Louisiana came to the floor one day and offered an amendment to provide funds for the needy aged, the blind, the disabled, and the orphaned children. Who cast deciding votes against it? The liberal Senator from Pennsylvania [Mr. CLARK] and the liberal Senator from Illinois [Mr. DOUGLAS]. One would have thought they would have cast the deciding votes for the measure. The point I make is that it seems to me it is very confusing to understand who can be put in those categories and who cannot.

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

Mr. CLARK. Not at present; I shall yield in a moment to the Senator from Colorado.

I might reply to the Senator from Louisiana that neither he nor I was in the category of wild-eyed spenders. I do not know whether the Senator from Louisiana would like to have that semantic adjective applied to him as it has been to the Senator from Illinois and me. However, it occurred to me that that particular amendment offered by the Senator from Louisiana would have put the budget so far out of balance that we would never have got it back.

Mr. LONG of Louisiana. My recollection is that it would not have cost nearly so much as a proposal by the Senator from Pennsylvania would have cost. It seems to me that that was the kind of proposal for which one would expect a liberal to vote. It involved the providing of funds for 3 million needy persons.

Mr. CLARK. Perhaps the Senator from Louisiana will enlighten me a little later as to what all this is leading up to.

Mr. LONG of Louisiana. The question I had in mind was: How can we tell who is a liberal and who is a conservative, or who is a Kennedy man and who is not a Kennedy man, until after the roll has been called and we have voted?

Mr. CLARK. I think I can tell, if the Senator from Louisiana wants to know, and I shall be glad to tell him in the cloakroom after we get through.

I now yield to the Senator from Colorado.

Mr. LONG of Louisiana. I had hoped I could conclude my questioning.

Mr. CLARK. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Am I to understand that the answer to the question as to who should be on committees and who should not be on committees, and how the Senator has arrived at that definition, is not to be a matter of record, but is to be the subject of a cloakroom conversation?

Mr. CLARK. No; I am perfectly willing to make the statement for the RECORD. The Senator from Louisiana knows that I was speaking in lighter vein.

I think that if the Senator goes down the list, name by name—and this I shall not do on the floor, but I urge him to do it either privately or publicly—he will find there is a majority of those two committees who have publicly, and repeatedly, expressed and voted their opposition to civil rights, in the case of the Judiciary Committee, and to tax reform, to closing tax loopholes, and to medical care for the aged under social security, in the case of the Finance Committee. Those Senators are perfectly willing to stand up and be counted. They are against the program of the President-elect, and they are proud of it.

Now I yield to the Senator from Colorado. Does he wish me to yield for a question or a comment?

Mr. ALLOTT. I was about to ask the Senator a question.

Mr. CLARK. I have no objection, if the Senator wishes to make a comment.

Mr. ALLOTT. No; I would still like to pose what I shall say in the form of a question; but the whole discussion has got so far afield. I wanted to propose this question in order that I could understand a subsequent conversation and colloquy on the floor.

When the Senator from Pennsylvania says that sometimes those Senators run with the hares, and sometimes with the hounds, am I to understand that that is a classification on his side of the aisle, or does it apply to my side of the aisle? In other words, if it applies to the Republican side, I should know where some of us stand on our side, too.

Mr. CLARK. I would not attempt to presume to analyze the motivation or even the position of my good friends across the aisle. I think they have quite enough trouble within their own party without my trying to stir up any more.

Mr. ALLOTT. I should like to know where it is, and shall be happy to have the Senator enlighten me on that.

Mr. CLARK. I will see the Senator privately later.

Mr. ALLOTT. Does the Senator associate them with the hares or with the hounds? Last night, or the night before, during the wee hours, when I could not sleep, I read a very interesting comment on rabbits. I found that, contrary to being sweet, little, lovable creatures, they are probably, collectively, among the orneriest creatures on earth, not including the dogs. They should not be thought of in terms of meek and mild animals, as opposed to the dog, which is man's best friend. I just wanted to know where we over here stood in our associations with Senators on the other side of the aisle.

Mr. CLARK. I have a little story in that regard, which perhaps the Senator from Colorado will bear with. The late Senator Claude Swanson, of Virginia, the first Secretary of the Navy in the Cabinet of Franklin D. Roosevelt, was asked, during the 1920's to take a position on the prohibition amendment—was he for it, or was he against it? He replied with this statement:

> Back in the mountains of Virginia, and in tidewater Virginia, too, we have some very large packs of hounds. They are active, they are aggressive, they are chasing the hares in Virginia in every briar patch. The hares are having a bad time with those hounds.
>
> Those hounds are the Prohibitionists. I run with the hounds. But I am told that up near the West Virginia border there is a new kind of hare that is coming into being and is multiplying very rapidly. Those

hares have sharp teeth. They can fight back against the hounds, and they are multiplying rapidly.

Those new hares are the citizens of my State who would vote for the repeal of the prohibition amendment.

While I am presently riding with the hounds, no hound will change into a hare any quicker than I will, if I find the hares putting the hounds to rout.

Does that answer the Senator's question?

Mr. ALLOTT. Not entirely. I may say that someone went antelope hunting last fall and brought in five jackrabbits. Does the Senator from Pennsylvania proposed to call up or to move to make his resolution the pending order of business? He said he could not get a second. Was that the subject on which he spoke? Perhaps either I or some other Senator on this side of the aisle would be happy to second his motion, if he wished to make it.

Mr. CLARK. If the Senator from Colorado is referring to my proposed changes in the rules, I may say that they were referred to the Committee on Rules and Administration, just as the Humphrey-Kuchel and Anderson resolutions were. So they are out of the way and in committee.

If the Senator is referring to what will shortly take place on the motion to approve the designation of committee members, I have announced that I shall record my vote against that motion by voice; I do not intend to ask for a yea-and-nay vote.

When I have completed my remarks, which I shall be able to do in 5 minutes, if the Senator from Colorado has finished questioning me——

Mr. ALLOTT. Yes. I did not know, because of the confusion—and I was trying to listen to the Senator from Pennsylvania, who will, I am sure, recognize the fact that I have been on the floor all the time he has been speaking—whether the Senator intended to call up or attempt to make his committee matter the subject of immediate consideration by the Senate or not. Perhaps some of us would be willing to assist him.

Mr. CLARK. I thank the Senator from Colorado.

Mr. MONRONEY. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. CLARK. I yield.

Mr. MONRONEY. I have been listening to the debate and to the amplification. I had hoped that we were at the end of the Eisenhower syntax, or that at least we were moving away from the mixed metaphor. I was interested in what my friend said about switch-hitters who sometimes run with the hares and sometimes ride with the hounds. However, the term "switch-hitter" is a baseball term which is used to describe a baseball player who can hit either right handed or left handed. So I am afraid that we have the metaphors a little mixed when it is said we have a man on horseback who is batting either right handed or left handed while riding with the hounds. [Laughter.]

In order to keep the two straight, I believe we should at least clarify the matter by pointing out that now a switch-hitter is defined as a man on horseback who can bat on either side of the horse. [Laughter.]

Mr. CLARK. I thank the Senator from Oklahoma for his interjection. Of course, technically, the Senator is correct, although I think both metaphors are applicable.

Mr. CARROLL. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. CARROLL. I wish to say that the Senator from Pennsylvania is making a substantial contribution for the RECORD. Many political science scholars have studied this subject. The able Senator from Pennsylvania knows that his resolutions will never see the light of day. But they are now in the RECORD and will be available for future study.

As a matter of fact, it comes to my mind that there have been other recommendations about how to deal with the political power centered in this institution, as the Senator has so eloquently stated. One of the questions is whether the committee chairmen are permanent chairmen, to hold their office permanently.

Mr. CLARK. Not under the rules, but under the practice.

Mr. CARROLL. Of course, we know that under the rules the committee chairmen are not permanent chairmen. Others have raised the question. I raise it here only for purposes of study.

Mr. CLARK. Under the rules, the committee chairmen have to be elected at the beginning of each Congress. But under the practice they are reappointed.

Mr. CARROLL. That is true; and as the Washington Post recently has pointed out, that is one of the built-in power features of the Senate.

The question is whether, in the fast-moving society in which we live, study and change should be in order soon. How about committee chairmanships? Do not they rotate in the United Nations and in other political bodies? Much has been written on this question.

So this is not just a humorous, idle conversation. Instead, it is a serious presentation, for which I wish to commend the senior Senator from Pennsylvania.

Mr. CLARK. I thank the Senator for his comments.

I hope that no one who either heard my remarks or will read them in the RECORD will think that because there have been one or two light touches in this debate, that means that I am not deadly serious about this matter.

I spoke once before, in this body, about how a rule in the Polish Diet providing for a veto by any Member destroyed that body in the 17th and 18th centuries. So it is that the rules of the Senate can destroy the Senate within the foreseeable future, in my judgment, unless they are drastically changed.

Mr. CARROLL. Mr. President, will the Senator from Pennsylvania yield again, briefly?

Mr. CLARK. I am glad to yield.

Mr. CARROLL. I believe it is generally recognized by most Senators on this side that when some of us have seniority and seek to assert it, we are given the alibi of geography; but when we assert geography, we are confronted with seniority.

Mr. CLARK. And sometimes when we assert philosophy, we are given the gate.

Mr. CARROLL. Of course, this means that control is lodged in the hands of only a few persons. I studied this matter years ago when I was in the House of Representatives, where the Members abide strictly by the seniority rule, because they believe no other rule is equitable.

I think this problem is most serious. I am not talking at all about what has happened to the committee assignments, but I am addressing myself to the issue, as I believe the Senator from Pennsylvania has been doing.

All of us know that in political life there is no perfection; and we know there are bound to be some favors distributed. But when favors can be used in this body or in any other body by a small core of people to reward their friends and to punish others, I think the question should be looked into.

As a junior Senator, I think there should be a diffusion of such power. I have never liked political bosses, and I do not like to think that such a practice obtains in committee assignments in the U.S. Senate.

Mr. CLARK. I thank the Senator from Colorado, and I am in accord with his statement.

In conclusion, Mr. President, I should like to say a word about the steering committee of the Democratic Party.

In our conference of all Democratic Senators, we authorized a steering committee to act for us in the discharge of what is the responsibility of all of us. Yet we failed to see to it that the committee we thus authorized to act for us was representative of our own membership.

While three members were added—all from the Northeast—the steering committee is still heavily overrepresentative of one region of the country and of the conservative wing of our party. To my mind, Mr. President, that explains completely the assignments to committees on which we are about to pass.

Of our 65 Democratic Senators, only one-third are from the Deep South, under the broadest possible construal of what constitutes the Deep South. Yet 7 of the 16 members of the steering committee—just one less than half—are from that region.

In contrast, 12 of our 65 Democratic Senators are from that vast, heavily populated region known as the Midwest—or 16, if Oklahoma and West Virginia are counted as Midwestern, and Oklahoma participates in the informal midwestern conference which we have in our party.

But from all that region, representing at least one-third of the population of the United States, there is just one Senator on the Democratic steering committee. In other words, one region of the country, with less population than another region and with less than twice as many Democratic Senators has seven times the representation on the Democratic steering committee.

The Democratic conference, made up of all Democratic Senators, permitted this to happen. It is perhaps to be expected that an unrepresentative steering committee should propose to the Senate an unrepresentative makeup for the Finance and Judiciary Committees.

The blame for whatever damage is done to the program of the incoming Democratic President thus comes to rest squarely upon all Democratic Senators.

Mr. President, one more point: To my regret, the public press has made a great to-do about a difference of opinion between the senior Senator from Virginia [Mr. BYRD] and myself. In my judgment, that controversy has been distorted and blown up out of all legitimate proportion. Of course, I believe that when one goes into politics, he must expect to "dish it out," and therefore he must learn to "take it"; and I have no hesitation at all in saying that I am willing to "take it." But I believe that somewhere there should be a true chronology of the pertinent documents in connection with this controversy between the Senator from Virginia and myself, which has been handled with great good humor by my friend, the Senator from Virginia, but has been handled with something less than that—in fact, with what I may call shrill invective—by some of my friends among the columnists.

So I should like to request unanimous consent to have printed at this point in the RECORD, in connection with my remarks, eight documents, which I shall offer en bloc:

First, a press release summarizing a letter which I sent to all Senators on November 18, 1960, respecting a bipartisan effort to reform the rules.

Second, a column by Drew Pearson which appeared on November 21, 1960, in the Washington Post, and other papers, entitled "Senator Clark Would Revamp Senate."

Third, Senator BYRD's letter to me of December 2, 1960.

Fourth, a column by Arthur Krock entitled "Short-Lived 'Purge'," which appeared in a number of newspapers on December 6, 1960, including the New York Times and Philadelphia Bulletin.

Fifth, a letter to the Philadelphia Bulletin written by me in reply to the Krock column. I say parenthetically that the New York Times refused to print my letter in reply.

Sixth, a column by William S. White regarding myself and Senate Rules revision, which appeared in the Washington Star and many other papers, including the Philadelphia Inquirer, on December 7, 1960.

Seventh, a letter from me to the Philadelphia Inquirer in reply to the White column, which was printed on December 8, 1960.

Eighth, and finally, my letter in reply to the Senator from Virginia [Mr. BYRD], dated December 9, 1960, which received in all papers, except the New York Times, comparable treatment to that given Senator BYRD's letter to me.

The PRESIDING OFFICER. Is there objection to the request?

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

RELEASE FROM THE OFFICE OF SENATOR JOSEPH S. CLARK

Senator JOSEPH S. CLARK, Democrat, of Pennsylvania, announced today that he has written to every Member of the Senate urging bipartisan support of the rules reform effort which will be the first order of business for the Senate as soon as it convenes on January 3, 1961.

"Both party platforms call for rules reform," Senator CLARK stated. "Both party platforms call for legislative action in many fields. All of us who have served in the Senate know that many of these commitments can become law if, but only if, the rules of the Senate are modernized.

"The letter I have written to my colleagues suggests three broad areas of rules reform:

"1. Committee procedure: I propose the enactment of a committee bill of rights that would give the majority of members of a committee the right (a) to convene meetings, (b) to determine the business to be considered, and (c) to permit votes on the pending business after reasonable discussion.

"2. Senate procedure: We can no longer afford the luxury of unlimited debate if we are to attend to the legislative business of the country. I propose that a majority of the Members of the Senate be empowered to bring about a vote on the substance of the measure at hand after it has been debated at reasonable length by voting to move the previous question.

"We should also adopt a rule of germaneness in debate to be invoked when we are dealing with urgent business. In addition we should end the power of a single Member to prevent all 86 committees and subcommittees from meeting during Senate sessions, to require Journal readings and to prevent morning hour business. These changes would speed our deliberations and increase our efficiency without sacrificing anything.

"3. Conference procedure: The practice we have fallen into of appointing Senators who have fought against important amendments to represent the Senate in conferences with the House to resolve differences in the bills passed by the two Houses, does violence to the democratic process. The rule I suggest would require that a majority of Senate conferees should have voted for the bill in question.

"Finally," Senator CLARK said, "I have urged my Democratic colleagues to favor reform of the organization of our own party in the Senate in the Democratic conference to be convened on January 3. Vacancies and new positions in the leadership, the policy and steering committees must be filled in such a way as to reflect the true centers of Democratic strength in the Nation. We must not approve the designation of committee chairmen and new appointees to key committees of Members who have failed to support the national ticket or those who oppose the platform pledges in the area in which the committee has jurisdiction."

The Senator's letter solicited the comments of his colleagues on the proposals outlined above.

[From the Washington Post, Nov. 21, 1960]

SENATOR CLARK WOULD REVAMP SENATE

(By Drew Pearson)

PHILADELPHIA.—Senator JOSEPH CLARK, the Democrat who started revamping the city of Philadelphia when he served as mayor, has come up with a plan to revamp the Senate of the United States. If adopted, it will produce as many Senate changes as have occurred in the staid old City of Brotherly Love since JOE CLARK started its revival.

What CLARK plans for the Senate is going to make southern Senators scream.

CLARK proposes to read Senator HARRY BYRD of Virginia and Senator STROM THURMOND, of South Carolina, plus, probably, Senator SPESSARD HOLLAND, of Florida, out of Democratic Senate councils. Since they bucked the Democratic ticket in their States, he would deny them the right to sit in Democratic caucuses where Democratic policy is fixed.

CLARK also proposes to deny any Democratic Senator the chairmanship of a committee when he disagrees with that part of the Democratic platform over which his committee has jurisdiction.

This would not affect such southern Senators as DICK RUSSELL, of Georgia, who as chairman of the Senate Armed Services Committee has no disagreement with the Democratic platform on armed strength. He does disagree on civil rights, but that doesn't come under his committee.

However, the Clark proposal would affect Senator JIM EASTLAND, of Mississippi, who as chairman of the Senate Judiciary Committee has direct jurisdiction over civil rights and is in vigorous disagreement with the Democratic platform.

REWARD BIG CITY VOTE

Senator CLARK has sent letters to the other 99 Senators proposing 10 new changes of the Senate rules. In addition, he has been on the long-distance telephone to such key liberals as Senators PAUL DOUGLAS, of Illinois, PAT MCNAMARA, of Michigan, and WILLIAM PROXMIRE, of Wisconsin, in an effort to mobilize Senate sentiment for the rules changes well before the Senate convenes.

The changes include not merely those mentioned above, but a modification of rule XXII which governs filibustering, also the appointment of three Democratic whips, plus a very important stipulation that the Democratic steering committee must represent a true cross-section of Senate Democrats, not be stacked with old guarders or conservatives.

"It was the big city vote which elected Kennedy," Senator CLARK points out. "It was not the rural vote or the South, or even the depressed areas. If it hadn't been for the big cities, Kennedy wouldn't have come anywhere near victory."

"Yet," says the ex-mayor of Philadelphia, a city that produced a 327,000-vote margin for Kennedy, "the cities have had virtually no representation on the Democratic steering committee. And representatives of the cities have been blocked time after time in passing important legislation—blocked by the coalition of Republicans with Dixiecrats who haven't supported the ticket.

"I don't know how far we'll get," said CLARK, "but it's time for a showdown."

Note—after the 1956 Presidential election, Senator BYRD, who opposed the Democratic ticket both in 1952 and 1956, was welcomed back into the party and once again given the chairmanship of the powerful Finance Committee. Other bolters were also welcomed back. This time there's growing opposition to BYRD, including that from Gov. Lindsay Almond, once a key member of the Byrd machine. Many Democrats resent the fact that BYRD has all the advantages of a Democratic chairmanship while voting and working for the Republicans.

NEW CABINET JOB

You can be fairly certain that the present mayor of Philadelphia, Richardson Dilworth, will be given a place in the Kennedy Cabinet—if he wants it. Dilworth succeeded JOE CLARK as the third Democratic mayor of Philadelphia since the Civil War, and has continued CLARK's civic improvement program

with great success. He is one of the Nation's leading experts on urban development. And since Kennedy promised to appoint a new member of the Cabinet to handle big city problems Dilworth stands No. 1 on the list for this post.

In appointing Dilworth, Kennedy would not only benefit from the services of a good man, but would pay off a political debt. The politician to whom he owes most is Congressman BILL GREEN, Democratic boss of Philadelphia. At the Los Angeles Democratic Convention, it was GREEN who put the heat on Gov. David Lawrence and forced Lawrence to declare for Kennedy—just at the psychological moment when it helped to swing the nomination.

Then, on November 8, GREEN produced again. He helped roll up the whopping 327,000-vote margin for Kennedy—more than the total margin Kennedy received in the entire United States.

Though Dilworth and GREEN are both Democrats, there's an uneasy truce between them. Dilworth has ambitions to go places in Pennsylvania—probably run for Governor. GREEN also has ambitions—preferably the Senate. He would also like to get more control over Philadelphia.

In any event, with Mayor Dilworth promoted to the Kennedy Cabinet, GREEN's ambitions might be more easily fulfilled.

U.S. SENATE,
COMMITTEE ON FINANCE,
December 2, 1960.

Hon. JOSEPH S. CLARK,
U.S. Senator from Pennsylvania,
Washington, D.C.

MY DEAR JOE: You have been quoted in newspapers as saying you are leading a movement in the Senate to deny attendance in Democratic caucuses to any Democratic Senator who did not endorse the national Democratic ticket and platform.

You were further quoted as saying that a Democratic Senator holding a Senate committee chairmanship should be purged from his chairmanship if he did not approve proposals in the national Democratic platform which may come before his committee in the form of legislation.

It happens that I am the only Democratic Senator who holds the chairmanship of a major Senate committee—the Committee on Finance—who remained silent and did not endorse either of the national political party presidential candidates or platforms. Therefore, it is evident that your statement was directed at me.

Senator PAUL DOUGLAS, a member of the Senate Finance Committee, likewise has been quoted as saying that I should not be chairman if I disagreed with national Democratic platform planks which might come before the Finance Committee in the form of legislation.

As the Senate will be organized when the new Congress is convened in January, I think I should be frank and advise you now of my attitude toward the Democratic platform. I do this so you can prepare your case against me with full knowledge of what my position will be. And, at the outset, it should be clearly understood that I have always refused to be bound by a caucus as to my votes in the Senate.

I have served on the Finance Committee 28 years and, by reason of seniority, I became chairman 6 years ago.

My position is simple: I will support those planks in the platform of which I approve, but taken in its entirety I regard the Chester Bowles' so-called Democratic platform as being radical, or as leading to socialism, and as being fiscally irresponsible.

Am I to be purged as chairman of the Finance Committee because I refused to support measures which I believe to be dangerous to the Republic I pledged myself to serve faithfully and to the best of my ability?

My allegiance is to Virginia where the people have elected me six times to the United States Senate. I have what is to me the supreme honor of having served in the Senate longer than any other Virginian in history. I recognize no control over my votes in the Senate from any outside influence including the national Democratic convention and a caucus of my Democratic colleagues in the Senate.

I think it would be very wholesome if you would bring your proposal to the floor of the Senate because many fundamental principles are involved. Southerners frequently have been threatened with loss of committee assignments or other prerogatives unless they support measures obnoxious to them and their constituents. Personally, I resent this.

The Democratic Party was founded by Thomas Jefferson on the principles of a system of representative government, sound and frugal, with authority divided between Federal and State Governments to prevent coercive, if not despotic centralization of power. Democrats in Virginia adhere to these fundamental principles and yield to none in their dedication.

As a Member of the Senate, I am under oath to support the Constitution of the United States. This I have done. Every President of my time has had my full support when there was need for strong national defense and when there was need for unity in international crises.

Beyond this, my unqualified allegiance to the people of Virginia has been preserved, and it will be. I know their principles. I have confidence in their judgment as to what is good for the country. I have followed their will as I understood it in the past, and I shall conform to it in the future.

To make my position very clear, specifically some of my objections to declarations in the platform are as follows:

1. I am opposed to any political manipulation of the Federal Reserve System in order to influence interest rates, or for any other purpose.

2. I am opposed to repeal of right-to-work laws which, by Federal legislation, are permissive in any State desiring such laws. The effect of the platform pledge would be to nullify right-to-work laws in 20 States where they have been enacted, and constitutional provisions which have been adopted by 8 States.

3. I am opposed to the recommendation in the Democratic platform for forced integration in every school district by 1963. Such shotgun action would destroy public education systems in many communities.

4. I am opposed to establishment of a Fair Employment Practices Commission (FEPC) which would give bureaucrats in Washington power over who is to be employed or who can be dismissed in private business. This is a field which should not be invaded by the Federal Government.

5. I am opposed to the platform recommendation for compulsory medical service and hospitalization under the social security system. I am convinced this would lead to socialized medicine, with the possibility that it would bankrupt the social security trust fund. This matter came before the Finance Committee and was fought out in the post-convention session of Congress last August. The Senate voted 54 to 41 in opposition to the Democratic platform proposal, and instead adopted a fair plan for medical service and hospitalization for those in need of it.

In the area of platform recommendations involving Federal expenditures which might easily become excessive, there are such proposals as those for much larger housing and slum clearance programs, expansion of foreign economic aid, farm price supports at 90 percent of parity, Federal guarantee of Government-promoted economic growth at the rate of 5 percent a year, Federal aid for school construction, expansion of Federal public works, more scholarship and fellowship programs, etc.

I have tried to estimate the cost of these platform recommendations; this is impossible, but they are certain to increase annual budget expenditures by billions of dollars. These would be added to the public debt or financed by increased taxation, with the result that our fiscal situation would be further weakened.

The continuing loss of gold clearly indicates declining confidence in the American dollar. In my judgment world confidence in the dollar is imperative, not only to us in the United States, but all over the world where the dollar has been regarded as a sound base for international transactions.

It is not necessary for me to elaborate on the weakness of the dollar, which is the result of excessive Federal expenditures both at home and abroad. We have been attempting to be the world's policeman, world's banker, and at the same time the world's Santa Claus. We are now beginning to see the dangerous effects of these global dispensations.

The Senate Finance Committee has jurisdiction over legislation with respect to: (1) Federal taxation, debt and interest; (2) social security, tariffs and customs; and (3) veterans' compensation, pensions and insurance. These are matters of vital interest to all of our people, individually and collectively.

I have mentioned some, but not all, of the serious matters confronting us. You are apparently proposing that questions of great public importance should be considered in the U.S. Senate on a partisan political basis alone. I propose to act on these matters and others on the basis of my most considered judgment and conviction after study of all the facts available and all the circumstances, existing and foreseen.

In my votes in the Senate I will follow the basic principle of our representative democracy that a public official owes his allegiance primarily to those who elected him. I will submit to no coercion such as you propose in performing my duties as a Senator from Virginia.

The President-elect is confronted by many great problems at home and abroad. It is my strong desire to give him my full support in all measures he proposes which I believe to be in the best interests of our Nation and our people.

Sincerely,

HARRY F. BYRD,
U.S. Senator From Virginia.

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

SHORT-LIVED PURGE—SENATOR CLARK'S PLAN TO EXCOMMUNICATE CHAIRMAN BYRD BACKFIRES

(By Arthur Krock)

WASHINGTON.—When Senator CLARK, of Pennsylvania, a highly vocal moralist on the sanctity of party convention pledges, proposed to colleagues the demotion of Senate committee chairmen who had failed to support the Los Angeles ticket or the platform, one or the other, his sole target in view was Senator BYRD, of Virginia, head of the Finance Committee. But his shot ricocheted, to land with much more impact on President-elect Kennedy and Vice-President-elect JOHNSON.

It develops that both have given assurance they do not intend to assist those Democrats who will attempt to redeem one of the major pledges in the Los Angeles platform that BYRD denounced. And, to complete the discomfiture of the Senator from Pennsylvania, it also develops that this assurance was given to Senator BYRD himself—CLARK's one nominee for excommunication as a party heretic.

RIGHT-TO-WORK ISSUE

This platform pledge was: "We will repeal the authorization for right-to-work laws."

These are State statutes which the Supreme Court has validated under the Taft-Hartley Act. They make illegal employer-employee contracts which require workers, either before being employed or to retain employment after a stated period, to join a union to the extent of paying dues and being represented by it in collective bargaining. To repeal this State authority requires amendment of Taft-Hartley.

Virginia is one of the 17 States with right-to-work laws, and Senator BYRD's announcement that he would resist this repeal by Congress was well known to Senators Kennedy and JOHNSON when, at Senator Kennedy's suggestion, they called on him, after their nominations by the national party convention, to enlist his campaign support.

He reviewed his dissent to a number of platform pledges, notably the one quoted above.

KENNEDY'S CONCESSION

Senator Kennedy, with the concurrence of his running mate and in the presence also of Senator SMATHERS, of Florida, then informed Senator BYRD that the administration would not include the repeal in its legislative program.

On that assurance BYRD, while he never endorsed the national party ticket, refrained from repudiating it, as he had in 1956. He limited his campaign activity to circularizing in Virginia an antirepeal speech he made last August. Since all other Democratic Senate chairmen who indicated opposition to platform planks nevertheless endorsed the Kennedy-Johnson ticket, this left only BYRD as the object of CLARK's November 20 purge proposal.

It is true that Senator CLARK's application of his moral principle was specifically confined to Democrats who were chairmen of Senate committees. But when it assumed the form of a purge of Senators for refusing to help legislate a pledge which the President-elect and the Vice-President-elect both had disavowed, its not very bright prospect of success vanished utterly.

SENATOR CLARK'S CHOICE

If CLARK now continues to press it as a moral principle, he will rate supplemental inclusion in John F. Kennedy's "Profiles in Courage." But the general expectation is that CLARK will either absolve former Senators when translated to the political pantheon, or drop his proposal in the embarrassing circumstances.

Meanwhile, Senator BYRD offered a moral principle of his own in reply to CLARK's. And BYRD's has the additional virtue of being basic to the representative form of government established in the Constitution.

"Am I," he inquired, "to be purged as chairman of the Finance Committee because I refused to support measures which I believe to be dangerous to the Republic I pledged myself to serve faithfully and to the best of my ability? I recognize no control over my votes by any influence (outside Virginia), including the national Democratic convention and a caucus of my Democratic colleagues in the Senate."

EFFECTIVE ALTERNATIVE

Instead of demoting him for this, and incidentally plunging the Senate into civil war over the seniority system, the party leaders will probably adopt the wise and equally effective course of providing the Finance Committee with a majority which no longer will follow Senator BYRD.

DECEMBER 6, 1960.

EDITOR, THE PHILADELPHIA BULLETIN,
Philadelphia, Pa.

DEAR SIR: Your recent column, "Short-Lived Purge, Senator Clark's Plan To 'Excommunicate' Chairman BYRD Backfires," is quite an inaccurate statement of my position, past, present, and prospective, with regard to committee organization and chairmanship in the 87th Congress.

In order to set the record straight I would deeply appreciate your printing the enclosed brief summary of my views on this subject as stated on the floor of the Senate on August 31, 1960.

Very truly yours,

JOSEPH S. CLARK.

THE ORGANIZATION OF THE SENATE

Mr. CLARK. Mr. President, I should like to speak briefly on how the Senate should be organized next year to enact the Democratic platform, in the event our party's candidates are successful in the November election.

I believe it important that we should reorganize the Democratic leadership so that it will represent fully and fairly the prevailing view of a majority of the Democratic Members of the Senate. In this regard I would make the following points:

First, the leadership should be committed to enact the Democratic platform into law.

Second, the leadership should represent the majority view of the Democrats in the Senate. This majority view will support the Democratic platform.

Third, the best way to achieve these results, in my judgment, is, first, to provide for the appointment of three whips, in addition to the majority leader; one to represent the geographical area of the Mississippi Basin; the second to represent the Northeast of our country; the third to represent the South.

Then, if, as we all hope, the present majority whip, the distinguished Senator from Montana [Mr. MANSFIELD], should become the majority leader, representing as he does the Mountain States and the Far West, we would have in the leadership both geographical and ideological representation on a fair basis for all Members of the Senate who are members of the Democratic Party.

Fourth, we should reconstitute the policy and steering committees of our party, so that they will fairly represent both the major geographical areas and the differing ideological views of Senators.

Consideration should also be given to merging the two committees and restating their functions.

I believe their functions should be to advise the leadership on policy and on committee assignments. Careful thought should also be given to the election of those committees by the Democratic conference.

Fifth, a majority of the Democratic members of the committees, including, in some cases, the chairman, should have signified their support of the platform in the legislative area dealt with by their respective committees. This, in my judgment, would be an essential step to enable us to support the program of the next Democratic President.

Sixth, and finally, I believe we should provide for periodical and frequent meetings of the Democratic conference at times and places convenient to the members, perhaps at lunch, in order that the leadership may report to the other Democratic Members of the Senate the recommendations which they make with respect to policy. These recommendations should be subject to full and free debate by members of the conference.

Third. Using delaying tactics while the committee is in session in order to force adjournment under the rule as soon as the Senate meets.

While the Judiciary Committee is the most glaring example of these procedures, it certainly is not alone in this regard.

SUGGESTED CHANGES IN SENATE RULES TO EXPEDITE COMMITTEE ACTION

I suggest the following changes in the Senate rules:

First. Committees may meet at any time upon the request of a majority of the members of the committee.

Second. Committees may meet whether or not the Senate is in session.

Third. Upon motion concurred in by a majority of the members of a committee at any time, the chairman shall put to a vote any bill or amendment thereto, or substitute therefor, which has been called up before the committee for action, either by the chairman or a majority of the members thereof.

These suggested changes are sufficiently self-explanatory so that further discussion seems unnecessary. Either the Senate will wish to expedite committee action or it will not. My plea is that Senators be given a prompt opportunity to determine what changes, if any, they desire to make in committee procedures.

THE SENATE RULES MAKE IT EASY TO DEFEAT A MEASURE OPPOSED BY A MAJORITY, BUT ALMOST IMPOSSIBLE TO PASS A MEASURE OPPOSED BY A DETERMINED MINORITY, NO MATTER HOW SMALL

If Senators have learned one thing from the 2d session of the 86th Congress, it is the efficacy of the motion to table, used with such devastating effect by the minority leader during discussion of the civil rights bill. Personally, I have no objection to the present custom with respect to a motion to table. I do not think it has been abused. My plea is for a countervailing rule to require a vote on the merits of a pending matter after reasonable debate—debate no longer than that permitted by the leadership, both majority and minority, before utilizing the motion to table to defeat a measure.

The Senate has thoroughly explored, during both the 85th and 86th Congresses, amendments to rule XXII dealing with limitation of debate. In my judgment, tinkering with this rule will get us nowhere.

I believe the proper course is to restore the custom of moving the previous question.

This motion is explained in section XXXIV of Jefferson's Manual, which appears on page 383 of the 1959 edition of the Senate Manual. It reads as follows:

"When any question is before the House, any Member may move a previous question whether that question [called the main question] shall now be put. If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter.

"The previous question being moved and seconded, the question from the chair shall be, Shall the main question be now put?"

Jefferson's Manual points out this kind of question was first introduced into parliamentary procedure as long ago as 1604. Certainly it cannot be considered as a practice alien to Anglo-Saxon parliamentary procedure. Actually, it was used a good many times during the early years of the Republic While it is true that originally the motion was utilized in connection with the subject of a delicate nature involving high personages, or to prevent the discussion of matters which might call forth observations which could have injurious consequences, I submit that this ancient device is the proper method of dealing with the interminable delays which prevent Senate action on matters of great import to our country and, indeed, to the entire free world.

SUGGESTED CHANGES IN SENATE RULES TO EXPEDITE A VOTE ON MERITS OF A PROPOSITION

First. Any Senator may move the previous question whenever any pending matter has been before the Senate in session for a total of more than 15 hours. Once the previous question is moved, the Senate shall proceed to vote thereon without further debate. An affirmative vote on the previous question: "Shall the matter pending before the Senate be approved?" shall dispose of the pending matter.

Second. No Senator shall hold the floor of the Senate for more than 2 hours except by unanimous consent.

The first suggested change in the rules has been discussed above. It is submitted that no matter to come before the Senate for action requires more than 3 hours to explain fully. Where a Senator is interrupted by a colloquy, the Senate can be relied upon to grant unanimous consent for the Senator to continue beyond the 3-hour period unless the colloquy is obviously engaged in for the purpose of further delay.

[From the Washington Star, Dec. 7, 1960]

COLUMN BY WILLIAM S. WHITE

WASHINGTON.—The small, quiveringly earnest band of Democratic ultraliberals is being painted—and is earnestly painting itself—into a corner even before the new Kennedy administration has begun.

The coming new Senate party leadership would in itself have tended to isolate these passionately self-righteous fringe men. For with the moderate Senator MIKE MANSFIELD at the top of that leadership and the sensibly liberal Senator HUBERT H. HUMPHREY as his No. 2 man, the ultraliberals will have lost at the outset their main previous guarantee to public attention.

While Vice-President-elect LYNDON B. JOHNSON of Texas was Senate leader, they could always present themselves as bravely suffering under the heavy yoke of southern leadership. But not all their genius for loud martyrdom can now make MANSFIELD of Montana out to be same 19th century plantation overseer.

And not even their talent for making it appear that no one else is really concerned with civil rights can overcome this fact: HUMPHREY was an effective advocate in this field before they were much heard of nationally.

But amid all these realities, what have the ultraliberals—as led by Senators PAUL H. DOUGLAS, of Illinois, and JOSEPH S. CLARK, of Pennsylvania—now done? They seem to have settled upon two policies for the new Congress—and the new administration—which would set a high mark in political ineffectuality of their group.

Senator DOUGLAS has indicated he wants the Senate to go at once into a disruptive fight over the filibuster rule. The first effect would be indefinitely to delay President-elect Kennedy's real legislative program. The second would be unnecessarily to divide the Democrats at the moment they were putting into office a new President—elected by a most narrow popular margin.

The third would be to reward the moderate southerners, who made Kennedy's election possible, with a smack in the face from a wet sack. Now, other people don't want to do this right off—not, certainly, until more important business has been done.

But these are, after all, only such unimportant Democrats as President-elect Kennedy, Vice-President-elect Johnson, and Senators Mansfield and Humphrey.

Senator CLARK, for his part, has proposed a kind of loyalty oath, a measure for forced conformity, upon Senator HARRY F. BYRD, of Virginia, for not having supported the Democratic presidential ticket. Senator DOUGLAS—naturally—is reported also interested in such a procedure. The end purpose would be to oust BYRD from his chairmanship of the Senate Finance Committee.

This absurd witch hunt from the leftwing would lay down the amazing principle that Senate committees are not the instruments of the Senate itself but rather of some partisan group—or subgroup. It also assumes that DOUGLAS, CLARK, and company are the sole custodians of the true faith, the sole determiners of who is entitled to what in the Senate.

And it has one other small defect. If CLARK and DOUGLAS should push this effort as revenge—as BYRD has publicly invited them to do—they would be fortunate to find one-fourth of the Senate in their support.

Now, BYRD's political views are not the views of even one-third of the Senate. But at least four-fifths of the Senate admires the integrity of HARRY FLOOD BYRD, of Virginia. And at least four-fifths of the Senate has read the Constitution. It provides that each State shall select its own Senators. It does not—not yet at least—say that those Senators and their actions must have the approval of PAUL H. DOUGLAS or JOSEPH S. CLARK.

Have you ever wondered why it is that the ultraliberals are so depressingly inept when it comes to performance? For answers, see above.

DECEMBER 8, 1960.

To the EDITOR, THE PHILADELPHIA INQUIRER,
Inquirer Building,
Philadelphia, Pa.

DEAR SIR: May I submit that both your editorial "The Move To Purge Senator BYRD," and William S. White's column of the previous day on the same subject miss the main point of my efforts to change the rules of the Senate and the organization of the Democratic Members of that body.

Nobody is trying to purge anybody.

Nobody is following the Kremlin-type doctrine which requires every party member to stay in line, regardless of his personal convictions.

Nobody, in Mr. White's intemperate words, is engaging in an absurd witch hunt from the leftwing which would lay down the amazing principle that Senate committees are not the instruments of the Senate itself but rather of some partisan group—or subgroup.

Quite the contrary is the case.

My position is quite simple:

1. Committee chairmen and all members of committees are nominated in their respective party caucuses and elected by the Senate itself.

2. Seniority is enshrined in neither the Constitution, nor the laws of the land nor any Senate rule. It is merely a custom which has frequently been ignored.

3. No one has a vested right in any committee position. He serves at the pleasure of his colleagues.

4. Those who aspire to be officers on the Democratic senatorial ship should be prepared to sail under the colors that fly on the Democratic masthead.

5. Those who oppose the Democratic platform and failed to support the Democratic candidates for the Presidency and Vice Presidency have little claim to positions of leadership in that party.

Winston Churchill and WAYNE MORSE, when confronted with similar situations, "crossed the aisle" and joined that party whose principles were more nearly in accord with their own.

6. I think it important that the Democratic leadership in the Senate be prepared to support the program of the Democratic President of the United States. To make this possible a good many changes in the present organization and rules of that body are important.

Very truly yours,

JOSEPH S. CLARK.

DECEMBER 9, 1960.

Hon. HARRY F. BYRD,
U.S. Senate,
Washington, D.C.

DEAR HARRY: Thank you for your letter of December 2, with reference to the national Democratic ticket and platform and the relation thereto of Senators elected as Democrats.

Because our frequent disagreements about legislation and about politics have not impaired our friendship or the affection and respect I feel for you, I think it important that my position be made crystal clear to you. Accordingly, I am replying with equal candor to your frank statement of views.

We Americans often boast, and justifiably so, of the merits of the two-party system. But let us ask ourselves why parties exist, and what are the essential attributes of a party system. The party system is the means by which the people, in a national election, express their approval of one or another set of principles. These principles are put before the people in two ways: in the party platforms adopted by the parties at their conventions, and in the declarations of the candidates for President and Vice President.

As you know, the 1960 platform of the Democratic Party was adopted by delegates duly chosen by all 50 States. The candidates of our party for the Presidency and Vice Presidency declared repeatedly their unqualified support for the platform during the campaign for the offices to which they were elected.

When the people have made their choice between two sets of policies and principles, in a presidential election, they have a right to expect that legislation embodying those policies and principles will be considered promptly and carefully by the Congress. They have a right to expect that the congressional majorities who are members of the President's own party will so organize the Senate and the House that the President's measures can receive such consideration.

What is at issue here is not whether a Senator who disagrees with his party's platform and failed to support the candidacy of the President of his own party should vote against his own convictions or those of the people of his State. I have never suggested that, and I do not do so now.

What is at issue is the urgent need to make the Senate of the United States more responsive to the will of the American people as reflected by the views of the representatives elected to public office: "to improve congressional procedures," as the platform pledges, "so that majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either House."

I suggest that these fundamental democratic ideals are not served by the perpetuation of unfair and archaic rules and practices (1) that permit legislation supported by majorities in both Houses of Congress to be killed in committees not representative of the Congress as a whole; (2) that permit committee chairmen to ignore the will of a majority of the members of their committees concerning the convening of committee meetings, organization of their committees, scheduling of committee business, and taking final action on important proposals after reasonable debate; (3) that permit committee chairmen and other committee members who have fought against floor amendments approved by the Senate to constitute a majority of the conferees appointed to represent the Senate in ironing out differences with the House.

Certainly democratic procedures are not served by the continuation of the rule requiring a two-thirds vote to close debate, which has not been invoked successfully since 1927. The Senate can no longer afford the luxury of unlimited debate if it is to attend to the legislative business of the country. I strongly support a change in the cloture rule to fulfill the platform pledge recited above by authorizing a majority of the Members of the Senate to vote on the substance of the pending business after it has been debated at reasonable length.

No general Senate rules revision has been undertaken since 1884, and the rules of the Senate of the 86th Congress presented a sorry patchwork, with many omissions and obsolete provisions. Plainly a rule of germaneness in debate, similar to the one in effect in 43 of the State senates, including the upper houses of Pennsylvania and Virginia, should be available when the Senate is dealing with urgent legislative matters. Can there be any justification for continuing the dictatorial power now given to a single Senator to prevent all 86 committees and subcommittees from meeting during Senate sessions, to require extended Journal readings and to prevent the Senate from attending to routine business?

Some Democratic Senators will, I presume, oppose such changes. So be it. There is room under the large Democratic senatorial tent for a wide variety of political views.

I agree with you that each Senator owes allegiance to the people of his State whom he has been elected to represent (I would add that he has a higher allegiance to the people of the United States). But in his capacity as a committee chairman, a Senator is chosen not by the people of any one State but by his colleagues in his party in the Senate. And in this capacity also, he owes an allegiance to those who have elected him. By custom, chairmanships are assigned on the basis of seniority. But this is a custom, not a provision of the Constitution, a statutory law, or even a standing rule of past Senates. It is a custom which the Senate has not always followed slavishly, either in recent years or in earlier times.

Your letter expresses eloquently and forcefully your philosophy in opposition to the Democratic platform and the stated position on a number of major platform issues of President-elect Kennedy. I respect the integrity of your views, though my views permit me to support enthusiastically the platform and the position of the President-elect in the areas you have cited. But I, also, respect the right of the majority of the Democratic Members of the Senate to decline, if they so choose, to nominate for a committee chairmanship a Senator who has issued an open declaration of war against important measures which will come before his committee with the backing of the Democratic Convention, the Democratic President, and the majority of Democratic Senators, including so vital a part of the President's program as his bill for medical benefits for retired persons under social security. This is not a question of purging, because a chairmanship is a privilege conferred by the party members in the Senate subject to the approval of the Senate as a whole, not a right conferred by a Senator's constituents.

I would not necessarily take this position if the Senate had rules which would limit the power of a committee chairman to impede or prevent consideration and action on measures endorsed by the majority party and its President. But you and I know full well that under the present rules and practices a chairman has powers over the course of legislation that can be employed to delay, or even to prevent, Senate consideration of important legislative proposals, and those powers have been frequently so employed.

As long as such powers are reposed in committee chairmen, without effective check, it seems to me that the whole body of Democratic Senators—who owe allegiance to their own constituencies and their own consciences, just as you do to yours—must as a matter of their own responsibility and integrity favor the appointment to chairmanships of Senators who reflect to a reasonable degree the views and philosophy of the party as a whole.

I propose no coercion against you or any other Senator. I merely ask that you sail under the colors which fly on the Democratic masthead if you wish to be an officer of the Democratic senatorial ship.

With warm personal regards and very good wishes, I remain,

Sincerely yours,

JOSEPH S. CLARK,
U.S. Senator From Pennsylvania.

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

Mr. CLARK. I am happy to yield to the Senator from Illinois.

Mr. DOUGLAS. First, let me commend the Senator from Pennsylvania for his very courageous speech, which was very much needed. I think we can learn something from history in this matter.

During the period from 1900 to 1912 there was a great deal of criticism of the U.S. Senate on the ground that it did not represent the people and the sentiment of the country. It was called the "Millionaires Club." David Graham Phillips, the famous writer, wrote a book called, "The Shame of the Senate." Lincoln Steffens and others went into the processes by which Senators were selected. Cartoons were published. I think, on the whole, it was the public's belief that the membership of the Senate primarily represented big corporations and people of great wealth, and not the people of the Nation. This opinion was justified.

Mr. CLARK. Mr. President, if the Senator will permit me an interjection, that was before the constitutional amendment provided for the direct election of Senators.

Mr. DOUGLAS. That is correct.

I believe it was in 1905 that Senator Robert M. La Follette entered the Senate from the State of Wisconsin and rose to make his maiden speech before the then Members of the Senate. The entire membership of the Senate rose and left the Chamber, and he spoke to empty seats. If one reads the CONGRESSIONAL RECORD, he can find that address. It was a very good one. Senator La Follette made the statement that many of those who were temporarily absent would be permanently absent in the course of the next few years.

The State of Wisconsin, along with the State of Oregon, was one of the earliest States to advocate the direct election of Senators. The people in the Nation, more and more, felt that they should have a more direct chance to choose Members of the Senate; and in what was known as the progressive movement, which overlapped both political parties, we adopted the constitutional amendment, to which the Senator has referred, which lodged the election of Senators in the voters of an entire State, rather than in the State legislatures. This created a much more representative Senate. In addition, the direct primary spread rapidly over the Nation. By the time of La Follette's second term the composition of the Senate was, indeed, very different from the group which walked out on him in the year 1905.

I think it is perfectly true that the composition of the Democratic Senators on this side of the aisle certainly does not in general represent the sentiment of the Democratic Party in the Nation as a whole, and that the control of the Democratic Party in the Senate does not represent the National Democratic Party. Indeed, on certain vital issues, as we have seen this afternoon, it is directly contrary to the principles of the national party.

I think the vote which we just took this afternoon, an hour ago, proves that statement. I have made a hasty tabulation. I think a majority of the Democratic Senators voted against the provision which was in our platform calling for a change of rule XXII at the beginning of the session, to provide for the ability of the majority to terminate debate.

Let me now say what I said yesterday. I respect a man who, finding that he cannot agree with the platform of his party, announces that fact.

Mr. CLARK. Mr. President, will the Senator yield briefly?

Mr. DOUGLAS. Yes.

Mr. CLARK. I have just been handed a compilation as to how the vote went, which I think will interest the Senator. On the motion to commit, 18 Republicans voted "yea" and 16 "nay"; 32 Democrats vote "yea" and 30 "nay." The Senator is, therefore, correct in what he has said.

Mr. DOUGLAS. I thank the Senator. I think it is a very manly position for one to say, "I cannot accept the platform of my party. I must oppose it." If he is then elected as a Member of the Senate, or if he carries over as a Member of the Senate, he should certainly vote his conviction. However, I agree thoroughly with the Senator from Pennsylvania that this does not give him a claim upon being placed in charge of legislation on the very subject matter about which he disagrees with the principles of his party. While he may claim the right of individual conscience, it does not carry with it any proprietary rights of being chairman of the committee which will deal with the subject matter. We now have in many cases the reverse of this principle which the Senator from Pennsylvania has been advocating, namely, the more a Senator opposes the national position of our party, the more he will be rewarded—provided he comes from the proper section of the country.

I go even further than this to say that if a Senator kept silent while he ran for office but allowed the impression to go out that he was committed to the platform, and then came on the floor of the Senate and voted against it, then he would not have been fully frank with the voters. And if he pledged support openly to the platform of the party, and then subsequently voted against it, I would expect that, if the electorate were alert, they would be put on notice. I do not wish to be sanctimonious in this matter, but I, myself, would find it very hard in good conscience to do that.

The truth of the matter is that the Democratic membership of the Senate represents very inadequately the interests of the great mass of Democratic voters in the country. While I would prefer to have this matter discussed at the Democratic caucuses, it is somewhat hard to do that. We have been advised by the leadership to take our differences to the floor. So I am simply conforming to the general advice given on the matter.

I think what has happened this afternoon and for years in the past raises a very serious question. I think the voters in future presidential elections will be quite justified in asking: "You have put this in your platform, and your candidates for President and Vice President declare their allegiance to this, but can you carry it out once you are elected?"

That question was raised many times with me during the last election. I declared myself to be in favor of civil rights legislation. I think my record has always been that I have supported such proposals. My Republican opponent said:

Yes; but can you deliver?

My reply was quite frank:

I do not know whether we can deliver. I know pledges have been made and I expect these pledges to be fulfilled. So far as I am concerned I can only govern myself, and I will vote for the measures in the Democratic platform to which I give my support. There was therefore only one way I could vote today.

The great value of a speech like that of the Senator from Pennsylvania is not in the immediate votes gained, but in the raising of a standard to which people in the Nation and in the Senate can repair.

Former Senator La Follette had no support, I think, in 1905, when he made his initial speech, but by 1913 one of the things which he was advocating—namely, the direct election of Senators—had become the law of the land.

Mr. CLARK. Will the Senator permit an interruption?

Mr. DOUGLAS. Yes, indeed.

Mr. CLARK. The Senator from Illinois also remembers, does he not, the revolution—and it was in all respects a revolution—in Senate procedures which took place in 1913 under the leadership of Senator John Kern of Indiana?

At that time, while there were many more committees than there are now, yet some 28 ranking Democratic Members of committees were expelled from the positions to which they thought they had a right, under seniority provisions, as chairmen. Younger Senators, who had far less seniority, who supported the program of President Woodrow Wilson, the new freedom, were put in their places by action of the Democratic conference.

The result was that the major measures of the new freedom were enacted in the Congress which first met in 1913. This could never have been done had not that parliamentary revolution taken place.

Mr. DOUGLAS. The Senator is completely correct. What I fear has happened today, under the successful motion to refer the proposed amendments to rule XXII to the Committee on Rules and Administration, is that meaningful civil rights legislation has been killed not only for this session of Congress but also, in all probability, for the next 4 years as well and also, as the Senator from Pennsylvania has stated, that in all probability the program of the Democratic Party and of the President-elect will have extremely rough sledding and it will be very difficult to get it passed.

I commend the Senator from Pennsylvania for raising these issues. It is never easy for us to rise on the floor of the Senate and to express our opinions in regard to these matters. We know the barrage of attacks by columnists to which we will be subjected, and that this is not the way to rise within the Senate hierarchy, but we simply wait for the ultimate decision of the American people. I have confidence that in 8 or 10 years we shall either have some changes in the composition of our party or we shall have some changes in the procedures of the Senate.

I thank the Senator from Pennsylvania for his very courageous speech. I shall vote with him and against the committee selection in question.

Mr. CLARK. I thank my friend from Illinois for his kind comments, and I welcome his support.

Mr. MANSFIELD. Mr. President, has the Senate approved the list of Democratic committee appointments?

The PRESIDING OFFICER. The resolution itself has not been taken up for consideration.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of the resolution (S. Res. 29).

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD].

Mr. WILLIAMS of Delaware. Mr. President, is this a motion to consider the resolution?

Mr. MANSFIELD. Yes.

Mr. WILLIAMS of Delaware. This is not a motion to approve the resolution.

Mr. MANSFIELD. No, and this is the resolution with regard to the Democratic members.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the Senate proceed to the consideration of Senate Resolution 29.

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

Mr. MANSFIELD. Mr. President, I ask that the resolution be put to a vote.

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

Mr. MANSFIELD. I yield.

Mr. CLARK. I shall vote "No," with respect to the membership of the Committee on Finance and of the Committee on the Judiciary. I would not wish to have my vote construed as being in opposition to membership on the other committees, but I do not think it is worthwhile to ask for a severance.

Several Senators addressed the Chair.

Mr. WILLIAMS of Delaware. Mr. President, I am in favor of the appointment of all of these members of committees mentioned in this resolution, and certainly I recognize the right of the Democratic Party to pick them. However, I wish to say a few words in connection with the Committee on Finance, and I am going to ask for a division of the question. I ask that we vote first on all of the appointments except those for the Committee on Finance, following which I shall confine my remarks to less than 5 minutes in support of the confirmation of the Senator from Virginia [Mr. BYRD] as chairman of that committee.

Mr. President, I move that we approve all of the nominations in the resolution (S. Res. 29) except those relating to the Committee on Finance, and that the Senate take action on those separately.

The PRESIDING OFFICER. The question is on agreeing to the provisions of the resolution (S. Res. 29) with the exception of lines 16 through 19, inclusive, on page 2, which relate to membership on the Committee on Finance.

Without objection——

Mr. CLARK. No, Mr. President, it is not without objection at all. I have already stated my objection. I wish to be recorded as objecting, for the reasons stated earlier.

Mr. WILLIAMS of Delaware. Mr. President, will the Presiding Officer put the question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware [Mr. WILLIAMS]. (Putting the question.)

The motion was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS of Delaware. As I understand the parliamentary situation, we have now approved all of the appointments except those relating to the Committee on Finance. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, I support the proposed membership of the Committee on Finance, and certainly I support the designation of the Senator from Virginia [Mr. BYRD] as chairman. I now move that the provision of Senate Resolution 29 with respect to the Finance Committee be agreed to.

During the history of our great country there have been many great Americans who have presided as chairmen of the Senate Committee on Finance. But never has the Senate Committee on Finance had as its chairman a greater, more able, or more stalwart American than the chairman, Senator HARRY F. BYRD. I am confident the overwhelming majority of the U.S. Senate join with me in their respect for and confidence in the Senator from Virginia [Mr. BYRD], and I know his confirmation as chairman of the committee will be sustained by an overwhelming majority of the Senate.

Mr. President, I ask for a yea-and-nay vote.

The yeas and nays were not ordered.

Mr. CLARK. Mr. President, I ask that the question be put.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, will the Senator withhold his request?

Mr. BUTLER. I withhold the request.

Mr. WILLIAMS of Delaware. Mr. President, I call for a division.

Mr. BUTLER. Mr. President, before the vote is had, I associate myself with

the remarks of the Senator from Delaware. I believe that the Senator from Virginia is one of the most able men we have ever had as chairman of the Finance Committee, of which I am a member, and I wholeheartedly associate myself with the remarks which the Senator from Delaware has made in connection with that illustrious Senator from Virginia.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. GOLDWATER. I also wish to associate myself with the remarks made by the distinguished Senator from Delaware [Mr. WILLIAMS]. I think it takes a very particular, peculiar, and unusual brand of courage to do what the Senator from Virginia [Mr. BYRD] did. He disagreed with major parts of his party's platform, and he so stated. He did not think it wise to support the presidential candidate, and he did not.

I think we are taking a very queer direction in this body when we must aline ourselves as Kennedy men or non-Kennedy men. I see no great mandate given by the American people to this body to rush recklessly and headlong into a spendthrift program, and I, as one American, am very happy to have the Senator from Virginia [Mr. BYRD] as chairman of the Finance Committee.

Actually, if we come down to cases, neither presidential candidate received over 50 percent of the vote, and if we would add the odd votes to the total of Vice President NIXON, the mandate is very clear that the country wants a more conservative approach to its problems, not a reckless approach such as the wilderness men of the new frontier are approaching on their trail today. I am very happy to support the Senator from Virginia in this position.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. BUSH. I should also like to associate myself with the remarks of the Senator from Delaware, and to take this opportunity to pay my own tribute to the Senator from Virginia [Mr. BYRD]. I think he probably has a better grasp of the fiscal matters with respect to the Government of the United States and the economy of our country than has any other Senator. He is a conscientious and courageous man of dignity and friendship for all. He has been a great force for stability in the United States in connection with our Government's responsibilities for its solvency and for the fiscal integrity of the United States. I certainly am glad to have this opportunity to make these remarks concerning this great Virginian and Senator of the United States. I hope that every Senator will vote for him.

Mr. WILLIAMS of Delaware. I thank the Senator from Connecticut. I have had the opportunity of serving with Senator BYRD of Virginia on the Finance Committee and I wholeheartedly subscribe to the statement that he is one of the best informed men in the U.S. Senate on the fiscal policies of our Government.

As chairman of that committee he has done more to preserve the solvency of our country than any other man in the U.S. Senate.

I am proud to join his many friends on both sides of the aisle in supporting his confirmation.

Mr. HOLLAND. Mr. President, there are many on this side of the aisle who agree implicitly with everything that has been said by our friends on the other side of the aisle in praise of Senator BYRD. The present speaker took much the same position with respect to platform matters at Los Angeles that was taken later by the distinguished Senator from Virginia. The Senator from Florida has already expressed his views in committee, and he understands that all members of the majority party in the Democratic Steering Committee followed the same course adopted by the committee in its report, other than our distinguished friend from Pennsylvania, who certainly has the right to take the position which he has taken. I respect his right to take his position. It is all right. I want the equal right to take such an opposing position myself when I vary from the opinion of any or every other Senator. We stand for that principle in the Senate. For a while this afternoon, until the vote, it looked as if we might not.

I believe there is no use of our having a yea and nay vote now, because I do not believe there is any one in the Senate—certainly there are not very many—who may wish to criticize in any way the distinguished senior Senator from Virginia, who is one of the greatest living Americans, and for whom we have the greatest respect, and deep affection. I hope there will be no insistence upon a yea and nay vote, because I know some Senators have already gone home. I suggest that we have a division and terminate the matter.

The PRESIDING OFFICER. I understand a division vote has been requested.

Mr. THURMOND. Mr. President, it is amazing to me that anyone should try to change the seniority rule of the Senate in order to dislodge from committee chairmanship certain Senators whom they do not like or whom they wish to remove so that they can pass legislation they desire. The Senator from Virginia is one of the greatest patriots this country has ever produced. He is sound fiscally; he is sound from almost every other standpoint. It would be a tragedy, and nothing less than a tragedy, if he were removed as Chairman of the Finance Committee of the Senate. This country owes $292 billion, which is more than is owed by all the countries in the world put together.

We would owe more than that sum if it were not for Senator HARRY BYRD. As an American, as a Member of the Senate, I am proud of him. I am proud of what he has stood for, and I would hate to see what would have happened to this country if he had not been chairman of that Finance Committee. I have little patience with those who are willing to change the seniority rule in order to try to ram down the throats of the Senate programs that they could not obtain otherwise. I have little patience with people who would try to change the chairmen of committees in order to try to ram down the throats of Senators programs which the Senate may not wish.

I was hoping there would be a yea-and-nay vote on this question, but it appears there will not be one. However, as one Senator I wish to be on record as supporting the designation of HARRY BYRD as chairman of the Finance Committee 100 percent.

Mr. ERVIN. Mr. President, I believe that the question which has been raised in debate here is a serious question, and I wish to submit some very brief views on it. Section 3 of article I of the Constitution of the United States provides that the Senate shall be composed of two Senators from each State. Article VI of the Constitution of the United States provides that the Senators shall be bound by oath or affirmation to support the Constitution.

I respectfully submit that those provisions of the Constitution clearly contemplate that any man who is elected a Senator shall exercise his God-given intelligence in acting as a Senator, and they clearly bind him by his oath of office to vote for what he thinks is in the welfare of his Nation.

I would like to say that I am a Democrat. I have supported all Democratic candidates for office in the area where I vote since I became 21 years of age. There are a great many Democrats who do not agree with provisions of the Democratic platform. I am satisfied that there are many Republicans who do not agree with the provisions of the Republican platform.

I am not going to brag too much about either platform. This is so because when I think of the platform adopted at Los Angeles and the platform adopted at Chicago, I am reminded of a story which Judge Walter Siler, of Chatham County, N.C., used to tell about an old couple from Chatham County who went down to Fayetteville, their shopping center, to do their fall shopping.

In those old days, people traveled by covered wagon. They took one day to drive down from Chatham to Fayetteville; they spent the next day shopping; and on the third day they returned home. They were accustomed to camp out in the open on the hill that overlooks Fayetteville. The old couple, John and Mary, had gone down to Fayetteville to do their autumn shopping. They had completed their shopping, and they had gone back up to the campsite and were waiting for the fire that they had kindled to burn high enough to cook their supper. While they were waiting, Mary checked over some of the bills that she had paid for the articles she had purchased. She said to her husband, "John, you know, some of those merchants down there in Fayetteville are crooked. They have charged us for a lot of stuff we didn't get. Just look here."

She picked up one of the bills and read: "So many yards of calico, so much; ditto, so much; so many yards of gingham, so much; ditto, so much."

She said, "I never bought any ditto. They charged me for something that I

didn't get. You get on one of the horses and ride down there and find out about this."

So John got on a horse and rode down to Fayetteville. After a time, Mary saw him coming back. She hollered to John and said, "What did you find out?"

He said, "Mary, I found out that I'm a damned fool and that you are ditto." [Laughter.]

Mr. President, I have read both platforms. I sat on one of the committees that supposedly drafted one of them, although I must confess that I did not participate very much in that operation. I think, frankly, that anyone who tries to test anyone's fidelity to party by either one of those platforms is going to suffer a case of intellectual schizophrenia.

Most platforms are like the speech Herbert Hoover made at Elizabethton, Tenn., in 1928. At that time Al Smith was running as the candidate of the Democratic Party. I supported him. He advocated repeal of the 18th amendment to the Constitution. The Republican candidate, Herbert Hoover, was strangely silent on that subject. Finally he scheduled a speech at Elizabethton, Tenn., and it was announced in advance, with great fanfare, that he was going to make clear his position on the 18th amendment and prohibition in that speech.

The whole country waited with bated breath for that speech. The only thing Mr. Hoover said on that subject in that speech was this: "Prohibition is a noble experiment." Those who opposed prohibition said, "Mr. Hoover is against prohibition, because he said it was an experiment. An experiment, after all," they said, "is something that is tried and fails. Therefore Mr. Hoover is against prohibition."

Other people, who supported prohibition, said, "Mr. Hoover said prohibition is noble. Mr. Hoover is a noble man. Since he said prohibition is noble, he is in favor of prohibition."

There are a great many things in both platforms which were adopted by the major parties this year that are about as explicit on the subjects they purport to deal with as Mr. Hoover's speech at Elizabethton, Tenn., in 1928, with reference to prohibition.

For example, in the Democratic Party platform we have many promises to give financial assistance to practically everyone in the United States, and virtually everyone scattered all over the face of the earth. The Republicans have the same kind of promises in their platform.

Both platforms promise that we are going to balance the budget.

Well, Mr. President, I do not think that either party can perform on those two sets of promises.

Let us say that a certain Senator serves as chairman of a committee. If a bill is introduced in the Senate to give money to people scattered all over the face of the earth because the platform promises it in the guise of foreign aid, the one who introduces the bill will say that that bill is to carry out a platform pledge and that the chairman of the committee must vacate his post if he does not favor it. The chairman says, "I will oppose the bill. Our platform says we are going to balance the budget. When I oppose that bill I am carrying out our party platform pledge to balance the budget." This shows how absurd and unworkable this proposition is.

Mr. President, we hear a great deal in this Chamber about second-class citizenship. We are told by the proponents of this proposal that if a Senator, in the honest exercise of the judgment the Good Lord gave him, comes to the conclusion that his duty to his country requires him to reject a provision of the party platform, he should be made a second-class Senator and denied the right to hold or aspire to the chairmanship of the committee. He is to be reduced to this status not because he has failed to keep his oath to support the Constitution, or because he has failed to do his duty to his country, but because he has not accepted as valid some gobbledygook put into a party platform by people who are not authorized by the Constitution to control either the conscience or judgment of Senators.

I am a Democrat. I believe that one of the finest things ever said was said by the founder of the Democratic Party, Thomas Jefferson, when he said:

> I have sworn upon the altar of God eternal hostility to every form of tyranny over the mind of man.

Mr. President, we cannot reconcile with that statement of Thomas Jefferson any proposal which says that a Senator shall be penalized for exercising in an honest manner the judgment which the Lord gave him merely because his conclusion may differ from the gobbledygook in a party platform. In my judgment, the proposal is clearly an effort to exert tyranny over the minds of Senators under the specious pretext that they owe a mental subservience to the platform of their party which transcends their duty to their country.

Mr. MANSFIELD. Mr. President, the steering committee, in its wisdom, has acted on this and all other matters which came before it. By overwhelming vote, with one dissent, the selections for chairmen of all committees, including the Finance Committee, and the addition of new members for all committees, including the Committee on Finance, were approved.

In line with the request made by both the Senator from Delaware and the Senator from Maryland, and other Senators in the Chamber, I move the vote now be taken on the action taken by the Democratic steering committee.

Mr. DIRKSEN. Mr. President, I believe that the minority fully concedes that the selection of committee members on the majority side lies exclusively within the jurisdiction of the majority. We freely concede and recognize also that the selection of committee chairmen is the function and prerogative of the majority.

But we do believe that there is a minority interest in this whole matter quite aside from the so-called party attribute or aspect of the problem before us, because involved is the integrity of the seniority rule. If there were nothing else involved, that would be involved in itself.

Certainly if at some future time—and hopefully the time will not be too remote—we become the majority party, the same problem of the integrity of the seniority rule would raise its head again and would have to be resolved.

So we do have an interest in the subject.

Then we have still another interest. That is the esteem and the affection we entertain for the distinguished Senator from Virginia [Mr. BYRD]. It has been my pleasure to know him for a long time. We know him to be impeccably honest, but we know more than that. In a rather feverish age of shifting opinion, he has the courage to assert his convictions against the whole world. He has done so fearlessly, freely, and courageously, even though it earned for him, on occasion, the opprobrium and the stigma of some of his own party members.

So to the extent that I can convey this sentiment on behalf of the minority, I say to him today, from the floor of the Senate, that our affection for him is undiminished. Our confidence and sense of trust in him is intact. We admire him for the sterling citizen that he is and for the great contribution he has made to the well-being of the country.

I often think of a sentiment I once echoed on the floor of the House years ago, when we had the debate and, finally, the vote on the so-called Townsend bill. It was rather interesting to me to see how some otherwise resolute persons had suddenly caved in on that proposition. I remember when we finally resolved the question, I was given 10 minutes, and the distinguished Representative from Massachusetts, JOHN MCCORMACK was given 10 minutes, to close the debate. The galleries were filled.

Perhaps I should not have said it, because it struck deeply, and it hurt; but I said then: "Cowards die many times before they are dead. The valiant never taste of death but once."

HARRY BYRD, in my book and in our book, is a valiant public official. Because of him, and others like him, the Republic is kept on the beam. It is because of his valor, his sacrifices, and his contributions that today, in a disordered world, where organized, free government is in jeopardy on every continent on the globe, we still have free government and a free Republic on this continent.

So, my distinguished friend from Virginia, we salute you because we love you. We know how fearlessly, on highly controversial matters, where there is clamor, pressure, and political appeal, and where ofttimes the easy course is to yield, you, without fear or favor, and without any concern for your political future, have spoken your piece. Well can we understand the sense of endearment that the people of the great Commonwealth of Virginia have for you.

I salute you.

Mr. SALTONSTALL subsequently said: Mr. President, I was unavoidably detained in my office, by appointment, when the question of the Senator from Virginia [Mr. BYRD] being retained as chairman of the Finance Committee was considered. I ask unanimous consent

that the few remarks I am about to make may appear in the RECORD before the vote.

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

Mr. SALTONSTALL. As a Member of the Senate I have always found the chairman of the Finance Committee, the Senator from Virginia [Mr. BYRD], to be cooperative in giving opportunity for hearings and in discussing finance problems. He has a broad understanding of the problems involved in the Nation's finances and taxation. He is frank, and he makes perfectly frank to one, when one presents a question, how he considers the problem presented and how that problem should be met.

He has had the respect of members of his committee. I had the opportunity to serve on that committee for a brief time.

The Senator from Virginia has had a long and distinguished career in the U.S. Senate. I know of no man who is held in more respect by his fellow Members than the Senator from Virginia [Mr. BYRD].

In addition, he is much respected as a leader of good government in the Commonwealth of Virginia for many, many years; and in Virginia and throughout the country he is respected for the steadiness and standfastness of his views of problems, no matter how difficult or how political they may be from his point of view as a Member of the U.S. Senate and as a leader of his party in Virginia.

So I certainly want to add my brief words to those which have been spoken today in favor of retaining the Senator from Virginia [Mr. BYRD] as chairman of the Finance Committee of the Senate.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I ask for a division.

On a division, the motion was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I think the RECORD should show that there was just one vote against the chairman of the Committee on Finance.

The PRESIDING OFFICER. The question now is on agreeing to Senate resolution 29 as amended.

The resolution (S. Res. 29) was agreed to as follows:

Resolved, That members of the majority on standing committees of the Senate shall be:

Committee on Aeronautical and Space Sciences: Mr. Kerr (chairman), Mr. Russell, Mr. Magnuson, Mr. Anderson, Mr. Symington, Mr. Stennis, Mr. Young of Ohio, Mr. Dodd, Mr. Cannon, and Mr. Holland.

Committee on Agriculture and Forestry: Mr. Ellender (chairman), Mr. Johnston, Mr. Holland, Mr. Eastland, Mr. Talmadge, Mr. Proxmire, Mr. Jordan, Mr. Young of Ohio, Mr. Hart, Mr. McCarthy, and Mrs. Neuberger.

Committee on Appropriations: Mr. Hayden (chairman), Mr. Russell, Mr. Chavez, Mr. Ellender, Mr. Hill, Mr. McClellan, Mr. Robertson, Mr. Magnuson, Mr. Holland, Mr. Stennis, Mr. Pastore, Mr. Kefauver, Mr. Monroney, Mr. Bible, Mr. Byrd of West Virginia, Mr. McGee, and Mr. Humphrey.

Committee on Armed Services: Mr. Russell (chairman), Mr. Byrd of Virginia, Mr. Stennis, Mr. Symington, Mr. Jackson, Mr. Ervin, Mr. Thurmond, Mr. Engle, Mr. Bartlett, Mr. Cannon, and Mr. Byrd of West Virginia.

Committee on Banking and Currency: Mr. Robertson (chairman), Mr. Sparkman, Mr. Douglas, Mr. Clark, Mr. Proxmire, Mr. Williams of New Jersey, Mr. Muskie, Mr. Long of Missouri, Mrs. Neuberger, and Mr. Blakley.

Committee on the District of Columbia: Mr. Bible (chairman), Mr. Morse, Mr. Hartke, and Mr. Smith of Massachusetts.

Committee on Finance: Mr. Byrd of Virginia (chairman), Mr. Kerr, Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Douglas, Mr. Gore, Mr. Talmadge, Mr. McCarthy, Mr. Hartke, and Mr. Fulbright.

Committee on Foreign Relations: Mr. Fulbright (chairman), Mr. Sparkman, Mr. Humphrey, Mr. Mansfield, Mr. Morse, Mr. Long of Louisiana, Mr. Gore, Mr. Lausche, Mr. Church, Mr. Symington, and Mr. Dodd.

Committee on Government Operations: Mr. McClellan (chairman), Mr. Jackson, Mr. Ervin, Mr. Humphrey, Mr. Gruening, and Mr. Muskie.

Committee on Interior and Insular Affairs: Mr. Anderson (chairman), Mr. Jackson, Mr. Bible, Mr. Carroll, Mr. Church, Mr. Gruening, Mr. Moss, Mr. Long of Hawaii, Mr. Burdick, Mr. Metcalf, and Mr. Hickey.

Committee on Interstate and Foreign Commerce: Mr. Magnuson (chairman), Mr. Pastore, Mr. Monroney, Mr. Smathers, Mr. Thurmond, Mr. Lausche, Mr. Yarborough, Mr. Engle, Mr. Bartlett, Mr. Hartke, and Mr. McGee.

Committee on the Judiciary: Mr. Eastland (chairman), Mr. Kefauver, Mr. Johnston, Mr. McClellan, Mr. Ervin, Mr. Carroll, Mr. Dodd, Mr. Hart, Mr. Long of Missouri, and Mr. Blakley.

Committee on Labor and Public Welfare: Mr. Hill (chairman), Mr. McNamara, Mr. Morse, Mr. Yarborough, Mr. Clark, Mr. Randolph, Mr. Williams of New Jersey, Mr. Burdick, Mr. Smith of Massachusetts, and Mr. Pell.

Committee on Post Office and Civil Service: Mr. Johnston (chairman), Mr. Monroney, Mr. Yarborough, Mr. Clark, Mr. Jordan, and Mr. Randolph.

Committee on Public Works: Mr. Chavez (chairman), Mr. Kerr, Mr. McNamara, Mr. Randolph, Mr. Young of Ohio, Mr. Muskie, Mr. Gruening, Mr. Moss, Mr. Long of Hawaii, Mr. Smith of Massachusetts, and Mr. Metcalf.

Committee on Rules and Administration: Mr. Mansfield (chairman), Mr. Hayden, Mr. Jordan, Mr. Cannon, Mr. Hickey, and Mr. Pell.

Mr. MANSFIELD. Mr. President, have all the recommendations of the Democratic steering committee now been accepted by the Senate?

The PRESIDING OFFICER. The resolution to appoint the chairmen and Democratic members of the standing committees has been agreed to.

Mr. MANSFIELD. Mr. President, I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read as follows:

Resolved, That the following be the chairman and majority members of the Select Committee on Small Business: Senator John Sparkman, of Alabama, chairman; Senator Russell B. Long, of Louisiana; Senator Hubert H. Humphrey, of Minnesota; Senator George A. Smathers, of Florida; Senator Wayne Morse, of Oregon; Senator Alan Bible, of Nevada; Senator Jennings Randolph, of West Virginia; Senator Clair Engle, of California; Senator E. L. Bartlett, of Alaska; Senator Harrison A. Williams, of New Jersey; Senator Frank E. Moss, of Utah.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution (S. Res. 30) was considered and agreed to.

FOOD FOR THE STARVING

Mr. MONRONEY. Mr. President, last night in an important documented telecast, the Huntley-Brinkley team of NBC called America's attention most graphically to the tragedy that stalks in the wake of the warring factions in the Congo.

Pictures of children dying of starvation, faces of hope and expectancy in the midst of misery, were translated by the television more clearly than a common language could possibly express.

The plain bare facts, outlined by Chet Huntley, are that 200 of these children along with some adults, innocent victims of the Congo political strife, will die each day. This information comes direct from United Nationals officials who are heroically trying to make the pitifully small food shipments now on hand do their maximum work in avoiding deaths.

America historically has been able to pick up the cries of the innocent victims the world over when disaster strikes and thousands are threatened with starvation. Due to the warfare in Southern Kasai Province, the fate of some 300,000 Baluba natives rests with an early and effective effort to meet these challenges.

The scarce supply now, according to this prize-winning broadcasting team, permits, from the dwindling supplies of available food, a diet of 800 calories a day, mostly of American and Scandinavian food.

It is heartening to realize that the Food and Agriculture Organization of the United Nations is organizing the supply of foodstuffs from its member nations, but it is not yet working. Each delay means that some 200 or more, usually the children and the very old, will perish as this multi-national organization gears to do the task. According to present information, the real needs to insure against widespread starvation may not be met for more than 2 months.

It seems to me that here is a problem where the United States, with its larders bulging with surplus foods, with military storehouses having readily available in our European bases vast quantities of emergency rations packaged for all kinds of climates, and with other foods in cans and weatherproof containers, could use its bounty in behalf of suffering people.

Certainly we do not need to wait 2 months with the casualties from starvation increasing daily to be able to do something. We know how to move and what to send. The great International Red Cross, cooperating with the World Health Organization, stands ready to distribute what little food is now available.

While we spend millions each month on aiding the U.N. security forces in an effort to keep the peace in this troubled and tortured section of the world, we

could spend a few million more to get the food available from present military stores moved to the emerging continent of Africa to show again America's deep concern for all manner of peoples of the world.

Airlift is available now on a few hours notice to put large quantities of food into this area on an emergency basis for the relief of the starving. I feel that if we but start the flow through airlift with our lightweight, concentrated military emergency rations, and through use of our aircraft, the rest of the world—particularly the nations of Western Europe—would accept our leadership in moving now—not 2 months from now—to show concern in a humanitarian way for those who may otherwise perish before the supply of larger quantities of foodstuffs can be delivered by conventional transport methods.

Regardless of the changeover of control of the administration, these starving people cannot wait. Action within the next 36 hours is possible if the order is given by the Chief Executive of the Nation.

Emergency funds for such humane use are now available for this purpose, without need for new legislative authority. But our country can set an example among the nations in our concern for all manner of peoples the world over.

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

Mr. MONRONEY. I am happy to yield to the distinguished Senator from Montana, the majority leader.

Mr. MANSFIELD. Mr. President, once again the distinguished Senator from Oklahoma has shown his understanding of the needs of peoples throughout the world. This is just another indication of the humanitarian aspect of his character. I certainly think that again—as in the case of the Development Loan Fund and the Development Bank—he has come forward with a worthy suggestion; and I hope that what he has said here on the floor will be considered most seriously downtown.

Mr. MONRONEY. I thank the able majority leader for his kind words.

TWO CLERGYMEN ELECTED TO ALASKA LEGISLATURE BY WRITE-INS

Mr. GRUENING. Mr. President, firsts are always interesting, and very frequently are significant. One that is both interesting and significant is the recent election of Rev. Segundo Llorente, a Catholic priest, to the House of Representatives of Alaska.

I got to know Father Llorente over a decade and a half ago, when, as Governor of Alaska, I was visiting, along the Bering Sea coast, some of the remoter and more inaccessible communities of that vast area.

I believe it to be a fact, and it is confirmed at least by an article about Father Llorente, in the current issue of Time magazine, that he is the first Roman Catholic priest ever elected to legislative office in any State of the Union.

Father Llorente is a scholar. Within a few years after arriving in Alaska, he wrote a most excellent book entitled "In the Land of Eternal Ice." It is in Spanish, and it merits translation.

One of the striking facts about his election was that he was a write-in candidate. By an interesting coincidence, another clergyman was likewise elected to the same House of Representatives by a write-in campaign. He is the Reverend Kenneth Garrison, of Fort Yukon. He is a Protestant clergyman, a lay minister in the Church of God.

By a further coincidence, these two clergymen represent sparsely settled areas, including the two extremities of the mighty Yukon River. The 20th District, to be represented by the Reverend Garrison, includes the northeastern corner of Alaska, and extends southward beyond where the Yukon River enters the State from Yukon Territory, Canada. The 24th District, which will be represented by the Reverend Llorente, includes the Yukon delta, where the river's various mouths debouch into the Bering Sea. The population of Rev. Garrison's district is predominantly Athapascan Indian; that of Father Llorente's, Eskimo.

I ask unanimous consent that the article about Father Llorente, entitled "Maverick Among the Eskimos," from the current issue of Time magazine, be printed at this point in the RECORD, as part of my remarks.

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

MAVERICK AMONG ESKIMOS

All along the lower Yukon, Eskimos in sealskin mukluks last week mushed their snarling dog teams to a place called Alakanuk—which means, in Eskimo, "It's a mistake."[1] They came to tell their political problems to a priest, for the Rev. Segundo Llorente, S.J., has just been elected to Alaska's State legislature, the first Roman Catholic priest to hold elected legislative office in a U.S. State.[2]

Almost as short (5 feet 7½ inches), at least as well padded (187 pounds), and even more cheerful than most of the Eskimos he serves, Jesuit Llorente, 51, is a maverick candidate—a write-in whose bishop almost forced him to resign. He is also a maverick priest. For 14 years, he has served as an official marriage counselor—first appointed by the territorial court, now by the new State's supreme court. As State official he cannot refuse to marry anyone legally free to marry. And however invalid they may be in the eyes of his church, he has performed ceremonies (though not Catholic ones) for both Protestant and divorced couples.

LA PALOMA ON THE YUKON

Spanish-born Father Llorente decided to be a priest when he was 7, joined the Jesuits at 16. "I wanted to be a missionary," he says. "I just put an atlas in front of me and I spotted Alaska. A kid feels very holy. I thought, 'Christ died for me on the cross, so I'll die for Him in the snow.'" (Segundo's brother Armando, also a Jesuit missionary, is serving in the sun as a student adviser in Castro's Havana University.)

Llorente came to the United States in 1930. He took his 3 years of theology at St. Mary's College in Kansas, and was ordained a priest in 1934. A year later he was in Alaska. "I heard him when he first came up the Yukon on a boat in the summer of 1935," says Eskimo trader, John Elachik. "He was singing La Paloma so loud we could hear him way up the river. We thought he was drunk."

The Eskimos soon learned that while Father Llorente never drank more than an occasional beer, he was one of the most exciting things that ever hit the tundra. He in turn made the Eskimos sound five times as colorful as they are, in stories he wrote for a Jesuit monthly in Spain, whose publisher began collecting his pieces and printing them in paperback books (there are now nine, all brisk sellers). Father Llorente also writes, in English, for the Fairbanks News-Miner, whose managing editor rates him "the best stringer we've got."

SNEEZE IN THE DARK

His daily life provides plenty of material—like the story about the time his dogsled plunged through a hole in the Yukon ice. "It was bottomless," he recalls as he waves his elbows to show how he tried again and again to crawl out on the ice, only to have another piece break off and dunk him. "We broke through 73 feet that way. Twice I gave up. But life is sweet."

Jesuit Llorente has served in various Alaskan missions, including 3 years north of the Arctic Circle. But his most arduous work began in 1950 when he was assigned to Alakanuk, on a Yukon delta island. Here he found 3,000 Eskimos and fewer than 100 whites—a parish of 4,000 square miles of tundra, which freezes solid in the winter's 17-hour, 35-below-zero nights.

He built a wooden church with his own hands, moved into a shed behind it. Father Llorente found himself coping with many a problem he had not learned about in his Jesuit schooling—the extra clerical work, for example, caused by the Eskimos' practice of changing their names whenever a member of the family dies, so that the returning spirit would not know whom to haunt. He soon laid aside his clericals (though he uses vestments at Mass). "I don't need identifying clothes," he explains. "They know me if they hear me sneeze in the dark."

NECESSARY EVIL

Last September, Father Llorente heard that the Eskimos of Alaska's 24th district were planning to write in his name as Democratic candidate for the State legislature. Promptly he asked his bishop, the Most Rev. Francis D. Gleeson, S.J., who told him it was all right to take the job provided that he did nothing to get himself elected. The final count: 210 for Father Llorente, 93 and 91 for his two opponents. At this point, Bishop Gleeson began to have second thoughts—especially in a year when Protestant-Catholic tensions had become an election issue. He asked Representative-elect Llorente to resign, and the priest dutifully sent his bishop a note of resignation addressed to Alaska's Governor William Egan, together with a letter explaining why it should not be forwarded ("If I don't go, I failed the voters").

Last week the smiling Eskimos of the 24th district heard good news over the short wave: Bishop Gleeson had changed his mind; Father Llorente could serve. Explained the bishop: "In this particular district, for a priest to act as a legislator can be of real benefit to the people, but in general I would call it something along the lines of a necessary evil."

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[1] Because in gold rush days, stern-wheelers bucking the summer current traditionally mistook this unpromising spot for a trading post 6 miles upriver.

[2] Closest to setting a precedent was Father Gabriel Richard, one of the founders of the University of Michigan, who was elected a territorial delegate to the U.S. Congress in 1823 before Michigan became a State in 1837.

Said Llorente: "It's a great testimony to the strength of American culture when a Spaniard who is a Catholic priest is elected to the legislature by Eskimos."

JOINT CONGRESSIONAL COMMITTEE TO STUDY FUELS

Mr. HARTKE. Mr. President, the coming of the space age has brought new emphasis on the old word "energy." Energy launches rockets and missiles into space.

We read of rocket fuels that generate this energy. They are solid or they are liquid and they are superior.

Many people who will hear or read these words will instantly think of energy in terms of words that have outer space significance, rather than down-to-earth words such as "coal" or "oil" or "natural gas." Instead, they will think of words that are directing public attention up and away from the old reliables.

Yet, Mr. President, "coal," "oil," and "gas" are the plain, simple words that are truly symbolic of the energy that powers our modern civilization.

I am in favor of progress, but sometimes I believe we are so caught up with the glamor and tinsel of life that we lose sight of the basic things that make our civilization tick.

So I believe firmly that it is good for us to pause in our mental orbiting around things, and to study the fundamentals of our life's essentials.

I am, therefore, asking this body to stay earthbound with me in the less rarefied atmosphere of our daily existence, and perhaps rediscover a few facts about life on this planet. One such fact is that right here in our own backyard we still have available a vast and ancient storehouse of energy that has been only partially tapped, and about which we still have much to learn. I am referring to coal, our most abundant energy source—a fuel that supplies nearly one-quarter of the energy used in the United States.

Without it we might not have had the industry with which to build the rockets and the missiles that we launch into space.

About a dozen years ago the railroads and domestic consumers were two of the largest coal consumers. Of the two, the larger market was the railroads, which used about 100 million tons a year. Home consumption was not far behind.

Several things then happened:

The diesel locomotive revolutionized railroad motive power, so that in 1959 the railroads consumed less than 3 million tons of coal.

The home-heating market dwindled rapidly, although millions of homeowners still heat with coal.

The expansion of natural gas pipelines and the growth of the fuel-oil industry was the basis for conversion from coal to gas or oil for home heating.

Natural gas has also gone into the business world and the industrial market, so that today one-half of the gas production goes into this market.

Residual oil imported by tankers to the industrial markets of the east coast has also entered the competitive energy field.

All these factors have operated without a national fuels policy to give guidance to these industries.

The resolution establishing a joint congressional committee to study the fuels of our Nation, that I am supporting, has to do with this important study; and after ascertaining the facts, this committee will report its facts, findings, and recommendations to the appropriate committees of Congress, in order that they will submit a national fuels policy to the Nation.

Industry is expanding along with our population, in order to satisfy the growing demand for more goods and services.

This expansion calls for more and more power, and the fuels of the Nation will be called upon to produce this power.

The booms and recessions of the business cycle will always substantially affect the course of progress, and the fuels industries recognize that in the energy demands there will be a stabilizing influence that will keep fuel production on an even keel in the future.

It is true that the fuels of our Nation may not be as glamorous as some of the newer and more exotic fuels being used in the space age. But to the American with his feet on the ground, the fuels of this Nation are still the key factor in the Nation's economy.

CORRECTION OF THE RECORD—REFERENCE TO COMMITTEE ON RULES AND ADMINISTRATION OF PROPOSAL TO CHANGE RULE XXII

Mr. MANSFIELD. Mr. President, on page 498 of the daily RECORD for yesterday, January 10, in the first column, the last paragraph, fourth line from the bottom, before the word "majority," the word "possible" should be inserted; and the last word in that paragraph, "retained," should be "examined," instead.

So the RECORD should read, and I quote the last sentence in that paragraph as it should be:

> If the opinion is examined closely, as Senators who are also lawyers should have done by this time, perhaps they will come to an understanding that the advisory opinion of the Vice President refers to a possible majority of 26, or 1 more than the majority of a quorum, and I think that view ought to be examined.

I ask that the permanent RECORD be accordingly changed.

The PRESIDING OFFICER. The correction will be made.

Mr. SALTONSTALL. Mr. President, will the Senator yield on that point, or is he through?

Mr. MANSFIELD. I am through on this point.

Mr. SALTONSTALL. I should like to take this opportunity, since the Senator has brought up the question of rule XXII and the advisory opinion, to ask this question: Is it not his opinion that in this matter, it having been referred to the Committee on Rules and Administration, when the committee brings forth a report, and it is debated on the floor of the Senate, any amendments to the committee's report will be in order?

Mr. MANSFIELD. That is the usual procedure.

Mr. SALTONSTALL. So that the Humphrey-Kuchel amendment which was offered in the Senate and discussed in the past few days can again be offered and again be debated, if that is desired?

Mr. MANSFIELD. That is my understanding.

Mr. SALTONSTALL. I should like to ask this further question. Is it the understanding of the majority leader that in any question of the possibility of the Senate's considering this matter before any rules are adopted as continuing rules of the Senate, the problem as to whether or not a majority or two-thirds can adopt those rules might come up on a motion for the previous question, and there is certainly a strong difference of opinion on the previous question, as to whether it takes a two-thirds vote under Robert's Rules of Order, or possibly a majority vote under Jefferson's Manual, to adopt the previous question and close debate?

Mr. MANSFIELD. I am unable to answer the Senator's question in that respect.

Mr. SALTONSTALL. Will the Senator yield further?

Mr. MANSFIELD. Yes.

Mr. SALTONSTALL. It is my understanding, as one individual Senator, that would be a debatable question, as to whether it takes a two-thirds vote or a majority vote to adopt the previous question, assuming that the Senate would be willing to adopt the previous question, which has not been adopted, as I understand, since 1917, and was adopted only 4 times before that.

Mr. MANSFIELD. Four times before 1806.

Mr. SALTONSTALL. Yes, 1806.

Mr. MANSFIELD. The Senator from Massachusetts is entitled to his opinion, but I think the opinions of other Senators may be at variance with the expression he has just expounded.

Mr. SALTONSTALL. I am sure that is true, but the expression I have expounded, as one Senator, comes from a study of the rules and the advisability of proceeding at all without referring this matter to the Committee on Rules and Administration.

Mr. MANSFIELD. I have nothing to say. The Senator has stated his opinion, and I would prefer to let the matter rest there.

Mr. SALTONSTALL. I thank the Senator for his consideration.

ADJOURNMENT TO FRIDAY

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is the intention to adjourn this evening until Friday. It is not anticipated that much, if anything, in the way of business will be transacted on Friday. Then it is hoped that, at the conclusion of business on Friday, we shall be able to adjourn over to Tuesday.

I move that the Senate stand in adjournment until 12 o'clock noon Friday.

The motion was agreed to; and (at 5 o'clock and 18 minutes p.m.) the Senate adjourned until Friday, January 13, 1961, at 12 o'clock meridian.