SENATE

MONDAY, SEPTEMBER 25, 1961

The Senate met at 12 o'clock noon, and was called to order by the Vice President.

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

Father of our spirits, Thou hast ordained that not in cushioned seats of safety first but in danger, in self-denial and stern conflict, shall we find our strength and our triumph.

Thou hast called Thy servants here who represent the choices and will of a free people to be servants of the Nation in a tense and tortured time, when the earth is plowed with violence, when brave freedom fighters have been met and temporarily subdued by the bayonets and walls of tyrants, and when wars and rumors of war vex the world.

As there is faced here the tangled relationships which tie us to a world which is now a neighborhood, motivated by a love and sympathy that seeketh not its own, may the meditations of our hearts, the convictions of our minds, and the words of our lips, be acceptable in Thy sight, O Lord, our strength and our Redeemer.

We especially plead for Thy guidance in this grim hour when the fluttering flags of the nations, and of the United Nations, mournfully at half-mast, publish the grief of all lovers of a just peace, as at the forum of the nations where critical questions press for solution there is a vacant place against the sky.

We gratefully acknowledge that every free man on earth is indebted to Thy servant, Dag Hammarskjold, every man who yearns to be free, and every slave in a slave nation whose deeper longings he represented. With a sense of bitter loss, just as he seemed so desperately needed, of one who leads us no more, we wistfully say, "Blessed are the peacemakers: for they shall be called the children of God."

We ask it in the name of the Master of all good workmen. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, September 23, 1961, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7391) to promote the conservation of migratory waterfowl by the acquisition of wet lands and other essential waterfowl habitat, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

ENROLLED BILLS SIGNED

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

H.R. 3019. An act to provide for the construction of the fireproof annex building for use of the Government Printing Office, and for other purposes;

H.R. 7391. An act to promote the conservation of migratory waterfowl by the acquisition of wet lands and other essential waterfowl habitat, and for other purposes;

H.R. 7890. An act to authorize the Postmaster General to dispose of certain land, and for other purposes; and

H.R. 9118. An act to establish a U.S. Arms Control and Disarmament Agency.

CALL OF THE CALENDAR DISPENSED WITH

On request of Mr. MANSFIELD, and by unanimous consent, the call of the calendar under rule VIII was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution adopted by the retraining session of the New York State chapter of the FBI National Academy Associates, commending J. Edgar Hoover for his contribution to the field of professional law enforcement; to the Committee on the Judiciary.

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SURRY COUNTY, N.C.

Mr. ERVIN. Mr. President, on September 5, 1961, the Board of Commissioners of Surry County, N.C., adopted a significant resolution which ought to be made available to all. For this reason, I ask that a copy of this resolution be printed at this point in the body of the RECORD.

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

RESOLUTION OF SURRY COUNTY BOARD OF COMMISSIONERS

Mr. Paul D. Melton, clerk to the board, brought to the attention of the board the article, "Has High Court Ruled It Wrong for Nation To Put Trust in God," written by David Lawrence, of the U.S. News & World Report, Washington, D.C., said article having reference to the Supreme Court's decision of June 23, in which it was ruled as being unconstitutional for the Federal Government or any State to require a belief in the existence of God as a qualification for public office.

Mr. Melton pointed out that citizens throughout the Nation are greatly disturbed and concerned about what effect this decision may have upon the minds of our young people; that our people treasure and cherish the heritage which we have received; a veritable land that flowed with milk and honey, a land where freedom of worship, freedom of speech, and the pursuit of happiness have been a reality; a land whose very foundations rest upon a belief and faith in God; a land, where even our money bears the inscription "In God We Trust," signifying as to the belief of our people for all the world to see.

It was further pointed out that one of the prime doctrines of Communist Russia is the denial of God, and that the state is supreme. In a society where the existence of God is denied, human values are disregarded and trampled underfoot. The state is supreme and uses any means, fair or foul, to retain its power and achieve the goals of its power-crazed leaders.

It is with grave apprehension and concern that our people view the recent decision of the Supreme Court. Any action on the part of either the executive, legislative, or judicial branches of our Government, which weakens our faith and belief in God, or tends to support the heathen and communistic doctrines of Russia and Red China is a threat to our way of life and hastens the destruction of our Nation as we know it.

After discussion of the Supreme Court decision of June 23, and the trend of world events which threaten our Nation, Commissioner M. C. Whitener offered the following resolution:

"Whereas it has been brought to the attention of the board of commissioners, that the recent decision of the Supreme Court wherein it was ruled unconstitutional for the Federal Government or any State to require a belief in the existence of God as a qualification for public office; and

"Whereas such decision has caused grave concern and apprehension among our citizens, and to this board; and

"Whereas our citizens are fearful of the consequences of such decision upon the minds of the youth of this Nation, and the possible aid and succor it may afford Communist Russia and Red China in their battle for the minds of men, and the eventual forfeiture of this country by undermining the very foundations of faith and belief in God upon which it was built: Now, therefore, be it

"Resolved by the Surry County Board of Commissioners,

"1. That it is the sincere belief of the board that the decision of the Supreme Court of June 23, wherein it was ruled unconstitutional for the Federal Government or any State to require a belief in the existence of God as a qualification for public office, was not in the best interest of the citizens of this Nation, nor in accord with the traditions and beliefs of our people.

"2. That such decision may well do irreparable damage to the faith and minds of

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the young people of our Nation, and become another step toward the loss of our democratic form of government and our way of life.

"3. That such decisions as this will give aid and succor to Communist Russia and Red China, inasmuch as they teach and indoctrinate their people with the idea that there is no God.

"4. We, therefore, in the spirit and tenor of the signers of the Declaration of Independence, being the duly elected county commissioners of the county of Surry, N.C., in regular session assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the God-fearing people of Surry County, N.C., do hereby humbly protest the ruling of the Supreme Court as being contrary to our traditions and way of life, and respectfully petition our Representatives and Senators in the Congress of the United States to use their talents and influence in combating and bringing to an end such decisions which we believe to be injurious and detrimental to the welfare of our institutions and democratic form of government, which we hold so dear.

"5. That the clerk to the board is instructed to furnish a copy of this resolution to our Members of Congress and to the newspapers of the county."

Commissioner W. H. Hardy seconded the motion and the foreging resolution was unanimously adopted, this the 5th day of September 1961.

PAUL D. MELTON,
Clerk of the Board.

RESOLUTION OF OREGON MACHINISTS' COUNCIL

Mr. MORSE. Mr. President, on Saturday I placed in the CONGRESSIONAL RECORD a copy of a resolution adopted by the Oregon Machinists' Council. I have now received another resolution adopted by the same convention, and I ask unanimous consent that it, too, appear in the RECORD. It was approved on September 9, by the Oregon Machinists' Council.

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

Whereas millions of Americans are out of work, many of them permanently, due to automation; and

Whereas most of these unemployed men and women are members of organized labor, including thousands of members of the International Association of Machinists; and

Whereas the national economy is not growing rapidly enough to provide enough jobs to give these men and women gainful employment; and

Whereas a shortened workweek without loss of pay would provide more jobs and more purchasing power in the hands of the people, thus spurring the national economy, and bringing full employment: Therefore be it

Resolved, That the Oregon Machinists' Council go on record as approving a change in the Wage and Hour Act to provide for a 30-hour week; and be it further

Resolved, That this resolution be referred to the Washington Machinists Council and the 1961 Western States Conference of Machinists for their similar consideration; and be it finally

Resolved, That the secretary of the Oregon Machinists' Council be directed to send copies of this resolution to the U.S. Senators and Congressmen who represent Oregon in Washington, D.C.

RESOLUTION OF OREGON-CALIFORNIA POTATO COMMITTEE

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Oregon-California Potato Committee which administers Marketing Order No. 59, adopted at Redmond, Oreg., on September 20, 1961.

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

Whereas the purpose of Federal potato marketing orders is to increase returns to growers; and

Whereas their principal objective is orderly marketing and creation of a more stabilized market through the application of minimum standards of grade, size, and maturity to potatoes moving to various outlets; and

Whereas the Agricultural Marketing Agreement Act of 1937, as amended, exempts potatoes moving to canning and freezing outlets from any regulations issued under Federal marketing orders; and

Whereas this exemption limits the potato industry through its various potato committees administering potato marketing orders from considering an overall marketing policy covering movement of potatoes to all outlets; and

Whereas potatoes failing to meet minimum standards of quality established for outlets other than canning and freezing, such as culls, are now eligible for shipment to canning and freezing, such results in discrimination between outlets and impairs the ability of the potato industry through a marketing order to accomplish its primary purpose of increasing returns to growers; and

Whereas potato producers in the Oregon-California Potato Committee's production area are striving to expand markets for their potatoes by supplying all new, as well as established outlets, including both fresh and processing, with potatoes of such minimum grade, size, and maturity that will be in the best interest of both growers and processors; and

Whereas when the Agricultural Marketing Agreement Act was enacted in 1937, there was little or no canning and freezing; and

Whereas in the years since 1937 the canned and frozen potato processing industry has substantially increased in volume: Now, therefore, be it

Resolved, That the Oregon-California Potato Committee requests that the Agricultural Marketing Agreement Act of 1937 be amended to delete the present exemption for canned and frozen potato products; and be it further

Resolved, That the Oregon-California Potato Committee earnestly requests the assistance of all other potato marketing order committees, potato grower and shipper associations, other interested potato industry groups, and each State's U.S. Senators and Representatives in the development and passage of the necessary Federal legislation to accomplish the objectives of this resolution.

MERRILL R. WEBB,
Manager.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated September 20, 1961, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

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

By Mr. MONRONEY:

S. 2632. A bill for the relief of Alvin P. Hanes; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 2633. A bill for the relief of Choi Sun Hee; and

S. 2634. A bill for the relief of Lim Soo Sun; to the Committee on the Judiciary.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT OF SUPPLEMENTAL APPROPRIATION BILL, 1962

Mr. HUMPHREY submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 9169) making supplemental appropriations for the fiscal year ending June 30, 1962, and for other purposes, the following amendment; namely: On page 7, line 16, strike out "$164,346,000" and insert "$169,346,000."

Mr. HUMPHREY also submitted an amendment, intended to be proposed by him, to House bill 9169, making supplemental appropriations for the fiscal year ending June 30, 1962, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT OF CONSTITUTION RELATING TO EQUAL RIGHTS FOR MEN AND WOMEN—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. McGEE. Mr. President, on Friday, September 22, when it appeared the Congress was going to adjourn on Saturday, I introduced Senate Joint Resolution 142, proposing an amendment to the Constitution of the United States relative to equal rights for men and women. I would like to ask unanimous consent that a period of 1 week be allowed for Senators to cosponsor this resolution and have their names added on the next printing of Senate Joint Resolution 142.

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

OVERHAULING POLICY MACHINERY

Mr. MANSFIELD. Mr. President, in yesterday's Washington Star appeared an article entitled "A Quiz That Worked—Overhauling Policy Machinery," by David S. Broder. The article has to do with one of the quietest, most effective, and most efficient Members of the Senate, the distinguished junior Senator from Washington [Mr. JACKSON], who for the past several years has

been in charge of a subcommittee which in my opinion has done outstanding work, and has done it without much in the way of publicity, and also was able to do it on a very limited budget.

I ask unanimous consent that the article by Mr. Broder, which deals with the outstanding work done by Senator JACKSON and his subcommittee, be printed at this point in the RECORD.

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

OVERHAULING POLICY MACHINERY

(By David S. Broder)

This is a story about an oddity: A congressional investigation that has been both inconspicuous and influential.

Unlike the Capitol Hill extravaganzas that come readily to mind, this probe produced no kleig-lighted dramas of arrogant villains cringing under an investigating Senator's righteous wrath.

It brought forth no stormy disputes between Democrats and Republicans. Its chairman was not once accused of trampling on the rights of witnesses or leaking confidential documents to the press. He did not use the investigation to build a political career or even a little bureaucratic empire of his own. The staff of the investigation never outgrew a single room.

As for that staff, it was so lacking in the common instinct for self-aggrandizement that it arranged no junkets whatsoever and contrived to spend less than $200,000 of the $260,000 it was given.

All this little investigation did was to provoke a minor revolution in the way the Government of the United States makes its most important decisions.

IMPACT OF CHANGES

The changes in the organization of the upper reaches of the executive branch that have resulted from the recommendations of the Subcommittee on National Policy Machinery of the Senate Government Operations Committee have had and will continue to have a major impact on the course of American affairs.

Among them: The abolition of the post of the assistant to the President; the transformation of the National Security Council from a kind of supercabinet with a large bureaucracy of its own into a personal advisory board to the President; the demise of literally hundreds of interdepartmental and intradepartmental committees; the reorganization of the State Department and the moves to achieve improved coordination between State and Defense; the reincarnation of the Budget Bureau as a prime management tool of the President; and the start of a long overdue reform of the conflict of interest laws.

None of these changes was wrought directly by the subcommittee of which the chairman was Senator HENRY M. JACKSON, of Washington, or its staff, whose key members were J. K. Mansfied, Dorothy Fosdick, and Robert W. Tufts.

Their contribution was to think through the problems and come up with recommendations that proved persuasive to the new President.

The project had its origin in 1958, when Senator JACKSON was preparing his annual speech to the National War College.

"It occurred to me," he recalled last week, "that the men in that college and those of us who went down there to speak all were convinced they knew the answers to our national problems. There was no shortage of men with ideas. So I asked in my speech if there might not be something wrong with our decisionmaking process that kept good ideas from reaching the top."

That question—whether our Government is organized to meet successfully the challenge of the cold war—became the central theme of the investigation.

HUNDREDS INTERVIEWED

In their search for answers, the subcommittee staff spent 6 months in 1959 interviewing hundreds of men who had served or were serving on Presidential staffs, in executive office agencies, or in the top ranks of Defense and State Departments.

Promised anonymity, these men responded with the most candid analysis ever assembled of the functioning of American governments in the period of the cold war. Last year and this, some of them discussed their conclusions in public hearings of the subcommittee.

The records of those hearings have become the basic textbooks for new courses in public administration and political science in more than a score of colleges.

But many other congressional hearings have become campus bestsellers without having much practical effect. That this investigation succeeded in the latter respect seems to have been due to three things.

First was the insistence by all concerned that its work be handled on a rigidly nonpartisan basis. This was a lofty ideal for any election-year probe by a committee of a Democratic Congress involving the quality of decisionmaking in a Republican administration, and it seemed certain to be lost when Senator JACKSON accepted John Kennedy's request to head the Democratic National Committee during the campaign.

CLEAR PRESENTATION

But the Senator protected the integrity of the investigation by ordering the staff to draw up its findings for quick presentation to the President-elect, be he Democrat or Republican, but to publish none of its recommendations before election day. The first report, summarizing the major proposals for overhaul of the executive branch, appeared on November 16, 8 days after the election.

The second reason for the success was the determination to present the results of the inquiry as clearly and succinctly as possible. With its files bulging with weighty testimony on fascinating and far-reaching questions, the staff could easily have been forgiven if it had turned out a series of long reports, displaying its wisdom in leisurely fashion.

Instead, it wrote only 5 reports, the longest of them 10 pages. It took a dozen rewritings to bring them down to that length, but the effort shows in the quality of what remains. For economy of expression, simplicity of statement, and forthrightness, these reports can serve as models to writers of most Federal prose.

For example, the first report dealt in just three sentences with the multitude of arguments for putting in the White House a First Secretary, or Executive Vice President, "as a mediator and judge of the conflicting national security policies advocated by the major departments, the Congress and its committees, and private groups." It said:

"In the American system only one official has the constitutional and political power required to assume that role and to maintain it. That official is the President of the United States. He cannot be relieved of his burdens by supplying him with a deputy to do what only he can do."

READ BY PRESIDENT

The third reason for the remarkable impact of this particular investigation is that, as one staff member put it, Mr. Kennedy and his advisers, "just seemed to like our style of looking at things."

The President-elect read the subcommittee's summary report with great interest and prodded the staff to speed its followup suggestions on the reform of the National Security Council. The first copies of that report were flown to him in Palm Beach. As already noted, he followed the subcommittee's lead in many of the changes he made in the setup of the White House staff and the Executive Office.

The subcommittee's recommendations all stem from a few general precepts. Foremost among them are a suspicion of administrative gimmicks, live supersecretaries or cold war strategy boards, that clog the established line of authority from the President to the department heads; a deep disbelief in the efficacy of committees as decisionmaking or coordinating devices; a reaffirmation of the Secretary of State's right and responsibility to be the President's chief adviser on national security; an insistence that military planning can and must be made consonant with the Nation's foreign policy and that budgetmaking is an exercise in Presidential policy, not just a device for saving money; and finally, a reminder that no government is better than the men it can develop through career service or attract from outside occupations.

In advancing these principles and programs for carrying them out, the Senate Subcommittee on National Policy Machinery has won little publicity but it has proved, once again, that congressional investigations can yield something more than headlines.

SECRETARY OF DEFENSE McNAMARA

Mr. MANSFIELD. Mr. President, in the October 2 edition of U.S. News & World Report, which was issued today, appears an article entitled "McNamara in Control: A Firm Hand at Pentagon."

Secretary McNamara has done an outstanding job in the few months he has been in charge of the most far reaching department of the Government. I believe he is entitled to the thanks of the entire country for the distinguished leadership he has shown, for the understanding he has manifested, and for the knowledge and tolerance which are his hallmarks.

I ask unanimous consent that the article be printed at this point in the RECORD.

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

MCNAMARA IN CONTROL: A FIRM HAND AT PENTAGON

(A new kind of Secretary of Defense is in charge at the Pentagon. In 8 months, Robert S. McNamara has taken full and firm control of the effort to prepare the Nation for war, if war must come. Even this soon, Mr. McNamara, toughminded and demanding, has wrought far-reaching changes in the Defense Establishment. In the process, he has made friends—and enemies. He has become a man of controversy, but praise outweighs the criticisms. Here is a summary of Mr. McNamara and his work, drawn from both those who applaud and those who find fault.)

Of all top officials of the Kennedy administration, Robert S. McNamara—whose job in a threatening world is to prepare the Nation for war—appears to be making the strongest imprint.

Mr. McNamara is Secretary of Defense. He runs the Nation's vast Military Establishment. It is agreed that he does just that—runs it—to a greater extent than any of his predecessors.

At Mr. McNamara's disposal is a defense budget of some $47 billion a year. He has a growing payroll of 2.5 million men in uni-

form and 1.2 million in civilian clothing. He came into the Government from a big business, the Ford Motor Co., but his present business is the biggest business of all.

STRONG MAN'S WAY

In 8 months, the Secretary has attained the reputation of being a strong man in full command of the huge Pentagon and its operating arms in the United States and throughout the world. There seems to be no dispute that in this short time Mr. McNamara has established his dominance over the Joint Chiefs of Staff and the military services. He is known to be tough, hard working, demanding, determined to have his own way. At times he is called stubborn.

While highly praised in some quarters for ability and accomplishment, the Defense Secretary is subject to strong criticism in others for what are called his shortcomings. These sources say the Secretary's background in foreign affairs and politics is inadequate. He was criticized as slow to come to the defense of the Joint Chiefs of Staff after the attempted invasion of Cuba. A dispute over censorship in the Armed Forces has led to a backfire in Congress.

Said one of Secretary McNamara's critics: "The Secretary is respected by all because he is tough. He is disliked by some who think he is not a friendly type and because they think that once he has his mind made up he moves too fast and too hard—acting sometimes without a fully balanced knowledge of a situation.

McNamara has emerged, too, as a streamliner in organization, a budget master but not as one with a broad understanding of military strategy and its requirements.

Criticism of the Defense Secretary, however, seems to be sharply limited. For the most part, the reporter, whether talking with military men, officials at the White House, or in other parts of the Government, finds little but praise for a man who obviously is regarded as highly competent.

The observations and reports that follow, all related to Secretary McNamara and the job he is doing, come from many sources in the Pentagon and from officials in Government and industry who deal with the Defense Establishment.

VINSON: "TWO BIG CHANGES"

One man who has kept in close touch with all the Secretaries of Defense is Representative CARL VINSON, Georgia Democrat, the veteran chairman of the House Armed Services Committee. Mr. VINSON had this to say:

"Mr. McNamara has brought about two significant changes in the Department of Defense since taking office.

"First, he has improved the versatility of our defense forces by rejecting the doctrine of sole reliance upon massive retaliation. In other words, by making substantial steps in the direction of improved and more modern conventional forces, he is considerably increasing our ability to respond to a variety of different types of conflict. This, I believe, is one of his most significant contributions to date.

"Secondly, he has quietly, but determinedly, brought about greater unified procurement activities. His latest move is the creation of a Defense Supply Agency which eventually will take over the single-service manager activities and in the future may absorb an inventory of some $20 billion worth of common-use service items. This type of unified procurement may eventually save the taxpayers a very substantial sum of money.

"Mr. McNamara has very wisely refrained from attempting to transfer, reassign, abolish, or consolidate any of the statutory functions, and particularly the combatant functions, of the Armed Forces. I believe he recognizes the danger of unilateral thinking in defense planning. I am also confident that he has full and complete confidence in the Joint Chiefs of Staff and in the Joint Chiefs of Staff system."

AN OFFICER: "RIGHT QUESTIONS"

A high-ranking military officer, a close observer of Mr. McNamara and one usually inclined to be critical of what is done at the Pentagon, has formed a favorable opinion. He summed up his impressions this way:

"McNamara is extremely quick-minded, highly discerning, a patient and attentive listener, and a devastating questioner. He asks lots of questions—the right ones. He looks at things from the standpoint of relative values: How much greater the result will be if more of this, or more of that, is put into a project. He wants progress reports almost immediately after he assigns a project, and an outline of the methods to be used by those making the study. He never lets up.

"If McNamara has made major errors they have been in trying to do too much too quickly—which is understandable, given the pressures that were upon him. At the same time, there have been major achievements.

"McNamara has effected a fairly good-sized revolution in strategic thinking, particularly among the military. He has courageously stood for implementation of the new strategy, and has silenced outward bickering among the services over strategy. Against much opposition, he has moved to reinforce our troops in Europe.

"The Secretary has educated the military to new ways of looking at military problems and shaken them out of a rut.

"There are some things McNamara needs. One of them is greater concentration of the smartest military minds, recalled from the field as needed, to serve on his staff or on an enlarged Joint Staff. He needs more civilians with military backgrounds. He needs increased channels of communication between himself and the military and between key civilians and the military—channels of mutual respect and cooperation.

"One thing he does not need and should rid himself of is some Pentagon civilians who have antimilitary prejudices."

On that point, Hanson W. Baldwin, writing for the New York Times from Augsburg, Germany, reported this:

"Officers here have long been irked, particularly in recent months, by what they regard as interference with the chains of command and functions of command even by low-ranking civil servants in the Pentagon.

"They say that directives from the Pentagon, even in the Berlin crisis, frequently have been conflicting or indecisive, and sometimes, in their opinions, have been inimical to U.S. interests."

PENTAGON: "A LOT TO LEARN"

You also run into criticism in Washington now and then. The following is from a source inside the Pentagon, a source in close touch with Defense:

"McNamara has an open-and-shut mind. He is stubborn. He has a lot to learn about military strategy. I, for one, am not confident that he shapes up well in that important area.

"The Secretary was fresh out of Ford when the Laos crisis arose in the early days of the administration. He had no profound background in world affairs, and even less in the military situation involved. He was a bystander. Kennedy's advice came from his White House circle. The Joint Chiefs were heard, but their counsel, as usual, was divided. The result was a bad decision and a backdown in Laos.

"Next came Cuba. The JCS were blamed for bad advice. No one blamed McNamara. Yet, in truth, it was he who should have taken responsibility for the decisions, as he belatedly did. Again, he was a bystander in a situation where the Defense Secretary should have had sound advice to give and a strong voice in giving it.

"That was a turning point. McNamara suddenly woke up to the fact that being Secretary of Defense involved more than weighing one weapons system against another, or selecting which bases to close.

"On Berlin, McNamara has taken over from the JCS the role of chief Pentagon adviser. He studies JCS recommendations but does not necessarily adopt them.

"Thus, in a position of great importance is a man who lacks the fundamental background for waging a global cold war. It is my understanding that McNamara is uncertain about the military alternatives to be used in various situations. Here again is a man on unsure ground. Knowing the military—what it can and cannot do in given situations—cannot be learned in 8 months.

"McNamara, in short, is far from being a well-rounded Secretary of Defense in the view of a good many people. Needless to say, that's the view of Pentagon military brass, but to some extent it is shared outside the Pentagon."

WHITE HOUSE: "RATES HIGH"

From inside the White House comes this:

"I would rate McNamara as about the strongest man in the Cabinet. In a way, he and the President's brother Bobby, the Attorney General, are much alike. Underneath, they are as tough as nails.

"Secretary McNamara rates high with the President. They see each other personally several times a week, often are in touch by telephone.

"Lots of people who see the President spend a lot of time trying to make a personal impression on him. McNamara is not like that. He is utterly without pomposity, always poised and self-contained. He has a facility for expressing himself clearly and quickly. He gets down to business right away with the President, as with everyone else. He says what he thinks and what he wants, and explains what he proposes to do. The President likes that."

ASSOCIATE: "DEFINITELY IN CHARGE"

One of the Secretary's close civilian associates at the Pentagon gives this picture:

"There has been some criticism among the military men because the Secretary has exploited the powers of his office to the full. He has been making decisions and also has been forcing the military men to make decisions. His relations with the military are better now than they were at first. They are growing accustomed to the driving pressures on both of them.

"After all, remember that this man comes to work at 7 or 7:15 in the morning and doesn't go home until 7, 8, or 9 p.m., or even later.

"In his dealings with the generals, McNamara definitely is in charge. That's the whole problem. He has made decisions and many have received less than what they wanted. These people are disappointed and are inclined to be critical.

"As for what McNamara is trying to do—he is trying to produce the maximum war-making power that is necessary to sustain foreign policy and national security. This has resulted in a change of emphasis. There had existed a marked disparity between the country's nuclear and nonnuclear power. We were left in a position of having to respond to all situations only with nuclear power. But Laos, Vietnam and other trouble spots required a nonnuclear response.

"The first thing the new administration did was to increase the nonnuclear capabilities of the Armed Forces. The increase cost more money because it involved an increase in manpower. The result has been that the President has a wide range of

possible responses. Is all this successful? You can't tell at the end of 8 months, but McNamara feels this is the road to take."

FORMER ASSOCIATE: "TAKE-CHARGE TYPE"

As one of the Secretary's old industrial associates sums him up:

"Bob McNamara is a hard-working and dedicated man with good, broad judgment. He is an intellectual but not a long-hair. He is not theoretical in his approach to problems, but very practical. When the facts are in, he makes decisions quickly.

"McNamara is a take-charge type of guy. He is strong willed in the sense that he is dedicated. He wants to get the job done. He does not try to ram ideas down other people's throats, but he leaves no doubt among his associates that he has gone thoroughly into a subject. The end result of this is an impression of forcefulness. You get a feeling of confidence that he knows what he is talking about or he wouldn't be talking.

"Some people think Bob is cold, but that really isn't true. He is not gregarious, not a back slapper, not a politician. But he does have great sincerity."

FRIEND: "A TALKER"

Another old, personal associate says that Mr. McNamara, in his office, is a man of minimum words, but opens up with his friends and becomes a fascinating conversationalist. This source says that he, Mr. McNamara, and a few others get together from time to time and talk until 2 or 3 a.m.

At these sessions, Mr. McNamara "talks as well as listens." The conversation ranges over a variety of subjects. He is well read, likes to discuss economics, sociology, and philosophy. His favorite recreations are swimming, mountain climbing, and skiing. He swims at a Washington hotel, is not club-minded.

BACKGROUND

Mr. McNamara is 45, an erect 6 feet, weighs 165 pounds. He was born in California and educated there, was a "straight A" student all the way. At the University of California he was elected to Phi Beta Kappa at the end of his second year, an unusual distinction. He went on to the Harvard School of Business Administration, where he also distinguished himself. After a year with an accounting firm, he returned to Harvard as an assistant professor.

With the war, the then Army Air Forces had him help devise a statistical-control system for men, money, and matériel. Later, in uniform, he served in England, India, China, and the Pacific.

After the war, Mr. McNamara and a group of nine others, all associated in the statistical-control system, offered their services as a "package" to several industries. They were hired by the Ford Motor Company, revolutionized its ways of doing business. They acquired the nickname of the "whiz kids."

Mr. McNamara stayed on at Ford, and his rise was steady. Last autumn, he became president of the company, then sacrificed a fortune to become Mr. Kennedy's Secretary of Defense at $25,000 a year.

SECRETARY'S OUTLOOK

Mr. McNamara says he has no regrets. He does not wish he were back in Detroit making automobiles, except that he misses seeing his old friends there.

In the Department, he has brought about some far-reaching changes. He is pleased at what has been accomplished, but is not yet satisfied.

"I am never satisfied," he told a recent interviewer. "Progress is a function of dissatisfaction with the present. I am not fully satisfied, and that's a good position to be in."

In his job, he has two major objectives. The first is to achieve the highest possible level of combat power commensurate with foreign policy objectives. On that there is no money ceiling.

When that level is reached, the second objective comes into play. It is to apply rigid standards of efficiency and economy so combat readiness may be maintained at lowest possible cost.

SINGLE-SERVICE GOAL?

Underneath all this, an old question runs persistently: Is Mr. McNamara heading toword full unification of the Armed Forces—their reorganization as a single service?

Some of his changes have seemed to be in that direction. One official who works closely with the Secretary says:

"The single service isn't in sight now, or at least not in the foreseeable future. At this stage it's more efficient to have separate uniforms and separate training facilities. But there's no question that McNamara is headed toward a more centralized Defense setup. Whether it turns out to be a single service may be a matter of semantics. If war comes, the show will be run by joint commanders in the field and a joint staff on top, with the President and Mr. McNamara giving the orders. And McNamara is a man who does not let up."

While there are differences of opinion over Mr. McNamara—the man, his methods, his objectives—there is agreement that he is a new sort of Secretary of Defense, one who is imbuing his sprawling Department with a sense of urgency and need for action not noticeably present in the past.

BOOK BY GEORGE DIXON—REVIEW BY YMELDA CHAVEZ DIXON

Mr. MANSFIELD. Mr. President, in the Washington Post of yesterday appeared a book review by Ymelda Chavez Dixon, the daughter of our distinguished colleague, the senior Senator from New Mexico [Mr. CHAVEZ]. The review is almost as good as a column by George Dixon; as a matter of fact, in some respects, I think the review is better.

I ask unanimous consent that the review, entitled "Lady Yclept Ymelda a Real George Gal," be printed at this point in the RECORD.

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

LADY YCLEPT YMELDA A REAL GEORGE GAL

(Review by Ymelda Chavez Dixon on book entitled "Leaning on a Column," by George Dixon)

A man with the unique name of George (pronounced "Domestic Ogre") wrote this book, and I must say it is hilarious. I must say it because he is my husband.

My prediction is that "Leaning on a Column" will soon be sweeping the country. I sometimes think that's what the author should be doing, too.

I have heard rumors that it is not standard practice to have a book reviewed by the wife of the author. In some cases, I am informed, it is not entrusted to a relative at all. This strikes me as going too far afield because how can anyone outside the family know how much the writer has put into it?

My impartial opinion is that the Washington Post showed remarkable judgment in assigning this review to me, and I will resent bitterly any insinuation that it is a stunt. After all, I am the only one beside the writer who lived with this thing from the day it was conceived.

I know how the author wrote, rewrote, and re-rewrote every line. I read copy on every revision. I could almost recite the entire 215 pages by heart. And yet I can hardly read a page without breaking into laughter.

That's how funny it is.

The title of the book may mislead some readers into thinking it is a collection of George's nationally syndicated newspaper columns. It definitely is not. You won't find one of his columns in it. This is a book with continuity, sequence, and yes—even a plot of sorts.

People are forever asking me if George is as amusing at home as he is on paper. The answer, mercifully, is "No." If he attempted to be, I'd kill him. But he's as uproarious in this, his very first book, as he is in his funniest columns, which I think is saying a lot. In fact I think it's extremely generous of me.

I have my husband's assurance that every word in "Leaning on a Column" is the unadorned truth. I would believe this implicitly, even if the author were a stranger, because the things the writer tells about Washington just couldn't be imagined. The stories George tells of our courtship are enough to make the hair stand on end, but I can testify that they are factual down to the last fantastic detail.

The story he recounts of my most intimate undergarment falling down about my ankles at a White House reception, just as I bent forward to shake hands with the President of the United States, is actually underplayed. There were details left out—because I made him.

There was one line about our early courtship I particularly liked, but it was cut out of the book because the editors insisted on eliminating everything that interfered with a fast and furious pace. The lost line was, "To the surprise of no one in Washington who stayed up late at night, Ymelda and I were finally married."

At the risk of appearing prejudiced, your reviewer urges everybody to buy this book. We can use the money.

LABOR LEADERS LIMIT WORK

Mr. LAUSCHE. Mr. President, I call the attention of the Senate to the cases of Walter Lucki and Walter Fingulin, of Elyria, Ohio. Mr. Lucki and Mr. Fingulin are members of the United Auto Workers Local 971, which has a collective bargaining agreement with an employer there. The collective bargaining agreement provided that if a worker produced more than 100 percent of the standard production agreed upon, the worker would be paid for the extra work.

Mr. Lucki is the father of eight children. Working on a normal basis, producing 100 percent, he would have earned $114 in 1 week. Because of the financial need of his household, Mr. Lucki worked in excess of 100 percent, and thus earned $144 in a week. The officers of the union, in spite of the right of the members of the union to produce in excess of 100 percent, told Mr. Lucki and Mr. Fingulin that they will not be permitted to work to their full capacity, and that if they did, charges would be preferred against them by these union leaders.

Mr. President, here is an example of dictatorship within a union—directing a worker not to do what, as a citizen and under the collective-bargaining agreement, he had a right to do.

The newspapers of Ohio have published the story under the heading of "The Crime of Working."

Mr. President, I merely wish to warn that this type of action does not lend

credit to those who are trying to promote the cause of labor. No citizen, especially under the Constitution, and also when proceeding under rights given by a collective-bargaining agreement, should have his rights denied him by arbitrary dictatorial orders, issued by anyone including labor leaders. This contemplated action by the union leaders against these workers is wrong and deplorable.

BERLIN

Mr. MANSFIELD. Mr. President, on this morning's news ticker appears an item about which I heard discussed over the radio last night. It states:

Senate Democratic Leader MANSFIELD has suggested that limited U.S. recognition of Communist East Germany might be inevitable in negotiations on the Berilin crisis.

MANSFIELD said yesterday there was room for negotiation on Berlin. But he said the Western allies must insist on freedom for West Berliners, access to the city, and the right to keep troops there.

MANSFIELD, who based his views on "what I read, not what I hear," said that de facto (in fact) recognition of East Germany "is being considered at the present time."

Mr. President, while I have not been misquoted, and I must say I never have been misquoted in my 19 years in Congress, nevertheless, it appears to me a wrong interpretation may be placed on what I said, as the story was carried over the airwaves and in the press of the country.

It happened that on Saturday night, at the conclusion of the session, the distinguished minority leader and I went to the studios of ABC and participated in a program known as "Issues and Answers." The reporters at that program were Mr. William McIntyre, ABC Washington commentator, and Peter Clapper, ABC Capitol Hill correspondent. The producer was Peggy Whedon.

I should like to read the parts of the program to which I made reference in these remarks.

Mr. MCINTYRE. Senator DIRKSEN, there have been reports in the last day or two, a great nest of reports that the United States is taking a more elastic position toward Berlin bargaining. How elastic can we get without appeasing?

Senator DIRKSEN replied. I will skip the reply which he made, and come to my answer:

May I say a good many people are pretty free and easy with the use of the word "appeasement." They have their minds made up that that is what should be done, and if anybody deviates from that, why then the term "appeaser" comes quite handy to mind, but I would say as far as Berlin is concerned, there has been, there is, and there will be three factors to keep in mind: One is the continued freedom of the people of West Berlin. Two, our continued rights of maintaining an allied force in that city, and, third, our continued rights of egress and ingress in and out of West Berlin, to West Germany in any direction we desire, either over toward Hamburg or toward West Germany down toward Helmstedt.

Those things are not negotiable, but there are other things in connection with Germany which are negotiable, and undoubtedly Mr. Gromyko and Mr. Rusk are considering those at the present time.

Mr. CLAPPER. What ideas do you have for ending this impasse in Berlin, any new ideas?

Senator MANSFIELD. Well, Pete, I have advanced ideas from time to time. For example, I suggested that all Berlin—not West Berlin—be considered as a free city. What people don't seem to realize is that East Berlin is a part of East Germany, that in East Berlin is Pankow, the capital of East Germany and that was one way of throwing the ball back to Khrushchev and Ulbricht but now you have a wall in between. There was some talk about the U.N. or some of its agencies being moved to West Berlin. There is talk about the recognition of the Oder-Neisse line which today separates present-day Poland from East Germany. There is talk of recognition of—de facto at least of East Germany or continued conversations—or contacts between East and West German Governments. All these things have been talked about. Whether they are being considered I don't know.

Then, later in the program, Mr. Clapper asked this question:

Mr. CLAPPER. Senator MANSFIELD, getting back to the Berlin question, do you think de facto recognition of East Germany is inevitable

Senator MANSFIELD. I wouldn't say it is inevitable, but I would say it might well be inevitable insofar as the fact that from what I read—not from what I hear—that that is being considered at the present time. There is of course as you may well recall, contact—in effect recognition—between West and East Germany because you have economic agreements to the tune of over $300 million a year going between East and West, so while the West Germans won't admit there is an East Germany, nevertheless there is this contact, economically speaking. There are contacts between East and West Berliners. What will happen no one knows, but that is one of the things that is being talked about a good deal at the present time.

Mr. President, it is a pleasure for me to state publicly that this was a most pleasant conversation with the distinguished majority leader, who, in my opinion, showed a type of statesmanship which all the country can applaud. He was most courteous and kind, as always, and he certainly indicated what his views were on the subjects which were discussed. I want to express my pleasure for being accorded the privilege of appearing with him on the program "Issues and Answers," on Sunday, September 24.

I ask unanimous consent that there be printed in the RECORD at this point the transcript of the program "Issues and Answers."

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

ISSUES AND ANSWERS, SUNDAY, SEPTEMBER 24, 1961

Guests: Senator EVERETT MCKINLEY DIRKSEN, Republican, of Illinois, Senate minority leader, and Senator MIKE MANSFIELD, Democrat, of Montana, Senate majority leader.

Panel: William McIntire, ABC Washington commentator, and Peter Clapper, ABC Capitol Hill correspondent.

The ANNOUNCER. From Washington, D.C., the American Broadcasting Co. brings you "Issues and Answers." Senate Majority Leader MIKE MANSFIELD and Senate Minority Leader EVERETT M. DIRKSEN here are the issues.

Mr. CLAPPER. Are you satisfied with the record of the 1st session of the 87th Congress?

Mr. MCINTIRE. How about President Kennedy's performance in his first 8 months of office?

Mr. CLAPPER. What are the prospects for the Kennedy program next year?

Mr. MCINTIRE. Should the United States get tougher with the Soviet Union?

The ANNOUNCER. You have heard the issues. Now for the answers.

From the top legislative spokesmen for the U.S. Senate, Majority Leader MIKE MANSFIELD, Democrat, of Montana, and Minority Leader EVERETT MCKINLEY DIRKSEN, Republican, of Illinois, in their first joint appearance on any network.

To explore the issues, ABC Washington Commentator William McIntire, and with the first question, ABC Capitol Hill Correspondent Peter Clapper.

Mr. CLAPPER. Senator MANSFIELD, as majority leader are you satisfied with the record of the first half of the 87th Congress?

Senator MANSFIELD. Very much. I think we have made a good record. I think we have put into operation at least in the Senate most of the Kennedy program, and I think we have done it with the cooperation of my distinguished colleague, the minority leader, the Senator from Illinois, Mr. DIRKSEN.

Mr. CLAPPER. Do you think the President is satisfied?

Senator MANSFIELD. I think he is well satisfied with what we have done in the Congress as a whole.

Mr. CLAPPER. Senator DIRKSEN, the Republicans claim that out of the 33 so-called major items of legislation that have passed, most of them are just retreads, or have been gutted. Would you go along with this?

Senator DIRKSEN. Well, I think in all fairness, first asserting my affection for the distinguished majority leader who in my judgment has done a great job in the 1st session of the 87th Congress, I think you've got to consider some of the refinements. There are so many things that are agreed upon. I saw this slip recently that was circulated around showing that as distinguished from 11 accomplishments in the Roosevelt administration and 12 in the Eisenhower administration, we have had 33 major achievements in this first session.

I think that is true as a numerical statement, but you have to remember, of course, that so much of it was agreed upon and has been incubated for a long time, and actually was without controversy.

I took a little look at the rollcalls, the recorded calls on these 33 issues, and actually there were only 12 of the 33 on which we had to bother to ask for a recorded vote of the Senate.

I think it indicates that Members on both sides of the aisle are deeply interested in matters of common concern and there has been general agreement on many of the items and that accounts for it. While that sounds like a tremendous claim, I think you always have to remember that so many of these things come out of earlier administrations. The incubation takes a long time before you hatch the chicken. So I suppose when you use the term "retread," it doesn't apply particularly to a chicken, but at least the spade work of a great many years has been done.

Mr. CLAPPER. Well, Senator MANSFIELD, I would like to ask you about foreign aid. Now this is either apparently a victory or a defeat, or perhaps a little of both. The President got what he asked in the power to make promises for long-term aid. He didn't get what he wanted in the way of Treasury borrowing authority. Was this a victory or a defeat?

Senator MANSFIELD. I would say on the whole it was a victory, that the idea which the President wanted to put across was given to him, that he does have the power to program or to plan on a long-term basis. It is

our hope that on this basis that with the new Administrator there will be reforms in the aid program to the extent there will be less waste and inefficiency, less duplication, less overlapping, and more in the way of return for the American dollars expended to help people who need help in this troubled world.

Mr. McINTIRE. Senator MANSFIELD, there remains the feeling that the President has not been entirely successful in translating his personal popularity into legislative results on the very hard issues. How effective has the President been, and would you suggest any means or method by which he might communicate more effectively with the American people?

Senator MANSFIELD. No, I would have no suggestion to make because I think on the whole he has been very successful in his relations with the Congress. After all, he has served 14 years in the House and Senate combined. He is on a first-name basis with most of the Members of both Houses and especially so in the Senate where he served his last 8 years. I think that he has done his best through the TV, the radio, and the press in general to carry his message to the American people. I would suggest that he ought to be given a little more time because the job is new, the job is difficult, and no President in my memory has ever come on to a first year in office with the problems which face President Kennedy at the moment.

Mr. McINTIRE. Senator DIRKSEN, within a segment of that great American population, the American business community, there has been a feeling lately that the present administration might be following a general antibusiness policy. Would you like to comment on that.

Senator DIRKSEN. Oh, yes.

Before you get to that, I hope you don't quite ignore this issue of foreign aid. I have sought always to be helpful in that issue and I think there you've got to make a little refinement of these quantitative analyses of how successful the Congress has been. You have to impose there whether or not the Congress or the President won. I think so far as our approaches are concerned, the Congress won. It left the planning, of course, on a 5-year basis, but it did insist that these proposals where the money was involved come back for annual scrutiny. And that was very definitely a victory for the Congress. That certainly represents my viewpoint, of course. I was glad to see the President have authority to plan in advance. And as a matter of fact, in the controversy between the House and the Senate about the amount of the money that was involved, I sought to be helpful because I think in a perilous and critical period you have to uphold the hand of your President. He is the director of foreign policy. He is the Commander in Chief of the Armed Forces and as a result where international policy is involved we ask only that we be consulted, we have a chance to comment and criticize and thereafter, even though we don't always agree, we close ranks and then support the President because you never must exhibit to the world that there are divided ranks in our country when it comes to an issue of that kind. So I didn't want you to get away from that issue without having at least one word to say about it.

Senator MANSFIELD. And may I say there that the minority leader has been most constructive in what criticism he had to make and most helpful in trying to get all aspects of our foreign policy and defense posture strengthened and put through.

Senator DIRKSEN. There you have another example of an issue that confronts not the Republican Party, not the Democratic Party, it confronts the country. Where survival and all the challenges of security and freedom are involved. There, of course, we think as Americans and think in terms of the common well-being and not in terms of our party. And I must say that I have been in almost complete agreement with my very esteemed friend, the majority leader from Montana on that issue.

Mr. CLAPPER. Senator DIRKSEN, moving on to the next part of Bill's question, Has the administration been antibusiness?

Senator DIRKSEN. Well, I am not sure that I can give you a good answer to that question, because I presume the question comes out of the enhancement of authority in the Attorney General with respect to antitrust cases, and so forth. Now it was only a day or two ago that we conferred upon the Department of Justice additional authority with respect to civil investigations. We had to hedge it about with some protection and it might be argued, of course, that there is a disposition to move more deeply in that field and turn the hand of Government against business. But when you raise that question in its general perspective, it is difficult to make an answer. Now if you were to pick out some individual instances, the chances are I could give you a better answer. And I have had some rather distinct feelings about it. Where, for instance, our Government has moved against people, our own people, by doing business in foreign countries and most of their business abroad, I did not feel that that was a warranted intrusion on the part of the Government.

Mr. CLAPPER. How about the President's letters to the steel companies?

Senator DIRKSEN. Well, of course, we all had our say there. The majority party occupied one afternoon to state its case. We occupied another afternoon to state our case and the only point I made was this, I have no comment as to whether steel prices should go up or whether they should go down. I want to be sure that no kind of price control in a peacetime period, whether it is direct or whether it is psychological in its approaches, ought ever to be imposed, because if you do, you take the first long step on a long journey that might finally be a deep intrusion into the whole free market competitive system of this country.

Mr. CLAPPER. Senator, who would you blame, though, if a round of inflation should follow possible steel price hikes?

Senator DIRKSEN. Well, who shall say what all the contributing factors are with respect to inflation and can you put your finger on any one particular person?

All this eventuates from the fact that on the 1st of October, there will be a wage increase for the steelworkers. Do then the producers of steel have to raise their prices? I went all through the hearings with these steel producers, going into many months of testimony. They think in terms of a 50-year, 100-year objective.

Think, for instance, of United States Steel going into Africa to mine a mountain of ore. It costs $450 million to build the railroads and the docks where the vessels can get that ore to the mills in this country. Whence shall come the money? Do they go into the market and borrow? Do they take part of it from earnings? How shall they get it?

And that is one of those delicate industrial problems that one on the outside cannot so readily answer and certainly I am always having my fingers crossed when a Harvard professor comes up with the answer on that subject, and then I am willing to back off in the corner and take a good long look.

Senator MANSFIELD. May I say I think the President was perfectly within his rights in addressing a personal plea to the heads of the steel companies in this country urging them to give all possible credence to keeping prices down as much as possible, even though, as Senator DIRKSEN has said, come October 1, some raises will go into effect. I think that is part of his responsibility.

And speaking of business in general, I would say that since the beginning of this administration when business was not too good, that there has been a remarkable comeback, not due, of course, by any means to what the administration has done entirely—that was a contributing factor—but a comeback to such an extent that in this present quarter, if my memory serves me correctly, the figures will indicate that American industry is enjoying the highest profits in its history.

Senator DIRKSEN. Let me add a postscript: The majority leader is quite right about the authority of the President to write to the steel producers and suggest to them there will be no price increases. I think the President was not only within his proper jurisdiction but perhaps we can think of it as a duty. The difficulty arose, of course, in the discussions on the Senate floor that I interpreted as threats. When one Senator said there is power in the Federal Trade Commission, there is power in the Department of Justice, there is inherent power in the Presidency. We may go back and reexamine the consent decree in 1921 when it affected the steel people. It seemed something of a veiled threat. That, however, did not involve the President of the United States and I fully concur he was within his rights in addressing himself to the steel producers of the country and they were within their rights in addressing him in all candor in their response.

Mr. McINTIRE. Senator MANSFIELD, there is a feeling some of the really toughest issues this Congress will tackle lie ahead: tax revision, reciprocal trade, medical care, and social security, and that many of these issues involve the citizens' pocketbook.

Do you think it is going to be more difficult or less difficult to get issues of this type through in an election year?

Senator MANSFIELD. I would think more difficult by and large. As far as this year is concerned, we have had in effect a sort of a honeymoon. A new administration, a new Congress, and we have been treated very nicely, but I think beginning next year some of the more difficult problems, some of the real New Frontier problems will begin to emerge and to be considered and I think next year will be extremely difficult in comparison with the one we are just finishing.

Senator DIRKSEN. Well, I could add to that and I think I concur in that view, that a new administration enjoys two things. First, it enjoys a honeymoon. Everybody wants to see a new President succeed—and I do—and I ought to add at this point I think that the President of the United States has served either in the House or Senate with virtually every Member of the leadership on both sides in both bodies. That goes for my esteemed friend from Montana. It goes for myself. I served with the President in the House and in the Senate, and I wish him well. So there is a honeymoon period. And then secondly there is what I am pleased to call a "moneymoon" period. You don't draw the line too finely. When he makes a request, you try to oblige, if he feels it is necessary.

Take for instance in the foreign aid bill. The House sharply cut his contingency fund. I insisted it be restored. I did that for President Eisenhower. I will do it for President Kennedy. How can he foresee all the imponderables all over the world. And for the sake of a few hundred million dollars, you must never tie the hands of the President as the Commander in Chief and the Chief Executive.

But it will be increasingly difficult as we go on because then you will have had an opportunity also to measure the impact of the program and then determine what you do in the interests of a balanced budget and a sound, solvent fiscal program.

Mr. CLAPPER. Senator MANSFIELD, what will the President do next year about general school aid, will he ask for it again?

Senator MANSFIELD. I anticipate in the state of the Union message he will once again state his belief that something should be done in the field of Federal aid for education. He will ask Congress again to take a look at the picture, but I will point out in all honesty that in view of the fact that there have been two 2-year programs for impacted areas and the National Defense Education Act passed this year, that it may be difficult.

However, the Senate did pass a good general aid to education bill this year which provided for school construction and teachers salaries. That bill is still alive. It will be alive all through next year. It is in the House, and if the House desires to take action, I think we could, on that basis, come up with a very good Federal aid to education program and in that way be in accord with what the President wants.

Mr. CLAPPER. Senator MANSFIELD, you will concede that general school aid was the biggest legislative failure Mr. Kennedy had?

Senator MANSFIELD. Not as far as the Senate was concerned, because everything he asked for in the Senate in that field either has come out of committee and is on the calendar or has passed through the Senate and is now in the House for consideration.

Mr. MCINTIRE. Senator DIRKSEN, there have been reports in the last day or two, a great nest of reports, that the United States is taking a more elastic position toward Berlin bargaining. How elastic can we get without appeasing?

Senator DIRKSEN. Well, can you be elastic about rights, fundamental rights that have been contrived either in the form of documents signed long ago, or rights that stem from occupation?—and I suppose you are thinking very particularly about the Berlin situation.

Now let it be said for the minority that we have applauded the President's position, and we have applauded always the firmness, and the firmness of the message that he delivered to the American people. And we will certainly support him, because I go on the theory, of course, that over a long period of years the nibbling process on the part of the Soviet Union has continued and it will continue. And there comes a place where you assert the rights of your country and you say "This is it," and beyond that you cannot negotiate. For after all, How do you negotiate away a right? If you could do it then you can negotiate away the fundamental rights of the American people as individuals, vouchsafed to them and guaranteed to them by the Constitution of the United States.

Mr. MCINTIRE. Provided our vital interests then are maintained in Berlin, you would give the President the benefit of the doubt in negotiating so-called secondary concessions?

Senator DIRKSEN. Always. We are as very much concerned about what war could do to the world as anybody, and we are terribly concerned, of course, in this nuclear age as to the decimation that could take place, but we uphold the hands of the President always when he takes a firm stand and says "This is the position of our country, and beyond this we do not retreat."

Senator MANSFIELD. May I say a good many people are pretty free and easy with the use of the word "appeasement." They have their minds made up that that is what should be done and if anybody deviates from that, why then the terms "appeaser" comes quite handy to mind, but I would stay as far as Berlin is concerned, there has been, there is, and there will be three factors to keep in mind: One is the continued freedom of the people of West Berlin. Two, our continued rights of maintaining an Allied force in that city, and third, our continued rights of egress and ingress in and out of West Berlin, to West Germany in any direction we desire, either over toward Hamburg or toward West Germany down toward Helmstedt.

Those things are not negotiable, but there are other things in connection with Germany which are negotiable, and undoubtedly Mr. Gromyko and Mr. Rusk are considering those at the present time.

Mr. CLAPPER. What ideas do you have for ending this impasse in Berlin, any new ideas?

Senator MANSFIELD. Well Pete, I have advanced ideas from time to time. For example, I suggested that all Berlin—not West Berlin—be considered as a free city. What people don't seem to realize is that East Berlin is a part of East Germany that in East Berlin is Pankow, the capital of East Germany and that was one way of throwing the ball back to Khrushchev and Ulbricht, but now you have a wall in between. There was some talk about the U.N. or some of its agencies being moved to West Berlin. There is talk about the recognition of the Oder-Neisse line which today separates present-day Poland from East Germany. There is talk of recognition of—de facto at least of East Germany or continued conversations—or contacts between East and West German Governments. All these things have been talked about. Whether they are being considered I don't know.

Mr. MCINTIRE. Senator DIRKSEN, do you agree with Senator MANSFIELD's listing of our three vital interests? Do you agree that these other things are negotiable?

Senator DIRKSEN. Generally speaking, I do, except that insofar as our rights of ingress and egress are concerned, where those have been documented and signed, obviously we cannot lose them. We cannot forfeit them without finally cutting off communication.

Now you have to remember this. You have to look down the road a little. The Soviet Union—if they carry out the general attitude once expressed by Peter the Great—thinks nothing of time. A year, 10 years, 25 years, 100 years—is this a program first to detach East Berlin? Secondly, to sweat out West Berlin? Finally, to detach West Germany, or the Federal Republic of West Germany, from the Western World?

They take plenty of time, and, of course, they resort to every psychological advantage that they can develop in that field. And so thinking in that frame, of course, there is coming a time when it is going to have to be stopped. Otherwise what Peter the Great once referred to as a "window on the Baltic," will become a window on the Atlantic, and then they will be looking across the Atlantic at the one great free bastion of civilization, and that is the United States of America. And without others to stand in our place, and with us, how long then can freedom and survival be made to endure?

Mr. MCINTIRE. Senator MANSFIELD, would you comment on that?

Senator MANSFIELD. No, I would say, what Senator DIRKSEN has said has good historical precedent and background. He mentions the fact that Peter the Great used to look upon the Baltic, and that may be in time the modern Russian may look upon a window to the Atlantic and that means he will be looking across a space of water toward us.

The thing we have to remember now is that he will be looking, not visually but through rockets and missiles and it is my understanding that ICBM's, intercontinental ballistic missiles have been developed to the extent they can traverse the Atlantic in a matter of 15 or 20 minutes, because after they reach a certain height they develop a certain speed and if they hit their target, of course then there will be hell to pay.

It is a changed world we live in. President Kennedy is right when he says that the decade of the sixties will be the most dangerous in the history of mankind. Look what has confronted him since he has been in office, and look how hard it is to find the answers to those difficulties.

And may I say that as far as the Republican leadership and the Republicans generally are concerned, they have been most helpful in the support of the President in the field of foreign policy and it is most appreciated.

Mr. CLAPPER. Senator MANSFIELD, getting back to the Berlin question, do you think de facto recognition of East Germany is inevitable?

Senator MANSFIELD. I wouldn't say it is inevitable, but I would say it might well be inevitable insofar as the fact that from what I read—not from what I hear—that that is being considered at the present time. There is, of course, as you may well recall, contact—in effect recognition—between West and East Germany because you have economic agreements to the tune of over $300 million a year going between East and West, so while the West Germans won't admit there is an East Germany, nevertheless there is this contact, economically speaking. There are contacts between East and West Berliners. What will happen no one knows, but that is one of the things that is being talked about a good deal at the present time.

Senator DIRKSEN. You ought to have refined your question a little bit when you talk about recognition. You have to think of the countries that would recognize, if a peace treaty with each other is consummated.

Actually your satellite countries under the domination of the Soviet Union would be quick to sign, but you see the important thing from our standpoint is the attitude of the United States, of France, of the Republic of West Germany, of Great Britain of Italy. And the other countries we are pleased to think of as a part of the great free structure of the Western World.

Mr. MCINTIRE. Well, Senator DIRKSEN, are you then relatively satisfied with the Kennedy administration's handling today of the Berlin crisis?

Senator DIRKSEN. I would say they have been firm, and the President has reasserted over and over again that those rights will be maintained and reasserted it, and that certainly scores in my book.

Mr. CLAPPER. Senator DIRKSEN, I would like to ask you this: If recognition of Red China is voted by the U.N., what action could the United States take?

Senator DIRKSEN. Well, Peter, I wish that issue had been made far more clear than it has been thus far. When you speak of recognition—you see the element of membership is not involved here. There is an entity called China which is a part of the U.N. and actually occupies a place on the Security Council as a permanent member. But this, now, is a question of representation.

Mr CLAPPER. That is what I mean.

Senator DIRKSEN. Which of the two Chinas. And you see that requires no recommendation by the Security Council, as I understand. That is a matter on which the General Assembly will vote. If it does take place, then of course difficulties no end will ensue before we are through with that issue. My own feeling, of course, is abundantly clear.

Mr. CLAPPER. Gentlemen, we have about 1 minute left.

Mr. MCINTIRE. Senator MANSFIELD, what if the United Nations should incorporate the troika principle? What do we do vis-a-vis our relations with the U.N.?

Senator MANSFIELD. Well, I think we ought not to make a decision now. We ought to face up with it. We ought to fight the application of the troika principle.

We ought to come forward with the name of some outstanding world leader who could take over for Dag Hammarskjold and I would suggest offhand that a man like Mr. Nehru, of India would be the type for consideration, and I cannot see the Soviet Union in its advocacy of the troika principle going against a man of the stature of Nehru to head an organization of that kind.

Senator DIRKSEN. Well, let's talk about this solo principle, and substitute solo for troika, one for three, and then we will have what we ought to have in the United Nations.

Senator MANSFIELD. And that is what we believe in.

Mr. CLAPPER. I am sorry I have to interrupt you here, our time is up.

Senator MANSFIELD and Senator DIRKSEN, thank you very much for being with us today on "Issues and Answers."

Senator DIRKSEN. We thank you.

Mr. MANSFIELD. Mr. President, I thank the Senate for its courtesy in allowing me to make this statement.

Mr. DIRKSEN. Mr. President, the majority leader is always objective, always gracious, always fair, and it is a delight to go before a nationwide audience and discuss with him the questions that are addressed to a panel consisting of the majority leader and myself. I thought it was a very fruitful discussion, and it was my delight to participate in it. I salute the majority leader in the same spirit in which he has saluted me. He knows of my affection for him and my recognition of his sense of objectivity and constancy in serving the cause of the Nation at a critical and perilous time.

A HALF CENTURY OF KANSAS JOURNALISM—FRED W. BRINKERHOFF

Mr. CARLSON. Mr. President, this week Kansas is honoring Mr. Fred W. Brinkerhoff, dean of Kansas newspaper editors, for his 50 years of continuous outstanding service as editor of the Pittsburg, Kans., Headlight.

During this half century of Kansas journalism, Mr. Brinkerhoff has averaged writing 100 editorials a month on every conceivable subject, and these editorials have carried great weight and influence on the people, not only in his own community, but all over the State of Kansas.

He is recognized as an outstanding authority on Kansas history, and during this, our centennial year, he has devoted much of his time to lecturing and writing about our great State and its history.

He has received many journalistic awards, both national and State, including the William Allen White Award for Journalistic Merit in 1956.

The people of Kansas are paying this well-deserved tribute to the dean of Kansas journalism, not only because he is a great citizen whose written messages and views have influenced the thinking of the people of our State for these many years, but also because of his untiring devotion to Kansas and Kansas people.

Mr. Lawrence A. Barrett wrote an article entitled "A Half Century of Kansas Journalism," which appeared in a recent issue of the Christian Science Monitor and I ask unanimous consent that it be made a part of these remarks.

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

A HALF CENTURY OF KANSAS JOURNALISM

(By Lawrence A. Barrett)

PITTSBURG, KANS.—F. W. Brinkerhoff, dean of Kansas newspaper editors, cannot be accused of being a rolling stone. He is this month celebrating his 50th year of continuous service as editor of the Pittsburg, Kans., Headlight. During that half century he has averaged writing 100 editorials a month on every conceivable subject, many of which have been quoted in papers around the area.

Mr. Brinkerhoff came to Pittsburg on an assignment in 1911, liked the community, was made editor of the Headlight; 16 years later had the editorship of the Pittsburg Sun added to his work; and in 1940 still more work was added when he was made manager and publisher of the two newspapers.

The two papers, one a morning and the other an evening paper, are published in the same plant but with different staffs. Much of the load of all the departments is carried on the shoulders of this native-born, stockily built Kansan.

Less than a dozen issues of the Headlight have gone to the presses without their containing some words written by Mr. Brinkerhoff. Even when he is out of town on business he leaves behind either some typewritten copy or words written in his hard-to-decipher scrawl ready for the next edition. He put in longer hours than any of his staff and usually works 7 days a week with "vacations" almost an unknown word in his vocabulary.

Mr. Brinkerhoff is vice president of the Pittsburg Publishing Co., a vice president and director of the Stauffer chain of newspapers, and is on the board of directors of the Topeka, Kans., Capital. In 1956 he was the recipient of the William Allen White Award for Journalistic Merit. He is past president of the Kansas Associated Press and is past president of the Kansas Historical Society and currently is on the board of directors of the Kansas Centennial Commission.

RECORD OF CONGRESS IN THIS SESSION

Mr. McGEE. Mr. President, I call the attention of the Senate to an article which appeared in yesterday's Washington Post, in the "Outlook" section, entitled "Honeymoon Congress Ran Up a Solid Record," whose author is Robert C. Albright.

The burden of the assessment of the record of this session of Congress which is about to adjourn, is one of tribute to the caliber of the program that we finally carried into law. Proper and appropriate tribute is paid to the leadership of both Houses in cooperative efforts to attain this record. Most important of all, there is a true perspective of the real meaning behind the many new facets of the New Frontier program, now the law of the land, as pointed out in this survey, for despite difficulties in the House of Representatives, and otherwise, speculated upon from time to time, a rather remarkable program, even so, was forthcoming.

I quote from the article:

In many instances, the massive program of domestic measures pushed through represented bills that had passed the Senate in early Congresses and some that had passed both House only to collide with an Eisenhower veto.

Mr. Albright also states:

The overall list can be considered the most formidable that any President in history could point to.

I ask unanimous consent that the entire article be printed in the RECORD.

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

HONEYMOON CONGRESS RAN UP A SOLID RECORD

(By Robert C. Albright)

The 1st session of President Kennedy's 87th Congress is completing its honeymoon run and leaving behind it one of the most productive records in history.

In sheer legislative output, President Kennedy's first Congress has confounded the prophets. The results he obtained in 247 days of persistent give-and-take courtship compare favorably with Franklin Roosevelt's 100-day sweep of the field back in 1933.

There are gaping flaws in the analogy, of course. In the great depression of the early 1930's, Mr. Roosevelt had only to ask and Congress complied with his calls for economic remedies. Mr. Kennedy in 1961 has been dealing with a slower paced Senate and an often fickle House, bowing sometimes to the will of a Republican-southern Democratic coalition.

The President is represented as very well pleased with the legislation resulting. But with the paper-thin political division in the House, the wonder is that so much of the New Frontier program survived. The larger marvel is that he got through as many domestic economic measures as he did at a time of world crisis.

UNPRECEDENTED LIAISON

The explanation lies in part in the tremendous reservoir of good will President Kennedy has built up at the Capitol. Never in recent memory has an occupant of the White House maintained closer contact with individual legislators.

He works through the established Democratic leadership at the Capitol with the GOP leadership as well often made privy to his confidences.

Relaxed, pipe-smoking Senate Majority Leader MIKE MANSFIELD, of Montana, does his pitching for him in the Senate. That Chamber gave him nearly everything that he asked. Unofficial scorekeepers say the Senate rates a B-plus on its Kennedy lessons.

Speaker SAM RAYBURN, of Texas, the "Mr. Sam" of song and story, helped the President through many of his legislative battles in the recalcitrant House before RAYBURN came down with lumbago and went home for a rest. As temporary Speaker, Representative JOHN W. MCCORMACK, Democrat, of Massachusetts, fininshed out his stint. In performance, some rate the House only a barely passing C-minus.

How did the President come out of it all with a good program?

Vice President LYDON B. JOHNSON says the key word is "cooperation." He put it this way after the President called in Democratic Senators and thanked them last week:

"I don't know that there has ever been a period of greater cooperation and respect between the leadership and the executive. And that doesn't mean one man has been doing all the thinking."

JOHNSON, whose hard-driving leadership produced legislative miracles in the past, has been staying scrupulously on the legislative sidelines as Vice President. Administration associates say he has been available for ad-

vice at all times however, and he has stepped in on more than one occasion to lend a helping hand. His most recent assist was on the President's hard-pressed foreign aid bill.

TAILORED TO SUIT

The overall program finally emerging from Congress is essentially moderate in nature. Where there were sharply controversial provisions, as in the case of the farm bill, for example, or in that of the so-called backdoor Treasury financing of foreign aid, the features were amputated by Congress.

On the comprehensive aid-to-education bill, Mr. Kennedy took a resounding licking when the legislation he had backed so strenuously in the 1960 campaign bogged down in a morass of religious and political feeling in the House.

Medical care for the aged and the Kennedy tax loophole plugging legislation were put over until next session with the administration's assent. The President's manpower retraining bill was stalled in the House Rules Committee and the proposed postal rate increase went over until next session when the House opened the bill to amendments.

But despite the occasional setbacks, 25 or more major bills were enacted. The total climbs higher when measures of less substance, such as the corporate tax rate extension and the debt limit ceiling extension, are included.

As against this showing, President Eisenhower succeeded in getting through only 12 major measures in his first congressional session, including the corporate tax and other extensions. Mr. Roosevelt put through 11 major bills in his first session, all dealing with the domestic economy. The difference was that F.D.R. got through all he wanted in the form he wanted.

FOREIGN AID COUP

One of the outstanding Kennedy achievements was his success in winning a 5-year foreign aid development loan authorization with the right to make commitments in advance of appropriations.

In the process, Mr. Kennedy lost his fight to finance the development loan program by direct borrowing from the Treasury. But the result that he sought was 5-year authority to plan ahead. Aids feel that he never would have won it had he not made his fight for the ill-fated Treasury borrowing concept.

In many instances, the massive program of domestic measures pushed through represented bills that had passed the Senate in earlier Congresses and some that had passed both Houses only to collide with an Eisenhower veto.

The overall list can be considered the most formidable that any President in history could point to. Mr. Kennedy points to it with pride.

It includes the most comprehensive housing bill ever passed; a $1.25 minimum wage law; area redevelopment legislation; social security expansion, including lowering of the male retirement age to 62; extension of the Highway Act with more of the cost shifted to users; temporary unemployment compensation extension; aid to dependent children of unemployed; creation of 72 new judgeships; extension of the Civil Rights Commission; water pollution control; the saline water project; $6 billion for defense buildup; civil defense shelter authority; reservists recall authority; three anticrime bills, and an expanded Federal Aviation and Airport Act.

Providing a distinctly Kennedy flavor were such new idea bills as the Peace Corps and the Disarmament and Arms Control Agency, put through in the closing days. The Latin American aid program and alliance for progress also provided new concepts of social reform and self-help.

Mr. Kennedy put up an intensive fight for his foreign aid new approach and many another of his key programs. But never did he yield to a temptation that comes to every President to go over the head of Congress and take his case directly to the country.

Mr. Kennedy is fully aware that Congress is elected by the people and that one possible way to win legislative victories is to build fires in Members' home districts. But Mr. Kennedy, it is said, felt that this would undermine the congressional confidence in his leadership that every President needs.

Instead of going after Members through the back door, he appealed to them forthrightly. He views the satisfactory program he received as the congressional response.

The odds against Mr. Kennedy having any honeymoon at all were quite high when he took his oath January 20. He had come into office in one of the closest squeaks in history.

In the Senate he had a 65-to-35 majority to lean on, but in the House it was a different story. There, the Democrats had just suffered a 21-seat loss.

Nor did the party-line division show how close the House vote really was. Out of 99 Southern Democrats, there was generally available a hard core of 40 or 45 to vote with the bulk of Minority Leader CHARLES A. HALLECK's House Republicans in a coalition. Sometimes 25 or 30 more Dixie Democrats would swing over. Halleck kept his Republican defections small, generally below 20 or 22.

The touch-and-go House situation was best illustrated by the session-opening test on enlarging the Rules Committee. Although Speaker RAYBURN made the proposed 3 vote enlargement to the committee a matter of personal loyalty to him, and the President actively backed him, RAYBURN emerged with a count of only 217 to 212—a mere 5-vote margin.

Even the three-member enlargement wasn't sufficient to save the administration in the Rules Committee on the school issue, as it turned out. The defection of one Democrat, Representative JAMES J. DELANEY, of New York, gave the coalition all it needed to bottle up the school bill and thus hand the President his worst defeat of the session.

On the House floor, the coalition emerged as a conservative force capable of swinging the House far to the right of the once, but no longer, conservative Senate.

Thus it was remarkable that the administration forces turned back the coalition as regularly as they did. On the omnibus housing bill, for example, the leadership won, 235 to 178. Only 42 southern Democrats defected.

Again, on the depressed areas bill, the administration won, 250 to 177. The Democrats lost only 42 southerners. More surprising, 43 Republicans moved over to the Democratic side.

In the Senate, where the coalition commanded a potential majority of 57 Republicans and southern Democrats, the line crossing worked altogether in reverse. There, Majority Leader MANSFIELD credits a little group of five to a dozen moderate Republicans with rescuing the administration time and again.

There were occasions, however, when GOP leadership cooperation was freely given when needed most, though it was not exposed to public view. President Kennedy had the backing of Senate Republican Leader EVERETT M. DIRKSEN, for example, and often of HALLECK, on the vital decisions affecting West Berlin and other questions of international moment.

Republicans in general, and the national committee in particular, continue to poohpooh the accomplishments of the session, however. The Republican National Committee last week teed off on what it described as a White House memorandum saying that Congress passed 33 major bills, topping F.D.R.'s own record.

The committee said that the estimate is dishonest in that it implies all but 1 of the 33 major bills listed originated with the Kennedy administration. Most are retreads that have been kicking around the Hill for years.

Ironically, one of the most significant facts about the 87th Congress, 1st session, was the apparent lack of public interest in whether it was doing its job well or badly. For the last 8 months the national spotlight, which used to swing about equally between Capitol Hill and the White House, has been fixed unwaveringly on 1600 Pennsylvania Avenue.

Legislators noted the Hill blackout, privately grumbled about it. Overnight reporters found Congress a frequently dull, less interesting place to cover.

The plain fact was that a lot of the oomph had gone out of Congress since those bright moments in the sun, it seems years ago, when five candidates emerged from the Senate to campaign the length and breadth of the land for the Nation's top office. One of those candidates, Mr. Kennedy, now occupies the White House. Another, Vice President JOHNSON, quietly shares the spotlight with him. The rest, for the time being, appear to have lost interest.

Senator BARRY GOLDWATER, Republican, of Arizona, makes an occasional pass at the distant brass ring. But for the most part the Senate, like the House, has become just another more or less prosaic legislative body wondering what it takes to win a headline.

WILEY POST: THE AIRPOWER

Mr. MONRONEY. Mr. President, on October 21 and 22 Oklahoma City will pay honor to one of aviation's great pioneers, Wiley Post.

On those days ceremonies will be held dedicating the improved general aviation airport to be renamed Wiley Post Airport in honor of this distinguished airman who foresaw—and helped to create—many of the miracles of aviation which we enjoy today.

The Wiley Post Airport will house part of the rapidly growing general aviation industry, and scores of private planes will be based there. It is one of the best managed and best equipped airports for general aviation in the Nation.

It is appropriate that this airport bear his name, for Wiley Post was one of those aviation pioneers who worked for and believed in the greatness of general aviation, and his own spectacular flying as a private pilot paved the way for many aviation developments.

While Wiley Post is best known for his two spectacular round-the-world flights in the Lockheed Vega, *Winnie Mae*, which set new records in 1931 and in 1933, latter being a solo flight, he also had a certain feel for the future of aviation.

On completing his recordbreaking solo flight of 15,516 miles in 7 days 18 hours and 49½ minutes to circumnavigate the world, he predicted that all-metal cabin passenger planes flying 800 miles an hour at altitudes of 45,000 feet would come as a matter of course. Today our scheduled jet transports already approach this altitude and this speed.

It has always seemed to me, however, that Wiley Post has never been given the recognition he deserved for pioneering pressurized flight. His early experiments and flights into what in the early

1930's was called the substratosphere first paved the way for this great forward stride in air commerce. He was convinced that planes would use higher altitudes and thereby gain speed and also be relieved of much of the weather disturbances of lower altitude.

With the world-girdling Lockheed Vega, the *Winnie Mae*, he set out to experiment with flight in the substratosphere—altitudes at which only those seeking spectacular altitude records then attempted to use. It was his early work with this plane, his specially rigged Pratt & Whitney engine, and his homemade stratosphere helmet and oxygen supply that led to the pressurized transcontinental planes on today's jet air routes.

Primitive and homemade though his equipment was, he met and conquered many of the problems involved in high altitude flight. He proved that the speed could be increased, that weather problems could be minimized, and that pressurized cabins and supercharged motors would be needed.

In the dedication and renaming of Oklahoma City's general aviation airport to honor Wiley Post, I hope that due credit can be given to this man who envisioned and who helped bring about these great seven-league steps of aviation.

In addition, the renaming of the airport as the Wiley Post Airport will reunite two great Oklahoma names whose association in the field of early day aviation won worldwide interest. Oklahoma City's transport airport was named the Will Rogers Airport many years ago in honor of the great Oklahoma humorist and an early day aviation enthusiast. Now, separated by only a dozen miles, his good friend will be honored and his name engraved on the air navigation maps of the world.

Will Rogers loved to fly, but he preferred to fly whenever possible with Wiley Post. It was on their flight to attempt to lay out an airmail and passenger route between Alaska, Asia, and Europe that a crash on takeoff near Point Barrow brought death to both of these great Oklahomans.

Again it is interesting to note that the route that Post and Rogers sought to lay out is now fast becoming the main transcontinental thoroughfare from Japan and Asia via Anchorage, Alaska, on to Western Europe.

Mr. President, I ask unanimous consent that an article prepared by Clayton Anderson of Oklahoma City, regarding the background and life of Wiley Post, be printed at this point in the RECORD.

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

WILEY POST

(Prepared by Clayton Anderson, public relations director, Oklahoma City Chamber of Commerce)

Raised in different sections of Oklahoma at different times, the destinies of Will Rogers and Wiley Post brought them together in 1935 for the final chapter in each brilliant career. Aviation, in its young history, was the catalyst.

Today, aviation has brought them together again. In Oklahoma City, the main airport of Will Rogers has been joined by the secondary airport of Wiley Post. The official dedication will take place in October.

Will Rogers was the pioneer air passenger. He logged thousands of miles once the aviation bug had bitten him. Wiley Post was the pioneer aviator and researcher. His flights and pioneer experiments into space set records for all time.

As a young man, Wiley Post worked in the oilfields of Oklahoma. An accident on the job caused the loss of one eye. This marked the beginning, not the ending, of a brilliant career. He took the compensation received on the accident and invested in aviation. Like other aviators of the time, he took part in some of the barnstorming activities but his heart was set on aviation as a new medium of transportation of men and material. He thought this could be done on a worldwide basis.

The late twenties and early thirties were the pioneer age of aviation as far as transportation over distance was concerned. Airmen all over the world were trying to be first in setting distance records. Newspapers offered awards and many men tried—and many men died.

The fancy of the world was captured in 1927 when American Charles Lindbergh beat all rivals and flew the Atlantic. Next major goal was a flight around the world by one plane.

Oklahoma City Oilman F. C. Hall had a plane built at Union Air Terminal in Los Angeles. It was called the *Winnie Mae* after his daughter. It was a Lockheed Vega with a Pratt & Whitney motor. He asked Wiley Post to fly it in the 1930 Bendix Air Derby, 1,760-mile race from Los Angeles to Chicago. Post won, and America had a new aviation hero. In 1931 Wiley Post, the aviator, joined with Harold Gatty, the navigator, and on June 23 the two took off in the *Winnie Mae* from New York for a flight around the world. They were successful and covered the northern air circumference, a distance of 15,474 miles, in 8 days 15 hours and 51 minutes. The *Winnie Mae* had done it again. Post then bought the plane.

Two years later in 1933, Wiley Post became the first man to fly solo around the world. He left July 15 in the *Winnie Mae* and returned 7 days 18 hours and 49½ minutes later, a distance of 15,516 miles. This was a longer distance and shorter flight time than the one with Gatty.

The world remembers Wiley Post for these flights, but his greatest contributions may have been made in air research and exploration of the stratosphere. Only his untimely end in 1935, at the age of 36, cut short this significant phase of his aviation career. He had an uncanny sense about the future. Most of his predictions proved right.

For example, when he returned to New York City on his second world flight in 1933, the press asked him about the future of aviation. He predicted metal cabin passenger planes flying 800 miles an hour at altitudes of 45,000 feet.

It is interesting to note that in August of this year (1961), 28 years later, a DC–8 jetliner went over 660 miles per hour at an altitude of 40,350 feet. This was the first transport to exceed the speed of sound.

At this same time Post also predicted a device would be invented to keep ice from forming on wings and that in the future, planes would be able to fly anywhere in the world in any kind of weather.

Wiley Post was known for his ability to navigate accurately when instruments failed. Even so, he always carried the latest instruments developed by the Army and industry, many for the first time. His cooperation on testing new equipment was well known.

Following his 1933 flight, Wiley Post decided to devote his time to high altitude research. He prepared man and plane for the rarefied air of the stratosphere.

First he developed a high altitude suit for the pilot. Post's idea was to employ a suit like a diver's which could be blown up with air or oxygen to the required pressure. A rubberized fabric suit was made for him by the Goodrich Tire & Rubber Co. It had an aluminum helmet.

Air would be pumped into the suit from the engine supercharger. At extreme altitudes an oxygen generator would be used to supply oxygen to the suit. A second tube wound around the engine before going into the suit and this provided the heat.

The motor of the plane and several parts had to be covered properly in order to function at height. Post had an altitude of 50,000 to 70,000 feet in mind when he prepared the suit and engine.

The plane was a standard design Lockheed, the *Winnie Mae*. Special gasoline was used to keep from boiling off. His Pratt & Whitney engine was supercharged. Post said the purpose of the high flights was because the speed of planes could be increased at the higher altitudes. He predicted transcontinental and transoceanic flights could be made at half the time by going high and using pressurized engine and cabin.

In the summer of 1934, the altitude record was 47,352 feet. Post wanted to beat this. He tested his suit and plane over Chicago in September of 1934. When he got to 40,000 feet the tubes got pinched on the suit and he came down. With this flight he became optimistic about the speed of the plane at this height and planned to enter air races using the high altitude route.

The first part of December 1934, Post was ready to try again in the *Winnie Mae*. He took off from Bartlesville, Okla., into the stratosphere. When he got to 32,700 feet the automatic release valve stuck on the suit. He decided to continue up and operated the valve by hand. He went to 51,000 feet to set a new world record. This record needed the approval of Washington authorities. The U.S. Bureau of Standards refused to certify his record.

Four days later Post went up again. As he got above 40,000 feet the altimeter froze. He continued to climb. From the top of his flight in eastern Oklahoma he could see Oklahoma City, the Great Salt Plains and other distant points. Because of this, his friends claimed he had gone to 55,000 feet that day.

It is interesting to note that the *Winnie Mae* was built to fly 150 miles per hour. By adding supercharging and flying at 30,000 or more feet, Post got this speed up to 340 miles per hour.

In 1935, Post twice tried to fly the continent in the substratosphere. On his second flight in June of 1935, the Science American magazine reported: "Post's flight again drew the attention of the public, the airplane constructors and mail operators to the possibilities of aviation in the stratosphere."

On this flight Post flew from Los Angeles to Cleveland, a distance of 2,044 miles, in 7 hours and 19 minutes, an unofficial world's record at that time. The flight added new laurels to Post's altitude suit. He tried four times in all, then went looking for a new plane. The famous *Winnie Mae* is now in the Smithsonian Institution.

Two months later Post set out for Alaska and Russia. He planned to lay out an air-mail-passenger route between Alaska and Russia. Flying with him as a passenger was Will Rogers. On August 15, 1935, the plane crashed near Barrow, Alaska. The two Oklahomans went to their deaths together and today lie in Oklahoma soil.

Their contributions were so great that the world continues to remember. In Oklahoma City the two are again joined together in the naming of the two major airports. Before his death in 1934, Newsweek magazine said of Post: "Most fliers admit that Wiley Post is one of the world's greatest aviators."

No man did more than Wiley Post in marking out new and untried paths in the air, in breaking down previously admitted limitations, and in researching of the stratosphere. Despite his greatness, the world could have expected even larger accomplishments. His passing was a loss to civilization.

SUPPLEMENTAL APPROPRIATIONS FOR 1962

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate may proceed to the consideration of the supplemental appropriation bill for 1962 today.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. PROUTY. Mr. President, reserving the right to object, I say to my distinguished friend from Montana that as of now I feel compelled to object. I may change my mind, and explain my reasons, later in the afternoon.

Mr. MANSFIELD. Mr. President, the Senator is perfectly within his rights, and those rights will be respected.

PRESIDENT SHOULD VETO MEXICAN LABOR BILL

Mr. PROXMIRE. Mr. President, I call attention to the concluding paragraph in the New York Times editorial appraising this session of Congress:

> We regret the passage of the Mexican fair labor bill without adequate minimum wage safeguards. We hope President Kennedy will act appropriately in this manner by vetoing this unwise and unfair piece of legislation.

Mr. President, I wholeheartedly concur in this plea by the New York Times for a veto of the Mexican farm labor bill.

WILLIAM LOEB, PUBLISHER, MANCHESTER UNION LEADER

Mr. DIRKSEN. Mr. President, because of the necessary absence of both Senators from the State of New Hampshire, I ask unanimous consent that an article in the National Review for September 23, 1961, written by Holmes Alexander and William F. Rickenbacker, which concerns William Loeb, publisher of the Union Leader of Manchester, N.H., be printed in the RECORD.

Mr. PROUTY. Mr. President, I had intended to ask consent to place in the RECORD the same article which has been presented by the distinguished minority leader. In view of the fact that he has asked that the article be printed in the RECORD I shall not do so.

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

SO SHALL YE BE JUDGED

(By Holmes Alexander and William F. Rickenbacker)

Since 1946, William Loeb has been publisher of the Manchester (N.H.) Union Leader, which has prospered under an editorial policy that is not only conservative but also witheringly direct, and honest. William Loeb fears not the mighty, not even when the mighty happens to be a Federal judge on the first circuit court.

Back in 1950, Loeb blasted the Dover group, a collection of prominent Bostonians including Charles Wyzanski, advocating the settlement of the Korean war on the Communists' terms. Not long afterward, Loeb attacked Wyzanski for acting as a character witness for Alger Hiss. In late 1956 and early 1957, Loeb severely criticized Wyzanski, as chairman of the board of overseers of Harvard, for permitting J. Robert Oppenheimer to give the William James lectures. And about the same time, Loeb hit Wyzanski again, for running the same act on a different stage: for Oppenheimer spoke at Exeter, of which Wyzanski was then a trustee.

In the autumn of 1957, Loeb was approached with the proposal that he found a competing newspaper in Haverhill, Mass. In the course of time he did establish the paper, but he ran into the organized opposition of 32 New England newspaper barons, who banded together to run him out of Haverhill. Loeb filed an antitrust suit. A countersuit under the antitrust laws was filed against him. Before long (March 1959) Loeb found himself in court facing his old friend, Judge Charles Wyzanski.

Wyzanski offered to disqualify himself, saying, "I know there has been some Manchester newspaper which has been in the business of attacking me from time to time, and I don't know whether it is the plaintiff or not. I am quite immune from any bias with respect to it because I don't even read this stuff, but I think I ought to say to you that I know that somebody has been doing it, and maybe it is this plaintiff. If this plaintiff regards me as in any way biased, I wish the plaintiff would say so." (Point in rhetoric: Is a man unbiased if he refers to material he hasn't read as "this stuff"?)

Acting with the innate chivalry that is a root of his nature, Loeb grandly declined the judge's offer. The case then proceeded, Wyzanski presiding, until late in 1960. At that point Wyzanski, in connection with another case, undertook a one-man investigation of Massachusetts politics. Issuing regular as well as criminal subpenas, Wyzanski finally caught a big fish: William Callahan, a chairman of the State throughway authority. While Wyzanski was off hunting for evidence of corruption, Loeb's reportorial staff was reminded of an earlier connection between Judge Wyzanski and his present quarry. After considerable research they turned up a story that made banner headlines.

EARLIER HISTORY

Some years earlier, while Callahan had been chairman of the department of public works, the State had seized, exercising the right of eminent domain, some property belonging to Wyzanski and his family. Callahan had got up a board of appraisers and had ruled that landowners could refuse the offer made by the appraisers only by going to court. In practice, anyone actually prepared to go to court received a settlement of about a thousand dollars more than the original appraiser's amount, to avoid the cost of litigation. But there was an exception.

Wyzanski, it appears, complained vociferously that the appraisers hadn't offered him enough. A trial date was set, but then before trial, Wyzanski received a settlement of many thousands of dollars more than the original price. Loeb's reporters could find no other case of a large out-of-court settlement. After the story hit the wire service, Wyzanski flew into court and filed with the clerk a detailed memorandum on his land dealings with the man he had recently subpenaed. The case hallooed across the headlines in Boston, and Loeb's paper, of course, ran a whole series of articles on the situation.

By April of 1961, the odor from Wyzanski's court had reached Washington. Majority Leader JOHN MCCORMACK, of Massachusetts, entered the discussion of Federal judgeships with an interesting anecdote about Wyzanski. "It happens," said MCCORMACK, "that I have a nephew who is attorney general of the Commonwealth of Massachusetts. Not so long ago, a Federal judge in Boston threatened him with contempt of court in the performance of his official duties. * * * I am going to confine myself to this issue alone," said MCCORMACK, "even though there are other instances of Wyzanski's highhandedness. Here is a copy of the Boston Globe of October 19, 1960. It was only 2 weeks before the election—a poor time for any judge to inject himself into the issues of a political campaign—whether he be a Republican or a Democrat. At that time, my nephew was protecting the interests of the cities and towns of the Commonwealth of Massachusetts. This particular judge misconstrued a statement by my nephew and this judge from the bench publicly stated that he might adjudge the attorney general of the Commonwealth of Massachusetts in contempt of court—or words to that effect.

"The judge even went further than that. He even stated from the bench, and I will quote the words directly from the newspaper: 'I am not myself quite aware why the Attorney General of the United States chose to further the ambitions of the attorney general of Massachusetts who is a Democrat.' Can you imagine that? What happened? My nephew and a few other attorneys general representing the attorneys general of the United States some months prior to that had a conference with Assistant Attorney General Bicks. * * * Now let me go a little step further and I will quote from this newspaper article again: 'Any statements issued about this case were no doubt given out for political purposes and whoever issued such a statement may well be in contempt of court.' This is not an isolated case I am talking about."

JUDGE AS POLITICIAN

Congressman BURKE exploded in sympathetic detonation, and described his own victimization at his honor's hand. "He not only injected himself into the affairs of the attorney general of Massachusetts," said BURKE, "but he also injected himself in the congressional fight in my district, tried to smear my good reputation, and made remarks uncalled for, subjected me to a vitriolic attack, and unfair attack that I could not answer. * * *

"This particular judge, time and time again, has threatened attorneys and members of the Massachusetts bar who had the courage to appear before his court, has threatened them with citations of contempt, has impugned their motives, has besmirched their integrity and honesty; and he has developed such a condition that I would say 85 percent of the attorneys, members of the Massachusetts bar, are fearful to appear in his court. * * * When a judge orders the issuance of a criminal summons 4 days before an election, when all the circumstances called for was the issuance of a regular witness summons, and tries to create the impression in the minds of the people of a Congressman's district that the Congressman was a defendant and not a witness, I say that he has abused his authority, he has violated civil rights, he has violated every decent principle that we can have in our courts; he has violated the code of decency of the court. * * * I question his activities that day; the remarks he made from the bench were entirely uncalled for. If ever a judge was subject to censure it was this particular judge, because he abused all the privileges of his position, all the authority vested in him by the U.S. Government when he tried to inject himself into that congressional fight. * * * This judge has acted in the role of a politician trying to influence the

electorate by his intemperate and unfair statements from the bench. His activities on the bench are certainly open to question. The Federal bench is no place for a tyrant or a despot. He is ill mannered, discourteous, uncivil, rude, injudicious, and overbearing. He lacks balance."

EMANUEL CELLER, chairman of the House Judiciary Committee, testified as a character witness in reverse: "Often the overrighteous can do much evil. This particular judge is overly righteous. He is bold, he is brilliant, but most arbitrary. He thinks he is the be-all and end-all of wisdom. His views cannot be questioned. He is sort of a judicial panjandrum and, therefore, never hesitates to act as judge, prosecutor, and jury, all rolled into one. In a trice, he will on occasion convert his court into a U.S. attorney's office, or something not unlike a grand jury. Numerous complaints have reached me as chairman of the Committee on the Judiciary concerning this judge's unusual and untoward conduct."

And CELLER quoted from a decision by the U.S. court of appeals in Boston—a decision that amounts to a formal accusation of misconduct on the part of Judge Wyzanski: "Naturally witnesses can and should be required to explain the words they use. It is hardly necessary, however, to do so with ridicule or caustic criticism, or repeatedly to check a witness' use of words in reasonably common use by reference to the Oxford English Dictionary, or to require strict adherence to the rules of grammar. The bench is not an appropriate rostrum from which to teach the niceties of English grammar and usage. * * * While performance by the trial judge of his function, indeed duty, to see that the truth is elicited ordinarily requires clarifying questions from the bench, and maybe on occasion sharp warnings, it is not his function or duty to take the conduct of a case away from counsel."

After being visited with so voluminous a barrage in the CONGRESSIONAL RECORD, Wyzanski came off his high horse—but just for a moment. He asked Attorney General McCormack, the majority leader's nephew, to attend a public hearing concerning some asphalt companies. At the hearing, Wyzanski actually apologized to McCormack for having threatened him with contempt of court. He also said that in view of the hullaballoo (our word: it's not in the judge's OED) about the asphalt case, he would withdraw from it. But then he went on to express himself in pointed terms about the case of William Loeb from which he announced he would not withdraw.

Loeb's attorneys made a formal motion proposing that Wyzanski withdraw. Wyzanski refused. They went to the court of appeals, but the court upheld Wyzanski, principally on the grounds that he only sounded prejudiced, but wasn't really. At this moment Loeb is trying to get a stay of process from one of the Justices of the Supreme Court.

So here is the great big liberal Charles Wyzanski, conducting his court with a high-handedness which, if it had been Senator McCarthy doing it in his committee room, would have caused Wyzanski to turn off all the lights of Harvard and say, "We've had it," and quietly expire. On top of that, he is determined to judge the man who has now completely exasperated him. "It is just as well that justice is blind," said EMANUEL CELLER in his résumé, "she might not like some of the things done in her name by Judge Wyzanski."

FEED GRAIN PROGRAM GETS A HOLE IN ONE

Mr. KEATING. Mr. President, the Associated Press reports that a golf course in Blair, Nebr., has taken 14 acres out of farmland and used it for fairways. In so doing, the club has qualified for payments under the new emergency feed grain program. The club already has received $228.20.

This new incident is just another in a series of unfortunate events.. The feed grain program has been terrifically expensive, and it has not cut down production, which was what it was intended to do. It has been a miserable failure.

I am happy for the citizens of Blair, Nebr. They will receive what I am sure is welcome Federal assistance to promote outdoor recreation in their community. In fact, I am a little disturbed that the citizens of Blair are going to have to pay out of their own pockets for such things as flags, tees, cups, and markers. Perhaps we should have been a little more farsighted. When we enacted the feed grain program, we might have included a provision for additional payments to see to it that when land is taken out of production there will be no hardship on the golfing public.

If an effort is made to continue the feed grain program next year, and I certainly hope no such effort is made, it would very likely be appropriate for the Congress to devise language to see to it that other sports receive equal treatment.

ANTITRUST LAWS MUST BE FAIRLY ENFORCED

Mr. KEATING. Mr. President, recently two situations have come to my attention which raise some question as to whether the Federal Trade Commission is carrying out its duties in a completely evenhanded manner. In each situation, according to my information, the Commission initiated proceedings against individual members of an industry because of practices which were industrywide in character.

I have always supported vigorous enforcement of the antitrust laws and other unfair trade practice legislation. It is essential to the health and vigor of the economic community to strike down monopolistic and restrictive practices wherever they appear. But fairness is an important ingredient of every governmental action, and it is particularly essential in the enforcement of the antitrust laws to make certain that nothing is ever done unwittingly to impair competition.

Earl Kintner, during his service as Chairman of the FTC, was well aware of these considerations. In a speech to the antitrust law section of the New York State Bar Association in January he made the following observation:

> Also, the Commission has too long lacked another important dimension in any concept of fairness. Under the current program we have taken some steps to prevent the unfairness that results when a single company is singled out for attention in a whole industry that is rife with violations. With the broad powers entrusted to us by the Congress there is no reason why we should not proceed simultaneously on an industrywide front where necessary.

The cases which have come to my attention strongly suggest that former Chairman Kintner's sage advice is not being sufficiently heeded. In each case, the Commission has proceeded against one company even though the charges against that company could be leveled against virtually the whole industry. The Commission can do grave damage to competition by putting one company under restraint while permitting the practices involved to continue unabated in the industry generally. I do not believe that an intelligent antitrust program can be developed on the basis of which file is processed first by the Commission's staff, which is the only justification given for such piecemeal efforts.

I make these observations in a constructive spirit in order to call attention to a tendency which may be developing thoughtlessly to proceed in this inequitable manner. I will refrain from mentioning any names or even suggesting the industries to which this information relates since I do not want ever to influence the Commission's disposition on the merits of any actual case. I have also learned from experience that it is never wise to draw firm conclusions after hearing only one side of an argument. If my information is correct, however, then certainly the Commission should reconsider its enforcement policies in this respect.

AID TO EDUCATION

Mr. KEATING. Mr. President, one of the biggest controversies which the Congress faced this year was over the President's program for Federal aid to education. Although the issue of legislation to put into effect a new and sweeping program of overall aid to primary and secondary schools is dead at the moment, it is going to be a continuing topic for thought, debate, and attention.

I should like to include, following my remarks in the RECORD, an analysis presented in the Tablet, the well-known Catholic weekly newspaper in Brooklyn, by Don Zirkel, the news editor of the Tablet. It is certainly true, as the article points out, that if no legislation assisting private schools is passed, and if no provision is included to permit a court test, then it will be impossible ever to have a Supreme Court determination of the constitutionality of various kinds of Federal aid to private, religiously oriented institutions.

The point that is made about the GI bill of rights, and other scholarships that do not discriminate on the basis of religion is also a valid one that I think deserves much more careful consideration.

Mr. President, I ask unanimous consent to include following my remarks in the RECORD this article by Don Zirkel.

The PRESIDING OFFICER (Mr. HICKEY in the chair). Is there objection to the request of the Senator from New York?

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

IN FEDERAL AID DEBATE—AN ANSWER TO SENATOR MORSE

(By Don Zirkel)

Although the people he describes as "private school advocates" will find plenty with which to disagree, Senator WAYNE L. MORSE, Democrat, of Oregon, deserves credit for his

attempt to air out the controversy over Federal aid to education.

In an August 22 speech which occupies 33 pages (including reprints of news articles and editorials) in the CONGRESSIONAL RECORD, Senator MORSE discussed the position of the private school advocates and particularly a statement released that day by Cardinal Spellman.

MORAL RIGHT DENIED

The current debate between the cardinal and the Senator began August 14, in Independence Hall, Philadelphia. Mr. MORSE said the private school advocates (and they include highly influential churchmen such as Cardinal Spellman) have no moral right to use whatever political power they may have in an attempt to block passage of a public school bill.

In the cardinal's answer (Tablet, Aug. 26) he said, "Reluctantly I reply to his charges because he singled me out by name among the Catholic leaders whose position he attacked."

He declared, "It is our conviction that the administration's proposal, put into legislative form by Senator MORSE, is actually if not intentionally discriminatory, unwittingly anti-Catholic, and indirectly subversive of all private education."

In his August 22 rebuttal, Senator MORSE began as follows:

"I wish to make it clear that I speak with the greatest of respect when I express sincere differences with His Eminence the cardinal. We are dealing now with a temporal subject. I say, most respectfully, as I would if I were disagreeing with a Protestant clergyman, that when a wearer of the cloth enters the field of temporal issues he should be treated on the same footing with all others."

In the national Federal aid debate, no one—the cardinal least of all—has suggested that his statements be assigned any value not intrinsic to the facts and logic presented. Sincere people on both sides agree the controversy cannot be settled on an emotional, but only on an intellectual, basis.

It is interesting, however, that on August 22 Senator MORSE wanted the cardinal treated as an equal because it is a temporal subject.

That's an improvement. His Eminence made out worse when it was a moral subject, on August 14; at that time the Senator was denying private school advocates the moral right to exercise their citizenship.

FRIEND TURNED AGAINST US?

In answer to Cardinal Spellman's declaration that "it is disappointing that now an old friend has turned against us," Senator MORSE cited his position over the years and asked:

"Does the record that I have thus far disclosed indicate that I am actually, if not intentionally, discriminatory, unwittingly anti-Catholic, and indirectly subversive of all private education?"

That charge was never made, of course. But he was concerned that some might misread the cardinal's statement. Stranger things have happened.

The Senator told the cardinal:

"I want him to know that, in my judgment, he does not have a better friend, as proven by the record, for aid to private schools within the constitutional limits that bind him, than the senior Senator from Oregon."

MORSE SUPPORTS LOANS

Mr. MORSE was sponsor of the amendment to offer construction loans to private schools in the 1960 Federal aid bill. Both the amendment and the bill were defeated.

In an eloquent address on February 4 of that year, he said:

"I feel that I must express a very deep concern over the failure of the bill to consider the needs of all of American education.

"The private schools are in serious financial straits, too, and we must not forget that fact when we deal with proposed legislation to raise and improve education standards in America.

"The problems of the private schools affect the democratic rights of our citizens. For example, the ability of parents to finance the kind of education they wish for their children could be destroyed. In fact, the very existence of nonpublic schools could be destroyed.

"The legislation we enact to aid education, then, should not be punitive nor should it place an intolerable burden upon any group. The legislation we enact should be designed with the needs of all of the schools in mind, public and nonpublic, if we are really to improve our education system.

"The fact is that the nonpublic schools perform a remarkable service to the Nation in the share of the cost of education they bear. Today 15 percent of all the children enrolled in elementary and secondary schools are in private schools.

"I have been heard many times to draw the illustration of what we could expect if by some wave of the hand all the private elementary and secondary schools now in operation could be caused to disappear, so that all the youngsters attending them today were compelled to show up tomorrow morning at the public schools to continue their education.

"To add 5 million more would put an additional burden upon the States, school districts, and the Federal Government that is staggering to the imagination."

During that speech, the Senator inserted in the CONGRESSIONAL RECORD a letter from the Unitarian Fellowship for Social Justice, which opposed the amendment on the grounds that it violated separation of church and state.

It is interesting that he described it as a "group of very sincere and dedicated people." There is no record that he alleged they have no moral right to use their political power, no record that he charged them with causing a potential revival of religious quarrels, no record that he pleaded with them to modify their course; these three steps he reserved for the private school advocates.

CHALLENGE TO CARDINAL

In his latest speech, Mr. MORSE said:

"I particularly call to the attention of the cardinal the position I took on February 4, 1960, and I challenge him to find the slightest deviation in the record of the senior Senator from Oregon in respect to his continued support of a loan bill for private schools."

The challenge is easily answered, not with a slight but with a major deviation.

In 1960, the Senator wanted all American children treated in the same bill. In 1961, he wants the nonpublic school children barred from the major Federal aid bill and treated in a second bill. At this very moment he is supporting a public-schools-only bill although he knows there is no chance for passage of any aid to school in private schools.

It is this second-class treatment in a second bill that private school advocates oppose.

In 1961 they could well adopt Senator MORSE's 1960 statement:

"I feel that I must express a very deep concern over the failure of the bill to consider the needs of all of American education. The legislation we enact should be designed with the needs of all of the schools in mind, public and nonpublic, if we are really to improve our education system."

WHAT ABOUT GRANTS?

But the debate is not merely over loans, as the Senator agrees, but also over grants. He asserts:

"The very emotional, volatile issue in this country in regard to the application of the first amendment of the Constitution to Federal aid to education legislation for private schools will not be settled until there is a final Supreme Court decision on the subject matter."

Before private school advocates maintain that some freedom is being denied them, he says, "we need a Court ruling that grants to private schools, elementary and secondary, are constitutional."

But, without benefit of such a Court ruling he continues: "If what the cardinal means is that I ought to provide for legislation which will give grants for private schools, as S. 1021 provides grants for public schools, my reply to him is, 'The first amendment stands in the way.' "

Obviously, there can be no such Court ruling on the constitutionality of grants unless a bill is passed on which the Court may rule.

Senator MORSE's opposition to such a bill means, in effect, his opposition to a Court ruling on the subject.

Private school advocates have proposed that, if Federal aid is necessary, consideration be given to grants to all American pupils, for application at the school of their choice.

Such legislation has precedent in the GI bill and the scholarships for congressional and Supreme Court pages.

SUGGESTION TO SENATOR

Inasmuch as it could provide the constitutional test Senator MORSE understandably wants, his endorsement of such legislation would prove his claim to the cardinal that "he does not have a better friend, in my judgment, as proven by the record, for aid to private schools within the constitutional limits that bind him, than the senior Senator from Oregon."

WOODROW WILSON FELLOWSHIP—MARIA SODJA

Mr. LAUSCHE. Mr. President, I rise to describe the great achievements which can come through perseverance. Several days ago I wrote a letter to a recipient of a Woodrow Wilson fellowship. The addressee was Maria Sodja of Cleveland, Ohio. She answered my letter of congratulations as follows:

SEPTEMBER 21, 1961.

MY DEAR SENATOR LAUSCHE: Your letter congratulating me on the Woodrow Wilson fellowship has been a great honor and joy to me. I am certainly proud of having been appointed a Woodrow Wilson fellow, and will be most happy if thus I will have a good influence on my fellow students.

I was pleasantly surprised at your observation that I am the only awardee with a Slovene background. It was this personal note, I feel, that invited me to write to you. Not only am I of a Slovene background, but a Slovenian who, with my mother, three brothers and a sister, came to United States 7 years ago, a refugee from Communist Yugoslavia, to be reunited with my father after a 10-year separation. My father, an electro- and hydro-engineer, an editor and a director of Slovenian democratic newspaper in Yugoslavia, had been arrested by Gestapo during the war, and taken to a German concentration camp. After the war he stayed in Austria and worked for the United States, where he arrived 2 years before the rest of the family. Since his arrival he has been employed as an electrician.

Seven years ago none but my father spoke English. Presently we are all U.S. citizens. My youngest brother is senior in high school, one brother is sophomore at Case Institute of Technology, and my sister is a college senior majoring in chemistry. My oldest brother has just departed to Aachen, Germany, as a Fulbright scholar to do graduate work in the field of architectural engineering.

I will spend this academic year at Bryn Mawr Graduate School studying Greek and Latin. The education of us children is certainly enabled by greatest sacrifices of my dear mother and father. It would be difficult to express the deep gratitude we feel toward all who have in any manner assisted us on our way. But I am looking forward to the time when I can utilize the knowledge I will have gained both in my own research and in teaching, and thus extend the good to others.

Pardon me, please, if I have taken freedom in writing to you; I felt encouraged by your attention. If ever chance will bring it that I make your acquaintance, it certainly would be a great honor for me.

Respectfully yours,

MARIA SODJA.

Mr. President, I think in the story told by Maria Sodja we have what is nearly a saga. Seven years ago this family, as refugees from Communist Yugoslavia, came to the United States. Not a single member of the family spoke English. Today the young brother is a senior in high school. One boy is a sophomore at Case Institute of Technology. A sister is in college majoring in chemistry. Her oldest brother has gone to Aachen, Germany, as a Fulbright scholar. The writer of the letter—the girl herself—is studying Greek and Latin at Bryn Mawr Graduate School. It is not monumental and ornamental buildings or the material richness of schools that produce success. What produces success is a determination to study. This family has exhibited what can be done with an effort, and perseverance in the midst of economic difficulties, to achieve an education in the United States.

THE ROLE OF THE DRUG INDUSTRY IN PROTECTING AMERICAN PUBLIC HEALTH

Mr. WILEY. Mr. President, the Antitrust and Monopoly Subcommittee is planning to resume its hearings, dealing with the drug industry, in the next few days. These hearings are designed to evaluate the legislative proposals contained in several bills introduced by the chairman of the subcommittee, the Senator from Tennessee [Mr. KEFAUVER], and others.

The provisions of these bills relate to the question of patents over new drug inventions. These bills deal further with stronger Federal controls over the safety and efficacy of drugs. The subcommittee will hear from representatives of several governmental agencies. The subcommittee will hear also from representatives of the pharmaceutical industry. In examining the need for new legislation I believe that we must fully examine the past record of the drug industry and its role in American health and in the American economy.

Recently, when the Antitrust and Monopoly Subcommittee published its report based on 2 years of hearings into the affairs of the drug industry, I felt it incumbent upon myself to present a factual evaluation of the pros and cons in this area. I believe that in looking into the need for legislative changes, as they may pertain to the drug industry, we must take stock of the economics, the public need, the patent laws, and the antitrust laws which have pertained to this area in years past. We must be careful lest in our zeal for the reform of the drug industry we come up with a remedy which is worse than the disease which it is designed to cure.

I believe that the individual views prepared by me concerning the drug industry raise some of the basic questions applicable to new legislation in this area. Consequently, I ask unanimous consent that my views as they appeared in the drug report be printed in the CONGRESSIONAL RECORD at this point of my remarks.

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

THE DRUG INDUSTRY—INDIVIDUAL VIEWS OF SENATOR ALEXANDER WILEY

After more than 2 years of investigations and hearings, the Senate Antitrust and Monopoly Subcommittee has produced its report on the drug industry. This is part of the series of subcommittee reports dealing with administered prices. It is noteworthy that while the report analyzes most carefully the various aspects and practices of pharmaceutical research, production, promotion, and sales—it nowhere concludes that these practices are in any way in violation of either the letter or the spirit of our antitrust and monopoly laws. Indeed, all of part I of this report—as clearly indicated by its title—deals with "The Reasonableness of Price." Upon reading of the report it becomes evident that the subcommittee's criticisms of the drug industry are leveled not at clearly defined legal violations but at a more flexible concept of reasonableness, which is subject to different interpretations and coloring depending on the interpreter's point of view.

Our Federal antitrust laws are not generally concerned with the question of price reasonableness. The belief is inherent in our free enterprise philosophy that prices are best adjusted and determined by the free operation of the forces of supply and demand in the marketplace. It is only when these forces are unreasonably restricted by monopolistic practices that the Government must step in. Consequently, the real question before this subcommittee at all times must be the factual determination as to the existence of illegal restraints of trade—not the speculation as to whether prices are reasonable or unreasonable. It is obvious that once we undertake to substitute Government judgment of what is reasonable or unreasonable for the free play of prices in the marketplace—the final product would be a general Government price-fixing program.

This is not to say that the situation in the drug industry requires no public or governmental scrutiny. It has been argued that the drug industry derived a higher rate of return on its investment than other American industries. It has been argued that the pharmaceutical companies have at times exaggerated in their claims for the therapeutic value of certain drugs. It has been argued that the drug companies have spent an unreasonable portion of their budgets in order to indoctrinate doctors so that they would prescribe high-priced trademarked products. It has been argued that the patent provisions and the licensing agreements among drug manufacturers produced concentration of production and power in the hands of a few large manufacturers.

I shall endeavor later to respond in part to these arguments, not in order to protect the drug industry, but in an effort to set the record straight. But be this as it may, let me emphasize it again that it is part of a free enterprise system to permit differences in income and profit, to allow free use of advertising and promotion, and to leave business management to those responsible for it—as long as the public welfare is not directly and immediately threatened. Indeed, it is part of our democratic system that individuals and companies be permitted to try, to experiment and even to make mistakes. It is our belief that it is this opportunity to experiment that is the core of democracy and the true reason for its success. Otherwise, we are destined to follow the example of the totalitarian governments which prescribe to everybody what to do, what to worship, what to produce, and at what prices to sell.

Yet economic freedom is not a license to act contrary to the public interest or to be free from public scrutiny. Governmental scrutiny and reevaluation of the activities of all segments of the population, including business, is an important tool to preserve the national interests. Even the most prominent exponent of free enterprise, Adam Smith, stated in his writings: "People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices." I do not share this extreme suspicion of business—which has been evidenced in many of the documents of this subcommittee. Still, there is often a tendency, on the part of both individuals and of business, to become preoccupied with their own point of view and their own narrow outlook in a manner which is contrary to the best public interest.

I believe that it is the function of the Government, on behalf of the general public, to act as a constant overseer making certain that special interests do not predominate, and that the general welfare is protected. Consequently, I believe that the recent investigation of the drug industry, despite some serious faults, has performed an important public function in making the industry reevaluate its responsibility to the public, in making the public aware of both the accomplishments and the shortcomings of this industry, and in giving Congress an opportunity to examine the need for new legislation. Indeed, any unbiased observer will concede that the investigation of the drug industry has resulted not merely in criticisms but has also provided the industry with an opportunity to convey to the public a picture of its important contribution to American health and welfare.

Reading the conclusions contained in this report on the drug industry, I am not certain that they contain an unbiased evaluation of the economic facts of the pharmaceutical industry and I feel it incumbent upon myself to comment on several issues which I believe have been either completely overlooked or else have been improperly emphasized in the majority views.

THE ROLE OF PROFITS IN THE GROWTH OF THE AMERICAN PHARMACEUTICAL INDUSTRY

The growth of the American pharmaceutical industry in recent years has been phenomenal and required tremendous capital outlays. It is easy, in our search for lower prices, to accuse the drug industry of unconscionable profits and to demand government controls. But it must be remembered that the Soviet Union, in which the profit motive does not exist and in which the drug industry is completely regulated, produced no single new drug since the Communist revolution. It must be remembered also that the drug industry is a fairly young industry in this country, and that it has taken large fortunes to build it to the point of its present prominence.

From 1939 to 1958 the American pharmaceutical industry's production grew eightfold. In 1939 the total value of phamaceutical preparations produced in this country was $386 million. In 1958 it amounted to $2,591 million. In order to keep up with

the increasing medical needs of the country, to develop better products and to make more drugs available to an increasing population—the drug industry needed new plants, new research facilities, and new capital. It is the drug industry's success story that provided the necessary capital for the industry's growth.

Before the second world war we exported only $10 million worth of drugs a year, and we imported over $20 million worth. We now export more than $284 million worth of drug products a year. Between 1939 and 1958 there has been a tremendous increase of 2,800 percent in drug exports. At the same time the exports of manufactured goods generally only doubled. Thus, while competition from other countries has curtailed the expansion of our exports, our drug exports have been constantly increasing. Why is this so? Primarily because our drug industry is advanced and progress-minded and can compete in any market.

The drug industry story is a success story. But success cannot be accomplished through miracles. Unless the drug industry was given an opportunity to reap the harvests of its successes and to invest large portions of it in the development of its facilities and its research, this phenomenal success would not have been possible.

In a period of mere years we became the leading pharmaceutical manufacturers of the world. It was the profit motive which stirred the pharmaceutical industry into further research and growth. It was the profit made by this industry and which was plowed back into it that provided the capital for improvement and growth. Without the profit motive and without the profits being reinvested in the industry—the state of the American pharmaceutical industry today would not be what it is.

True, some may feel that medical research and medical expansion should be subsidized by the Government—but that would also spell out the end of our economic liberty.

In assessing whether the prices of the pharmaceutical industry have been excessive, one must remember that this is a high-risk industry, which in 1958, for example, had to test some 14,000 substances before it could produce a mere 40 marketable drugs. This is a high obsolescence industry, where one product can have almost 99 percent of the market one year and be reduced to a mere 3 percent 2 years later. It must also be remembered that while wages increased 70 percent between 1948 and 1958, and construction costs increased 64 percent, the increase in the wholesale drug price was 3 percent only.

MONOPOLISTIC TENDENCIES IN THE DRUG INDUSTRY

In analyzing the competitive situation in the drug manufacturing field, it must be pointed out from the outset that more than 1,300 companies are engaged in the manufacturing of prescription drugs—with no one company accounting for as much as 10 percent of the total sales. This is a field where new drugs may, in a matter of a few years, completely replace drugs which were widely used previously. This is a field where different drugs can be prescribed to take care of a particular medical need—and the final choice is left to the treating physician, as to whether he prescribes one particular drug over another, or whether he chooses the drug of one company over the drug of another.

It is true that new drugs are controlled by the companies responsible for their invention, development, and production. Yet, this is part of the American philosophy which recognizes that the inventor is entitled to the fruits of his invention. This is the philosophy incorporated in our patent and trademark system.

It has been argued before the subcommittee that the pharmaceutical industry has overstressed trademarks and has followed restrictive licensing practices—thus, in fact, monopolizing the market. It has been proposed further, that prescriptions by generic name, rather than by trademark name would provide the patient an opportunity to buy a cheaper product rather than be limited to the trademarked prescription issued to him.

It is appropriate, therefore, that we remember that by undertaking to do away with trademarks and patents—we would be interfering with the very foundations of our economic system. Trademarks are, indeed, major tools in the promotion of quality, and of competitive economic enterprise. It is noteworthy that while the subcommittee has under consideration the possibility of either eliminating or curtailing the use of trademarks in the drug industry—the Communists, on the other hand, are beginning to appreciate the merits of the trademark. A recent dispatch from Red China tells that "Brand names win Peiping backing—labels, many in English, aid bid to improve products." The story reported by Reuters from Peiping (New York Times, June 4, 1961) states that "Communist China has become brand-name conscious, with newspapers supporting the trend in an effort to improve the quality of consumer products."

On the topic of tradenames, I should like also to call attention to recent British attitudes and thinking. The British Hinchcliffe Committee on the Cost of Prescribing, has concerned itself with problems similar to those before this committee. One of the proposals before that committee was that standard drugs rather than trademarked products, should be prescribed, as a means of reducing prices. It is interesting that the two pharmacist members of the British committee then proceeded to point out that if the practice was spread to do away with prescriptions by brands, and cheaper unbranded generic products were to be generally used—the British drug industry would be unable to recoup its expenditure on research, and Britain will become dependent on foreign countries for new advances in treatment. The same argument would hold true in this country. There will be no motivation for the drug companies to expend large amounts of money on research and development unless the industry is guaranteed patent and trademark protection in order to recoup its investments.

CONCLUSION

I have been in the past, and I still remain critical of the manner in which some of the drug hearings, on which this report is based, were conducted. Likewise, I should like to stress that some of the cures that have been suggested for dealing with the drug evils—real or illusory—are sufficiently drastic to kill not only this particular patient but the whole concept of free enterprise.

Yet, at the same time, the response of the press and the public to this investigation indicates that there is some concern and dissatisfaction with the past practices of the drug industry. We shall be erring seriously if we ignore this.

The essence of the main complaint against the drug industry was the fact of the industry's success. But we must now ask ourselves: Is it a crime to be successful in an economy that believes in free enterprise? After all, one of the major aims of our economy is to encourage success, to promise success to those who enrich society by new discoveries, by improved methods of production and by the use of their genius. Let us not be in too much of a hurry to sacrifice this time-tested economic philosophy. Quite often, in our hurry to correct immediate and present ills we are too ready to sacrifice some of our basic philosophies. Many of the previous congressional investigations have illustrated this danger. Much too often both the public and its representatives unwittingly undertake to accomplish a desired immediate result through the sacrifice of some longstanding principles of government and economics—such principles as government of law and the belief in economic freedom. Yet, we must remember that it was not through price controls and planned economy that this country achieved an economy of plenty and a position of world leadership.

This report is critical of the patent policies applicable to new drugs. It is critical, furthermore, of the industry's use of trade names.

Patents have long been utilized in order to encourage the American creative genius. If we eliminate the incentives under the present patent provisions—would we be doing away with our present motivation for search, exploration, and discovery?

In the matter of trademarked drugs, let us likewise be cautious before we substitute Government controls for the professional judgment of trained physicians. To decide by Government fiat that drugs must be prescribed by generic name and thus deny the physician the right to prescribe a brand-named product manufactured by a pharmaceutical house known and trusted by him—may well be destructive to the traditional doctor-patient relationship.

Bearing in mind the dangers of undue interference with our economic system, I do not mean to relieve the drug industry of its responsibilities in this area. As long as thousands of people in this country—old, indigent, and sick—remain unable to pay the high price of drugs, it is the drug industry's moral responsibility—and indeed the moral responsibility of all others connected with the health and welfare of the Nation—to continue in their efforts to make medical care and attention available to all those that desire them—regardless of wealth and position. We all believe in free enterprise, but free enterprise does not mean selfishness. To me it means public cooperation, widespread moral responsibility and constant striving for private and public improvements.

Let us remember, in conclusion, that our philosophy and system of economic freedom are not designed to protect the rights of the few, but to foster the interests of the many. The most leading proponent of economic freedom, Adam Smith, stated: "Consumption is the sole end and purpose of all production." Let us remember that economic freedom is justified only as a tool for improving the interests of the public at large.

INSURANCE AND THE AMERICAN WAY OF LIFE

Mr. WILEY. Mr. President, the Senate Antitrust and Monopoly Subcommittee has been studying the subject of insurance regulation since 1958. Only recently the subcommittee published its report. I felt incumbent upon myself to append to it my own individual views, because it was my feeling that several extremely important matters were not given their due consideration in the majority report.

I am very much concerned with the problems of American insurance. The insurance industry is a multibillion dollar business in the United States. Indeed, the whole American economy and the American way of life are very much dependent on the service rendered by the insurance industry.

These are days of search for security all over the world. Communism is proposing to guarantee to those under its domain security from the cradle to the grave. And for this security the people under Communist rule have to pay a very

high premium. This premium is high not only in terms of money, but also in terms of curtailed personal liberties, such as the right to change employment, to elect freely ones own representatives, to worship, and go about in a free manner.

In this free country of ours, the security superimposed by dictatorial authority in the Soviet Union is available to the people in a different manner, through their own free choice. People are able to go out and purchase this kind of security and peace of mind from a great variety of insurance companies and insurance policies that are made available to us.

In this age of search for security, it is most important, therefore, that the company selling this type of security to our citizens conform to the highest standards and make their services available to the people most effectively and most cheaply.

In the recent individual views which I attached to the Antitrust and Monopoly Subcommittee report I dealt with some of the important problems facing American insurance at this time.

An analysis of my comments appeared in the United States Investor of August 21, 1961. I ask unanimous consent that this article be printed at this point of my remarks in the CONGRESSIONAL RECORD.

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

SENATOR WILEY TAKES A CRITICAL LOOK AT TWO VITAL SPOTS IN STATE REGULATION OF INSURANCE—HIS VIEWS APPENDED TO SENATE SUBCOMMITTEE REPORT HAVE GREAT SIGNIFICANCE

(By Roger Kenney)

About 3 years ago when the Senate subcommittee's investigation of State regulation of the insurance business was still very young, we took occasion in these columns (December 20, 1958) to warn both the insurance commissioners and members of the insurance fraternity against the dangers in assuming that the investigation was floundering—"fishing for an issue to make the headlines," as many of our friends in these groups were inclined to describe the situation. Driving home our message, we cited the possibility of extensive hearings on the matter of bureau control of rates and rating practice—the focal point of which was all too likely to be whether bureau rates should be considered as paramount by the commissioners in exercising their rate-approval powers. In the same vein, we called attention to the hearing on aviation insurance which had only then been completed and ventured the opinion that these hearings might well serve as a springboard from which to launch a searching inquiry into the broad subject of unlicensed operations by interlopers from across the water in the American market.

The subsequent history of the Senate subcommittee investigation shows only too well how accurate these prophesies were. For, now you can find pages upon pages of testimony in the record on the role played by such organizations as the New York Fire Insurance Rating Organization, the National Board of Fire Underwriters and the Inter-Regional Insurance Conference in the making of rates and their attitude toward deviations and independent filings. The same holds true of the inquiry into the operations of unlicensed organizations from across the water in the American insurance market which, be it remembered, assumed such importance and magnitude as to bring to our shores none other than the then chairman of Lloyd's, Anthony C. Grover, to present Lloyd's side of the story.

Now comes still another event serving to justify our warning of 3 years ago about the dangers in assuming that the investigation was floundering and likely to prove to be a dud. We refer to the fact that Senator ALEXANDER WILEY, Republican, of Wisconsin, a minority member of the Senate Subcommittee on Antitrust and Monopoly, has seen fit to append to the report of the subcommittee his own views on insurance rates, rating organizations and State regulation wherein he chides the majority for "lack of a critical evaluation of whether the present rating system fully encourages competition and speedy progress in the insurance business" and for failure to include in both reports of the hearings any mention of the surplus lines problem which he regards as "pressing and requires immediate attention."

But let the Senator speak for himself. Here is the full text of his report:

VIEWS OF SENATOR WILEY

"The Antitrust and Monopoly Subcommittee's report dealing with the insurance business undertakes to examine a question which is certainly due for evaluation—the effectiveness of State regulation of insurance and the need or lack of need for Federal controls. Following the 1944 Supreme Court decision in the South-Eastern Underwriters case, which declared that the insurance business was subject to Federal jurisdiction and that therefore the antitrust laws were applicable to it, Public Law 15, of the 79th Congress, was enacted in order to restore the power of the States to regulate insurance. This law, also known as the McCarran-Ferguson Act, encouraged the States to assume the responsibility of regulating the insurance business, but provided that to the extent that the States fail to do so, the Federal antitrust provisions should become applicable. It is obvious, therefore, that it is the duty of Congress to ascertain from time to time whether or not the State controls are effective and whether Federal supervision may be needed.

"The subcommittee hearings dealt in great detail with the methods presently utilized by the States in the regulation of the insurance companies. The report, furthermore, goes into the ratemaking practices utilized by the several States. The report deals with the role of national and regional advisory organizations in the determination of insurance rates. The report is concerned with the role of rating bureaus and describes the procedures utilized for deviation from such rates. All this is covered in great detail, and indeed in much too great a detail. But what remains lacking is a critical evaluation of whether the present system fully encourages competition and speedy progress in the insurance business.

"All in all, I agree with the general conclusions drawn from this investigation both by the majority and the minority Senators. It is obvious from these hearings that no support for Federal regulation was found in any of the groups representing important segments of the industry. It is clear, furthermore, that the continued regulation of insurance by the individual States is in the public interest. Also, I agree that in order to spur competition, mandatory rating bureau memberships and uniform rates should be done away with as contrary to the public interest.

"THE ROLE OF RATE SUPERVISION

"Yet, completely apart from the issue of State versus Federal controls, I am surprised at the report's completely uncritical acceptance of State rate supervision as the major tool for protecting and promoting the public interest, to the neglect of the capital and reserve requirements. There has been testimony that the present concern of the State supervisory agencies for the rate structures may possibly be a preoccupation resulting in unnecessary rate uniformity and inflexibility. It may, furthermore, be responsible for the inability of American companies to compete, in certain cases, with foreign insurance companies. The following exchange between the subcommittee counsel and one of the witnesses illustrates this point:

" 'Mr. MCHUGH. Did these laws make it difficult, or impossible in some cases, for the American companies that were admitted and licensed to freely compete?

" 'Mr. HOPPS. In some cases it actually made it impossible because the basic of the law would give to the commissioner and his deputies the right to determine the adequacy of rate or inadequacy of rate.

" 'It is a very difficult thing, indeed, to prove that you should be reducing rates when you have had no experience on that, except your own judgment.

" 'Since the experience was all compiled by associations and not broken down the way you would like, it takes some time to persuade the various departments on commissions and on rates.

" 'During that time, very frequently the ship has sailed, and the business has gone to a nonadmitted market' (the insurance industry, hearings before the Subcommittee on Antitrust and Monopoly, pt. 10, May 26, 1960, p. 5845).

"Naturally, it is important in the public interest to make certain that the insurance companies upon which the public relies for its security are operated in a fashion which protects the insurance buyer. Still, a survey of insurance companies which have failed in recent years indicates that the common cause for default is not inadequate rates but improper capital and reserve requirements. Possibly more attention should be centered in the future upon the capitalization and reserve requirements and the reinsurance contracts of insurance companies—leaving insurance rates more to individual determination and adjustment. If the emphasis is shifted accordingly, we may be able to continue to safeguard the interests of the insurance-buying public while providing at the same time for more rate competition—so that insurance may become available on more competitive terms.

"THE QUESTIONING OF LLOYD'S CHAIRMAN

"It should be noted in this connection that the successful British insurance industry is supervised through capital requirements rather than through State rate supervision. The following questioning, directed to Anthony C. Grover, chairman of Lloyd's of London, by my counsel on the subcommittee illustrates this point:

" 'Mr. KITTRIE. Do you feel that we are proceeding properly or are we really proceeding with a mistaken notion by being all concerned with rates and not nearly concerned with the soundness of the companies. If we could make certain that the companies licensed in this country are sound, would we have to be as concerned with rates and adherence to rates?

" 'Mr. GROVER. I am only expressing my personal opinion when I give an answer to that question, but I think we do feel that it is far more important to establish the solvency behind a company than to lay down a pattern of rates at which certain business may be written.

" 'I think that is perhaps the main difference between our operations on our side of the Atlantic and yours.

" 'Mr. KITTRIE. Actually, having a system where rates are officially established and it is very difficult to change them does seem to interfere with competition, doesn't it?

" 'Mr. GROVER. I think it does, yes.' (Hearings before the Subcommittee on Antitrust and Monopoly, June 17, 1960, pt. 10, p. 6010.)

"SURPLUS LINE INSURANCE

"I wish to call attention to one further inadequacy in this report. This second subcommittee report which resulted from the insurance investigation, and which deals with rates and State rate regulation, appears, in fact, to conclude the present legislative review of this important business. Consequently, I feel it is imperative that I call attention to one phase of the insurance business which both the first and second subcommittee reports neglected to mention: this being the subject of surplus line insurance—a line of insurance in which the American public interest may be most directly and immediately threatened.

"Indeed, part 10 of the subcommittee hearings deals with the operations of surplus line foreign companies. These hearings lasted 6 days and cover more than 300 pages of testimony. Yet, the final report of the subcommittee fails altogether to refer to this subject. It is my own feeling, however, that the problems involved in the operation of the foreign surplus line insurance companies in the United States are rather pressing and requires immediate attention.

"Before the series of hearings on surplus line companies was commenced, I stated on the floor of the Senate, on February 11, 1960, as follows:

"UNFAIR COMPETITION

" 'In the United States insurance has become a central institution in both our economic and social life. Insurance provides us peace of mind. Unfortunately, the future of our insurance industry and the security of American investors are now being jeopardized by unfair competition from foreign insurance organizations.

" 'Currently, there is evidence to indicate that the foreign insurance operations—in some instances—engage in unfair competition with U.S. companies. For example: Such companies are not always subject to the high standards required of domestic companies; they sometimes may operate at a loss to get into U.S. markets; instances have been uncovered in which such companies had little or no assets to back up their policies.'

"As a specific illustration, a recent editorial in the American Medical Association News, under the heading 'Shocking Discovery,' states that many U.S. physicians may be forced to use their life savings to satisfy malpractice claims because of the failure of a British insurance company. These M.D.'s purchased malpractice insurance which they believed was covered 100 percent by Lloyd's of London, stalwart giant of the world insurance fraternities. Recently, they were shocked to learn that the policies were underwritten by a group of participating British companies—both small and large, and that Lloyd's had only partial interest in this. One of the underwriters was the British Commercial Insurance Co. which closed its doors in September 1959. In some cases British Commercial held as much as 80 percent of the coverage.

"The impact of this shocking discovery was felt recently by an American surgeon who had to pay $10,000 out of his own savings in settling a malpractice action. Over the Nation some 11,000 physicians are known to have carried such policies from 1953 to 1956.

"The American Medical Association News' editorial suggests that Lloyd's and other British insurance companies absorb the assets and liabilities of British Commercial. The cost, they say, would be infinitesimal compared to the loss in prestige and faith which is bound to occur if the British insurance carriers do nothing.

"But whether Lloyd's undertake such action or not—it is our duty as legislators to look beyond the facts of this one case.

"There has also been evidence of insurance companies operating out of Tangiers—which turned out to be totally irresponsible.

"Recognizing the adverse impact such operations could have on American interests, I believe that further State and Federal action—including efforts by the Antitrust and Monopoly Subcommittee toward taking a new look at the situation is necessary to see what can properly be done to protect not only the U.S. insurance companies but the American purchaser of policies."

INEFFECTIVENESS OF PRESENT CONTROLS

During the hearings of the Subcommittee on Antitrust and Monopoly that followed, extensive evidence was produced to show the ineffectiveness of the present controls over foreign surplus line insurance companies. These companies which are chartered and licensed overseas are not, in most cases, admitted legally to do business in the United States. They do not need to comply with the insurance standards established by the several States. If one State finally proceeds against such foreign company, the latter is able to shift its operations to another State and nothing is to prevent it from moving on to such newer and greener territories. (Hearings before the Subcommittee on Antitrust and Monopoly, May 26, 1960, pt. 10, p. 5906.)

These foreign surplus line companies sell insurance only to a limited number of insurance-wise purchasers who are unable to purchase coverage from local companies. Evidence was produced that in some instances these foreign companies sold deposit insurance to a great number of savings and loan companies and thus offered protection—or lack of it—to hundreds of thousands of small American depositors. (Hearings before the Subcommittee on Antitrust and Monopoly, May 25, 1960, pt. 10, p. 5789.)

Some of these foreign surplus line companies had only fictional assets, fictional directors, fictional headquarters, and nothing to back up their guarantees. The depositors in these savings and loan companies were led to believe that they were being protected by the fact that their deposits were being insured. Yet, such insurance was, indeed, a fiction.

PUBLIC NOT ADEQUATELY PROTECTED

Testimony was also produced to show that once one of these foreign companies was put under receivership and was prohibited from doing business in California—but there was nothing to prevent it from continuing its operation in other States. Our public has not been adequately protected in the purchase of surplus line insurance. One of the witnesses before the subcommittee testified that the losses to the American public from the operation of nonsubstantial foreign companies that did not comply with our insurance standards amounted to some $6 million in the last 10 years. (Hearings before the Subcommittee on Antitrust and Monopoly, May 26, 1960, pt. 10, p. 5893.)

Naturally, not all of the foreign surplus line insurance companies are irresponsible. Lloyd's of London has a long tradition of honorable and responsible business in this country. They furthermore established a trust fund in this country to make certain that their obligations are met. But this is not always the case with the other surplus line companies—some of which seem to have been organized specifically for the purpose of exploiting the American market.

NOTHING ACCOMPLISHED TO DATE

Subsequent to the subcommittee hearings last year, a movement seemed underway among the State insurance commissioners to prepare legislation designed to deal with foreign surplus line companies, but nothing was accomplished to date. I do not believe that this vacuum can be left open for a long time. As a recent article in the United States Investor states:

"For some years now, we have been saying not only in these columns but on the public platform that the insurance business of this country cannot continue to exist half slave and half free of rigid regulation. And by that, of course, we have had reference to the absurd and intolerable conditions of affairs arising out of the fact that unlicensed surplus lines' writers from across the water are permitted to roam our insurance markets almost at will, picking up choice risks pretty much at their own price and under their own forms—with hardly a restraining word from State or Federal authorities. This, mind you, in face of the fact that our duly licensed companies must adhere to the regulatory laws and practices in the States where they operate—a requirement which hobbles them in any attempt they make to secure their share of these 'unusual' and attractive large risks in the industrial and mercantile and other fields." (Kenney, "Opponents of Legislative Action on Surplus Line Now in Tight Squeeze, United States Investor," p. 53, July 3, 1961.)

The responsibility rests with the several States to provide the insurance buyer and the American insurance companies with adequate protection. It certainly would be unfortunate if the lack of action on the part of the States would create a demand for Federal controls.

A STRONG REPORT

Any way you look at it, the above is a very strong report. And it has very great significance, having been written by a minority member of the Senate subcommittee who, after careful study of the testimony, finds himself in the position of having to criticize the authors of the reports for failure to make full and proper use of the facts laid out before them in two very important areas of State regulation.

As we see the situation now, the insurance commissioners have been put on due notice that regulation of surplus lines must reach far beyond the mere guiding principles stage if intrusion by the Federal Government is to be avoided. What's more, judging from the fact that Senator WILEY had some very strong feelings on unlicensed operators from across the water even before the Senate subcommittee hearings opened, and judging also from the fact that he seems deeply disturbed because neither the first nor second subcommittee report mentions the subject of surplus lines insurance, he is not likely to permit the question of proper regulation to become a dead issue from this standpoint of either the Senate subcommittee or the insurance commissioners.

And please note that the Senator deftly ties the question whether rigid rate regulation is a fitting substitute for regulation for solvency to the surplus lines problem in saying that the former may be responsible for the inability of American companies to compete with foreign insurance companies. By so doing, he has marked out a strategy which could have a very decided and favorable effect not only upon the fortunes of the District of Columbia bill providing for the filing and immediate use of rates but also upon the movement sponsored by a powerful segment of the industry looking toward the elimination of prior approval of rates by the commissioners.

That's our way of saying that regulation for solvency has received substantial help from unexpected sources in Washington. And for this turn of events the commissioners have only themselves to blame because of their persistent failure to face up to the surplus lines regulatory problem.

PRESIDENT KENNEDY'S SPEECH BEFORE THE U.N.

Mr. MONRONEY. Mr. President, only a few moments ago I heard President Kennedy address the United Nations. In my judgment, his was the greatest speech that has ever been delivered before the United Nations.

Commenting upon the conflicts of our time, in a statesmanlike manner, the President clearly reflected the determination of the United States to defend the freedoms of all people, but he also reflected our willingness to negotiate and to try, within a framework of peace, to bring about solutions in the troubled areas of the world.

I was greatly impressed by his eloquence and the beauty of his language, which I believe compared favorably with his great inaugural address, which won him worldwide acclaim.

He pinpointed the efforts that we, as a former colonial nation, have made to help bring freedom to areas of the world which for centuries have been ruled by the few that have exploited them. He emphasized the record of 43 nations which we have supported in gaining independence.

He forcefully contrasted this with the type of colonialism under which nearly one-third of the world's people behind the Iron Curtain are now suffering through the denial of the right of self-determination.

If the representatives in the United Nations have the eyes to see the crisis that we face, the ears to hear the plea for peace—but also the determination of the free world that the right of freedom cannot be denied anyone under the threat of duress or war—and the hearts to believe America's policy as announced and enunciated in the United Nations today; if those representatives in the United Nations can hear that clarion call and find in their hearts the determination to make the United Nations what its founders hoped it would be, President Kennedy's speech will go down in history and be long remembered.

Mr. COOPER. Mr. President, I join in the sentiment expressed by the distinguished Senator from Oklahoma [Mr. MONRONEY]. I have just heard the speech of the President of the United States before the General Assembly of the U.N. broadcast by radio.

The Congress can bring its influence to bear upon our foreign policy, as can the people of our country. But at last, it is the President of the United States who speaks for our country.

As I listened to the President today, I thought he spoke for our country in its finest tradition, in its adherence to the principle of self-determination for all peoples—and devotion to freedom principles which have guided our country throughout its life.

Today the President laid before the United Nations in proper perspective the problem of Berlin. As he said, it was not the place or the time to speak of the problem of Berlin in immoderate terms. Yet he told the General Assembly what they must know—that the Berlin crisis is not of our making, but a crisis made by the Soviet Union.

He expressed the willingness to negotiate with the Soviet Union if negotiations can be conducted honorably, and if there is an equal willingness on the part of the Soviet Union to actually negotiate. But he emphasized our determination when he said that the United States possesses both the will and the weapons to stand for its commitments there and everywhere else. I think it was necessary to make it clear that while the United States seeks honorable agreements, we stand united to fight, if necessary, for our security and freedom. Our policy of self-determination coincides with that of all free nations throughout the world—and this should be recognized by the members of the United Nations.

I shall not say anything else today except that the President pointed in broad scope the possibility for a more effective United Nations, and the policies of our country toward the United Nations, and world issues, which should bind us with free countries throughout the world.

The President spoke eloquently, and as I listened today, I thought that he expressed the convictions of the people of the United States.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senator from Oklahoma [Mr. MONRONEY] and the distinguished Senator from Kentucky [Mr. COOPER] in what they have said relative to the magnificent and statesmanlike address of the President of the United States to the United Nations.

It was one of the outstanding speeches of our generation. I hope that the membership of the U.N. will take to heart what President Kennedy said, and act accordingly. I hope they will stand up not only for the rights of the United Nations, but will also stand up for their own rights, because the two, for most of the nations of the world, are inextricably bound together.

I ask unanimous consent that the President's address may be printed in the RECORD at this point.

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

FOLLOWING IS THE TEXT OF THE PRESIDENT'S ADDRESS TO THE UNITED NATIONS, DELIVERED AT 11:30 A.M., EASTERN DAYLIGHT TIME, SEPTEMBER 25, 1961, NEW YORK CITY

Mr. President, honored delegates, ladies and gentlemen, we meet in an hour of grief and challenge. Dag Hammarskjold is dead. But the United Nations lives. His tragedy is deep in our hearts, but the task for which he died is at the top of our agenda. A noble servant of peace is gone. But the quest for peace lies before us.

The problem is not the death of one man—the problem is the life of this Organization. It will either grow to meet the challenge of our age or it will be gone with the wind, without influence, without force, without respect. Were we to let it die, to enfeeble its vigor, to cripple its powers, we would condemn the future.

For in the development of this Organization rests the only true alternative to war and war appeals no longer as a rational alternative. Unconditional war can no longer lead to unconditional victory. It can no longer serve to settle disputes. It can no longer concern the great powers alone. For a nuclear disaster, spread by winds and waters and fear, could well engulf the great and the small, the rich and the poor, the committed and the uncommitted alike. Mankind must put an end to war—or war will put an end to mankind.

So let us here resolve that Dag Hammarskjold did not live, or die, in vain. Let us call a truce to terror. Let us invoke the blessings of peace. And, as we build an international capacity to keep peace, let us join in dismantling the national capacity to wage war.

II

This will require new strength and new roles for the United Nations. For disarmament without checks is but a shadow—and a community without law is but a shell. Already the United Nations has become both the measure and the vehicle of man's most generous impulses. Already it has provided—in the Middle East, in Asia, in Africa this year in the Congo, a means of holding violence within bounds.

But the great question which confronted this body in 1945 is still before us—whether man's cherished hopes for progress and peace are to be destroyed by terror and disruption—whether the "foul winds of war" can be tamed in time to free the cooling winds of reason—and whether the pledges of our charter are ot be fulfilled or defied: pledges to secure peace, progress, human rights and world law.

In this hall, there are not three forces, but two. One is composed of those who are trying to build the kind of world described in articles I and II of the charter. The other, seeking a far different world, would undermine this organization in the process.

Today of all days our dedication to the charter must be maintained. It must be strengthened, first of all, by the selection of an outstanding civil servant to carry forward the responsibilities of the Secretary General—a man endowed with both the wisdom and the power to make meaningful the moral force of the world community. The late Secretary General nurtured and sharpened the United Nations obligation to act. But he did not invent it. It was there in the charter. It is still there in the charter.

However difficult it may be to fill Mr. Hammarskjold's place, it can better be filled by one man rather than by three. Even the three horses of the troika did not have three drivers, all going in different directions. They had only one—and so must the United Nations executive. To install a triumvirate, or any rotating authority, in the United Nations administrative offices would replace order with anarchy, action with paralysis, and confidence with confusion.

The Secretary General, in a very real sense, is the servant of the General Assembly. Diminish his authority and you diminish the authority of the only body where all nations, regardless of power, are equal and sovereign. Until all the powerful are just, the weak will be secure only in the strength of this Assembly.

Effective and independent executive action is not the same question as balanced representation. In view of the enormous change in membership in this body since its founding, the American delegation will join in any effort for the prompt review and revision of the composition of United Nations bodies.

But to give this organization three drivers—to permit each great power to decide its own case—would entrench the cold war in the headquarters of peace. Whatever advantages such a plan may hold out to my own country, as one of the great powers, we reject it. For we far prefer world law, in the age of self-determination, to world war, in the age of mass extermination.

III

Today, every inhabitant of this planet must contemplate the day when this planet may no longer be habitable. Every man, woman, and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us.

Men no longer debate whether armaments are a symptom or a cause of tension. The mere existence of modern weapons—10 million times more powerful than anything the world has ever seen, and only minutes away from any target on earth—is a source of horror, and discord and distrust. Men no longer maintain that disarmament must await the settlement of all disputes—for disarmament must be a part of any permanent settlement. And men may no longer pretend that the quest for disarmament is a sign of weakness—for in a spiraling arms race, a nation's security may well be shrinking even as its arms increase.

For 15 years this Organization has sought the reduction and destruction of arms. Now that goal is no longer a dream—it is a practical matter of life or death. The risks inherent in disarmament pale in comparison to the risks inherent in an unlimited arms race.

It is in this spirit that the recent Belgrade Conference—recognizing that this is no longer a Soviet problem or an American problem, but a human problem—endorsed a program of "general, complete, and strictly an internationally controlled disarmament." It is in this same spirit that we in the United States have labored this year, with a new urgency, and with a new, now statutory agency fully endorsed by the Congress, to find an approach to disarmament which would be so far reaching yet realistic, so mutually balanced and beneficial, that it could be accepted by every nation. And it is in this spirit that we have presented with the agreement of the Soviet Union—under the label both nations now accept of "general and complete disarmament"—a new statement of newly agreed principles for negotiation.

But we are well aware that all issues of principle are not settled—and that principles alone are not enough. It is therefore our intention to challenge the Soviet Union, not to an arms race, but to a peace race—to advance together step by step, stage by stage, until general and complete disarmament has been achieved. We invite them now to go beyond agreement in principle to reach agreement on actual plans.

The program to be presented to this Assembly—for general and complete disarmament under effective international control—moves to bridge the gap between those who insist on a gradual approach and those who talk only of the final and total achievement. It would create machinery to keep the peace as it destroys the machines of war. It would proceed through balanced and safeguarded stages designed to give no state a military advantage over another. It would place the final responsibility for verification and control where it belongs—not with the big powers alone, not with one's adversary or one's self—but in an international organization within the framework of the United Nations. It would assure that indispensable condition of disarmament—true inspection—and apply it in stages proportionate to the stage of disarmament. It would cover delivery systems as well as weapons. It would ultimately halt their production as well as their testing, their transfer as well as their possession. It would achieve, under the eye of an international disarmament organization, a steady reduction in forces, both nuclear and conventional, until it has abolished all armies and all weapons except those needed for internal order and a new United Nations peace force. And it starts that process now, today, even as the talks begin.

In short, general and complete disarmament must no longer be a slogan, used to resist the first steps. It is no longer to be a goal without means of achieving it, without means of verifying its progress, without means of keeping the peace. It is now a realistic plan, and a test—a test of those only willing to talk and a test of those willing to act.

Such a plan would not bring a world free from conflict or greed—but it would bring a world free from the terrors of mass destruction. It would not usher in the era of the superstate—but it would usher in an era in which no state could annihilate or be annihilated by another.

In 1945, this Nation proposed the Baruch plan to internationalize the atom before other nations even possessed the bomb or demilitarized their troops. We proposed with our allies the disarmament plan of 1951 while still at war in Korea. And we make our proposals today, while building up our defenses over Berlin, not because we are inconsistent or insincere or intimidated, but because we know the rights of freemen will prevail—because while we are compelled against our will to rearm, we look confidently beyond Berlin to the kind of disarmed world we all prefer.

I therefore propose, on the basis of this plan, that disarmament negotiations resume promptly, and continue without interruption until an entire program for general and complete disarmament has not only been agreed but has been actually achieved.

IV

The logical place to begin is a treaty assuring the end of nuclear tests of all kinds, in every environment, under workable controls. The United States and the United Kingdom have proposed such a treaty that is both reasonable, effective, and ready for signature. We are still prepared to sign that treaty today.

We also proposed a mutual ban on atmospheric testing, without inspection or controls, in order to save the human race from the poison of radioactive fallout. We regret that that offer was not accepted.

For 15 years we have sought to make the atom an instrument of peaceful growth rather than of war. But for 15 years our concessions have been matched by obstruction, our patience by intransigence. And the pleas of mankind for peace have met with disregard.

Finally, as the explosions of others beclouded the skies, my country was left with no alternative but to act in the interests of its own and the free world's security. We cannot endanger that security by refraining from testing while others improve their arsenals. Nor can we endanger it by another long, uninspected ban on testing. For 3 years we accepted those risks in our open society while seeking agreement on inspection. But this year, while we were negotiating in good faith in Geneva, others were secretly preparing new experiments in destruction.

Our tests are not polluting the atmosphere. Our deterrent weapons are guarded against accidental explosion or use. Our doctors and scientists stand ready to help any nation measure and meet the hazards to health which inevitably result from the tests in the atmosphere.

But to halt the spread of these terrible weapons, to halt the contamination of the air, to halt the spiraling nuclear arms race, we remain ready to seek new avenues of agreement, our new disarmament program thus includes the following proposals:

First, signing the test-ban treaty by all nations. This can be done now. Test-ban negotiations need not and should not await general disarmament.

Second, stopping the production of fissionable materials for use in weapons, and preventing their transfer to any nation now lacking in nuclear weapons.

Third, prohibiting the transfer of control over nuclear weapons to states that do not own them.

Fourth, keeping nuclear weapons from seeding new battlegrounds in outer space.

Fifth, gradually destroying existing nuclear weapons and converting their materials to peaceful uses; and

Finally, halting the unlimited testing and production of strategic nuclear delivery vehicles, and gradually destroying them as well.

V

To destroy arms, however, is not enough. We must create even as we destroy—creating worldwide law and law enforcement as we outlaw worldwide war and weapons. In the world we seek, the United Nations emergency forces which have been hastily assembled, uncertainly supplied, and inadequately financed will never be enough.

Therefore, the United States recommends that all member nations earmark special peace-keeping units in their armed forces—to be on call of the United Nations—to be specially trained and quickly available—and with advance provision for financial and logistic support.

In addition, the American delegation will suggest a series of steps to improve the United Nations machinery for the peaceful settlement of disputes—for on-the-spot fact-finding, mediation, and adjudication—for extending the rule of international law. For peace is not solely a matter of military or technical problems—it is primarily a problem of politics and people. And, unless man can match his strides in weaponry and technology with equal strides in social and political development, our great strength, like that of the dinosaur, will become incapable of proper control—and like the dinosaur vanish from the earth.

VI

As we extend the rule of law on earth, so must we also extend it to man's new domain: outer space.

All of us salute the brave cosmonauts of the Soviet Union. The new horizons of outer space must not be driven by the old, bitter concepts of imperialism and sovereign claims. The cold reaches of the universe must not become the new arena of an even colder war.

To this end, we shall urge proposals extending the United Nations Charter to the limits of man's exploration in the universe, reserving outer space for peaceful use, prohibiting weapons of mass destruction in space or on celestial bodies, and opening the mysteries and benefits of space to every nation. We shall further propose cooperative efforts between all nations in weather prediction and eventually in weather control. We shall propose, finally, a global system of communications satellites linking the whole world in telegraph and telephone and radio and television. The day need not be far away when such a system will televise the proceedings of this body to every corner of the world for the benefit of peace.

VII

But the mysteries of outer space must not divert our eyes or our energies from the harsh realities that face our fellow men. Political sovereignty is but a mockery without the means of meeting poverty and illiteracy and disease. Self-determination is but a slogan if the future holds no hope.

That is why my Nation—which has freely shared its capital and its technology to help others help themselves—now proposes officially designating this decade of the 1960's as the United Nations decade of development. Under the framework of that resolution, the United Nations existing efforts in

promoting economic growth can be expanded and coordinated. Regional surveys and training institutes can now pool the talents of many. New research, technical assistance and pilot projects can unlock the wealth of less developed lands and untapped waters. And development can become a cooperative and not a competitive enterprise—to enable all nations, however diverse in their systems and beliefs, to become in fact as well as in law, free and equal nations.

VIII

My country favors a world of free and equal states. We agree with those who say that colonialism is a key issue in this Assembly. But let the full facts of that issue be discussed in full.

On the one hand is the fact that, since the close of World War II, a worldwide declaration of independence has transformed nearly 1.9 million square miles into 42 free and independent states. Less than 2 percent of the world's population now lives in dependent territories.

I do not ignore the remaining problems of traditional colonialism which still confront this body. Those problems will be solved, with patience, good will, and determination. Within the limits of our responsibility in such matters, my country intends to be a participant and not merely an observer, in the peaceful, expeditious movement of nations from the status of colonies to the partnership of equals. That continuing tide of self-determination, which runs so strong, has our sympathy and our support.

But colonialism in its harshest forms is not only the exploitation of new nations by old, of dark skins by light—or the subjugation of the poor by the rich. My Nation was once a colony—and we know what colonialism means; the exploitation and subjugation of the weak by the powerful, of the many by the few, of the governed who have given no consent to be governed, whatever their continent, their class or their color and that is why there is no ignoring the fact that the tide of self-determination has not reached the Communist empire where a population far larger than that officially termed "dependent" lives under governments installed by foreign troops instead of free institutions—under a system which knows only one party and one belief—which suppresses free debate, and free elections, and free newspapers, and free books, and free trade unions—and which builds a wall to keep truth a stranger and its own citizens prisoners. Let us debate colonialism in full—and apply the principle of free choice and the practice of free plebiscites in every corner of the globe.

IX

Finally, as President of the United States, I consider it my duty to report to this Assembly on two threats to the peace which are not on your crowded agenda, but which causes us, and most of you, the deepest concern.

The first threat on which I wish to report is widely misunderstood: The smoldering coals of war in southeast Asia. South Vietnam is already under attack—sometimes by a single assassin, sometimes by a band of guerrillas, recently by full battalions. The peaceful borders of Burma, Cambodia, and India have been repeatedly violated. And the peaceful people of Laos are in danger of losing the independence they gained not so long ago.

No one can call these "wars of liberation." For these are free countries living under governments. Nor are these aggressions any less real because men are knifed in their homes and not shot in the fields of battle.

The very simple question confronting the world community is whether measures can be devised to protect the small and weak from such tactics. For if they are successful in Laos and South Vietnam, the gates will be opened wide.

The United States seeks for itself no base, no territory, no special position in this area of any kind. We support a truly neutral and independent Laos, its people free from outside interference, living at peace with themselves and with their neighbors, assured that their territory will not be used for attacks on others, and under a government comparable—as Mr. Khrushchev and I agreed at Vienna—to Cambodia and Burma.

But now the negotiations over Laos are reaching a crucial stage. The cease-fire is at best precarious. The rainy season is coming to an end. Lao territory is being used to infiltrate South Vietnam. The world community must recognize—all those who are involved—that this potent threat to Lao peace and freedom is indivisible from all other threats to their own.

Secondly, I wish to report to you on the crisis over Germany and Berlin. This is not the time or the place for immoderate tones, but the world community is entitled to know the very simple issues as we see them. If there is a crisis it is because an existing peace is under threat—because an existing island of free people is under pressure—because solemn agreements are being treated with indifference. Established international rights are being threatened with unilateral usurpation. Peaceful circulation has been interrupted by barbed wire and concrete blocks.

One recalls the order of the czar in Pushkin's Boris Godunov: "Take steps at this very hour that our frontiers be fenced in by barriers. That not a single soul pass o'er the border, that not a hare be able to run or a crow to fly."

It is absurd to allege that we are threatening a war merely to prevent the Soviet Union and East Germany from signing a so-called "treaty" of peace. The Western allies are not concerned with any paper arrangement the Soviets may wish to make with a regime of their own creation, on territory occupied by their own troops and governed by their own agents. No such action can affect either our rights or our responsibilities.

If there is a dangerous crisis in Berlin—and there is—it is because of threats against the vital interests and the deep commitments of the Western Powers, and the freedom of West Berlin. We cannot yield these interests. We cannot fail these commitments. We cannot surrender the freedom of these people for whom we are responsible. A "peace treaty" which carried with it the provisions which destroy the peace would be a fraud. A "free city" which was not genuinely free would suffocate freedom and would be an infamy.

For a city or a people to be truly free, they must have the secure right, without economic, political or police pressure, to make their own choice and to live their own lives. And as I have said before, if anyone doubts the extent to which our presence is desired by the people of West Berlin, we are ready to have that question submitted to a free vote in all Berlin and, if possible, among all the German people.

The elementary fact about this crisis is that it is unnecessary. The elementary tools for a peaceful settlement are to be found in the charter. Under its law, agreements are to be kept, unless changed by all those who made them. Established rights are to be respected. The political disposition of peoples should rest upon their own wishes, freely expressed in plebiscites or free elections. If there are legal problems, they can be solved by legal means. If there is a threat of force, it must be rejected. If there is desire for change, it must be a subject for negotiation and if there is negotiation, it must be rooted in mutual respect and concern for the rights of others.

The Western Powers have calmly resolved to defend, by whatever means are forced upon them, their obligations and their access to the free citizens of West Berlin and the self-determination of those citizens. This generation learned from bitter experience that either brandishing or yielding to threats can only lead to war. But firmness and reason can lead to the kind of peaceful solution in which my country profoundly believes.

We are committed to no rigid formula. We see no perfect solution. We recognize that troops and tanks can, for a time, keep a nation divided against its will, however unwise that policy may seem to us. But we believe a peaceful agreement is possible which protects the freedom of West Berlin and allied presence and access, while recognizing the historic and legitimate interests of others in assuring European security.

The possibilities of negotiation are now being explored; it is too early to report what the prospects may be. For our part, we would be glad to report at the appropriate time that a solution has been found. For there is no need for a crisis over Berlin, threatening the peace—and if those who created this crisis desire peace, there will be peace and freedom in Berlin.

X

The events and decisions of the next 10 months may well decide the fate of man for the next 10,000 years. There will be no avoiding those events. There will be no appeal from these decisions. And we in this hall shall be remembered either as part of the generation that turned this planet into a flaming funeral pyre or the generation that met its vow "to save succeeding generations from the scourge of war."

In the endeavor to meet that vow, I pledge you every effort this Nation possesses. I pledge you that we shall neither commit nor provoke aggression—that we shall neither flee nor invoke the threat of force—that we shall never negotiate out of fear, we shall never fear to negotiate.

Terror is not a new weapon. Throughout history it has been used by those who could not prevail, either by persuasion or example. But inevitably they fail—either because men are not afraid to die for a life worth living—or because the terrorists themselves came to realize that freemen cannot be frightened by threats, and that aggression would meet its own response. And it is in the light of that history that every nation today should know, be he friend or foe, that the United States has both the will and the weapons to join freemen in standing up to their responsibilities.

But I come here today to look across this world of threats to the world of peace. In that search we cannot expect any final triumph—for new problems will always arise. We cannot expect that all nations will adopt like systems—for conformity is the jailer of freedom, and the enemy of growth. Nor can we expect to reach our goal by contrivance, by fiat or even by the wishes of all.

But however close we sometimes seem to that dark and final abyss, let no man of peace and freedom despair. For he does not stand alone. If we all can persevere—if we can in every land and office look beyond our own shores and ambitions—then surely the age will dawn in which the strong are just and the weak secure and the peace preserved.

Ladies and gentlemen of this Assembly, the decision is ours. Never have the nations of the world had so much to lose—or so much to gain. Together we shall save our planet—or together we shall perish in its flames. Save it we can—and save it we must—and then shall we earn the eternal thanks of mankind and, as peacemakers, the eternal blessing of God.

ANNUAL AUDIT OF BRIDGE COMMISSIONS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1093, H.R. 8921.

The PRESIDING OFFICER (Mr. HICKEY in the chair). The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8921) to provide for the annual audit of bridge commissions and authorities created by act of Congress for the filling of vacancies in the membership thereof, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments on page 4, line 8, after the word "Commerce", to strike out "shall" and insert "may", and on page 6, line 4, after the word "made", to insert "The Secretary of Commerce shall review such annual reports and audit reports submitted under section 1(b) of this Act and shall make recommendations to the Congress based upon such review, or take such other action as he may consider necessary, to effectuate the intent of the Congress as established by this Act or by the Act under which the individual bridge commission or authority was created."

Mr. MANSFIELD. Mr. President, the bill meets with the approval of both the minority and majority leadership. It was reported unanimously, I understand, by the Public Works Committee. I ask unanimous consent to insert at this point in the RECORD a statement on the bill.

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

PURPOSE OF THE BILL

The purpose of H.R. 8921 is to establish standard procedures for an annual audit of the financial transaction of four bridge commissions and one bridge and causeway authority created by acts of Congress in accordance with procedures prescribed by the Governors of the States concerned and in accordance with generally accepted auditing standards. The services of the General Accounting Office with respect to advice and counsel are authorized. The audit shall be submitted to the Governors of the States concerned and to the Secretary of Commerce. If the audit report is not satisfactory, further audits are authorized at the discretion of the Governor of either the State concerned or the Secretary of Commerce. The bill further provides for the appointment, reappointment, and terms in office of the members and the filling of vacancies. Authority is granted by the bill for the transfer of the powers and duties of any of the bridge commissions or the authority to the highway department or other agencies of the State or States concerned or to joint agencies established by interstate compact or agreement, and upon such transfer the bridge commission or authority shall cease to exist, and authorizes State law-enforcement officers to enforce all provisions of the various acts of Congress creating bridge commissions and authorities. The bill also sets the amount of compensation for the members of the bridge commissions or authority and the amount of travel expenses. The provisions of H.R. 8921 apply only to the following bridge commissions and authority:

Arkansas-Mississippi Bridge Commission, Arkansas and Mississippi.

White County Bridge Commission, Illinois and Indiana.

City of Clinton Bridge Commission, Illinois and Iowa.

Muscatine Bridge Commission, Iowa and Illinois.

Sabine Lake Bridge and Causeway Authority, Texas and Louisiana.

GENERAL STATEMENT

This legislation was requested by the Secretary of Commerce on January 19, 1961, in compliance with the statement of the President on July 26, 1956, when he approved the Muscatine Bridge Commission Act, Public Law 811, 84th Congress, wherein he recommended that legislation be considered with respect to existing federally created bridge commissions to require that they be subject to uniform safeguards providing for an annual audit by competent authority, and for regular fixed conditions for filling commission vacancies.

The President pointed out that the construction and operation of interstate bridges traditionally has been a State rather than a Federal responsibility, and that the States appear to have ample authority to provide for the construction, maintenance, and operation of interstate bridges under the General Bridge Act of 1946 and the interstate compact procedure, without Federal legislation creating special commissions.

Furthermore, federally created bridge commissions present serious legal and administrative problems, in that they are quasi-public bodies, rather than true State or Federal agencies, and the responsibility of assuring that they faithfully carry out their public duties is not clearly and consistently that of a specified official or agency.

The proper administration of these commissions and authorities should primarily be a matter of concern to the States involved, yet the Federal Government, having created these bodies, has a continuing responsibility to insure such administration.

H.R. 8921, as amended, clearly indicates the areas of responsibility which should be assumed by the Federal Government and by the States with respect to future activities of bridge commissions and authorities created by acts of Congress and provides for establishment of adequate safeguards to assure that the intent of Congress in establishing these commissions will be carried out.

The bill is not all inclusive with respect to various interstate authorities, such as port authorities, and with respect to future commissions and authorities which may be established, as it was believed desirable to treat them in the authorizing legislation. The provisions of H.R. 8921 are limited to the four bridge commissions and the one authority which are now in existence as established by Federal law and previously enumerated.

The Senate passed a similar bill, S. 49, on June 12, 1961. The Committee on Public Works of the House of Representatives reported out, and the House passed H.R. 8921, which differed in certain respects from S. 49. Certain provisions included in the House bill were not discussed in the committee report on the bill.

AMENDMENTS

The committee recommends amendments to H.R. 8921 in two respects, as follows:

1. Amend the language with respect to expiration and appointment of members of the White County Bridge Commission, which places the members of that commission on a different basis than members of the other affected commissions. The Secretary could reappoint any or all of the present members of that commission that he feels are competent and qualified to continue to serve as members.

2. The committee believes that the annual review function to determine the effectiveness of the operations of the commissions should be retained in the Federal Government. It has proposed an amendment directing the Secretary of Commerce to review the annual recommendations to the Congress or take such other action as he may consider necessary, to assure that the intent of Congress is being carried out with respect to this act or the acts under which the individual bridge commissions or authorities were created. This amendment will require and insure careful study and purview of the annual reports and audit reports, with action thereon that may be found to be desirable. Such action could be removal of members for cause under the provisions of section 2(e), if the Secretary deemed advisable.

COMMITTEE RECOMMENDATIONS

The committee believes that H.R. 8921, as amended, would establish standard procedures for an audit of the various bridge commissions and authorities created by acts of Congress, establish uniform terms of office for members of such commissions and authorities, establish a fair and reasonable method for appointment or reappointment of competent and qualified members, would not perpetuate present members of the White County Bridge Commission in office, provides for the transfer of functions and property to State agencies, and authorize State law enforcement officers to enforce all provisions of this act and the various acts of Congress creating bridge commissions and authorities. It is the opinion of the committee that proper administration of such agencies should primarily be a matter of concern to the States involved, but that the Federal Government having created such bodies, has a continuing responsibility to insure proper, efficient, and economic administration.

The committee does not condone the apparent lax in operating procedures and improper use of tolls collected by the White County Bridge Commission. It believes that by proper administration and prudent expenditures and repairs the New Harmony Bridge can and should be made toll free within a short period of time, in the interest of the motoring public. The aim of the General Bridge Act of 1946, and all Federal acts authorizing construction of toll bridges, is that such bridges will be free of tolls as soon as the revenue bonds are retired. Evidence presented at the hearing showed that the revenue bonds of the New Harmony Bridge of the White County Bridge Commission have been paid off for 6 years, but the tolls thereon are still being charged. The committee hopes that the members of that commission appointed by the Secretary of Commerce will actively work toward eliminating the tolls from that bridge at an early date.

The committee is of the opinion that the rate of compensation for members of the commission or authorities should be established on a uniform basis for them all, and approves the rates set forth in the bill.

The committee further believes that the bill, as amended, will assist the bridge commissions in the sale of revenue bonds, and will provide adequate procedures under which the operations of the bridge commissions and authorities would be subject to periodic review by Federal and State officials to insure that the intent of Congress in establishing such commissions will be carried out, will avoid loose management procedures in the toll bridge operations by the affected commissions, and recommends enactment of this legislation.

EXISTING COMMISSIONS

The provisions of existing law with respect to the commissions and authority covered by the bill are as follows:

1. Arkansas-Mississippi Bridge Commission

(a) Act approved May 17, 1939.

(b) Location: Over Mississippi River at Helena, Ark.

(c) Six members of commission.

(d) All appointed by Secretary of Agriculture.

(e) Term of office: Without limitation.

(f) Compensation and expense: The members of the commission shall be entitled to a per diem compensation for their services of $10 for each day actually spent in the business of the commission but the maximum compensation of the chairman in any year shall not exceed $1,200, and of each other member shall not exceed $600. The members of the commission shall also be entitled to receive traveling expense allowance of 10 cents a mile for each mile actually traveled on the business of the commission.

2. White County Bridge Commission

(a) Act approved April 12, 1941.

(b) Location: Over Wabash River near New Harmony, Ind.-Carmi, Ill.

(c) Three members of commission.

(d) Appointed by Federal Works Administrator.

(e) Term of office: Without limitation.

(f) Compensation and expense: The members of the commission shall be entitled to compensation for their services, but the maximum compensation of the chairman in any year shall not exceed $1,200 and of each other member in any year shall not exceed $600. The members of the commission shall also be entitled to receive traveling expense allowance of 10 cents a mile for each mile actually traveled on the business of the commission.

3. City of Clinton Bridge Commission

(a) Act approved December 21, 1944.

(b) Location: Over Mississippi River at Clinton, Iowa-Fulton, Ill.

(c) Seven members of commission, five from Clinton, one from Iowa State Highway Commission, and one from Illinois Division of Highways.

(d) The five commissioners from Clinton are appointed by the Federal Works Administrator; one from Iowa Highway Commission is appointed by Iowa Highway Commission; one from Illinois Division of Highways is appointed by Illinois Division of Highways.

(e) Term of office of the five Clinton members is 3 years. Term of office of the two State highway department members: Without limitation.

(f) Compensation and expense: The members of the commission shall be entitled to a per diem compensation for their services of $10 for each day actually spent in the business of the commission, but the maximum compensation of the chairman in any year shall not exceed $1,200, and of each other member shall not exceed $600. The members of the commission shall also be entitled to receive traveling expense allowance of 10 cents a mile for each mile actually traveled on the business of the commission.

4. Sabine Lake Bridge and Causeway Authority

(a) Act approved October 30, 1951.

(b) Location: Over Sabine Lake at or near Port Arthur, Tex., and a point opposite in Cameron Parish, La.

(c) Seven members of the authority.

(d) All member of the authority are ex officio members. They include the county judge, the county clerk, the commissioner of precinct No. 2, and the commissioner of precinct No. 3, all four of Jefferson County, Tex.; and the president of the police jury, the secretary of the police jury and ward No. 5 member of the police jury, all three of Cameron Parish, La.

(e) Compensation and expense: No member shall receive a salary for his services as member, but shall be paid his actual expenses not exceeding $25 per day for each day actually devoted to the performance of his duties hereunder.

5. Muscatine Bridge Commission

(a) Act approved July 26, 1956.

(b) Location: Over Mississippi River at Muscatine, Iowa.

(c) Seven members of commission. Five from Muscatine, one from the Iowa State Highway Commission, and one from Illinois Division of Highways.

(d) Each of the five members of the commission from Muscatine are appointed by the other six members of the commission. The member from the Iowa State Highway Commission is to be appointed by the Iowa State Highway Commission. The member from the Illinois Division of Highways is to be appointed by the Illinois Division of Highways.

(e) The term of office of the five Muscatine member is 5 years. The term of office of the two State highway department members is without limitation.

(f) Compensation and expense: The members of the commission shall be entitled to a per diem compensation for their services of $20 for each day actually spent in the business of the commission, but the maximum per diem compensation of the chairman in any one year shall not exceed $3,000, and the maximum annual per diem compensation of each other member shall not exceed $2,000. The members of the commission shall also be entitled to receive traveling expense allowance of 10 cents a mile, for each mile actually traveled on the business of the commission.

AGENCY COMMENTS

The comments of the interested Federal agencies on S. 49 are as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 31, 1961.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reply to your request of January 10, 1961, for a report on S. 49, a bill to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes.

The bill is designed to provide for annual audit of federally created bridge commissions by competent authority and to fix conditions for filling commission vacancies. The Bureau of the Budget favors enactment of legislation to accomplish these purposes.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for
Legislative Reference.

Mr. DOUGLAS. Mr. President, may I ask for an explanation? Is it understood that the Secretary of Commerce has optional power to replace the present commissioners of White County with other commissioners?

Mr. MANSFIELD. I would have to get the full report to give an exact answer to the Senator, but that is my understanding. If it is not so understood, I of course will ask that this matter be reconsidered and brought to the attention of the Senator from Illinois.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 8921) was read the third time and passed.

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGES REFERRED

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

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

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask that the nomination on the calendar be stated.

The PRESIDING OFFICER. The nomination on the calendar will be stated.

The legislative clerk read the nomination of Andrew J. Howard, Jr., to be associate judge of the municipal court for the District of Columbia for a term of 10 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be notified.

The PRESIDING OFFICER. Without objection, the President will be immediately notified of the confirmation of the nomination.

INTERNATIONAL TELECOMMUNICATION CONVENTION, GENEVA RADIO REGULATIONS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive Calendar Order No. 9, Executive J, 86th Congress, 2d session, the International Telecommunication Convention, with annexes, and the final protocol to the convention; and Executive Calendar Order No. 11, Executive I, 86th Congress, 2d session, Geneva Radio Regulations, with appendixes and an additional protocol; and that these two treaties be considered together and that one vote be taken on both but that two votes be recorded.

I do so on the basis of the fact that these treaties were reported unanimously by the Committee on Foreign Relations, and to the best of my knowledge there is no objection to either one.

Before the question is put I should like to notify the Senate that Calendar No. 10, Executive G, 87th Congress, 1st session, the Convention between the United States of America and Canada, signed at Washington, on February 17, 1961, will

not be considered this year, but will be put over until next year.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the Convention (Ex. J, 86th Cong., 2d sess.), the International Telecommunication Convention, with annexes, and the final protocol to the Convention, signed at Geneva on December 21, 1959, by the delegates of the United States of America and delegates of other countries represented at the Plenipotentiary Conference of the International Telecommunications Union, which was read the second time, as follows:

INTERNATIONAL TELECOMMUNICATION CONVENTION

PREAMBLE

[1] While fully recognizing the sovereign right of each country to regulate its telecommunication, the plenipotentiaries of the Contracting Governments, with the object facilitating relations and cooperation between the peoples by means of efficient telecommunication services, have agreed to conclude the following Convention.

[2] The countries and groups of territories which become parties to the present Convention constitute the International Telecommunication Union.

Chapter I. Composition, functions and structure of the Union

Article 1. Composition of the Union

[3] 1. The International Telecommunication Union shall comprise Members and Associate Members.

[4] 2. A Member of the Union shall be:

(a) any country or group of territories listed in annex 1 upon signature and ratification of, or accession to, this Convention, by it or on its behalf;

[5] (b) any country, not listed in annex 1, which becomes a Member of the United Nations and which accedes to this Convention in accordance with article 18;

[6] (c) any sovereign country, not listed in annex 1 and not a Member of the United Nations, which applies for Membership in the Union and which, after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Convention in accordance with article 18.

[7] 3. An Associate Member of the Union shall be:

(a) Any country, territory or group of territories listed in annex 2 upon signature and ratification of, or accession to, this Convention, by it or on its behalf;

[8] (b) any country which has not become a Member of the Union in accordance with 6 to 8 by acceding to this Convention in accordance with article 18, after its application for Associate Membership has received approval by a majority of the Members of the Union;

[9] (c) any territory or group of territories, not fully responsible for the conduct of its international relations, on behalf of which a Member of the Union has signed and ratified or acceded to this Convention in accordance with article 18 or 19, provided that its application for Associate Membership is sponsored by such Member, after the application has received approval by a majority of the Members of the Union;

[10] (d) any trust territory on behalf of which the United Nations has acceded to this Convention in accordance with article 20, and the application of which for Associate Membership has been sponsored by the United Nations.

[11] 4. If any territory or group of territories, forming part of a group of territories constituting a Member of the Union, becomes or has become an Associate Member of the Union in accordance with 7 and 9, its rights and obligations under this Convention shall be those of an Associate Member only.

[12] 5. For the purposes of 6, 8 and 9, if an application for Membership or Associate Membership is made, by diplomatic channel and through the intermediary of the country of the seat of the Union, during the interval between two plenipotentiary conferences, the Secretary-General shall consult the Members of the Union; a Member shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

Article 2. Rights and Obligations of Members and Associate Members

[13] 1. (1) All Members shall be entitled to participate in conferences of the Union and shall be eligible for election to any of its organs.

[14] (2) Each Member shall have one vote at all conferences of the Union, at meetings of the International Consultative Committees in which it participates and, if it is a Member of the Administrative Council, at all sessions of that Council.

[15] (3) Each Member shall also have one vote in all consultations carried out by correspondence.

[16] 2. Associate Members shall have the same rights and obligations as Members of the Union, except that they shall not have the right to vote in any conference or other organ of the Union or to nominate candidates for membership of the International Frequency Registration Board. They shall not be eligible for election to the Administrative Council.

Article 3. Seat of the Union

[17] The seat of the Union shall be at Geneva.

Article 4. Purposes of the Union

[18] 1. The purposes of the Union are:

(a) to maintain and extend international co-operation for the improvement and rational use of telecommunication of all kinds;

[19] (b) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public;

[20] (c) to harmonize the actions of nations in the attainment of those common ends.

[21] 2. To this end, the Union shall in particular:

(a) effect allocation of the radio frequency spectrum and registration of radio frequency assignments in order to avoid harmful interference between radio stations of different countries;

[22] (b) coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio frequency spectrum;

[23] (c) foster collaboration among its Members and Associate Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;

[24] (d) foster the creation, development and improvement of telecommunication equipment and networks in new or developing countries by every means at its disposal, especially its participation in the appropriate programmes of the United Nations.

[25] (e) promote the adoption of measures for ensuring the safety of life through the co-operation of telecommunication service:

[26] (f) undertake studies, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters for the benefit of all Members and Associate Members.

Article 5. Structure of the Union

[27] The organization of the Union shall be as follows:

1. the Plenipotentiary Conference, which is the supreme organ of the Union;

[28] 2. Administrative Conferences;

[29] 3. the Administrative Council;

[30] 4. the permanent organs of the Union, which are:

(a) the General Secretariat;

(b) the International Frequency Registration Board (I.F.R.B.);

[32] (c) the International Radio Consultative Committee (C.C.I.R.);

[33] (d) the International Telegraph and Telephone Consultative Committee (C.C.I.-T.T.).

Article 6. Plenipotentiary Conference

[34] 1. The Plenipotentiary Conference shall:

(a) Determine the general policies for fulfilling the purposes of the Union prescribed in article 4 of this Convention.

[35] (b) consider the report by the Administrative Council on its activities and those of the Union since the last plenipotentiary conference;

[36] (c) establish the basis for the budget of the Union and determine a fiscal limit for the expenditure of the Union until the next Plenipotentiary Conference;

[37] (d) fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union;

[38] (e) finally approve the accounts of the Union;

[39] (f) elect the Members of the Union which are to serve on the Administrative Council;

[40] (g) elect the Secretary-General and the Deputy Secretary-General and fix the dates of their taking office;

[41] (h) revise the Convention if it considers this necessary;

[42] (i) conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded, on behalf of the Union, by the Administrative Council, and take such measures in connection therewith as it deems appropriate;

[43] (j) deal with such other telecommunication questions as may be necessary.

[44] 2. The Plenipotentiary Conference shall normally meet at a date and place decided on by the preceding Plenipotentiary Conference.

[45] 3. (1) The date and place of the next Plenipotentiary Conference, or either one of these, may be changed:

[46] (a) when at least twenty Members and Associate Members of the Union have individually proposed a change to the Secretary-General, or

[47] (b) on a proposal of the Administrative Council.

[48] (2) In either case a new date or place or both shall be determined with the concurrence of a majority of the Members of the Union.

Article 7. Administrative Conferences

[49] (1) Administrative conferences of the Union shall comprise:

(a) ordinary administrative conferences;

[50] (b) extraordinary administrative conferences;

[51] (c) special conferences, which include:

Special regional conferences;

Special service conferences, world or regional.

[52] 2. (1) Ordinary administrative conferences shall:

(a) revise the Regulations provided for in 193 with which they are respectively concerned;

[53] (b) deal with all other matters deemed necessary within the terms of the Convention and the General Regulations and any directives given by the Plenipotentiary Conference.

[54] (2) In addition, the ordinary administrative radio conference shall:

(a) elect the members of the International Frequency Registration Board;

[55] (b) issue instructions to the Board concerning its activities and review these activities.

[56] 3. (1) The date and place of ordinary administrative conferences shall be determined:

(a) by the preceding administrative conference, if it so desires; or

[57] (b) when at least twenty Members and Associate Members of the Union have addressed individual requests to the Secretary-General; or

[58] (c) on a proposal of the Administrative Council.

[59] (2) When 57 or 58 applies, the place and date shall be determined with the concurrence of a majority of the Members of the Union.

[60] 4. (1) Extraordinary administrative conferences shall be convened to consider certain specific telecommunication matters. Only items included in their agenda may be discussed by such conferences.

[61] (2) Extraordinary administrative conferences may revise certain provisions of any set of Administrative Regulations with which they are concerned, provided that the revision of such provisions is included in the Agenda approved by a majority of the Members in accordance with 65.

[62] 5. (1) An extraordinary administrative conference may be convened:

(a) by a decision of the Plenipotentiary Conference, which shall determine its agenda and the date and place of its meeting; or

[63] (b) when at least twenty Members and Associate Members of the Union have individually informed the Secretary-General of their desire that such a conference shall be held to consider an agenda proposed by them; or

[64] (c) on a proposal of the Administrative Council.

[65] (2) In the cases specified in 63 and 64 the date and place of the conference, as well as its agenda, shall be determined with the concurrence of a majority of the Members of the Union.

[66] 6. Special conferences shall be convened to consider only the matters included in their agenda. Their decisions must in all circumstances be in conformity with the terms of the Convention and Administrative Regulations.

[67] 7. (1) A special conference may be convened:

(a) by a decision of the Plenipotentiary Conference or an ordinary or extraordinary administrative conference which shall determine its agenda and the date and place at which it shall meet; or

[68] (b) when at least twenty Members and Associate Members of the Union in the case of a special service world conference or one quarter of the Members and Associate Members of the region concerned in the case of a special regional conference or special service regional conference have individually made known to the Secretary-General their desire that such a conference should be held to consider an agenda proposed by them; or

[69] (c) on a proposal of the Administrative Council.

[70] (2) In the cases specified in 68 and 69, the date and place of the conference as well as its agenda shall be determined with the concurrence of a majority of the Members of the Union for special service world conferences, or of a majority of the Members in the region concerned for special regional conferences or for special service regional conferences.

[71] 8. (1) The date and place, or either, of an ordinary administrative conference, of an extraordinary administrative conference, or of a special service world conference may be changed:

(a) when at least twenty Members and Associate Members of the Union have individually proposed a change to the Secretary-General; or

[72] (b) on a proposal of the Administrative Council.

[73] (2) In either case a new date or place or both shall be determined with the concurrence of a majority of the Members of the Union.

[74] 9. (1) The date and place, or either, of special regional conferences or of special service regional conferences may be changed:

(a) on a proposal of at least one quarter of the Members and Associate Members of the region concerned; or

[75] (b) on a proposal of the Administrative Council.

[76] (2) In each case, a new date and place, or either, shall be determined with the concurrence of the majority of the Members of the region concerned.

Article 8. Rules of Procedure of Conferences

[77] For the organization of their work and the conduct of their discussions, conferences shall apply the Rules of Procedure in the General Regulations annexed to the Convention. However, each conference may adopt such additional provisions as it may consider indispensable.

Article 9. Administrative Council

A. Organization and working arrangements:

[78] 1. (1) The Administrative Council shall be composed of twenty-five Members of the Union elected by the Plenipotentiary Conference with due regard to the need for equitable representation of all parts of the world. The Members of the Union elected to the Council shall hold office until the date on which a new Council is elected by the Plenipotentiary Conference. They shall be eligible for re-election.

[79] (2) If between two Plenipotentiary Conferences a seat becomes vacant on the Administrative Council, it shall pass by right to the Member of the Union from the same region as the Member whose seat is vacated, which had obtained at the previous election the largest number of votes among those not elected.

[80] 2. Each of the Members of the Administrative Council shall appoint to serve on the Council a person qualified in the field of telecommunication services and so far as possible shall endeavour to avoid replacing that representative during the term of office of the Council.

[81] 3. Each Member of the Council shall have one vote.

[82] 4. The Administrative Council shall adopt its own Rules of Procedure.

[83] 5. The Administrative Council shall elect its own Chairman and Vice-Chairman at the beginning of each annual session. They shall serve until the opening of the next annual session and shall be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.

[84] 6. (1) The Council shall hold an annual session at the seat of the Union.

[85] (2) During this session it may decide to hold, exceptionally, an additional session.

[86] (3) Between ordinary sessions, it may be convened, as a general rule at the seat of the Union, by its Chairman at the request of the majority of its Members.

[87] 7. The Secretary-General and the Deputy Secretary-General, the Chairman and the Vice-Chairman of the International Frequency Registration Board and the Directors of the International Consultative Committees may participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to its own members.

[88] 8. The Secretary-General of the Union shall act as Secretary of the Administrative Council.

[89] 9. (1) In the interval between plenipotentiary conferences, the Administrative Council shall act on behalf of the plenipotentiary conference within the limits of the powers delegated to it by the latter.

[90] (2) The Council shall act only in formal session.

[91] 10. The representative of each Member of the Administrative Council shall have the right to attend, as an observer all meetings of the permanent organs of the Union mentioned in 31, 32 and 33.

[92] 11. Only the traveling and subsistence expenses incurred by the representative of each Member of the Administrative Council in this capacity at Council sessions shall be borne by the Union.

B. Duties:

[93] 12. (1) The Administrative Council shall be responsible for taking all steps to facilitate the implementation by the Members and Associate Members of the provisions of the Convention, of the Regulations, of the decisions of the plenipotentiary conference, and, where appropriate, of the decisions of other conferences and meetings of the Union.

[94] (2) It shall ensure the efficient coordination of the work of the Union.

[95] 13. In particular the Administrative Council shall:

[96] (a) perform any duties assigned to it by the plenipotentiary conference;

[97] (b) in the interval between plenipotentiary conferences, be responsible for effecting the co-ordination with all international organizations referred to in articles 28 and 29 of this Convention; and, to this end,

1. conclude, on behalf of the Union, provisional agreements with the international organizations referred to in article 29 of the Convention, and with the United Nations in application of the Agreement contained in Annex 6 to the Convention; these provisional agreements shall be submitted to the next plenipotentiary conference in accordance with 42;

[98] 2. appoint, on behalf of the Union, one or more representatives to participate in the conferences of such organizations, and, when necessary, in coordinating committees established in conjunction with those organizations;

[99] (c) decide on the numbers and grading of the staff of the General Secretariat and of the specialized secretariats of the permanent organs of the Union, taking into account the general directives given by the plenipotentiary conference;

[100] (d) draw up such regulations as it may consider necessary for the administrative and financial activities of the Union; the administrative regulatons to take account of current practice of the United Nations and of the specialized agencies applying the Common System of pay, allowances and pensions;

[101] (e) supervise the administrative functions of the Union;

[102] (f) review and approve the annual budget of the Union, ensuring the strictest possible economy;

[103] (g) arrange for the annual audit of the accounts of the Union prepared by the Secretary-General and approve them for submission to the next plenipotentiary conference;

[104] (h) adjust as necessary:

1. the basic salary scales for staff in the professional and director categories, excluding the salaries for posts filled by election, to accord with any changes in the basic salary scales adopted by the United Nations for the corresponding Common System categories;

[105] 2. the basic salary scales for staff in the general service categories to accord with changes in the rates applied by the United Nations organization and the specialised agencies at the seat of the Union;

[106] 3. the post adjustment for professional categories and above, including posts filled by election, in accordance with decisions of the United Nations, for application at the seat of the Union;

[107] 4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations Common System;

[108] 5. the contributions payable by the Union and the staff to the United Nations Joint Staff Pension Fund, in accordance with the decisions of the United Nations Joint Staff Pension Board;

[109] (i) arrange for the convening of plenipotentiary and administrative conferences of the Union in accordance with articles 6 and 7 of this Convention;

[110] (j) offer to the Plenipotentiary Conference of the Union any recommendations deemed useful;

[111] (k) coordinate the activities of the permanent organs of the Union, take such action as it deems appropriate on requests or recommendations made to it by such organs, and review their annual reports;

[112] (l) provide, if it considers it desirable, for the filling ad interim of a vacancy for Deputy Secretary-General;

[113] (m) provide for the filling ad interim of vacancies for Directors of the International Consultative Committees;

[114] (n) perform the other functions prescribed for it in this Convention and, within the framework of the Convention and the Regulations, any functions deemed necessary for the proper administration of the Union;

[115] (o) take the necessary steps, with the agreement of the majority of Members of the Union, provisionally to resolve questions which are not covered by the Convention and its Annexes and cannot await the next competent conference for settlement;

[116] (p) submit a report on its activities and those of the Union for consideration by the Plenipotentiary Conference.

[117] (q) promote international cooperation for the provision of technical assistance to the new or developing countries by every means at its disposal, especially through its participation in the appropriate programmes of the United Nations; and, in accordance with the purposes of the Union, to promote by all possible means, the development of telecommunication.

Article 10. General Secretariat

[118] 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.

[119] (2) The Secretary-General and the Deputy Secretary-General shall take up their duties on the dates determined at the time of their election. They shall normally remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for reelection.

[120] (3) The Secretary-General shall be responsible to the Plenipotentiary Conference and, between meetings of the Plenipotentiary Conference to the Administrative Council, for all duties entrusted to the General Secretariat and for all the administrative and financial services of the Union. The Deputy Secretary-General shall be responsible to the Secretary-General.

[121] (4) If the post of Secretary-General falls vacant, the Deputy Secretary-General shall discharge the duties ad interim.

[122] 2. The Secretary-General shall:

(a) coordinate the activities of the permanent organs of the Union through a Coordination Committee presided over by him and composed of the Deputy Secretary-General and the Heads of the permanent organs; this coordination shall apply to administrative matters, technical assistance, external relations, public information, and any other important matters laid down specifically by the Administrative Council.

[123] (b) organize the work of the General Secretariat and appoint the staff of that Secretariat in accordance with the directives of the Plenipotentiary Conference and the rules established by the Administrative Council;

[124] (c) undertake administrative arrangements for the specialized secretariats of the permanent organs of the Union and appoint the staff of those secretariats in agreement with the Head of each permanent organ; the appointments shall be made on the basis of the latter's choice, but the final decision for appointment or dismissal shall rest with the Secretary-General;

[125] (d) report to the Administrative Council any decisions taken by the United Nations and the specialized agencies which affect Common System conditions of service, allowances and pensions;

[126] (e) ensure that in the specialized secretariats all the financial and administrative regulations approved by the Administrative Council are applied;

[127] (f) supervise, for administrative purposes only, the staff of those specialized secretariats who shall work directly under the orders of the Heads of the permanent organs of the Union;

[128] (g) undertake secretarial work preparatory to, and following, conferences of the Union;

[129] (h) provide, where appropriate in cooperation with the inviting government, the secretariat of every conference of the Union, and, when so requested or provided in the Regulations annexed to the Convention, the secretariat of meetings of the permanent organs of the Union or meetings placed under its auspices; he may also, when so requested, provide the secretariat of other telecommunication meetings on a contractual basis:

[130] (i) keep up to date the official lists, compiled from data supplied for this purpose by the permanent organs of the Union or by Administrations, with the exception of the master registers and such other essential records as may be related to the duties of the International Frequency Registration Board;

[131] (j) publish the recommendations and principal reports of the permanent organs of the Union;

[132] (k) publish international and regional telecommunication agreements communicated to him by the parties thereto, and keep up to date records of these agreements;

[133] (l) publish the technical standards of the International Frequency Registration Board, as well as such other data concerning the assignment and utilization of frequencies as are prepared by the Board in the discharge of its duties;

[134] (m) prepare, publish and keep up to date with the assistance, where appropriate, of the other permanent organs of the Union:

[135] 1. a record of the composition and structure of the Union;

[136] 2. the general statistics and the official service documents of the Union as prescribed by the Regulations annexed to the Convention;

[137] 3. such other documents as conferences or the Administrative Council may direct;

[138] (n) distribute the published documents;

[139] (o) collect and publish, in suitable form, data both national and international regarding telecommunication throughout the world;

[140] (p) assemble and publish, in cooperation with the permanent organs of the Union, both technical and administrative information that might be specially useful to new or developing countries in order to help them to improve their telecommunication networks. Their attention shall also be drawn to the possibilities offered by the international programmes under the auspices of the United Nations.

[141] (q) collect and publish such information as would be of assistance to Members and Associate Members regarding the development of technical methods with a view to achieving the most efficient operation of telecommunication services and especially the best possible use of radio frequencies so as to diminish interference;

[142] (r) publish periodically, with the help of information put at his disposal or which he may collect, including that which he may obtain from other international organizations, a journal of general information and documentation concerning telecommunication;

[143] (s) prepare and submit to the Administrative Council annual budget estimates which, after approval by the Council, shall be transmitted for information to all Members and Associate Members;

[144] (t) prepare a financial operating report and accounts to be submitted annually to the Administrative Council and recapitulative accounts immediately preceding each Plenipotentiary Conference; these accounts, after audit and approval by the Administrative Council, shall be circulated to the Members and Associate Members and be submitted to the next Plenipotentiary Conference for examination and final approval;

[145] (u) prepare an annual report on the activities of the Union which, after approval by the Administrative Council, shall be transmitted to all Members and Associate Members;

[146] (v) perform all other secretarial functions of the Union.

[147] 3. The Deputy Secretary-General shall assist the Secretary-General in the performance of his duties and undertake such specific tasks as may be entrusted to him by the Secretary-General. He shall perform the duties of the Secretary-General in the absence of the latter.

[148] 4. The Secretary-General or the Deputy Secretary-General may participate in a consultative capacity, in Plenary Assemblies of International Consultative Committees and in all conferences of the Union; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union.

Article 11. The Officials and Staff of the Union

[149] 1. The Secretary-General, the Deputy Secretary-General and the Directors of the International Consultative Committees, shall all be nationals of different countries, Members of the Union.

[150] 2. (1) In the performance of their duties, the Secretary-General, the Deputy Secretary-General, the members of the International Frequency Registration Board and the Directors of the International Consultative Committees, as well as the staff of the Union shall neither seek nor accept instructions from any Government or from any other authority outside the Union. They shall refrain from acting in any way which

is incompatible with their status as international officials.

[151] (2) Each Member and Associate Member shall respect the exclusively international character of the duties of the officials mentioned in 150 and of the staff of the Union, and refrain from trying to influence them in the performance of their work.

[152] 3. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard must be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Article 12. International Frequency Registration Board

[153] 1. The essential duties of the International Frequency Registration Board shall be:

(a) to effect an orderly recording of frequency assignments made by the different countries so as to establish, in accordance with the procedure provided for in the Radio Regulations and in accordance with any decisions which may be taken by competent conferences of the Union, the date, purpose and technical characteristics of each of these assignments, with a view to ensuring formal international recognition thereof;

[154] (b) to furnish advice to Members and Associate Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur;

[155] (c) to perform any additional duties, concerned with the assignment and utilization of frequencies, prescribed by a competent conference of the Union, or by the Administrative Council with the consent of the majority of the Members of the Union in preparation for or in pursuance of the decisions of such a conference;

[156] (d) to maintain such essential records as may be related to the performance of its duties.

[157] 2. (1) The International Frequency Registration Board shall consist of eleven independent members designated in accordance with 160 to 169.

[158] (2) The members of the Board shall be thoroughly qualified by technical training in the field of radio and shall possess practical experience in the assignment and utilization of frequencies.

[159] (3) Moreover, for the more effective understanding of the problems coming before the Board under 154, each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world.

[160] 3. (1) At each of its meetings, the Ordinary Administrative Radio Conference shall elect the eleven members of the Board. These members shall be chosen from the candidates sponsored by countries, Members of the Union. Each Member of the Union may propose only one candidate who shall be a national of its country. Each candidate shall possess the qualifications described in 158 and 159.

[161] (2) The election procedure shall be established by the Conference itself, in such a way as to ensure an equitable representation of the various parts of the world.

[162] (3) At each election any serving member of the Board may be proposed again as a candidate by the country of which he is a national.

[163] (4) The members of the Board shall take up their duties on the date determined by the Ordinary Administrative Radio Conference which elected them. They shall normally remain in office until the date determined by the following Conference for their successors to take up their duties.

[164] (5) If in the interval between two Ordinary Administrative Radio Conferences, an elected member of the Board resigns or abandons his duties without good cause for a period exceeding three months, the country Member of the Union of which he is a national shall be asked by the Chairman of the Board to provide a replacement as soon as possible, who shall also be a national of that country.

[165] (6) If the country Member of the Union, concerned does not provide a replacement within a period of three months from the date of this request, it shall lose its right to designate a person to serve on the Board for the unexpired period of its current term.

[166] (7) If in the interval between two Ordinary Administrative Radio Conferences, the replacement also resigns or abandons his duties without good cause for a period of exceeding three months, the country Member of the Union of which he is a national shall not be entitled to designate a further replacement.

[167] (8) In the circumstances described in 165 and 166, the Chairman of the Board shall then request the country, Member of the Union, whose candidate had obtained, at the previous election, the largest number of votes among those not elected in the region concerned, to designate that person to serve on the Board for the unexpired period of its current term. If that person is not available, the country concerned shall be invited to designate a replacement who shall be a national of that country.

[168] (9) If in the interval between two Ordinary Administrative Radio Conferences an elected member of the Board or his replacement dies, the country Member of the Union of which he was a national shall retain the right to designate a successor who shall also be a national of that country.

[169] (10) In order to safeguard the efficient operation of the Board, any country a national of which has been elected to the Board, shall refrain, as far as possible, from recalling that person between two Ordinary Administrative Radio Conferences.

[170] 4. (1) The working arrangements of the Board are defined in the Radio Regulations.

[171] (2) The members of the Board shall elect from their own numbers a Chairman and a Vice-Chairman, for a period of one year. Thereafter, the Vice-Chairman shall succeed the Chairman each year and a new Vice-Chairman shall be elected.

[172] (3) The Board shall be assisted by a specialised secretariat.

[173] 5. (1) The members of the Board shall serve, not as representatives of their respective countries, or of a region, but as custodians of an international public trust.

[174] (2) No member of the Board shall request or receive instructions relating to the exercise of his duties from any Government or a member thereof, or from any public or private organization or person. Furthermore, each Member and Associate Member must respect the international character of the Board and of the duties of its members and shall refrain from any attempt to influence any of them in the exercise of their duties.

[175] (3) No member of the Board or of its staff shall participate in any manner or have any financial interest whatsoever in any branch of telecommunication, apart from the work of the Board. However, the term "financial interest" is not to be construed as applying to the continuation of retirement benefits accruing in respect of previous employment or service.

Article 13. International Consultative Committees

[176] 1. (1) The duties of the International Radio Consultative Committee (C.C.I.R.) shall be to study technical and operating questions relating to radiocommunication and to issue recommendations on them.

[177] (2) The duties of the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.) shall be to study technical, operating and tariff questions relating to telegraphy and telephony and to issue recommendations on them.

[178] (3) In the performance of its duties, each Consultative Committee shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunication in new or developing countries in both the regional and international fields.

[179] (4) At the request of the countries concerned, each Consultative Committee may also study and offer advice concerning their national telecommunication problems.

[180] 2. (1) The questions studied by each International Consultative Committee, on which it shall issue recommendations, shall be those submitted to it by the Plenipotentiary Conference, by an administrative conference, by the Administrative Council, by the other Consultative Committee, or by the International Frequency Registration Board, in addition to those decided upon by the Plenary Assembly of the Consultative Committee itself, or, in the interval between its Plenary Assemblies, when requested or approved by correspondence, by at least twelve Members or Associate Members of the Union.

[181] (2) The Plenary Assemblies of the International Consultative Committees are authorized to submit to administrative conferences proposals arising directly from their recommendations or from findings on questions under their study.

[182] 3. The International Consultative Committees shall have as Members:

(a) of right, the administrations of all Members and Associate Members of the Union;

[183] (b) any recognized private operating agency which, with the approval of the Member or Associate Member which has recognized it, expresses a desire to participate in the work of these Committees.

[184] 4. Each Consultative Committee shall work through the medium of:

(a) the Plenary Assembly, meeting normally every three years. When a corresponding ordinary administrative conference has been convened, the Plenary Assembly should meet, if possible, at least eight months before this conference;

[185] (b) study groups, which shall be set up by the Plenary Assembly to deal with questions to be examined;

[186] (c) a Director elected by the Plenary Assembly. His status shall be that of a permanent official, but his conditions of service may be subject to separate regulation;

[187] (d) a specialized secretariat, which assists the Director;

[188] (e) laboratories or technical installations set up by the Union.

[189] 5. (1) Consultative Committees shall, as far as they apply, observe the Rules of Procedure of Conferences contained in the General Regulations annexed to this Convention.

[190] (2) The Plenary Assembly of a Consultative Committee may adopt additional provisions to facilitate the work of the Committee if they do not conflict with the Rules of Procedure of Conferences.

[191] 6. The working arrangements of the Consultative Committee are defined in Part II of the General Regulations annexed to this Convention.

Article 14. Regulations

[192] 1. Subject to the provisions of article 8, the General Regulations contained in annex 5 to this Convention shall have the same force and duration as the Convention.

[193] 2. (1) The provisions of the Convention are completed by the following sets of Administrative Regulations which shall be binding on all Members and Associate Members:

Telegraph Regulations,
Telephone Regulations,
Radio Regulations,
Additional Radio Regulations.

[194] (2) Members and Associate Members shall inform the Secretary-General of their approval of any revision of these Regulations by administrative conferences. The Secretary-General shall inform Members and Associate Members promptly regarding receipt of such notifications of approval.

[195] 3. In case of inconsistency between a provision of the Convention and a provision of the Regulations, the Convention shall prevail.

Article 15. Finances of the Union

[196] 1. The expenses of the Union shall comprise the costs of:

(a) the Administrative Council, the General Secretariat, the International Frequency Registration Board, the International Consultative Committees, and the Union's laboratories and technical equipment;

[197] (b) conferences, which, with regard to the provisions of Articles 6 and 7 of the Convention, are convened by the decision or with the agreement of the majority of the Members of the Union;

[198] (c) all meetings of the International Consultative Committees;

[199] 2. Expenses incurred by special conferences referred to in 51 which are not covered in 197, and which are of a regional nature as determined by the Administrative Council after ascertaining the majority view of the Members and Associate Members of the region in question, shall be borne in accordance with their unit classification by all the Members and Associate Members of that region, and by any Members and Associate Members of other regions which may have participated in such conferences.

[200] 3. Expenses incurred by other special conferences not covered by 197 and 199 above, shall be borne in accordance with their unit classification by those Members and Associate Members which agree to participate, or have participated in such conferences.

[201] 4. The Administrative Council shall review and approve the annual budget of the Union, taking account of the limits for expenditures set by the Plenipotentiary Conference.

[202] 5. The expenses of the Union shall be met from the contributions of the Members and Associate Members, each Member and Associate Member paying a sum proportional to the number of units in the class of contribution it has chosen from the following scale: 30 unit class, 25 unit class, 20 unit class, 18 unit class, 15 unit class, 13 unit class, 10 unit class, 8 unit class, 5 unit class, 4 unit class, 3 unit class, 2 unit class, 1 unit class, and one-half unit class.

[203] 6. Members and Associate Members shall be free to choose their class of contribution for defraying Union expenses.

[204] 7. (1) At least six months before the Convention comes into force, each Member and Associate Member shall inform the Secretary-General of the class of contribution it has chosen.

[205] (2) This decision shall be notified to Members and Associate Members by the Secretary-General.

[206] (3) Members and Associate Members who have failed to make known their decision before the date specified by 204 will be required to contribute in accordance with their class of contribution under the provisions of the International Telecommunication Convention (Buenos Aires, 1952).

[207] (4) Members and Associate Members may at any time choose a class of contribution higher than the one already adopted by them.

[208] (5) No reduction in a unit classification established in accordance with 204 and 206 can take effect during the life of the Convention.

[209] 8. Members and Associate Members shall pay in advance their annual contributory shares, calculated on the basis of the budget approved by the Administrative Council.

[210] 9. The amounts due shall bear interest from the beginning of each financial year of the Union at 3% (three per cent.) per annum during the first six months, and at 6% (six per cent.) per annum from the beginning of the seventh month.

[211] 10. (1) Recognized private operating agencies and scientific or industrial organizations shall share in defraying the expenses of the Conferences or meetings in which they have agreed to participate, or have participated.

[212] (2) International organizations shall also share in defraying the expenses of the conferences or meetings in which they have been allowed to participate, unless exempted by the Administrative Council on condition of reciprocity.

[213] (3) The amounts of these contributions shall be fixed by the Administrative Council and shall be considered as income of the Union. They shall bear interest in accordance with rules established by the Administrative Council.

[214] 11. Expenses incurred by laboratories and technical installations of the Union, in measurements, testing, or special research for individual Members or Associate Members, groups of Members or Associate Members, or regional organizations or others, shall be borne by those Members or Associate Members, groups, organizations or others.

[215] 12. The sale price of documents sold to Administrations, recognized private operating agencies, or individuals, shall be determined by the Secretary-General, in collaboration with the Administrative Council, bearing in mind that the cost of printing and distribution should in general be covered by the sale of the documents.

Article 16. Languages

[216] 1. (1) The official languages of the Union shall be Chinese, English, French, Russian and Spanish.

[217] (2) The working languages of the Union shall be English, French and Spanish.

[218] (3) In case of dispute, the French text shall be authentic.

[219] 2. (1) The final documents of the Plenipotentiary and administrative conferences, their Final Acts, protocols, resolutions, recommendations and opinions, shall be drawn up in the official languages of the Union, in versions equivalent in form and content.

[220] (2) All other documents of those conferences shall be issued in the working languages of the Union.

[221] 3. (1) The official service documents of the Union as prescribed by the Administrative Regulations shall be published in the five official languages.

[222] (2) All other documents for general distribution prepared by the Secretary-General in the course of his duties shall be drawn up in the three working languages.

[223] 4. Any of the documents referred to in 219 to 222 may be published in languages other than those there specified, provided that the Members or Associate Members requesting such publication undertake to defray the whole of the cost of translation and publication involved.

[224] 5. (1) At conferences of the Union and whenever it is necessary at meetings of its permanent organs and of the Administrative Council, the debates shall be conducted with the aid of an efficient system of reciprocal interpretation between the three working languages and Russian.

[225] (2) When all participants in a meeting agree, the debates may be conducted in fewer than the four languages mentioned above.

[226] 6. (1) At conferences of the Union and at meetings of its permanent organs and of the Administrative Council, languages other than those mentioned in 217 and 224 may be used:

[227] (a) if an application is made to the Secretary-General or to the Head of the permanent organ concerned to provide for the use of an additional language or languages, oral or written, provided that the additional cost so incurred shall be borne by those Members and Associate Members which have made or supported the application;

[228] (b) if any delegation itself makes arrangements at its own expense for oral translation from its own language into any one of the languages referred to in 224.

[229] (2) In the case provided in 227, the Secretary-General or the Head of the permanent organ concerned shall comply to the extent practicable with the application, having first obtained from the Members or Associate Members concerned an undertaking that the cost incurred will be duly repaid by them to the Union;

[230] (3) In the case provided for in 228, the delegation concerned may, furthermore, if it wishes, arrange at its own expense for oral interpretation into its own language from one of the languages, referred to in 224.

Chapter II. Application of the Convention and regulations

Article 17. Ratification of the Convention

[231] 1. This Convention shall be ratified by each of the signatory Governments. The instruments of ratification shall be deposited, in as short a time as possible, with the Secretary-General by diplomatic channel through the intermediary of the Government of the country of the seat of the Union. The Secretary-General shall notify the Members and Associate Members of each deposit of ratification.

[232] 2. (1) During a period of two years from the date of entry into force of this Convention, a signatory Government, even though it may not have deposited an instrument of ratification in accordance with the provisions of 13 to 15, shall enjoy the rights conferred on Members of the Union in 231.

[233] (2) After the end of a period of two years from the date of entry into force of this Convention, a signatory Government which has not deposited an instrument of ratification in accordance with the provisions of 231 shall not be entitled to vote at any conference of the Union, or at any Session of the Administrative Council or at any meeting of any of the permanent organs of the Union until it has so deposited such an instrument.

[234] 3. After the entry into force of this Convention in accordance with Article 52, each instrument of ratification shall become effective on the date of its deposit with the General Secretariat.

[235] 4. If one or more of the signatory Governments do not ratify the Convention, it shall not thereby be less valid for the Governments which have ratified it.

Article 18. Accession to the Convention

[236] 1. The Government of a country, not a signatory of this Convention, may accede thereto at any time subject to the provisions of article 1.

[237] 2. The instrument of accession shall be deposited with the Secretary-General by diplomatic channel through the intermediary of the Government of the country of the seat of the Union. Unless otherwise

specified therein, it shall become effective upon the date of its deposit. The Secretary-General shall notify the Members and Associate Members of each accession when it is received and shall forward to each of them a certified copy of the act of accession.

Article 19. Application of the Convention to Countries or Territories for whose Foreign Relations Members of the Union are responsible

[238] 1. Members of the Union may declare at any time that their acceptance of this Convention applies to all or a group or a single one of the countries or territories for whose foreign relations they are responsible.

[239] 2. A declaration made in accordance with 238 shall be communicated to the Secretary-General of the Union. The Secretary-General shall notify the Members and Associate Members of each such declaration.

[240] 3. The provisions of 238 and 239 shall not be deemed to be obligatory in respect of any country, territory or group of territories listed in annex 1 of this Convention.

Article 20. Application of the Convention to Trust Territories of the United Nations

[241] The United Nations shall have the right to accede to this Convention on behalf of any territory or group of territories placed under its administration in accordance with a trusteeship agreement as provided for in article 75 of the Charter of the United Nations.

Article 21. Execution of the Convention and Regulations

[242] 1. The Members and Associate Members are bound to abide by the provisions of this Convention and the Regulations annexed thereto in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 50 of this Convention.

[243] 2. They are also bound, in addition, to take the necessary steps to impose the observance of the provisions of this Convention and of the Regulations annexed thereto upon private operating agencies authorized by them to establish and operate telecommunication and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

Article 22. Denunciation of the Convention

[244] 1. Each Member and Associate Member which has ratified, or acceded to, this Convention shall have the right to denounce it by a notification addressed to the Secretary-General of the Union by diplomatic channel through the intermediary of the Government of the country of the seat of the Union. The Secretary-General shall advise the other Members and Associate Members thereof.

[245] 2. This denunciation shall take effect at the expiration of a period of one year from the day of the receipt of notification of it by the Secretary-General.

Article 23. Denunciation of the Convention on Behalf of Countries or Territories for Whose Foreign Relations Members of the Union Are Responsible

[246] 1. The application of this Convention to a country, territory or group of territories in accordance with article 19 may be terminated at any time, and such country, territory or group of territories, if it is an Associate Member, ceases upon termination to be such.

[247] 2. The declarations of denunciation contemplated in the above paragraph shall be notified in conformity with the conditions set out in 244; they shall take effect in accordance with the provisions of 245.

Article 24. Abrogation of the Earlier Convention

[248] This Convention shall abrogate and replace, in relations between the Contracting Governments, the International Telecommunication Convention of Buenos Aires, 1952.

Article 25. Validity of Administrative Regulations in Force

[249] The Administrative Regulations referred to in 193, shall be regarded as annexed to this Convention and shall remain valid until the time of entry into force of new Regulations drawn up by the competent ordinary and where the case arises, extraordinary administrative conferences.

Article 26. Relations With Non-Contracting States

[250] 1. Each Member and Associate Member reserves to itself and to the recognized private operating agencies the right to fix the conditions under which it admits telecommunications exchanged with a State which is not a party to this Convention.

[251] 2. If a telecommunication originating in the territory of such a non-contracting State is accepted by a Member or Associate Member, it must be transmitted, and, in so far as it follows the telecommunication channels of a Member or Associate Member, the obligatory provisions of the Convention and Regulations and the usual charges shall apply to it.

Article 27.—Settlement of Differences

[252] 1. Members and Associate Members may settle their differences on questions relating to the application of this Convention or of the Regulations contemplated in article 14, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.

[253] 2. If none of these methods of settlement is adopted, any Member or Associate Member party to a dispute may submit the dispute to arbitration in accordance with the procedure defined in annex 4.

Chapter III. Relations with the United Nations and with international organizations

Article 28. Relations with the United Nations

[254] 1. The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement, the text of which appears in annex 6 of this Convention.

[255] 2. In accordance with the provision of Article XVI of the above-mentioned Agreement, the telecommunication operating services of the United Nations shall be entitled to the rights and bound by the obligations of this Convention and of the Administrative Regulations annexed thereto. Accordingly, they shall be entitled to attend all conferences of the Union, including meetings of the International Consultative Committees, in a consultative capacity.

Article 29. Relations with International Organizations

[256] In furtherance of complete international coordination on matters affecting telecommunication, the Union will cooperate with international organizations having related interests and activities.

Chapter IV. General provisions relating to telecommunication

Article 30. The Right of the Public to Use the International Telecommunication Service

[257] Members and Associate Members recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges, and the safeguards shall be the same for all users in each category of correspondence without any priority or preference.

Article 31. Stoppage of Telecommunications

[258] 1. Members and Associate Members reserve the right to stop the transmission of any private telegram which may appear dangerous to the security of the State or contrary to their laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.

[259] 2. Members and Associate Members also reserve the right to cut off any private telephone or telegraph communication which may appear dangerous to the security of the State or contrary to their laws, to public order or to decency.

Article 32. Suspension of Services

[260] Each Member and Associate Member reserves the right to suspend the international telecommunication service for an indefinite time, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit provided that it immediately notifies such action to each of the other Members and Associate Members through the medium of the General Secretariat.

Article 33. Responsibility

[261] Members and Associate Members accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

Article 34. Secrecy of Telecommunication

[262] 1. Members and Associate Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

[263] 2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their internal laws or the execution of international conventions to which they are parties.

Article 35. Establishment, Operation, and Protection of Telecommunication Installations and Channels

[264] 1. Members and Associate Members shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.

[265] 2. So far as possible, these channels and installations must be operated by the best methods and procedures developed as a result of practical operating experience, maintained in proper operating condition and kept abreast of scientific and technical progress.

[266] 3. Members and Associate Members shall safeguard these channels and installations within their jurisdiction.

[267] 4. Unless other conditions are laid down by special arrangements, each Member and Associate Member shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.

Article 36. Notification of Infringements

[268] In order to facilitate the application of the provisions of article 21, of this Convention Members and Associate Members undertake to inform one another of infringements of the provisions of this Convention and of the Regulations annexed thereto.

Article 37. Charges and Free Services

[269] The provisions regarding charges for telecommunication and the various cases in which free services are accorded are set forth

in the Regulations annexed to this Convention.

Article 38. Priority of Telecommunications Concerning Safety of Life

[270] The international telecommunication services must accord absolute priority to telecommunications concerning safety of life at sea, on land, or in the air, and to epidemiological telecommunications of exceptional urgency of the World Health Organization.

Article 39. Priority of Government Telegrams and Telephone Calls

[271] Subject to the provisions of articles 38 and 48 of this Convention, Government telegrams shall enjoy priority over other telegrams when priority is requested for them by the sender. Government telephone calls may also be accorded priority, upon specific request and to the extent practicable, over other telephone calls.

Article 40. Secret Language

[272] 1. Government telegrams and service telegrams may be expressed in secret language in all relations.

[273] 2. Private telegrams in secret language may be admitted between all countries with the exception of those which have previously notified, through the medium of the General Secretariat, that they do not admit this language for those categories of correspondence.

[274] 3. Members and Associate Members which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in article 32 of this Convention.

Article 41. Rendering and Settlements of Accounts

[275] 1. Administrations of Members and Associate Members and recognized private operating agencies which operate international telecommunication services, shall come to an agreement with regard to the amount of their credits and debits.

[276] 2. The statements of accounts in respect to debits and credits referred to in 275 shall be drawn up in accordance with the provisions of the Regulations annexed to this Convention, unless special arrangements have been concluded between the parties concerned.

[277] 3. The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the countries concerned, in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under article 43 of this Convention, these settlements shall be effected in accordance with the Regulations.

Article 42. Monetary Unit

[278] The monetary unit used in the composition of the tariffs of the international telecommunication services and in the establishment of the international accounts shall be the gold franc of 100 centimes, of a weight of 10/31 of a gramme and of a fineness of 0.900.

Article 43. Special Agreements

[279] Members and Associate Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special agreements on telecommunication matters which do not concern Members and Associate Members in general. Such agreements, however, shall not be in conflict with the terms of this Convention or of the Regulations annexed thereto, so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other countries.

Article 44. Regional Conferences, Agreements and Organizations

[280] Members and Associate Members reserve the right to convene regional conferences, to conclude regional agreements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. However, such agreements must not be in conflict with this Convention.

Chapter V. Special provisions for radio

Article 45. Rational use of Frequencies and Spectrum Space

[281] Members and Associate Members recognize that it is desirable to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services.

Article 46. Intercommunication

[282] 1. Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radiocommunications reciprocally without distinction as to the radio system adopted by them.

[283] 2. Nevertheless, in order not to impede scientific progress, the provisions of 282 shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing intercommunication.

[284] 3. Notwithstanding the provisions of 282, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such service, or by other circumstances independent of the system used.

Article 47. Harmful Interference

[285] 1. All stations, whatever their purpose, must be established and operated in such a manner as not to result in harmful interference to the radio services or communications of other Members or Associate Members or of recognized private operating agencies, or of other duly authorized operating agencies which carry on radio service, and which operate in accordance with the provisions of the Radio Regulations.

[286] 2. Each Member or Associate Member undertakes to require the private operating agencies which it recognizes and the other operating agencies duly authorized for this purpose, to observe the provisions of 285.

[287] 3. Further, the Members and Associate Members recognize the desirability of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in 285.

Article 48. Distress Calls and Messages

[288] Radio stations shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

Article 49. False or Deceptive Distress Safety or Identification Signals

[289] Members and Associate Members agree to take the steps required to prevent the transmission or circulation of false or deceptive distress, safety or identification signals, and to collaborate in locating and identifying stations transmitting such siglals from their own country.

Article 50. Installations for National Defence Services

[290] 1. Members and Associate Members retain their entire freedom with regard to military radio installations of their army, naval and air forces.

[291] 2. Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.

[292] 3. Moreover, when these installations take part in the service of public correspondence or other services governed by the Regulations annexed to this Convention, they must, in general, comply with the regulatory provisions for the conduct of such services.

Chapter VI. Definitions

Article 51. Definitions

[293] In this Convention, unless the context otherwise requires,

(a) the terms which are defined in annex 3 of this Convention shall have the meanings therein assigned to them;

[294] (b) other terms which are defined in the Regulations referred to in Article 14 shall have the meanings therein assigned to them.

Chapter VII. Final provisions

Article 52. Effective date of the Convention

[295] The present Convention shall enter into force on January first nineteen hundred and sixty-one between countries, territories or groups of territories, in respect of which instruments of ratification or accession have been deposited before the date.

In witness whereof the respective plenipotentiaries have signed the Convention in each of the Chinese, English, French, Russian and Spanish languages, in a single copy, in which in case of dispute, the French text shall be authentic, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a certified copy to each of the signatory countries.

Done at Geneva, 21 December 1959.

For Afghanistan:
M. A. GRAN
M. M. ASGHAR

For the People's Republic of Albania:
D. LAMANI

For the Kingdom of Saudi Arabia:
A. ZAIDAN
MAHMOUD MIRDAD

For the Argentine Republic:
M. R. PICO
O. N. CARLI
JUAN A. AUTELLI
P. E. COMINO
A. J. SENESTRARI
M. E. ITURRIOZ

For the Commonwealth of Australia:
J. L. SKERRETT

For Austria:
WENINGER
M. KRASSER

For Belgium:
R. VANDENHOVE
J. ETIENNE

For the Byelorussian Soviet Socialist Republic:
P. V. AFANASIEV

For the Union of Burma:
K. WIN
M. LWIN

For Bolivia:
J. CUADROS QUIROGA

For Brazil:
L. O. DE MIRANDA

For the People's Republic of Bulgaria:
I. M. TRIFONOV
I. PETROV

For Canada:
MAX WERSHOF

For Ceylon:
D. P. JAYASEKARA
C. A. R. ANKETELL

For China:
T. Yu
Keh Shu Lui
S. Chen
Tsao-Vong Miao

For the State of Vatican City:
Antonio Stefanizzi
J. De Riedmatten

For the Republic of Colombia:
Santiago Quijano C.
R. Arciniegas
L. Ramirez Arana
M. G. Vega
Cap.
S. Albornoz Plata
Victor Jimenez Suarez

For the Belgian Congo and Territory of Ruanda Urundi:
S. Segall
J. Etienne

For the Republic of Korea:
Yong Shik Kim
Nam Soo Lim
Cho Wong Pak

For Costa Rica:
A. P. Donnadieu

For Cuba:
Miguel Rey Bofill Aguilar
Carlos Estrada Castro
Manuel Gonzalez Longoria

For Denmark:
G. Pedersen
Børge Nielsen
C. B. Nielsen

For the Dominican Republic:
S. E. Paradas

For the Republic of El Salvador:
A. Amy

For Spain:
L. G. Llera
Jose Garrido

For the Overseas States of the French Community and the French Overseas Territories:
Farat
J. Meyer
E. Skinazi
M. N'Tsiba
J. Agoh
C. Ramanitra
M. Bouquin

For the United States of America:
Francis Colt De Wolf
Rosel H. Hyde

For Ethiopia:
Gabriel Tedros
B. Admassie

For Finland:
S. J. Ahola
U. A. Talvitie
E. Heino

For France:
A. Drevet
G. Terras
L. A. Lamoiter
J. P. Gascuel

For Ghana:
E. M. Koram

For Greece:
A. Lelakis
A. Marangoudakis

For the People's Republic of Hungary:
J. Ivanyi

For the Republic of India:
M. B. Sarwate
M. K. Basu

For the Republic of Indonesia:
A. Subardjo Djoyoadisuryo

For Iran:
H. Samiy

For the Republic of Iraq:
M. A. Baghadi
I. Elwali

For Ireland:
J. A. Scannell
G. E. Enright
T. P. Seoighe

For Iceland:
G. Briem
S. Thorkelsson

For the State of Israel:
M. E. Berman
D. Hareven
M. Kahany

For Italy:
A. Berio
F. Nicotera

For Japan:
K. Okumura
H. Matsuda
Toki Hachifuji

For the Hashemite Kingdom of Jordan:
A. M. Mortada

For Kuwait:
K. A. Razzaq
F. Gheith
M. A. Abualainain

For the Kingdom of Laos:
T. Chantharangsi Sengier

For Lebanon:
H. Osseiran

For the United Kingdom of Libya:
K. El Atrash

For Luxembourg:
E. Raus

For the Federation of Malaya:
B. H. Jubir Sardon
W. Stubbs
Chye Watt Lee

For the Kingdom of Morocco:
Mohamed Aquad
Mokhtar Hadj Nassar
Abderafak Berrada
Abdelhak Benkirane

For Mexico:
Carlos Nunez A.

For Monaco:
C. Solamito
R. Bickert

For Nepal:
J. N. Singha

For Nicaragua:
A. A. Mullhaupt

For Norway:
Sv. Rynning-Tonnesen
Leif Larsen
Andreas Strand

For New Zealand:
J. B. Darnell
E. S. Doak

For Pakistan:
M. N. Mirza

For Paraguay:
S. Guanes
B. Guanes
W. Garcia

For the Kingdom of the Netherlands:
J. D. H. Van Der Toorn
A. J. Ehnle
H. J. Schippers

For Peru:
M. De La Fuente Locker

For the Republic of the Philippines:
J. S. Alfonso
G. Canon
F. Trinidad
A. P. B. Frago

For the People's Republic of Poland:
H. Baczko
K. Kozlowski

For Portugal:
H. M. Pereira
M. A. Vieira
F. Eloy
Antonio De Sousa
A. Oliveira Baptista
L. Gois Figueira

For the Portuguese Oversea Provinces:
A. J. Magro
J. A. Rogado Quintino
A. A. Dos Santos

For the United Arab Republic:
M. M. Riad
G. M. Mehrez
Anis El Bardai
Aly S. Safwat

For the Federal Republic of Germany:
R. Thierfelder
O. Kirchner

For the Federal People's Republic of Yugoslavia:
V. Senk

For the Ukrainian Soviet Socialist Republic:
I. P. Likso

For the Rumanian People's Republic:
M. Grigore
B. Ionita
P. Postelnicu

For the United Kingdom of Great Britain and Northern Ireland including the Channel Islands and the Isle of Man:
T. C. Rapp
W. A. Wolverson
Elizabeth M. Perry

For the Republic of Sudan:
Soliman Hossein
H. E. Beshir

For Sweden:
Hakan Sterky
B. Olters
Simeon Hultare

For the Swiss Confederation:
E. Weber
A. Wettstein
A. Langenberger
F. Locher
C. Chappuis

For Czechoslovakia:
J. Manak
G. Vodnansky

For the Overseas Territories for the International relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible:
A. H. Sheffield
J. Bourn
L. W. Dudley

For Thailand:
M. Chullakesa
M. L. O. Sirivongs

For Tunisia:
M. Mili

For Turkey:
G. Yenal
I. Bilgic
A. Riza Hizal

For the Union of South Africa and the Territory of South-West Africa:
J. E. Mellon

For the Union of Soviet Socialist Republics:
I. Klokov

For the Oriental Republic of Uruguay:
Victor Pomes
Alfonso Galimberti
B. Barreiro

For the Republic of Venezuela:
J. A. Lopez

For the Republic of Viet-Nam:
Nguyen-Khac-Tham
Nguyen-Quang-Tuan

For British East Africa:
For the United Kingdom of Great Britain and Northern Ireland in that it relates to British East Africa:
M. W. Manson
R. Bolton

Annex 1

(See No. 4)

Afghanistan
Albania (People's Republic of)
Saudi Arabia (Kingdom of)
Argentine Republic
Australia (Commonwealth of)
Austria
Belgium
Bielorussian Soviet Socialist Republic
Burma (Union of)
Bolivia
Brazil
Bulgaria (People's Republic of)
Cambodia (Kingdom of)
Canada
Ceylon
Chile
China
Vatican City State
Colombia (Republic of)

Belgian Congo and Territory of Ruanda-Urundi
Korea (Republic of)
Costa Rica
Cuba
Denmark
Dominican Republic
El Salvador (Republic of)
Ecuador
Spain
Overseas States of the French Community and French Overseas Territories
United States of America
Ethiopia
Finland
France
Ghana
Greece
Guatemala
Guinea (Republic of)
Haiti (Republic of)
Honduras (Republic of)
Hungarian People's Republic
India (Republic of)
Indonesia (Republic of)
Iran
Iraq (Republic of)
Ireland
Iceland
Israel (State of)
Italy
Japan
Jordan (Hashemite Kingdom of)
Kuwait
Laos (Kingdom of)
Lebanon
Liberia
Libya (United Kingdom of)
Luxembourg
Malaya (Federation of)
Morocco (Kingdom of)
Mexico
Monaco
Nepal
Nicaragua
Norway
New Zealand
Pakistan
Panama
Paraguay
Netherlands (Kingdom of the)
Peru
Philippines (Republic of the)
Poland (People's Republic of)
Portugal
Spanish Provinces in Africa
Portuguese Oversea Provinces
United Arab Republic
Federal Republic of Germany
Federal People's Republic of Yugoslavia
Ukrainian Soviet Socialist Republic
Rhodesia and Nyasaland (Federation of)
Roumanian People's Republic
United Kingdom of Great Britain and Northern Ireland
Sudan (Republic of the)
Sweden
Switzerland (Confederation)
Czechoslovakia
Territories of the United States of America
Overseas Territories for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible
Thailand
Tunisia
Turkey
Union of South Africa and Territory of South-West Africa
Union of Soviet Socialist Republics
Uruguay (Oriental Republic of)
Venezuela (Republic of)
Viet-Nam (Republic of)
Yemen

ANNEX 2

(See No. 7)

British West Africa
British East Africa
Bermuda-British Carribbean Group
Singapore-British Borneo Group
Trust Territory of Somaliland under Italian Administration

ANNEX 3

(See art. 51)

DEFINITION OF TERMS USED IN THE INTERNATIONAL TELECOMMUNICATION CONVENTION AND ITS ANNEXES

[300] Administration: Any governmental department or service responsible for implementing the obligations undertaken in the International Telecommunication Convention and the regulations annexed thereto.

[301] Private operating agency: Any individual or company or corporation, other than a governmental establishment or agency, which operates a telecommunication installation intended for an international telecommunication service or which is capable of causing harmful interference with such a service.

[302] Recognized private operating agency: Any private operating agency, as defined above, which operates a service of public correspondence or of broadcasting and upon which the obligations provided for in article 21 are imposed by the member or associate member in whose territory the head office of the agency is situated, or by the member or associate member which has authorized this operating agency to establish and operate a telecommunication service on its territory.

[303] Delegate: A person sent by the government of a member or associate member of the union to a Plenipotentiary Conference, or a person representing a government or an administration of a member or associate member of the union at an administrative conference, or at a meeting of an International Consultative Committee.

[304] Representative: A person sent by a recognized private operating agency to an administrative conference, or to a meeting of an International Consultative Committee.

[305] Expert: A person sent by a national scientific or industrial organization which is authorized by the Government or the administration of its country to attend meetings of study groups of an International Consultative Committee.

[306] Observer: A person sent by:

the United Nations in accordance with article 28 of the Convention;

one of the international organizations invited or admitted in accordance with the provisions of the General Regulations to participate in the work of a conference;

the Government of a Member or Associate Member of the Union participating in a nonvoting capacity in a special conference of a regional character held under the terms of article 7 of the Convention.

[307] Delegation: The totality of the delegates and, should the case arise, any representatives, attachés or interpreters sent by the same country.

Each Member and Associate Member shall be free to make up its delegation as it wishes. In particular it may include in its delegation in the capacity of delegates or advisers, persons belonging to private operating agencies which it recognizes or persons belonging to other private enterprises interested in the field of telecommunication.

[308] Telecommunication: Any transmission, emission or reception of signs, signals writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

[309] Telegraphy: A system of telecommunication which is concerned in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such a form. For the purposes of the Radio Regulations, however, unless otherwise specified therein, telegraphy shall mean "A system of telecommunication for the transmission of written matter by the use of a signal code".

[310] Telephony: A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

[311] Radiocommunication: Telecommunication by means of radio waves.

[312] Radio: a general term applied to the use of radio waves.

[313] Harmful Interference: Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services,[1] or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.

[314] International Service: A telecommunication service between telecommunication offices or stations of any nature which are in different countries or are subject to different countries.

[315] Mobile Service: A service of radiocommunication between mobile and land stations, or between mobile stations.

[316] Broadcasting Service: A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmissions.

[317] Public Correspondence: Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

[318] Telegram: Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.

[319] Government Telegrams and Government Telephone Calls: Telegrams or telephone calls originating with any of the authorities specified below:

the Head of a State;

the Head of a Government and members of a Government;

the Head of a territory, or the Head of a territory forming part of a group, Member or Associate Member;

the Head of a territory under the trusteeship or mandate of the United Nations or of a Member or Associate Member;

Commanders-in-Chief of military forces, land sea or air;

diplomatic or consular agents;

the Secretary-General of the United Nations; Heads of the principal organs of the United Nations;

the International Court of Justice at The Hague.

[320] Replies to Government telegrams as defined herein shall also be regarded as Government telegrams.

[321] Private Telegrams: Telegrams other than service or Government telegrams:

[322] Service Telegrams: Telegrams exchanged between:

(a) Administrations;

(b) recognized private operating agencies;

(c) Administrations and recognized private operating agencies;

(d) Administrations and recognized private operating agencies, on the one hand, and the Secretary-General, on the other,

and relating to public international telecommunication.

ANNEX 4

(See art. 27)

ARBITRATION

[400] 1. The party which appeals to arbitration shall initiate the arbitration procedure by transmitting to the other party to

[1] Any radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

the dispute a notice of the submission of the dispute to arbitration.

[401] 2. The parties shall decide by agreement whether the arbitration is to be entrusted to individuals, administrations or governments. If within one month after notice of submission of the dispute to arbitration, the parties have been unable to agree upon this point, the arbitration shall be entrusted to governments.

[402] 3. If arbitration is to be entrusted to individuals, the arbitrators must neither be nationals of the parties involved in the dispute, nor have their domicile in the countries parties to the dispute, nor be employed in their service.

[403] 4. If arbitration is to be entrusted to governments, or to administrations thereof, these must be chosen from among the Members or Associate Members which are not parties to the dispute, but which are parties to the agreement, the application of which caused the dispute.

[404] 5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator.

[405] 6. If more than two parties are involved in the dispute, an arbitrator shall be appointed in accordance with the procedure set forth in 403 and 404, by each of the two groups of parties having a common position in the dispute.

[406] 7. The two arbitrators thus appointed shall choose a third arbitrator who, if the first two arbitrators are individuals and not governments or administrations, most fulfill the conditions indicated in 402, and in addition must not be of the same nationality as either of the other two arbitrators. Failing an agreement between the two arbitrators as to the choice of a third arbitrator, each of these two arbitrators shall nominate a third arbitrator who is in no way concerned in the dispute. The Secretary-General of the Union shall then draw lots in order to select the third arbitrator.

[407] 8. The parties to the dispute may agree to have their dispute settled by a single arbitrator appointed by agreement; or alternatively, each party may nominate an arbitrator, and request the Secretary-General of the Union to draw lots to decide which of the persons so nominated is to act as the single arbitrator.

[408] 9. The arbitrator or arbitrators shall be free to decide upon the procedure to be followed.

[409] 10. The decision of the single arbitrator shall be final and binding upon the parties to the dispute. If the arbitration is entrusted to more than one arbitrator, the decision made by the majority vote of the arbitrators shall be final and binding upon the parties.

[410] 11. Each party shall bear the expense it shall have incurred in the investigation and presentation of the arbitration. The costs of arbitration other than those incurred by the parties themselves shall be divided equally between the parties to the dispute.

[411] 12. The Union shall furnish all information relating to the dispute which the arbitrator or arbitrators may need.

ANNEX 5

GENERAL REGULATIONS ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION

Part I. General provisions regarding conferences

Chapter 1. Invitation and Admission to Plenipotentiary Conferences, When There is an Inviting Government

[500] 1. The inviting government, in agreement with the Administrative Council, shall fix the definitive date and the exact place of the conference.

[501] 2. (1) One year before this date, the inviting government shall send an invitation to the government of each country Member of the Union and to each Associate Member of the Union.

[502] (2) These invitations may be sent directly or through the Secretary-General or through another government.

[503] 3. The Secretary-General shall send an invitation to the United Nations in accordance with article 28 of the Convention.

[504] 4. The inviting government, in agreement with or on a proposal by the Administrative Council, may invite such specialized agencies in relationship with the United Nations as grant to the Union reciprocal representation at their conferences to send observers to take part in the conferences in an advisory capacity.

[505] 5. The replies of the Members and Associate Members must reach the inviting government not later than one month before the date of opening of the conference, and should include whenever possible full information on the composition of the delegation.

[506] 6. Any permanent organ of the Union shall be entitled to be represented at the conference in an advisory capacity when the conference is discussing matters coming within its competence. In case of need, the conference may invite an organ which has not considered it necessary to be represented.

[507] 7. The following shall be admitted to plenipotentiary conferences:

(a) delegations as defined in Annex 3 to the Convention;

[508] (b) observers of the United Nations;

[509] (c) observers of the specialized agencies in conformity with 504.

Chapter 2. Invitation and Admission to Administrative Conferences, When There Is an Inviting Government

[510] 1. (1) The provision of 500 to 505 above shall be applicable to administrative conferences.

[511] (2) However, as regards extraordinary administrative conferences and special conferences, the time-limit for the despatch of invitations may be reduced to six months.

[512] (3) Members and Associate Members of the Union may inform the private operating agencies recognized by them of the invitation they have received.

[513] 2. (1) The inviting government, in agreement with or on a proposal by the Administrative Council, may notify the international organizations which are interested in sending observers to participate in the work of the conference in an advisory capacity.

[514] (2) The interested international organizations shall make applications for admission to the inviting government within a period of two months from the date of the notification.

[515] (3) The inviting government shall assemble the requests and the conference itself shall decide whether the organizations concerned are to be admitted or not.

[516] 3. (1) The following shall be admitted to administrative conferences:

(a) delegations as defined in Annex 3 to the Convention;

[517] (b) observers of the United Nations;

[518] (c) observers of the specialized agencies in conformity with 504;

[519] (d) observers from international organizations admitted in accordance with 513 to 515;

[520] (e) representatives of recognized private operating agencies, duly authorized by the Member country to which they belong.

[521] (f) permanent organs of the Union, subject to the conditions set forth in 506.

[522] (2) Moreover, observers from Members and Associate Members which do not belong to the region concerned shall be admitted to special conferences of a regional character.

Chapter 3. Special Provisions for Conferences Meeting When There is no Inviting Government

[523] When a conference is to be held without an inviting government the provisions of Chapters 1 and 2 are applicable.

The Secretary-General shall take the necessary steps to convene and organize it at the seat of the Union, after agreement with the Government of the Swiss Confederation.

Chapter 4. Time-limits for Presentation of Proposals to Conferences and Conditions of Submission

[524] 1. Immediately after the invitations have been despatched, the Secretary-General shall ask Members and Associate Members to send him, within four months, their proposals for the work of the conference.

[525] 2. All proposals submitted, the adoption of which will involve revision of the text of the Convention or Regulations, must carry references identifying by chapter, article or paragraph number those parts of the text which will require such revision. The reasons for the proposal must be given, as briefly as possible, in each case.

[526] 3. The Secretary-General shall assemble and co-ordinate the proposals received from Administrations and from the International Consultative Committees and shall communicate them, at least three months before the opening of the conference, to all Members and Associate Members.

Chapter 5. Credentials for Conferences

[527] 1. (1) Delegations sent by Members of the Union to take part in a conference must be duly accredited to exercise their right to vote and must be furnished with the necessary powers for the signing of the Final Acts.

[528] (2) Delegations sent by Associate Members of the Union to take part in the conference must be duly accredited to participate therein in accordance with 16.

[529] 2. For plenipotentiary conferences:

(1)(a) delegations shall be accredited by instruments signed by the Head of State or by the Head of the Government or by the Minister for Foreign Affairs;

[530](b) however, they may be provisionally accredited by the Head of the diplomatic mission accredited to the government of the country in which the conference is held;

[531](c) any delegation representing a trust territory, for which the United Nations has acceded to the Convention in accordance with Article 20, shall be accredited by the Secretary-General of the United Nations.

[532] (2) In order to sign the Final Acts of the Conference, delegations must be furnished with full powers signed by the authorities mentioned in 529. Powers sent by telegram are not acceptable.

[533] 3. For administrative conferences:

(1) the provisions of 529 to 532 are applicable.

[534] (2) Independently of the authorities mentioned in 529 above, the Minister responsible for questions dealt with during the Conference may accredit a delegation and empower it to take part in the work and to sign the Final Acts.

[535] 4. A special committee shall be entrusted with the verification of the credentials of each delegation; this committee shall reach its conclusions within the period specified by the Plenary Assembly.

[536] 5. (1) The delegation of a Member of the Union shall exercise its right to vote from the moment when it begins to take part in the work of the conference.

[537] (2) However, a delegation shall no longer have the right to vote from the time that the Plenary Assembly decides that its credentials are not in order until this state of affairs has been rectified.

[538] 6. As a general rule, Member countries should endeavour to send their own delegation to the conferences of the Union.

Nevertheless, if, for exceptional reasons, a Member is unable to send its own delegation it may accredit the delegation of another Member of the Union and give this delegation powers to act and sign on its behalf.

[539] 7. A duly accredited delegation may give a mandate to another duly accredited delegation to exercise its vote at one or more sessions at which it is unable to be present. In this case it must notify the Chairman of the conference.

[540] 8. A delegation may not exercise more than one proxy vote in any of the cases referred to in 538 and 539.

Chapter 6. Procedure for Calling Extraordinary Administrative Conferences at the Request of Members of the Union or on a Proposal of the Administrative Council

[541] 1. Any Member of the Union wishing to have an extraordinary administrative conference convened shall so inform the Secretary-General, indicating the proposed agenda, place and date of the conference.

[542] 2. On receipt of twenty similar requests, the Secretary-General shall inform all Members and Associate Members thereof by telegram, asking the Members to indicate, within six weeks, whether or not they agree to the proposal.

[543] 3. If a majority of the Members agree to the proposal as a whole, that is to say, if they accept the agenda, date and place of the proposed meeting, the Secretary-General shall so inform the Members and Associate Members of the Union by circular telegram.

[544] 4. (1) If the proposal accepted is for a conference elsewhere than at the seat of the Union, the Secretary-General shall ask the Government of the country concerned whether it agrees to act as inviting Government.

[545](2) If the answer is in the affirmative, the Secretary-General, with the assent of the Government concerned, shall take the necessary steps to convene the conference.

[546] (3) If the answer is in the negative, the Secretary-General shall request the Members desiring the conference to make alternative suggestions for the place of the conference.

[547] 5. Where the proposal accepted is for a conference at the seat of the Union, the provisions of chapter 3 shall apply.

[548] 6. (1) If the proposal as a whole (agenda, time, and place) is not accepted by a majority of the Members, the Secretary-General shall inform the Members and Associate Members of the Union of the replies received, requesting the Members to give a final reply on the point or points under dispute.

[549] (2) Such points shall be regarded as adopted when they have been approved by a majority of the Members.

[550] 7. The procedure indicated above shall also be applicable when the proposal to convene an extraordinary administrative conference is initiated by the Administrative Council.

Chapter 7. Procedure for Convening Special Administrative Conferences at the Request of Members of the Union or on a Proposal by the Administrative Council

[551] 1. The provisions of Chapter 6 shall be applicable in their entirety to special conferences of a world-wide character.

[552] 2. In the case of a special conference of a regional character, the procedure described in Chapter 6 shall be applicable only to the Members of the region concerned. If the conference is to be convened on the initiative of the Members of the region, it will suffice for the Secretary-General to receive concordant requests from a quarter of the total number of Members in that Region.

Chapter 8. Provisions Common to all Conferences—Change in the Time or Place of a Conference

[553] 1. The provisions of Chapters 6 and 7 above shall apply, by analogy, when a change in the time or place of a conference is requested by Members of the Union or is proposed by the Administrative Council. However, such changes shall only be made if a majority of the Members concerned have pronounced in favour.

[554] 2. It shall be the responsibility of any Member or Associate Member proposing a change in the time or place of a conference to obtain for its proposal the support of the requisite number of other Members and Associate Members.

[555] 3. Where the issue arises, the Secretary-General shall indicate, in the communication referred to in 542 the probable financial consequences of a change in the time or place, as, for example, when there has been an outlay of expenditure in preparing for the Conference at the place initially chosen.

Chapter 9. Rules of Procedure of Conferences

Rule 1—Order of Seating:

[556] At meetings of the Conference, delegations shall be seated in the alphabetical order of the French names of the countries represented.

Rule 2—Inauguration of the Conference:

[557] 1. (1) The inaugural meeting of conference shall be preceded by a meeting of the Heads of Delegations to prepare the agenda for the first Plenary Assembly.

[558] (2) The Chairman of the meeting of Heads of Delegations shall be appointed in accordance with the provisions of 559 and 560.

[559] 2. (1) The conference shall be opened by a person appointed by the inviting Government.

[560] (2) When there is no inviting Government, it shall be opened by the oldest Head of Delegation.

[561] 3. (1) At the first meeting of the Plenary Assembly, the Chairman of the conference shall be elected; generally, he will be someone appointed by the inviting Government.

[562] (2) If there is no inviting Government, the Chairman shall be chosen, taking into account the proposal made by the Heads of Delegations at the meeting described in 557.

[563] 4. The first Plenary Assembly shall also:

(a) elect the Vice-Chairmen of the conference;

[564] (b) set up the conference committees and elect their respective Chairmen and Vice-Chairmen;

[565] (c) constitute the conference Secretariat, made up of the staff of the General Secretariat of the Union, and, in case of need, of staff provided by the administration of the inviting Government.

Rule 3—Powers of the Chairman of the Conference:

[566] 1. The Chairman, in addition to performing any other duties incumbent on him under these Rules of Procedure, shall open and close the meetings of the Plenary Assembly, direct its deliberations, ensure that the Rules of Procedure are applied, give the floor to speakers, put questions to the vote, and announce the decisions adopted.

[567] 2. He shall have the general direction of all the work of the conference, and shall ensure that order is maintained at meetings of the Plenary Assembly. He shall give his ruling on motions of order and points of order, and in particular, he shall be empowered to propose that discussion on a question be postponed or closed, or that a meeting be suspended or adjourned. He may also decide to postpone the convening of a Plenary Assembly or meeting thereof should he consider it necessary.

[568] 3. It shall be the duty of the Chairman to protect the right of each delegation to express its opinion freely and fully on the point at issue.

[569] 4. He shall ensure that discussion is limited to the point at issue, and he may interrupt any speaker who departs therefrom and request him to confine his remarks to the subject under discussion.

Rule 4—Appointment of Committees:

[570] 1. The Plenary Assembly may appoint committees to consider matters referred to the conference. These committees may in turn appoint subcommittees. Committees and subcommittees may form working groups.

[571] 2. However, committees and subcommittees may appoint subcommittees and working groups only when it is absolutely necessary.

Rule 5—Budget Control Committee:

[572] 1. At the opening of each conference or meeting, the Plenary Assembly shall appoint a budget control committee to determine the organization and the facilities available to the delegates, and to examine and approve the accounts for expenditure incurred throughout the duration of the conference or meeting. In addition to the members of delegations who wish to participate, this committee shall include a representative of the Secretary-General and where there is an inviting Government, a representative of that country.

[573] 2. Before the budget approved by the Administrative Council for the conference or meeting is exhausted, the budget control committee, in collaboration with the secretariat of the conference or meeting, shall present an interim statement of the expenditure already incurred to the Plenary Assembly. The Plenary Assembly shall take this statement into account in considering the question whether the progress made is sufficient to justify a prolongation of the conference or meeting after the date when the approved budget will be exhausted.

[574] 3. At the end of each conference or meeting, the budget control committee shall present a report to the Plenary Assembly showing, as accurately as possible, the estimated total expenditure at the close of the conference or meeting.

[575] 4. After consideration and approval by the Plenary Assembly, this report, together with the observations of the Plenary Assembly, shall be transmitted to the Secretary-General for submission to the Administrative Council at its next annual session.

Rule 6—Composition of Committees:

[576] 1. Plenipotentiary Conferences:

Committees shall be composed of the delegates of Members and Associate Members and the observers referred to in 508 and 509, who have so requested or who have been designated by the Plenary Assembly.

[577] 2. Administrative Conferences:

Committees shall be composed of the delegates of Members and Associate Members, and the observers and representatives referred to in 517 to 520, who have so requested or who have been designated by the Plenary Assembly.

Rule 7—Reporters. Chairmen and Vice-Chairmen of Subcommittees:

[578] The Chairman of each committee shall propose to his committee the nomination of the reporters and the choice of the chairmen, vice-chairmen and reporters of the subcommittees which may be set up.

Rule 8—Summons to meetings:

[579] Meetings of the Plenary Assembly, committees, subcommittees and working groups shall be announced in good time in the meeting place of the conference.

Rule 9—Proposals presented before the Opening of the Conference:

[580] Proposals presented before the opening of the conference shall be allocated by the Plenary Assembly to the appropriate committees appointed in accordance with Rule 4 of these Rules of Procedure. Nevertheless the Plenary Assembly itself shall be entitled to deal directly with any proposal.

Rule 10—Proposals or Amendments presented during the Conference:

[581] 1. Proposals or amendments presented after the opening of the conference must be delivered to the Chairman of the conference, or to the Chairman of the appropriate committee, as the case may be. They may also be handed to the secretariat of the conference for publication and distribution as conference documents.

[582] 2. No written proposal or amendment may be presented unless signed by the Head of the delegation concerned or by his deputy.

[583] 3. The Chairman of a conference or of a committee may at any time submit proposals likely to accelerate the debates.

[584] 4. Every proposal or amendment shall give, in precise and exact terms, the text to be considered.

[585] 5. (1) The Chairman of the conference or the Chairman of the appropriate committee shall decide in each case whether a proposal or amendment submitted during a meeting shall be made orally or presented in writing for publication and distribution in accordance with 581.

[586] (2) In general, the texts of all major proposals to be put to the vote at a meeting of the Plenary Assembly shall be distributed in good time in the working languages of the conference, in order that they may be studied before discussion.

[587] (3) In addition, the Chairman of the conference on receiving proposals or amendments referred to in 581, shall refer them to the appropriate committee or to the Plenary Assembly as the case may be.

[588] 6. Any authorized person may read, or may ask to have read, at a meeting of the Plenary Assembly any proposal or amendment submitted by him during the conference, and he shall be allowed to explain his reasons therefor.

Rule 11.—Conditions required for Discussion of, and Vote on, any Proposal or Amendment:

[589] 1. No proposal or amendment submitted prior to the opening of the conference or by a delegation during the conference may be discussed unless it is supported by at least one other delegation when it comes to be considered.

[590] 2. Each proposal or amendment duly supported shall be submitted to a vote after discussion.

Rule 12—Proposals or Amendments passed over or postponed:

[591] When a proposal or an amendment has been passed over or when its examination has been postponed, the delegation sponsoring it shall be responsible for seeing that it is considered later.

Rule 13—Rules for Debates of the Plenary Assembly:

[592] 1. Quorum.

For a valid vote to be taken at a meeting of the Plenary Assembly, more than half of the delegations accredited to the Conference and having the right to vote must be present or represented at the meeting.

[593] 2. Order of debates.

(1) Persons desiring to speak must first obtain the consent of the Chairman. As a general rule, they shall begin by announcing in what capacity they speak.

[594] (2) Any person speaking must express himself slowly and distinctly, separating his words and pausing as necessary in order that everybody may understand his meaning.

[595] 3. Motions of order and points of order.

(1) During debates, any delegation may, when it thinks fit, submit a motion of order or raise a point of order, which shall at once be settled by the Chairman in accordance with these Rules of Procedure. Any delegation may appeal against the Chairman's ruling, which shall however stand unless a majority of the delegations present and voting are against it.

[596] (2) A delegation submitting a motion of order shall not, during its speech, discuss the substance of the matter in question.

[597] 4. Priority of motions of order and points of order

The motions and points of order mentioned in 595 and 596 shall be dealt with in the following order:

(a) any point of order regarding the application of these Rules of Procedure;

[598] (b) suspension of a meeting;

[599] (c) adjournment of a meeting;

[600] (d) postponement of debate on the matter under discussion;

[601] (e) closure of debate on the matter under discussion;

[602] (f) any other motions of order or points of order that may be submitted, in which case it shall be for the Chairman to decide the relative order in which they shall be considered.

[603] 5. Motion for suspension or adjournment of a meeting.

During the discussion of a question, a delegation may move that the meeting be suspended or adjourned, giving reasons for its proposal. If the proposal is seconded, the floor shall be given to two speakers to oppose the suspension or adjournment and solely for that purpose, after which the motion shall be put to the vote.

[604] 6. Motion for postponement of debate.

During discussion of any question, a delegation may propose that the debate be postponed for a stated period. Once such a proposal has been made, any discussion thereon shall be limited to no more than three speakers, not counting the person submitting the proposal: one for the motion, and two against.

[605] 7. Motion for closure of debate.

A delegation may at any time propose that discussion on the point at issue be closed. In such cases, before a vote is taken on the proposal, the floor may be given to not more than two speakers opposing the motion.

[606] 8. Limitation of speeches.

(1) The Plenary Assembly may, if necessary, decide how many speeches any one delegation may make on any particular point, and how long they may last.

[607] (2) However, as regards questions of procedure, the Chairman shall limit the time allowed for a speech to a maximum of five minutes.

[608] (3) When a speaker has exceeded the time allowed, the Chairman shall notify the Assembly and request the speaker to conclude his remarks briefly.

[609] 9. Closing the list of speakers.

(1) During the debate, the Chairman may rule that the list of speakers wishing to take the floor be read. He shall add the names of other delegations who indicate that they wish to speak and he may then, with the assent of the Assembly, rule that the list be closed. Nevertheless, as an exceptional measure, the Chairman may rule, if he thinks fit, that a reply may be made to any previous statement, even after the list of speakers has been closed.

[610] (2) The list of speakers having been exhausted, the Chairman shall declare discussion on the matter closed.

[611] 10. Question of competence.

Any questions of competence that may arise shall be settled before a vote is taken on the substance of the matter under discussion.

[612] 11. Withdrawal and re-submission of a motion.

The author of a motion may withdraw it before it is put to a vote. Any motion, whether it be amended or not, which has been withdrawn from debate may be re-submitted or taken up by the author of the amendment or by another delegation.

Rule 14—Right to Vote.

[613] 1. At all meetings of the conference, the delegation of a Member of the Union duly accredited by that Member to take part in the work of the conference shall be entitled to one vote in accordance with Article 1 of the Convention.

[614] 2. The delegation of a Member of the Union shall exercise the right to vote under the conditions described in Chapter 5 of the General Regulations.

Rule 15—Voting.

[615] 1. Definition of a majority

(1) A majority shall consist of more than half the delegations present and voting.

[616] (2) In computing a majority, delegations abstaining shall not be taken into account.

[617] (3) In case of a tie, a proposal or amendment shall be considered rejected.

[618] (4) For the purpose of these Rules of Procedure, a "delegation present and voting" shall be a delegation voting for or against a proposal.

[619] 2. Non-participation in voting

Delegations which are present but do not take part in a particular vote or expressly state they do not wish to take part shall be considered neither as absent, for the purpose of determining a quorum as defined in 592, nor as abstaining for the purpose of 620.

[620] 3. Special majority

In cases where Members of the Union are to be admitted, the majority described in Article 1 of the Convention shall apply.

[621] 4. Abstentions of more than fifty per cent.

When the number of abstentions exceeds half the number of votes cast (for, against, abstentions), consideration of the matter under discussion shall be postponed to a later meeting, at which time abstentions shall not be taken into account.

[622] 5. Voting procedures

(1) The following voting procedures shall be adopted except in the case provided for in 625:

(a) by a show of hands, as a general rule;

[623] (b) by roll call, if the above-mentioned procedure shows no clear majority or if so requested by at least two delegations.

[624] (2) Votes by roll call shall be taken in the alphabetical order of the French names of the Members represented.

[625] 6. Secret ballot

Voting shall be by secret ballot when at least five of the delegations present and entitled to vote so request. In such cases, the Secretariat shall at once take steps to ensure the secrecy of the vote.

[626] 7. Prohibition of interruptions during votes

No delegation may interrupt once a vote has begun, unless to raise a point of order in connection with the way in which the vote is being taken.

[627] 8. Reasons for votes

The Chairman shall authorize any delegations which so request to give the reasons for their vote, after the vote has been taken.

[628] 9. Voting on parts of a proposal

(1) When the author of a proposal so requests, or when the Assembly thinks fit, or when the Chairman, with the approval of the author so proposes, that proposal shall be sub-divided and its various sections put to the vote separately. The parts of the proposal which have been adopted shall then be put to the vote as a whole.

[629] (2) If all the sections of a proposal are rejected the proposal shall be regarded as rejected as a whole.

[630] 10. Order of voting on concurrent proposals

(1) When there are two or more proposals on any one matter, they shall be put to the vote in the order in which they were presented, unless the Assembly decides to the contrary.

[631] (2) After each vote, the Assembly shall decide whether or not the following proposal shall be voted on.

[632] 11. Amendments

(1) Any proposal for modification consisting only of a deletion from, an addition to, or a change in a part of the original proposal shall be considered an amendment.

[633] (2) Any amendment to a proposal accepted by the delegation submitting the proposal shall at once be embodied in the original proposal.

[634] (3) No proposal for modification shall be regarded as an amendment if the Assembly considers it to be incompatible with the original proposal.

[635] 12. Voting on amendments

(1) When an amendment is submitted to a proposal, a vote shall first be taken on the amendment.

[636] (2) When two or more amendments are submitted to a proposal, the amendment furthest from the original text shall be put to the vote first; of the remainder, that furthest from the proposal shall then be put to the vote and the same procedure shall be followed until all the amendments submitted have been considered.

[637] (3) If one or more amendments are adopted, the proposal thus amended shall then be put to the vote.

[638] (4) If no amendment is adopted, the original proposal shall be put to the vote.

Rule 16—Committees and Sub-committees Rules for Debates and Voting Procedures:

[639] 1. The Chairmen of all committees and sub-committees shall have powers similar to those conferred by Rule 3 on the Chairman of the conference.

[640] 2. The provisions set forth in Rule 13 for the conduct of debates in the Plenary Assembly shall also apply to the discussions of committees and sub-committees, except in the matter of the quorum.

[641] 3. The provisions set forth in Rule 15 shall also apply to votes taken in committees and sub-committees, except as regards 620.

Rule 17—Reservations:

[642] 1. As a general rule, any delegation whose views are not shared by the remaining delegations shall endeavour, as far as possible, to conform to the opinion of the majority.

[643] 2. However, if any decision appears to a delegation to be of such a nature as to prevent its Government from ratifying the Convention or from approving the revision of the Regulations, the delegation may make reservations, final or provisional, regarding this decision.

Rule 18—Minutes of Plenary Assemblies:

[644] 1. The minutes of Plenary Assemblies shall be drawn up by the secretariat of the conference, which shall endeavour to ensure their distribution to delegations as early as possible before the date on which they are to be considered.

[645] 2. After the minutes have been distributed, delegations may submit in writing to the secretariat of the conference the corrections they consider to be justified; this shall be done in the shortest possible time. This shall not prevent them from presenting amendments orally during the meeting at which the minutes are approved.

[646] 3. (1) As a general rule, the minutes shall contain proposals and conclusions, together with the principal arguments for them, presented in terms as concise as possible.

[647] (2) However, any delegation shall have the right to require the insertion in the minutes, either summarized or in full, of any statement it has made during the debates. In this case, the delegation should, as a general rule, announce this at the beginning of its statement in order to facilitate the work of the reporters and must itself hand in the text to the secretariat of the conference within two hours after the end of the meeting.

[648] 4. The right accorded in 647 regarding the insertion of statements in the minutes shall in all cases be used with discretion.

Rule 19—Summary Records and Reports of Committees and Sub-committees:

[649] 1. (1) The debates of committees and sub-committees shall be summarized, meeting by meeting, in summary records, in which shall be brought out the essential points of the discussion, and the various opinions of which note ought to be taken, together with any proposals or conclusions resulting from the debate as a whole.

[650] (2) Nevertheless, any delegation shall be entitled to invoke 647.

[651] (3) The right referred to above shall in all circumstances be used with discretion.

[652] 2. Committees and sub-committees may prepare any interim reports they deem necessary and, if circumstances warrant, they may submit, at the end of their work, a final report recapitulating in concise terms the proposals and conclusions resulting from the studies entrusted to them.

Rule 20— Approval of Minutes, Summary Records and Reports:

[653] 1. (1) As a general rule, at the beginning of each meeting of the Plenary Assembly, committee, or sub-committee, the Chairman shall inquire whether there are any comments on the minutes of the previous meeting, or, in the case of committees or sub-committees, on the summary record of the previous meeting. These documents shall be considered approved if no amendments have been handed in to the Secretariat and no objection is made orally. Otherwise, the appropriate amendments shall be made in the minutes or summary record as the case may be.

[654] (2) Any interim or final report must be approved by the committee or sub-committee concerned.

[655] 2. (1) The minutes of the last Plenary Assembly shall be examined and approved by the Chairman of the Assembly.

[656] (2) The summary record of the last meeting of each committee or sub-committee shall be examined and approved by the Chairman of the committee or sub-committee.

Rule 21—Editorial Committee:

[657] 1. The texts of the Convention, the Regulations and other Final Acts of the conference, which shall be worded as far as practicable in their definitive form by the various committees, taking account of the views expressed, shall be submitted to an editorial committee charged with perfecting their form without altering the sense and with combining them with those parts of former texts which have not been altered.

[658] 2. The texts shall be submitted by the editorial committee to the Plenary Assembly of the conference, which shall approve them, or refer them back to the appropriate committee for further examination.

Rule 22—Numbering:

[659] 1. The numbers of the chapters, articles and paragraphs of the texts subjected to revision shall be preserved until the first reading in Plenary Assembly. The passages added shall bear provisionally the number of the last paragraph in the original text, with the addition of "a", "b", etc.

[660] 2. The definitive numbering of the chapters, articles and paragraphs shall be entrusted to the editorial committee after their adoption at the first reading.

Rule 23—Final Approval:

[661] The texts of the Convention, the Regulations and other Final Acts shall be considered final when they have been approved at the second reading in Plenary Assembly.

Rule 24—Signature:

[662] The final texts approved by the conference shall be submitted for signature, in the alphabetical order of the French names of their countries, to the delegates provided with the full powers defined in Chapter 5 of the General Regulations.

Rule 25—Press Notices:

[663] Official releases to the press about the work of the conference shall be issued only as authorized by the Chairman or a Vice-Chairman of the conference.

Rule 26—Franking Privileges:

[664] During the conference, members of delegations, members of the Administrative Council, senior officials of the permanent organs of the Union, and the staff of the Secretariat of the Union seconded to the conference shall be entitled to postal, telegraph and telephone franking privileges to the extent arranged by the government of the country in which the conference is held in agreement with the other governments and recognized private operating agencies concerned.

Part II. International consultative committees

Chapter 10. General Provisions

[665] 1. The provisions of Part II of the General Regulations supplement Article 13 of the Convention defining the duties and structure of the International Consultative Committees.

[666] 2. (1) The Consultative Committees shall also observe the applicable Rules of Procedure of Conferences contained in Part I of the General Regulations.

[667] (2) In order to facilitate the work of the Consultative Committee the Plenary Assembly may adopt additional provisions if they do not conflict with the Rules of Procedure of Conferences. These additional provisions shall be published in the form of a Resolution in the documents of the Plenary Assembly concerned.

Chapter 11. Conditions for Participation

[668] 1. (1) The International Consultative Committees shall have as Members:

(*a*) of right, the administrations of all Members and Associate Members of the Union;

[669] (*b*) any recognized private operating agency which, with the approval of the Member or Associate Member which has recognized it, subject to the procedure prescribed below, expresses a desire to participate in the work of the Committees.

[670] (2) The first request from a recognized private operating agency to take part in the work of a Consultative Committee shall be addressed to the Secretary-General who shall inform all the Members and Associate Members and the Director of the Consultative Committee concerned. A request from a recognized private operating agency must be approved by the Member or Associate Member recognizing it.

[671] 2. (1) International organizations which coordinate their work with the International Telecommunication Union and which have related activities may be admitted to participate in the work of the Consultative Committees in an advisory capacity.

[672] (2) The first request from an international organization to take part in the work of a Consultative Committee shall be addressed to the Secretary-General who shall inform by telegram all the Members and Associate Members and invite Members to say whether the request should be granted; the request shall be granted if the majority of the replies of the Members received within a period of one month are favourable. The Secretary-General shall inform all the Members and Associate Members and the Director of the Consultative Committee concerned of the result of the consultation.

[673] 3. (1) Scientific or industrial organizations, which are engaged in the study of telecommunication problems or in the design or manufacture of equipment intended for telecommunication services, may be admitted to participate in an advisory capacity in meetings of the study groups of the Consultative Committees, provided that their participation has received the approval of the administrations of the countries concerned.

[674] (2) The first request from a scientific or industrial organization for admission to meetings of study groups of a Consultative Committee shall be addressed to the Director of the Consultative Committee; such a request must be approved by the administration of the country concerned.

Chapter 12. Duties of the Plenary Assembly

[675] The Plenary Assembly shall:

(a) consider the reports of study groups and approve, modify or reject the draft recommendations contained in these reports;

[676] (b) decide new questions to be studied in conformity with the provisions of 180; and, if need be, establish a study programme;

[677] (c) so far as necessary, maintain existing study groups and set up new study groups;

[678] (d) allocate to study groups the questions to be studied;

[679] (e) consider and approve the report of the Director on the activities of the Committee since the last meeting of the Plenary Assembly;

[680] (f) approve a report on the financial needs of the Committee until the next Plenary Assembly, for submission to the Administrative Council;

[681] (g) consider any other matters deemed necessary within the provisions of Article 13 of the Convention and Part II of the General Regulations.

Chapter 13. Meetings of the Plenary Assembly

[682] 1. The Plenary Assembly shall normally meet every three years at a time and place fixed by the preceding Plenary Assembly.

[683] 2. The date of the meeting of the Plenary Assembly may be changed with the approval of the majority of the Members of the Union which participated in the previous meeting of the Plenary Assembly, or which, not having so participated, have informed the Secretary-General of their wish to take an active part in the work of the Consultative Committee concerned.

[684] 3. At each of these meetings, the Plenary Assembly shall be presided over by the Head of the delegation of the country in which the meeting is held or, in the case of a meeting held at the seat of the Union by a person elected by the Plenary Assembly itself; the Chairman shall be assisted by Vice-Chairmen elected by the Plenary Assembly.

[685] 4. The secretariat of the Plenary Assembly of a Consultative Committee shall be composed of the specialized secretariat of that Committee, with the help, if necessary, of the personnel of the administration of the inviting Government and of the General Secretariat.

Chapter 14. Languages and Method of Voting in Plenary Assemblies

[686] 1. (1) The languages used in the Plenary Assemblies shall be as provided in Article 16 of the Convention.

[687] (2) The preparatory documents of study groups, the documents and minutes of Plenary Assemblies and the documents published after these Assemblies by the International Consultative Committees shall be issued in the three working languages of the Union.

[688] 2. The Members which are authorized to vote at sessions of Plenary Assemblies of the Consultative Committees are those to which reference is made in 14 and 232. However, when a country, Member of the Union, is not represented by an administration, the representatives of the recognized private operating agencies of that country shall, as a whole, and regardless of their number, be entitled to a single vote.

Chapter 15. Composition of Study Groups

[689] 1. The Plenary Assembly shall set up the necessary study groups to deal with questions to be studied. The administrations, recognized private operating agencies and international organizations admitted in accordance with 671 and 672 which wish to take part in the work of the study groups shall give in their names either at the meeting of the Plenary Assembly or, at a later date, to the Director of the Consultative Committee concerned.

[690] 2. In addition, and subject to the provisions of 673 and 674, experts of scientific or industrial organizations may be admitted to take part in an advisory capacity in any meeting of any study group.

[691] 3. The Plenary Assembly shall appoint the Chairman and Vice-Chairman of each study group. If in the interval between two meetings of the Plenary Assembly, a Group Chairman is unable to carry out his duties, the Vice-Chairman shall take his place, and the study group concerned shall elect, at its next meeting, from among its members, a new Vice-Chairman. It shall likewise elect a new Vice-Chairman should the Vice-Chairman find himself no longer able, during this period, to carry out his duties.

Chapter 16. Treatment of Business of Study Groups

[692] 1. Study groups shall normally conduct their work by correspondence.

[693] 2. (1) However, the Plenary Assembly may give directives concerning the convening of any meetings of the study groups that may appear necessary to deal with large groups of questions.

[694] (2) Moreover, if after a Plenary Assembly, a Group Chairman considers it necessary for his study group to hold one or more meetings not provided for by the Plenary Assembly to discuss orally questions which could not be solved by correspondence, he may, with the approval of his administration and after consultation with the Director concerned and the members of his study group, suggest a meeting at a convenient place bearing in mind the need to keep expenses to a minimum.

[695] 3. However, in order to avoid unnecessary journeys and prolonged absences, the Director of a Consultative Committee, in agreement with the Group Chairmen of the various study groups concerned, shall draw up the general plan of meetings of groups of study groups which are to meet in the same place during the same period.

[696] 4. The Director shall send the final reports of the study groups to the participating administrations, to the recognized private operating agencies of the Consultative Committee and, as occasion may demand, to such international organizations as have participated. These shall be sent as soon as possible and, in any event, in time for them to be received at least one month before the date of the next meeting of the Plenary Assembly. This provision may only be waived when study group meetings are held immediately prior to the meeting of the Plenary Assembly. Questions which have not formed the subject of a report furnished in this way shall not appear on the agenda for the meeting of the Plenary Assembly.

Chapter 17. Duties of the Director. Specialized Secretariat

[697] 1. (1) The Director of a Consultative Committee shall co-ordinate the work of the Plenary Assembly and study groups, and shall be responsible for the organization of the work of the Consultative Committee.

[698] (2) He shall be responsible for the documents of the Committee.

[699] (3) The Director shall be assisted by a secretariat composed of a specialized staff to work under his direction and to aid him in the organization of the work of the Committee.

[700] (4) The staffs of the specialized secretariats, laboratories and technical installations of a Consultative Committee shall be under the administrative control of the Secretary-General.

[701] 2. The Director shall choose the technical and administrative members of the secretariat within the framework of the budget as approved by the Plenipotentiary Conference or the Administrative Council. The appointment of the technical and administrative personnel is made by the Secretary-General in agreement with the Director. The final decision for appointment or dismissal rests with the Secretary-General.

[702] 3. The Director shall participate as of right, but in an advisory capacity, in meetings of the Plenary Assembly and of the study groups. He shall make all necessary preparations for meetings of the Plenary Assembly and of the study groups.

[703] 4. The Director shall submit to the Plenary Assembly a report on the activities of the Consultative Committee since the last meeting of the Plenary Assembly. After approval, this report shall be sent to the Secretary-General for submission to the Administrative Council.

[704] 5. The Director shall submit to the Administrative Council at its annual session a report on the activities of the Committee during the previous year for the information of the Council and of the Members and Associate Members of the Union.

[705] 6. The Director shall submit for the approval of the Plenary Assembly a report on the financial needs of the Consultative Committee up to the next meeting of the Plenary Assembly; this report, after approval by the Plenary Assembly, shall be sent to the Secretary-General for transmission to the Administrative Council.

[706] 7. The Director shall prepare, for inclusion by the Secretary-General in the annual budget of the Union, an estimate of the expenses of the Committee for the following year, based on the report on the financial needs of the Committee approved by the Plenary Assembly.

[707] 8. The Director shall participate as necessary in technical assistance activities of the Union within the framework of the Convention.

Chapter 18. Proposals for Administrative Conferences

[708] 1. In accordance with 181, the Consultative Committees may make proposals for modification of the Regulations mentioned in 193.

[709] 2. Such proposals shall be sent to the Secretary-General in good time for assembly, coordination and communication, as laid down in 526.

Chapter 19. Relations of Consultative Committees Between Themselves and With Other International Organizations

[710] 1. (1) Plenary Assemblies of Consultative Committees may set up joint study groups to study and make recommendations on questions of common interest.

[711] (2) The Directors of Consultative Committees may, in collaboration with the Group Chairmen, organize joint meetings of study groups of both Consultative Committees, to study and prepare draft recommendations on questions of common interest. Such draft recommendations shall be submitted to the next meeting of the Plenary Assembly of each Consultative Committee.

[712] 2. The Plenary Assembly or the Director of a Consultative Committee may in-

vite a representative of this Committee to attend, in an advisory capacity, meetings of the other Consultative Committee or of other international organizations to which that Consultative Committee has been invited.

[713] 3. The Secretary-General, the Deputy Secretary-General, the Chairman of the International Frequency Registration Board, and the Director of the other Consultative Committee, or their representatives, may attend meetings of a Consultative Committee in an advisory capacity. In case of need, a Consultative Committee may invite to attend its meetings, in an advisory capacity, representatives of any permanent organ of the Union which has not considered it necessary to be represented.

ANNEX 6

(See article 28)

AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL TELECOMMUNICATIONS UNION—PREAMBLE

In consideration of the provisions of article 57 of the Charter of the United Nations and of article 26 of the Convention of the International Telecommunication Union of Atlantic City 1947, the United Nations and the International Telecommunication Union agree as follows:

Article I

The United Nations recognizes the International Telecommunication Union (hereinafter called "the Union") as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

Article II. Reciprocal representation

1. The United Nations shall be invited to send representatives to participate, without vote, in the deliberations of all the Plenipotentiary and Administrative Conferences of the Union. It shall also, after appropriate consultation, be invited to send representatives to attend international consultative committees or any other meetings convened by the Union with the right to participate without vote in the discussion of items of interest to the United Nations.

2. The Union shall be invited to send representatives to attend meetings of the General Assembly of the United Nations for the purposes of consultation on telecommunication matters.

3. The Union shall be invited to send representatives to be present at the meetings of the Economic and Social Council of the United Nations and of the Trusteeship Council and of their commissions or committees, and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Union may be concerned.

4. The Union shall be invited to send representatives to attend meetings of the main committees of the General Assembly when matters within the competence of the Union are under discussion and to participate, without vote, in such discussions.

5. Written statements presented by the Union shall be distributed by the Secretariat of the United Nations to the Members of the General Assembly, the Economic and Social Council and its commissions, and the Trusteeship Council as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Union to its Members.

Article III. Proposal of agenda items

After such preliminary consultation as may be necessary, the Union shall include on the agenda of Plenipotentiary or Administrative Conferences or meetings of other organs of the Union, items proposed to it by the United Nations. Similarly, the Economic and Social Council and its commissions and the Trusteeship Council shall include on their agenda items proposed by the Conferences or other organs of the Union.

Article IV. Recommendations of the United Nations

1. The Union, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Economic and Social Council under Article 62 of the Charter to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter; to make recommendations for the coordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to its appropriate organ for such action as may seem proper of all formal recommendations which the United Nations may make to it.

2. The Union agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Union or by its Members to give effect to such recommendations or on the other results of their consideration.

3. The Union will cooperate in whatever further measures may be necessary to make coordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to cooperate with any body or bodies which the Economic and Social Council may establish for the purpose of facilitating such coordination and to furnish such information as may be required for the carrying out of this purpose.

Article V. Exchange of information and documents

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of appropriate information and documents shall be made between the United Nations and the Union to meet the requirements of each.

2. Without prejudice to the generality of the provisions of the preceding paragraph:

(a) the Union shall submit to the United Nations an annual report on its activities;

(b) the Union shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information;

(c) the Secretary-General of the United Nations shall, upon request, consult with the appropriate authority of the Union with a view to providing to the Union such information as may be of special interest to it.

Article VI. Assistance to the United Nations

The Union agrees to co-operate with and to render all possible assistance to the United Nations, its principal and subsidiary organs, in accordance with the United Nations Charter and the International Telecommunication Convention, taking fully into account the particular position of the individual members of the Union who are not members of the United Nations.

Article VII. Relations with the International Court of Justice

1. The Union agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statutes of the Court.

2. The General Assembly authorizes the Union to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its competence other than questions concerning the mutual relationships of the Union and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Plenipotentiary Conference or the Administrative Council acting in pursuance of an authorization by the Plenipotentiary Conference.

4. When requesting the International Court of Justice to give an advisory opinion the Union shall inform the Economic and Social Council of the request.

Article VIII. Personnel arrangements

1. The United Nations and the Union agree to develop as far as practicable common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate any mutually desirable interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the Union agree to co-operate to the fullest extent possible in achieving these ends.

Article IX. Statistical services

1. The United Nations and the Union agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication, standardization, improvement and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national governments and other organizations from which such information may be collected.

2. The Union recognizes the United Nations as the central agency for the collection, analysis, publication, standardization, improvement and dissemination of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Union as the central agency responsible for the collection, analysis, publication, standardization, improvement and dissemination of statistics within its special sphere, without prejudice to the rights of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world. All decisions as to the form in which its service documents are compiled rest with the Union.

4. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the Union for incorporation in its basic statistical series or special reports should so far as practicable be made available to the United Nations upon request.

5. It is agreed that data supplied to the United Nations for incorporation in its basic statistical series or special reports should so far as practicable and appropriate be made available to the Union upon request.

Article X. Administrative and technical services

1. The United Nations and the Union recognize the desirability in the interests of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment of competitive or overlapping services, and when necessary to consult thereon to achieve these ends.

2. Arrangements shall be made between the United Nations and the Union in regard to the registration and deposit of official documents.

Article XI. Budgetary and financial arrangements

1. The budget or the proposed budget of the Union shall be transmitted to the United Nations at the same time as such budget is

transmitted to the Members of the Union and the General Assembly may make recommendations thereon to the Union.

2. The Union shall be entitled to send representatives to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Union is under consideration.

Article XII. Financing of special services

1. In the event of the Union being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with Article VI or with any other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the Union shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance requested by the Union and provided by the United Nations.

Article XIII. United Nations laissez-passer

Officials of the Union shall have the right to use the laissez-passer of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Union.

Article XIV. Inter-agency agreements

1. The Union agrees to inform the Economic and Social Council of the nature and scope of any formal agreement contemplated between the Union and any other specialized agency or other inter-governmental organization or international non-governmental organization, and further will inform the Economic and Social Council of the details of any such agreement, when concluded.

2. The United Nations agrees to inform the Union of the nature and scope of any formal agreement contemplated by any other specialized agencies on matters which might be of concern to the Union and further will inform the Union of the details of any such agreement, when concluded.

Article XV. Liaison

1. The United Nations and the Union agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever measures may be necessary to this end.

2. The liaison arrangements provided for in this agreement shall apply, as far as appropriate, to the relations, between the Union and the United Nations, including its branch and regional offices.

Article XVI. United Nations telecommunication services

1. The Union recognizes that it is important that the United Nations shall benefit by the same rights as the Members of the Union for operating telecommunication services.

2. The United Nations undertakes to operate the telecommunication services under its control in accordance with the terms of the International Telecommunication Convention and the regulations annexed thereto.

3. The precise arrangements for implementing this article shall be dealt with separately.

Article XVII. Implementation of agreement

The Secretary-General of the United Nations and the appropriate authority of the Union may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable.

Article XVIII. Revision

On six months' notice given on either part, this agreement shall be subject to revision by agreement between the United Nations and the Union.

Article XIX. Entry into force

1. This agreement will come into force provisionally after approval by the General Assembly of the United Nations and the Plenipotentiary Telecommunication Conference at Atlantic City in 1947.

2. Subject to the aforementioned approvals, the agreement will formally enter into force at the same time as the International Telecommunication Convention concluded at Atlantic City in 1947 or at some earlier date as may be arranged for by a decision of the Union.

FINAL PROTOCOL TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION, GENEVA, 1959

At the time of signing the International Telecommunication Convention (Geneva, 1959), the undersigned plenipotentiaries take note of the following statements forming part of the Final Acts of the Plenipotentiary Conference, Geneva, 1959:

I

For the Argentine Republic

The Argentine Delegation declares:

The International Telecommunication Convention (Geneva, 1959), provides in 4 that any country or group of territories listed in Annex 1 thereto is a Member of the Union. Annex 1 lists for this purpose the "Overseas Territories for the International Relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible".

Since the Government concerned habitually includes the territories which it calls the "Falkland Islands and Dependencies" in this entity a practice reflected in the official documents published by the International Telecommunication Union, the Argentine Delegation formally declares that this practice in no wise detracts from Argentine sovereignty over these islands, occupied by the United Kingdom as a result of an act of force never accepted by the Argentine Government, which hereby reaffirms the inalienable right of the Republic and declares that the Malvinas Islands, the South Sandwich Islands, the South Georgia Islands, and the Argentine Sector of the Antarctic are the colony or possession of no other nation, that they form part of Argentine national soil and are subject to Argentine dominion and sovereignty.

This declaration also holds good for any other mention of the same kind which may be included in the Convention or its Annexes.

II

For Canada

The signature of Canada to the International Telecommunication Convention (Geneva, 1959), is subject to the reservation that Canada does not accept 193 of this Convention. Canada agrees to be bound by the Radio Regulations, the Telegraph Regulations and, subject to one reservation, by the Additional Radio Regulations, all as annexed to this Convention but does not agree to be bound by the Telephone Regulations.

III

For China

The Delegation of the Republic of China to the Plenipotentiary Conference of the International Telecommunication Union at Geneva, 1959, as at Atlantic City and Buenos Aires, is the only legitimate representation of China therein, and is recognized as such by the Conference. Any Declarations or Reservations made in connection with or attached to the present Convention by any Members of the Union, incompatible with the position of the Republic of China as set forth above, are illegal and therefore null and void. To those Members of the Union, the Republic of China does not, by signature of this Convention, accept any obligation arising out of the Geneva Convention or any of the Protocols annexed thereto.

IV

For the Belgian Congo and Territory of Ruanda-Urundi

In signing the International Telecommunication Convention (Geneva, 1959), the Belgian Congo and Territory of Ruanda-Urundi officially declare that they reserve the right not to abide by Article 3 of the Radio Regulations (Geneva, 1959), except in so far as the application of this article permits to meet the indispensable requirements of their domestic broadcasting.

V

For Costa Rica

The Delegation of the Republic of Costa Rica reserves its Government's right to accept or not to accept the consequences of any reservations made by other Governments represented at this Conference, should such reservations entail any increase in Costa Rica's financial contribution to the Union.

VI

For Cuba

The Delegation of Cuba, in signing this Convention on behalf of the Government of the Republic of Cuba, formally reserves its position with regard to acceptance of the Telegraph Regulations, Telephone Regulations, and Additional Radio Regulations, mentioned in Article 14 of the International Telecommunication Convention (Geneva, 1959).

VII

For the Republic of El Salvador

A

The Government of the Republic of El Salvador reserves the right to take such action as may be required to protect its interests, should any Member or Associate Member of the Union not share in defraying the expenses of the Union or make reservations such that El Salvador's share in defraying the expenses of the Union is thereby increased.

B

In signing this Convention on behalf of the Republic of El Salvador, I hereby reserve the right of the Government of El Salvador to accept or not to accept the obligations entailed by the Telephone Regulations and the Additional Radio Regulations mentioned in Article 14 of the International Telecommunication Convention (Geneva, 1959).

VIII

For the United States of America

Signature of this Convention for and in the name of the United States of America constitutes, in accordance with its constitutional processes, signature also on behalf of all territories of the United States of America.

The United States of America formally declares that the United States of America does not, by signature of this Convention on its behalf, accept any obligation in respect of the Telephone Regulations or the Additional Radio Regulations referred to in Article 14 of the International Telecommunication Convention (Geneva, 1959).

IX

For Greece

On behalf of its Government, the Hellenic Delegation hereby declares that it accepts no consequence of any reservation which might lead to an increase of its share in defraying the expenses of the Union.

X

For the Republic of India

1. Upon signing the Final Acts of the International Telecommunication Conference, Geneva, 1959, the Republic of India does not accept any financial implications resulting from any reservation that might be made on the budgetary matters of the Union by any delegation participating in the present Conference.

2. The Delegation of the Republic of India states that the signature by the Delegation to this Convention is also subject to the reservation that the Republic of India may or may not be in a position to accept certain provisions of the Telegraph and the Telephone Regulations (Geneva, 1958), referred to in Article 14 of this Convention.

3. The Delegation of the Republic of India further reserves the rights of its Government to take appropriate steps if necessary to ensure proper functioning of the Union and its permanent organs and implementation of the Regulations, listed in Article 14 of the Convention, should any country reserve and/or not accept the provisions of the Convention and of the Regulations mentioned above.

XI

For the Republic of Indonesia

Due to the fact that Irian Barat (Western New Guinea) constitutionally is an integrated part of the Republic of Indonesia, the Indonesian Delegation to the Plentipotentiary Conference and the Administrative Radio Conference, Geneva, 1959, formally declares that its signatures to this Convention and to the Radio Regulations in no way implies the acceptance of the mentioning of Irian Barat (New Guinea) preceded by the word "Netherlands" in documents of the Union and the Radio Regulations (annexes and/or appendices).

XII

For the State of Israel

The Delegation of the State of Israel cannot accept the reservations made by the Delegations of the Kingdom of Saudi Arabia, the Republic of Iraq, the Hashemite Kingdom of Jordan, Kuwait, Lebanon, the United Kingdom of Libya, the Kingdom of Morocco, the United Arab Republic, the Republic of the Sudan and Tunisia, concerning Israel, and reserves the right of its Government to take any appropriate measure it may deem necessary to safeguard the interests of the State of Israel in the application of this Convention and the Regulations annexed thereto, as far as the above Members countries are concerned.

XIII

For Japan

Japan reserves the right to take such action as it may consider necessary to safeguard its interests should reservations by other countries lead to an increase in the share it takes in defraying the expenses of the Union.

XIV

For the Kingdom of the Netherlands

The Delegation of the Kingdom of the Netherlands declares that it does not accept the statement of the Delegation of the Republic of Indonesia contained in its formal declaration in so far as this statement disputes the sovereignty of the Government of the Netherlands over the non-self-governing territory of Netherlands New Guinea.

As for the denomination "Netherlands New Guinea" it declares that this denomination is the constitutionally correct one and is formally recognized as such and applied by the Secretariat of the United Nations.

XV

For the Republic of the Philippines

The Republic of the Philippines formally declares upon signing the present Convention that it cannot currently accept any obligations with reference to the Telegraph and Telephone Regulations mentioned in 193 of the Convention.

XVI

For the United Kingdom of Great Britain and Northern Ireland

The Delegation of the United Kingdom of Great Britain and Northern Ireland declares:

That it does not accept the statement of the Argentine delegation contained in its declaration in so far as this statement disputes the sovereignty of Her Majesty's Government in the United Kingdom over the Falkland Islands and the Falkland Islands dependencies and it wishes formally to reserve the rights of Her Majesty's Government on this question. The Falkland Islands and the Falkland Islands dependencies are and remain an integral part of the territories together making up the Member hitherto known as: Colonies, Protectorates, Overseas Territories and Territories under Mandate or Trusteeship of the United Kingdom of Great Britain and Northern Ireland on behalf of which the United Kingdom of Great Britain and Northern Ireland acceded to the International Telecommunication Convention (Buenos Aires, 1952) on 16 November 1953, and which is described in the International Telecommunication Convention (Geneva, 1959) as: Overseas territories for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible.

XVII

For Czechoslovakia

The Czechoslovak delegation declares on behalf of the Government of the Czechoslovak Republic that it will not be bound by any consequences that may arise from reservations designed to raise its contributory share towards defraying the expenses of the Union.

XVIII

For Turkey

The Delegation of Turkey declares that the Government of the Republic of Turkey cannot accept any financial consequences that might arise as a result of reservations made by other Governments taking part in the Plenipotentiary Conference, Geneva, 1959.

XIX

For the Union of South Africa and Territory of South-West Africa

The Delegation of the Union of South Africa and territory of South-West Africa declares that the signature of the Union of South Africa and Territory of South-West Africa to this Convention is subject to the reservation that the Union of South Africa and Territory of South-West Africa does not agree to be bound by the Telephone Regulations referred to in article 14 of the International Telecommunication Convention (Geneva, 1959).

XX

For the Republic of Venezuela

In signing this Convention, the Delegation of the Republic of Venezuela, on behalf of its Government, maintains the reservations indicated in the Telegraph Regulations and the Telephone Regulations (Geneva, 1958), and also with regard to the Radio Regulations (Geneva, 1959).

XXI

For Afghanistan, the Argentine Republic, Belgium, the Republic of Colombia, the Belgian Congo and Territory of Ruanda-Urundi, Denmark, Spain, overseas states of the French community and French overseas territories, France, Mexico, Monaco, Norway, Paraguay, Peru, Portugal, Portuguese overseas provinces, the Federal Republic of Germany, Federal People's Republic of Yugoslavia, Sweden and Switzerland

The delegations of the above-mentioned countries declare on behalf of their respective Governments that they accept no consequences of any reservations which would lead to an increase in the shares they take in defraying the expenses of the Union.

XXII

For the People's Republic of Albania, the People's Republic of Bulgaria, the Bielorussian Soviet Socialist Republic, the Hungarian People's Republic, the People's Republic of Poland, the Roumanian People's Republic, the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic, and the Czechoslovak Republic

These Delegations hereby declare on behalf of their Governments that the decision taken by the Plenipotentiary Conference, Geneva, 1959, of the International Telecommunication Union, to recognize the credentials of Chiang Kai-Shek's representatives to take part in the Conference and to sign the Final Acts on behalf of China, is illegitimate, in so far as the legal representatives of China can only be the representatives appointed by the Central People's Government of the People's Republic of China.

XXIII

For the People's Republic of Albania, the People's Republic of Bulgaria, the Hungarian People's Republic, the People's Republic of Poland, the Roumanian People's Republic and the Czechoslovak Republic

On signing the International Telecommunication Convention (Geneva, 1959), the Delegations of the People's Republic of Albania, the People's Republic of Bulgaria, the Hungarian People's Republic, the People's Republic of Poland, the Roumanian People's Republic, and the Czechoslovak Republic reserve for their Governments the right to accept or not to accept the Radio Regulations, in whole or in part.

XXIV

For the Kingdom of Saudi Arabia, the Republic of Iraq, the Hashemite Kingdom of Jordan, Kuwait, Lebanon, the United Kingdom of Libya, the Kingdom of Morocco, the United Arab Republic the Republic of the Sudan and Tunisia

The above mentioned Delegations declare that the signature, and possible subsequent ratification by their respective Governments to the International Telecommunication Convention (Geneva, 1959), are not valid with respect to the Member appearing in Annex 1 to this Convention under the name of Israel, and in no way imply its recognition.

XXV

For Austria and Italy

Austria and Italy reserve the right to take such action as they may consider necessary to safeguard their interests, should Members or Associate Members not share in defraying the expenses of the Union in the manner specified in the International Telecommunication Convention (Geneva, 1959), or should reservations by other countries jeopardize their telecommunication services.

XXVI

For the Bielorussian Soviet Socialist Republic, the Union of Soviet Socialist Republics, and the Ukrainian Soviet Socialist Republic

The Delegations of the Bielorussian Soviet Socialist Republic, the Union of Soviet Socialist Republics, and the Ukrainian Soviet Socialist Republic hereby formally declare that in signing this Convention they maintain the reservations relating to the Radio Regulations that were made by their Governments in ratifying the International Telecommunication Convention (Buenos Aires, 1952).

XXVII

For Ghana, the Republic of Guinea and Iran

The Delegations of the above-mentioned countries declare that they reserve the right of their Governments to take any action they deem necessary to safeguard their interests should Members or Associate Members in any way fail to comply with the requirements of the International Telecommunication Convention (Geneva, 1959) or should reservations by other countries jeopardize their telecommunication services.

XXVIII

For the Hashemite Kingdom of Jordan and the United Arab Republic

The Delegations of the Hashemite Kingdom of Jordan and the United Arab Republic declare on behalf of their Governments, their disagreement with 42 and with 97, which authorize the Administrative Council to conclude agreements with international organizations on behalf of the Union. Any such agreements which they will consider against their interest shall not be binding on them.

XXIX

For the Commonwealth of Australia, New Zealand, Pakistan, the Republic of the Philippines, the United Kingdom of Great Britain and Northern Ireland and the Union of South Africa and Territory of South-West Africa

The Delegations of the above-mentioned countries reserve for their Governments the right to take such action as they may consider necessary to safeguard their interests, should certain Members or Associate Members not share in defraying the expenses of the Union, or should they fail in any other way to comply with the requirements of the International Telecommunication Convention (Geneva, 1959) or its Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize their telecommunication services.

In witness whereof, the respective plenipotentiaries have signed this Final Protocol in each of the Chinese, English, French, Russian and Spanish languages, in a single copy, which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a certified copy to each of the signatory countries.

Done at Geneva, 21 December 1959.

The Senate, as in Committee of the Whole, proceeded to consider the radio regulation (Ex. I, 86th Cong. 2d sess.) with appendixes and an additional protocol, signed at Geneva on December 21, 1959, by delegates of the United States of America and delegates of other countries represented at the administrative radio conference, which was read the second time.

Mr. DIRKSEN. Mr. President, may I ask the majority leader whether he wishes to fix a time for voting on the convention and regulations?

Mr. MANSFIELD. I am perfectly agreeable to do that. I understand that the Senator from Connecticut [Mr. BUSH] desires to address the Senate for about a half hour. May I ask the acting chairman of the Committee on Foreign Relations how much time he intends to use?

Mr. SPARKMAN. I shall make a very brief statement in explanation of the treaties.

Mr. MANSFIELD. With the consent and the advice of the distinguished minority leader, I ask unanimous consent that the vote on the two treaties be held immediately following the vote on the dual-rate conference report, which will be held at 4 o'clock this afternoon.

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

Mr. SPARKMAN. Mr. President, with reference to the two treaties to which the majority leader has referred, I should like to make a very brief statement. It might be well to say that the treaty which is being carried over, Executive Calendar Order No. 10, Executive G, 87th Congress, 1st session, the convention between the United States of America and Canada, signed at Washington, on February 17, 1961, is being carried over by agreement within the Foreign Relations Committee at the time the treaty was reported; it was understood that it would rest on the calendar until January, in order to give an opportunity for interested parties to study it and comment on it.

Executive J has been pending before the Senate since September 12. Executive I was held up temporarily pending the resolution of a controversy over one technical aspect of it. That technical aspect has been resolved to the satisfaction of all of the interested parties and accordingly the Committee on Foreign Relations on September 22 agreed to report the convention favorably to the Senate.

Mr. President, the pending International Telecommunication Convention was signed at Geneva on December 21, 1959. Its main purpose is to continue in effect the principal provisions of the convention signed in Buenos Aires in 1952 and approved by the Senate in 1955.

Except for a few minor administrative changes, the Geneva Convention is similar to the Buenos Aires Convention. It contains provisions governing the composition, functions, and structure of the International Telecommunication Union—ITU—a specialized agency of the United Nations with permanent headquarters in Geneva.

The ITU is generally recognized as an effective organization for carrying on negotiations among its members and for coordinating the use of all forms of international telecommunications. To summarize, the ITU (a) acts as a general agent for the allocation of radio frequencies, (b) promotes the development of technical facilities by establishing standards and operating rules in order to improve telecommunication services, and (c) harmonizes the activities of nations for the attainment of these ends.

The radio regulations—Executive I—which are also pending before the Senate, deal with a number of highly complex matters in the field of international regulation of radio communication. I shall mention some of the article headings to illustrate: "Nomenclature of the Frequency and Wavelength Bands Used in Radio Communication"—article 2, section III; "General Rules for the Assignment and Use of Frequencies"—article 3; "Notification and Recording of Frequencies in the Master International Frequency Register"—article 9; "Working Hours of Stations in the Maritime and Aeronautical Mobile Services"—article 25; and "Distress Signal and Traffic—Alarm Urgency and Safety Signals"—article 36.

I should point out that the resolution of ratification on Executive J contains certain declarations, the general effect of which is to make some provisions of the convention inapplicable to the United States. One of these declarations is now obsolete because of the approval on September 22 of the radio regulations—Executive I, 86th Congress, 2d session. At its meeting on September 22, 1961, the Committee on Foreign Relations agreed to request the Senate to delete the last paragraph of the resolution of ratification accompanying Executive J which reads as follows:

The United States of America, in ratifying this convention, declares that the question of approval of the radio regulations signed for the United States of America at Geneva on December 21, 1959, remains open for the time being.

Mr. President, on the basis of the recommendation of the President of the United States and on the hearings held on both the International Telecommunication Convention and the radio regulations, the Committee on Foreign Relations believes that Senate approval of these two treaties is in our national interest. I hope, therefore, that the Senate will give its advice and consent to ratification of these treaties.

Before the Senate votes on the treaties, however, Mr. President, I ask unanimous consent that the resolution of ratification attached to Executive J be amended by deleting the last paragraph.

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

Mr. MANSFIELD. Mr. President, it is said that rules are made to be broken; but I assure the Senate that this will be the only time this ironclad rule will be used. I ask unanimous consent that the vote on the two treaties be a yea-and-nay vote, and that it be taken immediately after the vote on the conference report on the dual rate bill.

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

Mr. MANSFIELD. Mr. President, this is not a precedent.

The PRESIDING OFFICER. If there be no objection, the treaties will be considered as having passed through their various parliamentary stages, up to and including the presentation of the respective resolutions of ratification. The resolution of ratification of Executive J, 86th Congress, 2d session, will be read.

The resolution of ratification was read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Telecommunication Conven-

tion, with annexes, and the final protocol to the convention (Executive J, Eigthy-sixth Congress, second session), signed for the United States at Geneva on December 21, 1959, subject to certain declarations set forth below:

Ratification of this convention for and in the name of the United States of America constitutes, in accordance with its constitutional processes, ratification also on behalf of all territories of the United States of America.

The United States of America formally declares that the United States of America does not, by ratification of this convention, accept any obligation in respect of the Telephone Regulations or the Additional Radio Regulations referred to in Article 14 of the International Telecommunication Convention (Geneva, 1959).

The PRESIDING OFFICER. Inasmuch as the Senate is considering the treaties en bloc, the clerk will read the second resolution.

The resolution was read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Geneva (1959) Radio Regulations, with annexes and an additional protocol (Executive I, Eighty-sixth Congress, second session), signed for the United States at Geneva on December 21, 1959.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume legislative session.

The motion was agreed to, and the Senate resumed legislative session.

THE WORLD BANK AND INTERNATIONAL MONETARY FUND

Mr. BUSH. Mr. President, I returned yesterday from Vienna, where I attended, with the consent of the Senate, the meeting of the International Bank for Reconstruction and Development—the so-called World Bank; the International Finance Corporation; the International Development Association, which is a subsidiary of the World Bank; and the International Monetary Fund.

The meetings were conducted during all of last week and were attended by representatives of some 70 countries who are members of these institutions.

I must say that I came away with a sense of pride in the fact that the United States was the original sponsor of the World Bank and the International Monetary Fund, both of which have come to be useful international organizations, under the principal leadership of the United States.

I wish particularly to pay tribute to my good friend, Mr. Eugene Black, who is President of the World Bank and who has become one of the great world statesmen of our time. It would be difficult to find a man who is held in such high respect by so many different countries; in fact, I doubt that there is anyone in the United States today who enjoys the wide measure of confidence and respect in which Mr. Black is held.

I was also proud to see the exceedingly high regard enjoyed by Mr. Robert Garner, who retired this year after some 13 or 14 years of service with the World Bank organization, and most recently as the head of the International Finance Corporation. The ovation which Mr. Garner received at the end of his speech last week was the greatest extended to anyone during the entire week, by far, and indicated not only a sense of appreciation of what he had done in the world through his connection with these organizations, but also a very high personal regard and affection for this great American.

So it is that I have brought back these senses of pride, and I am very glad to share them with the Senate today.

There were two big lessons which I gathered from the week's debates and the reports of the various countries concerning their financial affairs, their balance of payments problems, and their internal problems. I should say the first lesson was that all seemed to agree on the need for internal order within a government in connection with its own balance of payments problem. In other words, a country cannot successfully deal with the balance of payments deficit problem unless it has fiscal and monetary order within its own government. That is a big lesson from this conference for the United States—and within the United States, too.

The second major lesson to which I shall speak was in connection with our administration of our own foreign aid programs, those programs which are unilateral or bilateral, as opposed to the multilateral programs of the organizations I have mentioned.

To illustrate that point, I shall quote from some of the speeches which were made by representatives of foreign governments. It will be seen that throughout those comments runs the same theme. For instance, I quote now from the speech of the Honorable Xenophon Zolotas, of Greece, Governor of the Bank of Greece. On page 3 of his press release he said:

As regards the less advanced countries it is my firm belief that assuming an adequate flow of development assistance, monetary and fiscal order is not only compatible but absolutely necessary for economic development. In this respect, I would like to mention the example of my country, in which the consistent maintenance of monetary and fiscal discipline in recent years has been achieved together with a substantial rate of growth.

So much for the attitude of the Governor of the Bank of Greece. One of the most impressive speeches was made by the Honorable Karl Blessing, President of the Deutsche Bundesbank, and Governor of the Monetary Fund for the Federal Republic of Germany. I quote two paragraphs from his speech as they appear on page 4 of his press release:

Lately, there has been an eager search for new and better monetary systems even involving a complete transformation of the International Monetary Fund. Some people are afraid of a coming shortage of international liquidity, others feel that the gold exchange standard should be abandoned because of its inflationary character. I have the impression that such ideas, stimulating and thought provoking as they may be, bring with them the danger that the prerequisites of any workable international monetary order; namely, monetary discipline at home and readiness for international cooperation, tend to become neglected. I do not believe in the magic of panaceas. I do not believe that monetary discipline can be replaced by new schemes and inventions. I do not share the opinion that we are in urgent need for greater international liquidity, nor do I share the view that the gold exchange standard is an evil in itself, or that it confronts us with the danger of a serious crisis.

The demand for more international liquidity is more or less the result of disequilibriums in the international payments situation. In a better balanced world economy there is, as history proves, less need for high reserves. And if the gold exchange standard is well managed and kept under adequate control there is no danger in the system as such.

Mr. President, I quite agree with what Mr. Jacobsson has said on this subject in his introductory statement. What we need is not a fundamental change, but a gradual improvement of the international monetary system, based on discipline at home and on close cooperation at an international level.

Mr. President, this brought to mind a statement attributed to George Santayana, who is quoted as saying: "People who refuse to remember the past will be condemned to live with it."

A similar philosophy appears in the remarks attributed to Under Secretary of State George Ball:

Development programs can best succeed where there is a determination on the part of the peoples to mobilize their own resources for the purposes of working out overall country programs in which each project is related to all other projects. Human needs are too acute and capital resources too limited for money to be devoted to isolated projects which contribute little to the total national economy of an underdeveloped country.

The Honorable Wilfrid Baumgartner, Minister of Finance and Economic Affairs and Governor of the Bank of France, also made some interesting comments which fit into this general theme. Incidentally, he spoke very highly of Per Jacobsson—as did most of the speakers—who has been head of the International Monetary Fund for some years; and he expressed great satisfaction that Mr. Jacobsson is to remain the guardian of the monetary order for the next 2 years. There had been some discussion that Per Jacobsson was going to leave; and all those whose remarks I heard expressed great satisfaction that this great man and this great master of the International Monetary System is going to remain for another 2 years as head of the International Monetary Fund.

Mr. Baumgartner said, as appears on page 2 of his press release:

As we all know, the most effective contribution we can make to the maintenance of the monetary order is for each country to apply nationally a sound policy and to ward off, in a world in expansion, the recurrence of inflationary pressures. The disequilibriums which occur in balances of payments call first for internal measures. The contribution of the International Monetary Fund, as well as, eventually, measures of mutual assistance, can and should be only of a complementary nature. Such has been the constant doctrine of our organization, the appropriateness and effectiveness of which need no further demonstration.

The Minister of Finance and Governor of the Fund from the Bank of India

made some interesting observations in the course of his speech. I read from page 5 of his press release:

In the ultimate analysis, however, we would need to make every effort to increase our exports rapidly. In this respect, there is now much greater awareness in India and we give the highest priority to export promotion. Much, of course, would depend on our own efforts to increase production, improve its quality and keep our prices competitive by general monetary and fiscal soundness as well as by the utmost regard for efficiency.

Mr. President, there we see the lesson I originally said was constantly repeated; and from those remarks I believe that we in the United States can gather some wisdom and some examples which we can well direct ourselves toward following.

Selwyn Lloyd, Chancellor of the Exchequer of the United Kingdom, and Governor of the International Monetary Fund and the World Bank, had the following comments to make, as they appear on page 2 of his press release:

I am under no illusion about the difficulty of the tasks which lie ahead of us and the sustained efforts which will be involved. The conditions of the changing world will call for new effort and new thinking in the United Kingdom in a number of directions. Apart from technical developments and the best use of our resources we have in particular to consider how we can insure that increases in personal incomes are kept within the bounds of increases in productivity.

Again he mentioned a problem which is common to all of us—namely how can we in our country deal with the question of keeping wage increases, salary increases, and personal incomes within the bounds of productivity, for unless we do, we certainly deal with inflationary forces.

The Honorable M. W. Holtrop, President of De Nederlandsche Bank, and Governor of the Fund from the Netherlands, had the following to say, as appears on page 5 of his press release:

Both surplus countries and deficit countries will have to concentrate on reestablishing balance-of-payments equilibrium by the use of internal policies appropriate to that end. Deficit countries will have to determine whether their problem is one of internal demand inflation, that eats away at their capacity for exports, or one of cost inflation, that throttles their competitiveness. To combat demand inflation, monetary and budgetary therapies may be indicated; the suppressing of cost inflation will require the development of quite different instruments of policy. Surplus countries, on the other hand, may have to ask themselves whether their wage standards perhaps still lag behind their productivity and whether, more generally, their internal monetary and budgetary policies tend to reduce, or rather to perpetuate their surpluses.

Mr. President, I mentioned Mr. Robert L. Garner. His speech before the convention was one of the most significant—perhaps the most significant—of the entire week, because, as I have already said, it was his last appearance before the conference. The very high respect in which he is held was shown by the applause and, really, the ovation which greeted his very sound remarks on the morning when he made his speech. I shall read a few excerpts from it, because of their significance. For the last 14 or 15 years he has been devoting himself to the question of international finance and aid to the less developed countries, and he has even, as Mr. Black has, become a world authority on the question of foreign aid, foreign lending, and, indeed, all elements connected with foreign aid. From his speech I read the following which appears on page 5 of the press release:

But I am troubled by the extent to which there is growing up the insidious consequences of too great reliance on foreign aid. Everyone repeats the platitudes that each country must be primarily responsible for its future and that others can only supplement its own efforts. Nevertheless, there are too many instances where the obvious attitude is that the chief responsibility of a government is to secure the maximum help from abroad, with lesser responsibility to mobilize its own resources, and to take action so that all resources are most effectively applied, and that internal conditions which hinder development are improved.

That theme runs all through these remarks—internal development, internal order, internal responsibility, both fiscal and monetary.

He said, as follows, as appears on the next page:

The wide acceptance of the assumption that lack of development is primarily due to shortage of capital has led the United States and other richer countries to provide billions in loans and grants. Over the postwar period immense sums have been made available to the developing areas. Some of these funds have been well applied and have produced sound results, others have not. However, to most of the recipient countries the amounts are never sufficient. In my opinion they never can be, because money alone accomplishes nothing. It is only a tool, and what it produces depends not on how much, but on how it is used. If it is applied to uneconomic purposes, or if good projects are poorly planned and executed, the results will be minus, not plus. The effective spending of large funds requires experience, competence, honesty, and organization. Lacking any of these factors, large injections of capital into developing countries can cause more harm than good. The test of how much additional capital is required for development is how much a country can effectively apply within any given period, not how much others are willing to supply.

So much for that part of the quotation. Further on, he gave us five or six points of importance that must be considered in connection with helping underdeveloped countries to find their way up the economic ladder. I quote the following from Mr. Garner's speech on this theme, as appears on page 7:

I am sympathetic with those who prefer the old ways and the simpler life. But too many wish for the best of both worlds. It won't work—only frustration and failure can result from seeking the fruits without being willing to pay the price of admission to modern economic society.

Out of my experience I have arrived at a few simple requirements for any country to make its way up the economic ladder—simple to state, most difficult to achieve.

The first requirement is a reasonable degree of consistent law and order—government which can govern. Each country must work out its own acceptable process by which it governs itself. But without a degree of continuity in political life, consistent economic growth is not possible. Public policies sway with every change in the winds; economic programs do not get off the ground; private investment is frustrated.

Next, I would put the requirement of reasonably honest and effective public administration. There is no denying that in many countries graft and corruption in public office lay a heavy tribute on resources which should go into development. Of course, the less developed countries have no monopoly on public corruption. But its toll is more destructive in poorer countries than in richer societies. This is a problem which is entirely up to the leaders and people of each country.

However, honesty alone is not sufficient. Administration needs to be effective, and more and more individual competence and adequate organization are required as an economy grows and becomes more complex. I have found that in dealing with public officials, the most prevalent obstacle to getting things done is the lack of experience, of training and of ability to make prompt decisions. More attention to training and organization is widely needed.

So much for that part of the quotation.

Then I come to this third point, Mr. President. Incidentally, I again remind the Senate that these points should be taken into account by our organizations dealing with aid to every one of the underdeveloped countries. He said this on the third point:

I can seldom refrain from commenting on the importance of financial stability to steady economic progress. There are many prominent supporters of inflation who claim that it is a necessary adjunct of growth; some assert that it creates development.

But I have taken a close look at inflation in quite a few countries. I have seen it upset government; take the bread out of the mouths of workers, the old, the helpless; undermine the operations of business. So I continue to class it as a dangerous fever, which gives the patient a temporary spurt but quickly saps his strength.

His fourth point is as follows:

However the plans are made, they will reveal needs so great that there must be a selection of priorities. Of course it is also essential that the country seek to increase its own internal revenues. Many tax systems need overhauling to remove inequities and evasions, and to improve collections. However, if development is to be encouraged and not hampered, it is important to avoid taxation which hinders investment. The best chance for long-term growth in revenues is through increased productivity and national income.

So much for his fourth point.

His fifth point is the following:

So I put high on the list of public policy positive efforts to see that the benefits of growth be spread widely among more and more people—through jobs, ownership, opportunity.

I have some definite ideas as to the means of getting greater productivity, which is the essence of modern economic life, and providing for wide distribution of its benefits, which is both economically and politically imperative in free societies.

Then he said this, and it will be the end of my quotation directly from his speech:

Over the past 14 years I have visited some 50 countries, most of them in earlier stages of development. The most substantial progress I have observed has come from the private sector, where it has been provided with basic facilities and a political and administrative climate in which it could exercise its talents.

Mr. President, note his stress upon the stimulation of the private sector, stimulation of private investment.

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

Mr. BUSH. I yield.

Mr. LAUSCHE. When was that talk delivered?

Mr. BUSH. This talk was delivered in Vienna last week, on September 21, before the 1961 meeting of the Board of Governors of the International Finance Corporation, which, as the Senator knows, is a subsidiary of the World Bank, by Mr. Robert Garner, President of IFC, who is to retire on October 1.

Mr. LAUSCHE. Was that the meeting out of which reports came that one of the subjects important for discussion was the problem of the outflow of gold and the instability of currencies, not only of other nations of the world, but also of our own?

Mr. BUSH. That was a matter of general discussion at the conference. Yes, it was one of the chief objects of interest in discussion at the conference. That is true. Secretary Dillon dealt with that problem in his speech, which I shall put into the RECORD at the conclusion of my remarks, and which will show the concern he had with that particular problem.

Mr. LAUSCHE. There was a report in the newspapers that in Vienna one of the representatives of the German Government stated that our country should talk about imposing some economic discipline upon itself as a prerequisite to the right of getting ready to ask for help from the Monetary Fund. Is the Senator familiar with that?

Mr. BUSH. I am not familiar with that exact quotation. I have read into the RECORD from the statements by Mr. Blessing, the representative of the German Government, the general statement which certainly applied to the United States as much as to any other country. I feel that he was talking to us, although he did not say "the United States" in particular.

There is no use dodging the point. There has been and there remains among all of the great countries—among the finance heads, the heads of central banks, and ministers of finance—a concern about the balance of payments deficit in the United States. As the Senator knows, it is a matter of deep concern to us in the United States.

Mr. LAUSCHE. Yes. In the quotation which the Senator from Connecticut read into the RECORD was there a statement by the representative of the French Government?

Mr. BUSH. Yes. I quoted very briefly from a statement by Mr. Baumgarten, the head of the French Ministry of Finance.

Mr. LAUSCHE. The International Monetary Fund, which is a subsidiary of the World Bank, is called upon to provide fiscal aid by way of hard currency to those countries which run into fiscal instability and a softening of their currencies.

Mr. BUSH. If the Senator will permit, first I wish to say that the International Monetary Fund is not a subsidiary of the World Bank, but is sort of a partner of the World Bank. The same countries belong to both organizations, but the organizations are not under the same management, although many directors serve on both organizations.

Mr. LAUSCHE. Yes.

Mr. BUSH. The purpose of the International Monetary Fund is to make temporary credit available to countries which find themselves short of foreign currencies due to their international trade, principally, and international investment. The International Monetary Fund is not a long-term lending organization but is strictly a short-term credit organization.

Mr. LAUSCHE. Is my understanding correct that when a nation goes to the International Monetary Fund for help, to stabilize its currency, there is a demand for conformance to certain conditions, that the country put its own economic house in order, to bring to an end those economic factors which tend to depreciate the currency?

Mr. BUSH. I believe that is a policy of the International Monetary Fund, yes.

Mr. LAUSCHE. I have no question that when a nation goes to the International Monetary Fund to say, "There has been a run on the currency. We are having inflation. We have to be stabilized," the International Monetary Fund will give temporary relief, but as a condition will demand that the country do certain things to help, within the local government.

Mr. BUSH. I cannot specifically answer that question directly. I do know the philosophy of Per Jacobsson and the Governors of the International Monetary Fund is of the exact type of which the Senator talks. If one goes to the International Monetary Fund for a loan, one must have credit. The only way one can get credit is by having his house in order. Those are short-term loans. I would say, from my knowledge of the World Bank and the International Monetary Fund, that the World Bank exercises a greater measure of discipline upon the country borrowing from it than the International Monetary Fund. It only lends to governments or on government-guaranteed credit. It exercises a measure of discipline.

I shall come to that subject in a few moments, and shall quote from Eugene Black on the subject.

Mr. LAUSCHE. To conclude, the Mr. Garner from whose speech the Senator has quoted is the head of the International Monetary Fund, is he not?

Mr. BUSH. No. He is President of the International Finance Corporation, which is only 5 or 6 years old.

Mr. LAUSCHE. Yes.

Mr. BUSH. Prior to that he was with the World Bank about 8 or 9 years as a Vice President. He was Vice President under Mr. McCloy. When Mr. McCloy went out and Eugene Black came in, he continued. When the International Finance Corporation was set up, he become the head of that.

Mr. LAUSCHE. I know who he is. He appeared before the Committee on Foreign Relations about 10 days ago.

Mr. BUSH. He has been before the committee many times, I am sure.

Mr. LAUSCHE. He asked for expanded powers; that is, the power to loan money for the establishment of private enterprises, or something along that line.

Mr. BUSH. I think what he was asking for was the authority to make direct investments in equities rather than in convertible loans, or quasi-equities.

Mr. LAUSCHE. The Senator is correct.

Mr. DOUGLAS. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I am glad to yield to my able friend from Illinois.

Mr. DOUGLAS. I appreciate the conscientiousness of the Senator from Connecticut in making a report on the proceedings in the delightful city of Vienna. I hope that in addition to going to the meetings the Senator enjoyed the beauty of the historic Kursthistarische Museum, listened to the opera as sung in that city, and attended the plays at the Burg Theater.

I hope, in short, the Senator enjoyed himself in Vienna. We do appreciate his conscientious report.

Mr. BUSH. I thank the Senator for his good wishes in that respect. I assure him I lost no opportunity, in my relatively brief spare time, to see something of Vienna and its environs. I am sure if the Senator had known I was going he would have insisted I do so.

Mr. DOUGLAS. I appreciate that comment very much.

Did I correctly understand the Senator from Connecticut to say that the European finance ministers and directors of the various central banks were worried about the American financial position?

Mr. BUSH. I say to the Senator, this is a delicate subject.

Mr. DOUGLAS. No. We might as well speak frankly.

Mr. BUSH. I have not said that in their speeches, which were prepared for delivery before the conferences, they specifically mentioned the United States. They did not specifically level criticism at the United States, nor did the United States specifically level criticism at any other country. There is a certain amount of protocol involved, as there is in the Senate. We have a rule that one does not question the motives or conduct of any Senator or cast any reflection on his State. I do not think there is a rule exactly like that, but the conduct of the meetings was with great decorum and in good spirit.

In addition, I had many informal conferences around Vienna with representatives of the central banks and other banks. These men are not without some concern about the balance-of-payments deficit, which is a very serious problem for us. The Senator knows it is.

Mr. DOUGLAS. It was a very serious problem until the 1st of February of this year. It was a very serious problem in the last months of the Eisenhower administration, but at present there is not a balance of payments problem.

Mr. BUSH. I fear my dear friend is a little behind in his extracurricular reading, because the last I read on this

subject showed it appears as though we face a balance of payments deficit this year of at least $1.7 billion, and it is more likely to be $2 billion.

Mr. DOUGLAS. But it was largely because of the disastrous first month.

Mr. BUSH. I did not say why. I said we have it. The Senator was saying we did not have it.

Mr. DOUGLAS. The point is that during the past few months the balance-of-payments deficit has disappeared.

Mr. BUSH. I stand on my statement.

Mr. DOUGLAS. As a matter of fact, there is currently a $100 million surplus so far as gold movements are concerned.

Mr. BUSH. Mr. President, I wish to proceed.

Mr. DOUGLAS. Mr. President, we have embarked upon a very interesting field of discussion.

Mr. BUSH. Yes, we have.

Mr. DOUGLAS. I should like to pursue it with further questions.

Mr. BUSH. I do not have much time, but I will make a few remarks in addition. Then I hope the Senator will permit me to proceed. I do not wish to be rude.

Mr. DOUGLAS. I do not wish to be rude to the Senator from Connecticut.

Mr. BUSH. I stand on my statement that we face a balance-of-payments deficit this year of at least $1.7 billion, and it is more likely to be $2 billion. If that is not a problem, I do not know what is a problem.

Mr. DOUGLAS. That problem was almost totally confined to the first month of the year. In the other months there has been a surplus.

Mr. BUSH. Mr. President, perhaps we could straighten the Senator out if he would permit me to quote from Secretary Dillon. I do not wish to read the entire speech, for there are pages on the subject. Secretary Dillon talked about the balance-of-payments problem and the deficit. He said:

> Our overall deficit, which is measured by decreases in U.S. holdings of gold and convertible currencies plus increases in foreign liquid holdings of U.S. dollars—which together amounted to about $4 billion in both 1959 and 1960—was running at a seasonally adjusted annual rate somewhat under $1.7 billion in the first half of 1961. The figure of $1.7 billion also does not count as a receipt the special debt prepayments of $650 million. While this indicates the continuation of substantial short-term capital outflows, these movements have represented, for the most part, a substantial enlargement of the financing of world trade by U.S. banking institutions and have not been speculative in character.

In that quotation is a reference to the $1,700 million that I mentioned.

Mr. DOUGLAS. Most of that deficit was due to the outflow of gold in January of this year.

Did the European finance ministers recognize the fact that the so-called deficit in the balance of payments was due primarily, first, to American investments abroad; second, to the cost of American troops abroad; third, to the expenditures of American servicemen and their families abroad; and fourth, foreign aid extended by the United States?

Mr. BUSH. The Senator has put his finger on the largest items that contributed to the deficit.

Mr. DOUGLAS. If the foreign ministers are really worried about the finances of the United States, then let them bear a larger share of the foreign aid expenditures themselves. Let them bear a larger share of the cost of American troops over there to defend them.

For them to denounce the United States, weary under the load we are bearing and handicapped by their refusal to help apparently, comes with ill grace. If they are really concerned, let them get under the load—instead of criticizing the Nation upon whom they have heaped so many unshared burdens.

Mr. BUSH. Mr. President, I agree with the Senator. I thank the Senator for making those observations. I do not disagree with anything he said in connection with having the other countries join us in carrying the load.

Mr. DOUGLAS. Until then, let them keep silent and not seek to undermine the credit of the United States.

Mr. BUSH. I wish I could assure the Senator that I had the authority to muzzle them. But I have no such authority. I think it is interesting to know what their observations were. Their observations were not made in an unfriendly way, but by way of general concern, because they feel—and we know—that their fortunes are wrapped up very closely with ours today. They appreciate that the dollar is the solid foundation of the security of the free world today.

Mr. DOUGLAS. Let them bear some of the load instead of sitting on the sidelines taking our aid and our protection and then complaining because we are in difficulties because of our doing so much for them.

Mr. BUSH. I echo the statement of the Senator from Illinois.

Mr. DOUGLAS. I think that point should be considered very carefully.

There is another point. I believe the Senator will find that European budgets distinguish sharply between capital expenditures and current expenditures.

Mr. HUMPHREY. Which we ought to do.

Mr. DOUGLAS. They do not include their capital expenditures with their current expenditures. We lump the two together. If they were to include their capital expenditures in their ordinary budgets, as we do, then their budgets would be far more out of balance than our budget. Their proportional deficits would be greater.

Mr. BUSH. Mr. President, the Senator is jumping from balance of payment deficits to budgetary deficits. I do not want the RECORD to be confused. I have been talking about balance of payments deficits, and so has the Senator from Illinois up to this moment.

Mr. DOUGLAS. I understand.

Mr. BUSH. Mr. President, I will proceed, if I may. I have spoken of Mr. Garner. I ask unanimous consent that, at the conclusion of my remarks, there be printed in the RECORD a press notice from the New York Times of September 21 by Edwin L. Dale, Jr., on the subject of Mr. Garner's speech. It is a brief summary of the speech.

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

(See exhibit 1.)

Mr. BUSH. Mr. President, I spoke of Per Jacobsson. I emphasize that he was spoken of in the warmest terms there by representatives of many countries, and all agreed that it was a lucky thing that we were to have him continue as the head of the IMF for the next 2 years. I quote one paragraph from his speech. On page 14 of the press release, which I have before me, he said:

> When we consider the Fund's role in the monetary system, it is valuable to keep in mind the two complementary aspects of the Fund's financial activities: On the one hand, the granting of financial assistance by the Fund to help countries to meet an unbalanced position; on the other hand, the assurance that the country receiving the assistance will be taking the necessary measures to restore a proper balance. For such measures to be effective, it is indispensable that the authorities in the country receiving the assistance must be convinced that the restoration of the balance is in their true interest. As the Duke of Vienna said in "Measure for Measure," the one play of Shakespeare to be set in this city of Vienna: "The satisfaction I would require is likewise your own benefit." It is precisely when this identity of interest is fully realized that the programs which are supported by Fund assistance can be carried out in a spirit of mutual confidence and the desired success achieved. For that result, the countries must feel that stability is essential for their welfare as the only true foundation for sustained growth. In taking this view they can be encouraged by the evidence that those countries which have persisted in their efforts, and accepted the transitional difficulties of carrying out a stabilization program, have succeeded in staging an impressive rate of growth.

I think the great figure at the conference was Mr. Eugene Black. I wish to speak of him and call attention, first, to some remarks which he made on the subject of international development financing. On page 7 of his statement, which I have before me, he said:

> Development is now accelerating on a broad front in the underdeveloped world, and this presents two important problems to be tackled if we are to maintain productive cooperation between lenders and borrowers. First, we must redouble our efforts to insure that the aid offered really serves a priority development purpose; we must use all the influence that we can command, and extend all the help that we can, to insure that the underdeveloped countries themselves effectively utilize all their available resources. Secondly, quite apart from whether the funds flow through IDA or some other channel, our common objectives require that a greater proportion of the development capital provided should bear terms comparable to IDA's.
>
> On the first of these points, let me say that, in my view, the ability of a borrower to use capital for sound development purposes is no less important—and, indeed, it it is more important in the long run—than the form in which a lender makes capital available. This is why the Bank and IDA insist on every borrower presenting a well-conceived project which could fit into a sound development program. This, in fact, is the justification for our whole range of technical assistance services.

His emphasis there is on long-range planning and the avoidance of making loans where the loan really is not going to serve the ultimate purpose for which

it is made. The Bank has developed that theme, and it is absolutely their first and big commandment in connection with the making of loans. They have demonstrated, I believe, to the satisfaction of these 68 countries that this is a sound basis and a sound philosophy for making long-term loans.

I am putting these thoughts in the RECORD so that our own people who have responsibility for the administration of loans, and the Members of Congress who are concerned with long-range lending, may profit from these wise remarks of the President of the World Bank.

As Mr. Black said privately while coming home on the plane yesterday, money should not be loaned until the conditions are right, so that the loan can do what it is intended to do. The World Bank has found that to be one of the most important conditions. If the loan is made first, before the conditions are made, then they do not correct those conditions which need correction. They found that out. This is particularly true in countries which do not have a really responsible government.

He spoke of a particular loan to a public utility company in another country. He said their rates were too low. They wanted to borrow a substantial amount of money. The Bank said, "No; we will not lend you this money. Your rates are too low. Therefore, the loan will not do what you think it should do and what it is intended that it should do."

A few years passed, and finally the representative of the country said to the Bank, "How much must we raise the rates to get this loan?"

The Bank said, "You must raise them 15 percent."

So they raised them 20 percent and they obtained the loan.

Mr. Black illustrates the situation with this homely illustration. The house is cold. The furnace is broken. So the temperature goes down, and the thermometer registers 40°. The person in the house lights a match and puts it underneath the mercury bulb of the thermometer. The thermometer goes up to 70°. Apparently everything is all right, according to the thermometer. Actually, however, the house is still cold, because the furnace is still broken. What made it cold was the broken furnace.

So it is with loans. So it is with foreign aid.

If we do not see that the conditions are right, then a loan may be nothing but a temporary palliative and will not accomplish the purpose for which it was intended.

This is one of the lessons which I may have learned before I went to Vienna, but it was certainly very much impressed upon me by the discussions that I heard during the 5 days last week.

There was considerable talk about the U.S. 25 percent gold reserve for the Federal Reserve notes. One impression I got from several sources among certain bankers was the statement, "Leave it alone. Leave it the way it is. All you have to do is just guarantee the foreign dollar holders against devaluation."

In other words, if we doubled the price of gold, thus devaluing the dollar by 50 percent, and cutting its gold value in half, then, according to their protocol, we should credit foreign holders of dollars proportionately. If a foreign bank had on deposit in New York, let us say $1 million, it would be credited with an additional million dollars.

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

Mr. BUSH. I will yield in a moment. Instead of having 17 billion in foreign accounts, there would be altogether approximately $34 billion in such accounts. Congress, of course, would have to approve creating the new $17 billion, to follow through on their suggestion. I leave it to my colleagues in the Senate, or any other reasonable person, whether that would not be an exceedingly inflationary move for the United States to undertake.

I indicated to those who talked with me about it that I could see absolutely no possibility of that kind of guarantee being made by the United States; nor did I think it was necessary that we make such a guarantee. We should stop talking about removing the 25 percent gold reserve against Federal Reserve notes. This is the wrong time.

The President of the United States has firmly rejected the idea of devaluation. It seems to me that the member countries of the International Monetary Fund should accept what the President has said at 100 percent value. I accepted it at that value, and I think all Senators did also.

So I say I do not believe we should consider a guarantee of foreign balances against any contingency—a contingency that we are determined to make impossible, a contingency that we are determined to avoid. What we must do is to step up the fight against our balance-of-payments deficits. The Senator from Illinois has reminded us what the principal items are.

We must recognize what the root causes are, and come to grips with them as best we can. We must avoid using palliatives and treat the troublesome tumor itself. This will involve a reduction of our dollar expenditures abroad. The biggest items, of course, are in connection with military aid and foreign aid. I have not undertaken in any way to assess by how much we can reduce military aid or reduce foreign aid. In fact, we are in the process of trying to settle today a foreign aid bill in Congress, which I have supported, and which is said by the administration and the proponents of the bill that it is not big enough the way it is. So the problem is one of great difficulty.

What I am saying now is not said in a critical way, but only in an attempt to realize what the problem is. I hope the President and the administration may find a way of reducing our military expenses abroad without interfering with the national security.

I believe the Secretary of Defense showed wisdom when he rejected the Senate proposal that the B–52 program be increased by $500 million. It may be—and I hope—that the kind of thinking which he applied to that program might result in helping to reduce the dollar payments we have to make abroad. We recognize that much of our foreign aid expenditure is in the form of money spent in this country for materials which go abroad. So that is not one of the aggravating features of the balance-of-payments deficit.

Mr. President, I now yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that the deficit in payments is a relative rather than an absolute factor, and that the deficit could be reduced if the foreign countries, first, would reduce or remove the quotas which they now impose upon our exports—and I refer specifically to Germany's restrictions upon the importation of American coal; second, if they would bear a larger share of the expense of the troops which are there for their immediate protection, although ultimately for our own protection, as well; and, third, if they would get under the load on foreign aid to a greater degree than is now the case?

Mr. BUSH. The Senator from Illinois is absolutely correct. This is one of the things I had in mind concerning which our President might persuade them to do in connection with our big item of foreign aid expenditures. This is a very large undertaking, and I do not wish to make it sound simple. It is one of the three or four big opportunities we have in which to come to grips with our problem, which is the deficit in our balance of payments.

The Senator from Illinois is quite right in reminding me and in reminding the Senate that this method offers to the administration one of the avenues of escape from this problem.

Mr. DOUGLAS. It is a primary obligation upon the European cabinets and governments which persist in undermining the efforts of the American people while they refuse to get under the burden themselves. While we value them as allies, it is important that they should realize that being an ally means reciprocal aid and help.

Mr. BUSH. I join with the Senator in calling upon them to recognize to a greater degree their responsibilities in connection with the problems we have just been discussing. I thank the Senator from Illinois for his contribution to the discussion on that point.

Mr. DOUGLAS. I thank the Senator from Connecticut for yielding to me.

Mr. BUSH. Mr. President, speaking of dealing with the deficit, another avenue is by the increasing of our exports and holding the line on imports, as the Senator from Illinois has just mentioned. We must widen the spread between exports and imports, which last year was of the order of $5 billion, or a little less. However, if we could up that $6 billion or $7 billion spread, this would have an important alleviating effect upon the balance of payments deficit. In fact, at the annual rate at which we are now running, if we could widen the spread of $2 billion, which is not beyond the realm of possibility, that alone would give us the $2 billion necessary to close the present apparent deficit for 1961.

But this, of course, brings us to the problem we have at home, which is the problem of self-discipline here. It means that the administration, the business leaders, the labor leaders—all concerned—must constantly fight against the inflationary pressures of the day; and that we must expect from our business leaders and labor leaders a great amount of unity in recognizing that they are a principal part of the problem of holding the line and keeping our costs on a competitive basis.

If we do not keep our costs on a competitive basis, we simply cannot increase our exports, as the Senator from Illinois and I have agreed would be one of the principal ways to alleviate the balance of payments deficit. We must determine to keep wage increases and salary increases within the limits of increased production per man-hour; within the limits, as the economists say, of productivity.

Also, I believe it is not inappropriate to say at this point that our competitive position requires that we stop neglecting the consumer, and that we should pass on some of the increased productivity to this forgotten man. The advantage of doing that also would be to restrict imports.

If we can reduce prices to our own consuming public by reason of increased productivity, that would have a direct effect on the balance of payments problem.

So these are some of the things we in the Government should be thinking about. I believe the people will support a policy along the lines of our discussion this morning if the President of the United States will present the policy as one which is absolutely necessary. I believe it is necessary. I believe that people would insist upon such a policy if they really had a broader and deeper understanding of the importance of the problems.

One of the great difficulties of the so-called balance of payments problem is that there is so little understanding of it. There are so few of us in Congress who understand it. I do not mean to imply that I am one of those who understand it, because I find it a very complicated problem, although I work on it and deal with it. Nevertheless, it is very difficult for the average citizen of the United States to know what we are talking about when we get into the question of balance of payments, convertible currencies, foreign balances in the United States, and so on.

I talked with many European bankers, both central bank heads and heads of private commercial banks. They are very wise men in the financial world. They understand the problem, just as our financial leaders—Mr. William McC. Martin, of the Federal Reserve Board; Mr. Robert Roosa, Under Secretary of the Treasury, and Secretary of the Treasury Dillon understand it. The foreign bankers know the importance of sound money and what is needed to maintain a sound currency.

They believe that price stability does not impede sustained employment; and, conversely, that inflation is the enemy of full employment, and an evil to be resisted boldly. This is something for us to bear in mind. They recognize that inflation grows out of unbalanced budgets, and they rather fear that our Government does not fully appreciate this fact. They know that the U.S. dollar standing in world markets is largely based upon confidence, and that that confidence is not sustained by governments which spend excessively and unnecessarily create large budget deficits. They feel that our Government has done the latter.

So those foreign financial men would like to see our Government exercise a firm fiscal monetary discipline in our own country.

I may say that they respect Secretary Dillon as an able man, one who understands the problems of the day, problems which were under discussion. Some feel he has not had a quite strong enough voice in establishing fiscal policy in this country so far, since he has been the Secretary of the Treasury.

For myself, I should like to observe that Mr. Dillon appears to become more effective as times goes on. He has prevailed in some important decisions in the administration circles. I believe the President is wise enough to recognize increasingly Mr. Dillon's value to his administration. I doubt that any man the President could have selected within his own political party could have done, to date, a much better job in the Office of the Secretary of the Treasury than Mr. Dillon himself has done.

The address by Secretary Dillon at the conference illustrates very well the connection between the importance of the domestic economy, including fiscal and monetary discipline at home, and the balance of payments problem.

He went into considerable detail to reassure the conference—and, incidentally, the world—that the U.S. economy is moving ahead rapidly, that our national production and income are rising, and that present tax rates—barring further increases in military expenditures—will produce a surplus in the fiscal year 1963. He even reminded us that the President is determined to request additional taxes, should they become necessary to balance the budget in 1963. On that note he dealt with the balance-of-payments problem, thus recognizing that confidence in our internal fiscal and monetary affairs is absolutely essential if we are to hold reserves of other nations, now amounting to some $17 billion, and thus avoid the chance of a run on the dollar.

The importance of this connection between the two problems—to wit, internal discipline and the balance of payments problem—might better be appreciated, as I have already said, throughout our country and even within this administration itself.

Mr. President, in conclusion let me say we must not forget that the pages of history are strewn with the wreckage of governments which failed to maintain monetary and fiscal discipline. Upon the United States today rests the chief responsibility for the economic welfare and the administration of the entire free world. The Congress must keep this fact in mind, especially when it returns in January. The President has cautioned that we must eschew new programs, no matter how desirable, if they would result in exceeding his announced budget. In that connection, I refer to two specific statements by the President. In his May 25 message before the joint session of Congress, he called upon us—

> To refrain from adding funds or programs, desirable as they may be, to the budget.

And in his television and radio address to the Nation on July 26, President Kennedy said:

> We must keep down all expenditures not thoroughly justified in budget requests.

Mr. President, we must abandon the tendency in our country to regard the Treasury as a limitless well of dollars. We must forsake the "politics as usual" attitude, too broadly held. We must show in our deliberations and in our actions greater consciousness of the perils of our times; and we must give our country the leadership in thought and in understanding that will make it possible to develop a firm self-discipline, so essential to maintaining our financial integrity as a nation, for upon this the fate of our whole free world depends.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks, the speech delivered at Vienna on September 20 by Secretary Dillon.

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

STATEMENT BY THE HONORABLE DOUGLAS DILLON, SECRETARY OF THE TREASURY AND GOVERNOR OF THE BANK AND FUND FOR THE UNITED STATES, AT THE FUND'S ANNUAL DISCUSSION

First, let me say how delighted I am to be once again in the gracious and storied city of Vienna. Since my last visit a little more than a year ago, I have seen fresh evidences of growth and change—change that reflects the industry, the imagination, and the initiative of the Austrian people. The stability of the Austrian Government in postwar years—the extent of Austria's remarkable economic resurgence—the unswerving devotion of the Austrian people to democratic principles—all are features of modern Austria that command our respect. This small nation—this revered cradle of thought and culture—this courageous outpost on the frontiers of freedom—has aroused the admiration of free men everywhere. On behalf of my Government—on behalf of the President of the United States, who recalls with pleasure the warm hospitality he received here last June—I wish to say that we consider Vienna to be a most auspicious setting for the important work upon which we are embarked.

During the past year the International Monetary Fund, under the distinguished leadership of Per Jacobsson, has again demonstrated its vital importance to world monetary stability and economic growth.

The role of the Fund is being further enhanced at this meeting where we have the privilege of welcoming to our deliberations 10 new countries—the largest increase in a single year's operations since the Fund's inception. It is a particular pleasure for me to welcome to our midst our good friends from Cyprus, Laos, Liberia, Nepal, New Zealand, Nigeria, Portugal, Senegal, Sierra Leone, and Togo.

Since we met a year ago in Washington, $2.4 billion has been drawn from the Fund.

A major part of that was the recent drawing by the United Kingdom, but 21 other member countries made drawings totaling more than $900 million. There are also 20 standby arrangements in effect, with unused drawing rights totaling $1.2 billion.

Fund assistance in the past year has both strengthened the structure of currency convertibility in the industrialized countries and helped many of the developing countries to adopt or maintain programs of financial and monetary stabilization. The Fund has come to occupy a central position in international monetary affairs—a role I am confident will be of ever-increasing importance to all our member countries in the years ahead.

A few years ago, almost all drawings from the Fund were in dollars. Since the advent of currency convertibility in Western Europe, however, the Fund has made great progress in using a larger number of the currencies it holds, thus increasing the percentage of drawings in currencies other than U.S. dollars. During the past year, 11 different currencies were drawn from the Fund, and two-thirds of the total drawings were in currencies other than the dollar. This is an encouraging development. It has made a reality of the original concept of the Fund as a reserve pool of many currencies for the use of members.

Last year the Fund's advisory activities continued on a broad scale. Wherever member countries have sought to deal effectively with financial instability—by strengthening their fiscal resources, by controlling money and credit, or by otherwise improving their financial institutions—they have been able to rely on the staff of the Fund for expert and objective advice.

The stabilization programs many members of the Fund have worked out and put into operation—usually with Fund advice—have at times been criticized on the ground that they have supposedly imposed a choice between stagnation and economic growth. I do not believe that this is a correct appraisal of the role played by financial stabilization in economic development. I agree with the opinion expressed by Mr. Jacobsson in his brilliant opening statement: that the aim of a well-designed stabilization program is to eliminate inflation, not only as a source of balance of payments disequilibrium, but also as an obstacle to economic growth. Financial stability can thus assist economic growth which, together with social progress, must be the major objective of development policy.

Of course, financial stability cannot of itself cure all the problems of economic growth that beset the developing countries. Effective development planning, basic internal reforms, and adequate capital from both external and internal sources—all are necessary. This is well recognized by the fund, which is, as it should be, the partner of economic development institutions, national and international, in coordinated efforts to increase the flow of external assistance and to help the developing countries make the best use of their own domestic resources.

I turn now to the economy of the United States and the status of our international balance of payments.

The recovery of the U.S. economy, following the mildest of our postwar recession, is well underway and moving strongly. The low point in economic activity was reached in the first quarter of this year. In the second quarter, major economic indicators recorded new highs. Gross national product, personal income, and personal consumption expenditures all reached fresh peaks in the April–June period. Total industrial production recorded a new high in July and again in August. We estimate that gross national product—which jumped from an annual rate of just over $500 billion at the beginning of the year to $516 billion in the second quarter—will reach approximately $540 billion during the fourth quarter. The course of our economic recovery has been particularly encouraging since prices have remained stable. Hence, almost the entire rise in our gross national product has been real. Moreover, our increased economic activity has not been accompanied by speculative buying or abnormal buildup of inventories.

During the past year the monetary and fiscal policies of the United States have been directed at limiting the extent of the decline in economic activity and at strengthening the forces of recovery. Prompt recognition by our monetary authorities of the impending downturn brought a quick shift of policy from monetary restraint to ease. As early as June of last year, the Federal Reserve relaxed credit restrictions by reducing discount rates and lowering the reserve requirements of commercial banks. Federal Reserve purchases of Government securities provided additional bank reserves to combat recession and finance expansion. Reflecting this Federal Reserve policy, total loans and investments of commercial banks have expanded by 7 percent, or $14 billion, during the past 12 months. This large increase provided a major force which softened the strains of recession and stimulated recovery.

On the fiscal side, increased unemployment benefits and other Government outlays associated with the recession—in conjunction with reduced income tax collections—have operated as in previous recessions to provide an automatic supporting influence. Largely as a result of these "built-in stabilizers" the total value of all goods and services produced during the economic downturn never fell appreciably below the corresponding quarter of the previous year.

As I noted earlier, we are especially encouraged that our recovery and our attainment of record new levels of production have been accompanied by price stability. Our index of wholesale prices has remained for 3 years at virtually the same level. Retail commodity prices have been stable while the overall index of consumer prices has increased by less than 1 percent since last October.

The business outlook for the United States during the coming year is very promising. Excessive stocks have been liquidated. As a result of rising production and sales, inventories have once more begun to increase moderately but they are not high in relation to either present or prospective needs. Consumers have reduced their debt and built up their savings, thus strengthening the outlook for retail trade. Net financial savings of individuals rose by $7.7 billion in the first half of 1961 on top of a $10 billion rise in 1960. In contrast to 1958–59, interest rates have remained remarkably constant during the initial recovery period.

We anticipate further vigorous growth. The substantial room in our economy for further expansion should avert any inflationary pressures that might otherwise develop. For we have no shortage of productive resources, nearly all of our industries are operating well below capacity, and the labor supply is ample. Continued rises in output should materially assist us in solving the persisting problem of relatively high unemployment. Nevertheless, we are developing worker retraining programs designed to attack this problem directly.

Federal budget expenditures remain well within our capacity. In fact, the deficit for fiscal year 1961 and the projected deficit for 1962 are together much smaller than the deficits during the last comparable recession and recovery in 1958–59. After taking into account all presently scheduled expenditures, including the substantially increased outlays for defense requested by President Kennedy in July, our estimates point to a deficit this year (fiscal 1962) that will amount to about half the deficit for fiscal 1959. In addition, our gross national product will run some 17 percent higher than in fiscal year 1959, and our tax revenues will be about 21 percent greater. Hence, the economic impact of the current deficit will be considerably less than half that of the 1959 deficit.

The deficits in fiscal 1961 and 1962 are essentially a reflection of the shortfall of revenues resulting from the recent recession. This is a characteristic of our tax system, because it is heavily dependent upon direct taxation of personal and business income. For the same reason we may expect sharp increases in revenues as business improves and the economy grows. The calendar year 1962 gives every promise of being a very good year for business, and since our revenues are based upon earnings of the previous year, we can confidently look forward to a substantial increase in our income during the fiscal year 1963, which begins next July 1. Fiscal 1963 will be closely comparable in the business cycle to fiscal 1960, when Federal revenues jumped $10 billion over the preceding year. Hence, unless a need arises for further increases in defense outlays, the balanced budget which President Kennedy is determined to submit next January can be achieved without any increase in taxes. However, should additional defense expenditures become necessary, the President has stated clearly and unequivocally that he is prepared to request additional taxes should they be required to balance the budget.

I would like to emphasize the firmness of our decision to balance our budget in fiscal 1963. Indeed, had it not been for the increase in international tensions over Berlin, which forced us to increase our defense expenditures substantially above the levels previously planned, we could have looked forward confidently to a substantial budgetary surplus in fiscal 1963. We are resolute in our determination to maintain both a sound and an expanding economy so that the United States may play its full part in the defense and the development of the free world and, at the same time, meet the requirements of an increasing population at home.

I am glad to be able to report that the U.S. balance of payments has developed in a much more satisfactory manner this year than in 1960. The marked improvement in our merchandise account during 1960 continued into 1961 and the large speculative outflows of short-term capital, which swelled the volume of our outpayments in the second half of 1960, have ceased. Our merchandise trade surplus in 1960 amounted to $4.7 billion, whereas in 1959 it had been less than $1 billion. In the first half of 1961 our trade surplus was running at a seasonally adjusted annual rate of $6 billion.

These developments are reflected both in our basic position (comprising all of our recorded transactions exclusive of U.S. private short-term capital outflow) and in our overall payments position. In 1960 the basic deficit amounted to $1.9 billion, compared with $4.3 billion in 1959 and $3.6 billion in 1958. In the first half of 1961, the basic position continued the substantial improvement shown in 1960 and, without counting special prepayments of $650 million on U.S. Government loans, was almost exactly in balance.

Our overall deficit, which is measured by decreases in U.S. holdings of gold and convertible currencies plus increases in foreign liquid holdings of U.S. dollars—which together amounted to about $4 billion in both 1959 and 1960—was running at a seasonally adjusted annual rate somewhat under $1.7 billion in the first half of 1961. The figure of $1.7 billion also does not count as a receipt the special debt prepayments of $650

million. While this indicates the continuation of substantial short-term capital outflows, these movements have represented, for the most part, a substantial enlargement of the financing of world trade by U.S. banking institutions and have not been speculative in character.

These are encouraging developments. But they do not mean that the United States can relax its efforts to achieve a satisfactory and durable equilibrium in its balance of payments. We must have a large and growing export surplus of goods and services to pay for military expenditures abroad which we incur for the defense of the free world. We must have it for both that portion of our foreign-aid program that is not covered by procurement in the United States and for our continuing large outflow of long-term private development capital.

The improvement in our trade surplus so far this year cannot be expected to continue in the months ahead, since it was accomplished more through a decrease in imports than through an increase in exports. And now as the U.S. economy moves toward reasonably full employment of resources, we must look to a corresponding expansion of our imports. Indeed, they have already started to grow. While this tends to sharpen our payments problem it also leads to larger world trade and greater prosperity for our trading partners.

Accordingly, we must continue to make intensive efforts to expand our exports. This means for us, as it does for any nation, that we must constantly improve the productivity on which the ability of our producers to compete in world markets is based. It also requires that we prevent increases in money costs from canceling out improvements in productivity. At the same time, our producers must search out export opportunities with energy and imagination. The domestic market of the United States is a very large one and many of our producers have traditionally thought almost exclusively in terms of that market, rather than of opportunities overseas. We believe this orientation can and must be shifted, for there are surely thousands of our producers who can be more successful in the export field than they have been in the past. It is for this reason that our Government is devoting considerable effort to bringing market opportunities abroad to the attention of our business community.

We are well aware that the position of the dollar as a strong reserve currency depends upon our success in maintaining a reasonable equilibrium over the years in our balance of payments. This we are determined to do. As we succeed, the upward trend in the accumulation of gold and dollars by other countries taken together will necessarily be slowed. The elimination of current payments imbalances can, of course, be greatly facilitated by the cooperation of surplus countries in pursuing liberal trade policies, in increasing long-term development assistance, and in sharing expenditures for the common defense in accordance with their capabilities.

During the past year, as Mr. Jacobsson has reminded us, there has been active discussion and examination in governmental circles, among economists, and in the financial press, of the adequacy of existing international monetary arrangements. These discussions have been very helpful. Mr. Jacobsson has now proposed that each of the principal industrial countries commit itself to lend its currency to the Fund up to a stated amount. I strongly agree that an arrangement of this sort should be worked out to insure the Fund access to the additional amounts that would be needed should balance of payments pressures involving these countries ever impair or threaten to impair the smooth functioning of the world payments system.

At the same time, for its regular requirements, the Fund can, and should be expected to, borrow from one or another of the participating countries under article VII whenever its supply of any of these particular currencies becomes low. It would also appear reasonable to consider the possibility that such loans be credited against any commitment which the lending country may have undertaken as its part of the multilateral arrangement. These special bilateral borrowings would thus replenish the Fund's supply of particular currencies in strong demand and, in this way, would help to avoid undue drains on its gold reserve.

I have no fixed opinions on the details of multilateral borrowing arrangements. I am confident—on the basis of the encouraging views I have heard expressed in the past few days—that practical means can be found to give effect to the agreement in principle which so evidently exists. There are four important aspects which I do wish to emphasize:

First, the aggregate amount the participating countries should look forward to committing to the project should be large enough to add decisively to the Fund's capacity to play its essential role.

Second, to be effective, the additional resources must be promptly available in case of need.

Third, safeguards will be required to insure that there will be effective consultation between the Fund and the lenders, and that the Fund will only actually borrow under the commitment arrangements after taking full account of the current reserve position of the lending country. In addition, each country which actually lends to the Fund should, in case the need develops, be able automatically to obtain repayment from the Fund.

Fourth, I concur in Mr. Jacobsson's judgment that there must be no weakening of the policies that have guided the Fund in the use of its resources; nor should the new arrangements change in any way the existing rights and duties of members of the Fund, both as drawers of currencies and as providers of currencies.

This is an important project. The Fund should push ahead promptly in its current consultations with the prospective lending countries in order that the Executive Board may carry the project to completion so that the participating countries may obtain the necessary legislative authority from their parliaments early next year. With this done, the monetary system of the free world will be substantially strengthened. For the Fund will then clearly be in a position to meet the changing needs of the new world of convertible currencies.

Speaking for my country, I want to say that the United States regards the work in which we are engaged here in Vienna, as having a direct and important bearing upon the future course of free world growth and progress. I have confidence in the ultimate outcome of our deliberations because I have confidence in the vitality of the free economies upon which the work of the Fund is founded. Our mutual goal is a world of expanding opportunities for every human being to pursue his legitimate aspirations in peace and freedom. The International Monetary Fund is playing an important role in helping us to achieve it.

Mr. BUSH. Mr. President, I yield the floor.

EXHIBIT 1

POORER NATIONS CALLED AT FAULT

(By Edwin L. Dale, Jr.)

VIENNA, September 21.—The retiring President of the International Finance Corporation said today that it was partly the fault of the underdeveloped nations that they remained poor.

The criticism came from Robert L. Garner of the United States, who is retiring after 9 years as Vice President of the International Bank for Reconstruction and Development and then 5 years as President of its affiliate, the International Finance Corporation. The occasion, technically, was the regular report of the Corporation's President to the world's finance ministers, assembled here.

The essence of Mr. Garner's remarks was that the fault for poverty lay in the nations that are poor and the way their societies are organized.

One by one, he dismissed as causes of underdevelopment a lack of natural resources, a past history of colonialism and a lack of sufficient foreign aid. He added:

"I am forced, therefore, to the conclusion that economic development or lack of it is primarily due to differences in people and in their attitudes, customs, traditions, and the consequent differences in their political, social, and religious institutions."

AID SEEN AS EXCUSE

Mr. Garner said he was troubled by the insidious consequences of too great a reliance on foreign aid. In too many countries, he said, aid is becoming an excuse for failure to mobilize a nation's resources and to insure that internal conditions which hinder development are improved.

"If experience, competence, honesty, and organization are missing," he said, "large injections of capital into developing countries can cause more harm than good."

Mr. Garner made it plain that he favored richer nations' assisting poorer ones and he accepted that "this is a restless, impatient age and awakening peoples are demanding immediate gratification of their desires."

But, he went on, "It is no service to truth and realism to avoid the fact that much effort and the sacrifice of some of the accustomed ways are the inevitable price of advancement."

LISTS PREREQUISITES

Mr. Garner cited six prerequisites of economic advancement:

1. Consistent law and order—"Government which can govern."
2. Reasonably honest and effective public administration.
3. Financial stability, meaning an absence of severe inflation.
4. A "sensible plan" of development.
5. An honest and effective tax system to raise internal revenues.
6. Avoidance of a "feudal" type of society, one in which the "wealth and power are in the hands of a few."

STRESSES TWO POINTS

Mr. Garner devoted considerable attention in his long speech to two other major conclusions he drew from his experience.

The first was that "the most assured method of getting development," barring outright totalitarianism, is to rely on private initiative and the private profit motive. Mr. Garner strongly opposed efforts to build up an economy through publicly owned industry or public subsidiaries of private industry.

The second conclusion was a conviction that "government-to-government financial aid cannot successfully be used to gain and hold political advantages for the country supplying the funds." For many reasons, Mr. Garner said, "bilateral financing between countries tends to create antagonisms and distrust."

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Chair

lay before the Senate the message from the House on H.R. 8099.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 8099, a bill coming over from the House of Representatives.

The bill (H.R. 8099), an act to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, so as to remove the limitation on the maximum capital of the General Supply Fund, was read twice by title.

Mr. McCLELLAN. Mr. President, the Committee on Government Operations has considered a companion bill, and has unanimously agreed to report that bill. In view of the fact that it is identical with the House bill, I ask unanimous consent that the Senate consider and pass the House bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the House bill?

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

The bill (H.R. 8099) was ordered to be read a third time, was read the third time, and passed.

PRESIDENT KENNEDY'S ADDRESS TO THE UNITED NATIONS

Mr. HUMPHREY. Mr. President, I wish to comment briefly on the message delivered today by the President of the United States at the United Nations.

President Kennedy's address will go down in the annals of statecraft as one of the most remarkable and moving messages delivered by any political leader in the history of our country. This morning the President rose to new heights of eloquence and statesmanship. He has established his position as the moral and the political leader of the free world. President Kennedy is the architect of the New Frontier. He is now the designer and architect for the world of new hope—a new hope for mankind for peace, a new hope for the world for disarmament, and a new hope for social and economic development in the many new nations.

President Kennedy was firm and strong in speaking of the great issues which relate to the security of our country and the peoples of the world. He left no room for doubt or uncertainty concerning our obligations to Berlin, our commitments to a free Berlin, and our right to access to a free Berlin. He stated again that we would never fear to negotiate, but that we would not negotiate from fear. He pointed out that we were rearming, not because of a desire for arms, but because of the threat which faces us and the entire world due to Soviet intransigence and aggression.

The President's proposals on disarmament were comprehensive, constructive, and reasonable. He made it clear that disarmament is honorable; that the alternative to all-out war and possible destruction of this planet is complete disarmament with effective international controls.

President Kennedy said the New Frontier for this world is a selfless dedication to peace; and he outlined in eloquent language the U.S. commitments for peace. He charted the course for the strengthening of the United Nations, for continued U.S. assistance in the development of the economies and the free political institutions of the developing countries, and for the imperative need to make progress in regard to the control and the reduction of armaments.

Mr. President, the President's words at the United Nations were most timely and all important. He championed the cause of this great international instrument for peace and justice, and he spoke directly to the representatives of nations which frequently are termed "nonalined" or "neutral." For example, his only reference to the Conference at Belgrade was a positive one. He recalled the request of those nations for the great powers in the world to reduce world tensions and seek to find a way for disarmament and peaceful solutions.

President Kennedy gave hope and inspiration to the United Nations at a time when it is literally on the critical list. If ever there was a time when one could be termed the "doctor with the miracle treatment" for a critically sick patient, it was when President Kennedy today spoke for, and endorsed, the great principles of the United Nations, and asked for the adherence of other peoples to the Charter of the United Nations.

The President of the United States reminded the delegates at the United Nations of two threats to the peace, over and above the Berlin crisis: the critical situations in Laos and in South Vietnam. He made clear, as regards both, that if such aggression and banditry were to succeed, for example, in South Vietnam, the same pattern would find its way into the rest of the world, and no one would be spared. He called upon the United Nations to take effective action to bring about peace and to restore order to these critical areas of the world.

I was proud today of our President. I was more proud than ever to be an American. The President has stated the spirit and the policy of this Nation and done so eloquently and forcefully—comprehensively the spirit of this Nation.

The President was not seeking to debate or refute the Soviet Union. Here was a leader proclaiming the doctrine of freedom and peace for the world. He spoke the spirit of this Nation, and of our commitment to a policy of social justice, and of our determination to fulfill our promises and our pledges. It was a noble hour for the American people, and it was a meaningful and hopeful hour for humanity.

I congratulate the President. This message will not only stir the American people to new heights of accomplishment and dedication, but I predict that it will stir the hearts and minds of people all over the world.

Mr. President, I ask unanimous consent that a statement of mine relating to the President's message, and particularly on the disarmament aspect, be placed in the RECORD at this point.

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

SENATOR HUMPHREY, OF MINNESOTA, COMMENTS ON PRESIDENT'S DISARMAMENT PROPOSALS

The President has told the United Nations that the New Frontier in this troubled world is a selfless dedication to peace. He has outlined in eloquent language the U.S. commitment for peace, and has chartered the course for the strengthening of the United Nations, for continued U.S. assistance in the development of the economies and free political institutions of the developing countries, and for the imperative need to make progress on the control and reduction of armaments.

The new U.S. disarmament proposal which the President presented as a basis for the resumption of negotiations is the most far-reaching U.S. proposal on this subject since the days of the Baruch plan on international control of atomic energy.

The United States has proposed a comprehensive program for general and complete disarmament, which not only provides a way for balanced reductions in all kinds of armaments by all nations, but which also commits this country to work to strengthen the peacekeeping machinery of the United Nations to assure that the security of all nations will be maintained in a disarmed world.

No other government, including the Soviet Union, has produced such a farsighted and far-reaching document which combines the needs for world order, international cooperation, and disarmament. The U.S. plan is truly a blueprint for world peace within which the security of each nation would be adequately protected.

I note with gratification that the U.S. disarmament program contains as one of the first steps an offer to reduce the military carriers which are capable of delivering large nuclear bombs and warheads. This is a proposal I have long advocated and its inclusion for the first time as a major step in the program for disarmament is a welcome move. These long-range bombers and missiles, in my opinion, constitute the major threat of large-scale nuclear warfare. Our willingness to go to the heart of the arms race constitutes a proposal of immense significance.

The U.S. disarmament program has the great advantage of being completely flexible. The United States is now prepared to negotiate for the control and reduction of a single category of weapons or we are prepared to negotiate several aspects of the elements of the arms race as a package.

The proposal is a magnificent demonstration of a great movement forward in the struggle for peace with freedom and justice. It poses a serious program to the Soviet Union, indeed to all nations. The United States has once again taken the initiative for peace and for progress.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. I wish to associate myself with the remarks just made by the distinguished Senator from Minnesota [Mr. HUMPHREY] about the great, historic speech President Kennedy made before the United Nations General Assembly this morning.

In that great act of statesmanship this morning, President Kennedy renewed not only the hopes of the people of the United States for peace with honor, but I think he renewed the hopes of the people of the world, including the people within the Communist bloc.

The Senator from Minnesota spoke of the United Nations as being on the critically sick list as a result of the crisis it faced following the untimely and unfortunate death of Dag Hammarskjold. I think President Kennedy gave the United Nations a blood transfusion of peace.

In his great speech this morning, the President made it perfectly clear that the United States seeks honorable negotiations in connection with problems which endanger the peace of the world. The Senator from Minnesota is very right when he places emphasis in his remarks upon the importance of the so-called neutral and uncommitted nations of the world recognizing the appeal and the plea the President of the United States made for a peaceful solution to the problems which confront the world.

As the Senator from Minnesota said, with an eloquence and a brilliance that are not matchable, the President spoke of the importance of our laying aside arms, of our beating our swords into plowshares, and of all nations going forward toward an era in the history of mankind which will surpass our boldest imagination as to what can be accomplished. It can be done if all nations are willing to lay down their arms and to use their great economic resources to promote the cause of human happiness for the masses of the millions of the people of the world.

As the Senator from Minnesota said he is proud of the President of the United States, I want to say I have not had for a long, long time, that inner feeling of satisfaction, in regard to the leadership of my country, such as I have at this moment.

I join the Senator in congratulating the President of the United States upon his great speech. I would say to the leaders of the Communist world, if you really mean it when you say that you want peace, and not a nuclear war, then follow the leadership set by the President of the United States in the United Nations this morning. Make it perfectly clear to the neutral and uncommitted nations of the world that you, too, are willing to sit down to proceed in honorable negotiations, and, if necessary, through the auspices of the United Nations, to lead mankind to a peace which will result eventually in a complete disarmament of the swords that threaten the world and the beating of them into plowshares for the benefit of all mankind.

To the President I renew again my pledge to him that in the whole field of foreign policy I propose to stand shoulder to shoulder with him in doing what I can to implement what I thought was the great program he outlined before the United Nations this morning.

Mr. HUMPHREY. Mr. President, I wish to be associated with the views and comments of the Senator from Oregon. I am sure he will be interested to know, that the Disarmament Agency measure was referred to by the President of the United States at the United Nations. The President noted how this Nation had taken the lead in preparing the way for effective disarmament proposals by the establishment of our Arms Control and Disarmament Agency. This was a highly significant act on the part of Congress, and timely.

On Sunday night—last night—I wired President Kennedy at Hyannis Port. I had been in touch with the staff at the White House prior to that. I urged the President to sign this bill during his visit to the United Nations. I am happy to say now that the President will sign the Disarmament Agency bill while he is visiting the United Nations.

Mr. MORSE. Not only is that good news, but news of great historic importance. I am glad the Senator from Minnesota made the announcement on the floor of the Senate.

MEMORIAL SERVICES FOR DAG HAMMARSKJOLD AT ALL SOULS' UNITARIAN CHURCH

Mr. MORSE. Mr. President, yesterday it was my honor and privilege to participate in memorial services in memory of Dag Hammarskjold at the All Souls' Unitarian Church here in Washington. I shall ask that the brief remarks of eulogy which I delivered on that occasion be inserted in the RECORD, together with a very brilliant and eloquent sermon on that occasion delivered by the Reverend Duncan Howlett, minister of All Souls' Church.

The sermon was not only a fitting eulogy of Dag Hammarskjold, but it was also a very fitting plea which ought to be considered by our Government and by all governments. It was a plea to use the peaceful procedures of the United Nations in a historic attempt to avoid a nuclear war and to seek to obtain peace through the application of the rule of law.

I ask unanimous consent that both statements be printed in the RECORD at this point.

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

EULOGY BY SENATOR MORSE—HAMMARSKJOLD MEMORIAL SERVICE—ALL SOULS' UNITARIAN CHURCH, WASHINGTON, D.C., SEPTEMBER 24, 1961

Any memorial observance of the death of Dag Hammarskjold must recognize that his greatness lay in the personal qualities he brought to one of the highest offices in the world.

We live in an age when it is hard for many to believe that an individual can shape and influence world affairs. Our own Nation is a land of big business, big labor, and big government. Many Americans say they do not even bother to vote because one vote does not carry any weight. The politics of the world seem to move in even more vast and impersonal currents of changing economies and societies. We think in terms of the masses; we view our present history as one of a population explosion; of dying colonialism, of rising nationalism in the continents of Asia, Africa, and South America; of the industrialization of Russia and China; and of the emergence of the United States into a new role of leader of the free world.

We speak and think of the contest between capitalism and communism, between freedom and tyranny. But few people believe that one man, regardless of the capacity in which he acts, can determine the outcome of these events or the question of war or peace.

I do not believe Dag Hammarskjold ever accepted that notion. He worked at his job of Secretary General of the United Nations in the belief and conviction that he could prevent force and violence in the settlement of disputes. And the result was that he often succeeded. By his steadfastness, Hammarskjold was able to influence history and to determine the outcome of many troublesome international problems.

If this man ever had succumbed to the fatalism of most of his fellow men, he probably would never have made the effort nor the progress which he did in the advancement of the United Nations and world peace.

Many have said that Dag Hammarskjold was above all an idealist, who devoted and finally gave his life for an ideal. But idealism is too often misunderstood by those who think ideals are something to be achieved within a reasonable time, or abandoned as being impractical.

We must understand that ideals might better be compared to the stars. We never expect to reach them, but they are a constant and permanent guide, a source of direction, rather than a goal in themselves.

The existence of a world in which all quarrels between nations are settled amicably, and under the rule of law is an ideal. Many give it lipservice; many more say it is a fine theory, but impractical and something that will never come to pass.

But should it therefore be ignored and discarded? I never heard that Dag Hammarskjold talked in terms of a final world organization under which all national armies would disappear and all nations would accept the rule of international law. Instead, he went ahead and applied that ideal to the dispute between India and Pakistan over Kashmir; to the Arab-Israeli quarrel; and to the Congo.

We might well ask ourselves whether we should do less. If Hammarskjold was a great man, revered now and venerated by much of the world, is it not reasonable to expect the world to further those things for which he is venerated?

If we think him a great man for what he did, why should we not do the same things ourselves?

If this country is to give more than lipservice to Hammarskjold and what he stood for, we should initiate a series of proposals to strengthen the United Nations and to use it as the instrument of settlement of disputes to which we ourselves are party.

We should change our sorry record which shows that as a nation we have never offered to submit to the United Nations for final and binding decision a single major dispute which threatens the peace of the world.

We should seek an end to the veto power in all agencies of the United Nations and oppose its extension to the post of Secretary General. We should propose changes in the makeup of the Security Council that will take into account the importance of Japan, India, and the other new and rising nations of Asia and Africa.

We should remember, as Hammarskjold did, that the basic purpose of the United Nations was to save succeeding generations from the scourge of war; not just to be a clearinghouse for information, nor a debating society, nor just a source of resolutions and recommendations, however worthwhile and laudatory they may be.

This means that the United Nations should be presented with the disputes that threaten the peace, including Berlin, Taiwan, and its neighboring islands, and Laos.

Far from deemphasizing the United Nations in American foreign policy, we should really start using it. If Dag Hammarskjold deserved half of what is being said about him, then his efforts deserve to be emulated and not just praised.

We should build the United Nations into an instrument that will truly serve mankind, and which would also be the only real monument we could ever dedicate to its great Secretary General. By our actions in seeking to strengthen the United Nations as an effective enforcer of the peace of the world we shall determine as to whether Dag Hammarskjold died in vain.

THE UNITED NATIONS AND THE FUTURE

(Sermon by Dr. Duncan Howlett, minister, All Souls' Church Unitarian, 16th and Harvard Street NW., Washington, D.C., September 24, 1961)

(PLEASE NOTE.—The entire service preceding Dr. Howlett's sermon was constructed as a memorial to the late Secretary General of the United Nations, Dag Hammarskjold. Representatives of the Swedish Embassy, the United Nations Information Center, Citizens Committee for UNICEF, and U.S. Committee for UNICEF, as well as personnel from the America Association for the United Nations were in attendance. Hon. WAYNE MORSE, Senator from Oregon, offered a tribute to the memory of Dag Hammarskjold in the course of the service.)

The man who reads history and on the basis of it attempts to predict the future is on very hazardous ground. We do not yet understand enough about human society to know when we have a true historical parallel and when we have nothing more than a superficial resemblance in events. In the latter case the man who thinks to learn from history may be badly deceived instead.

Yet to conclude from this obvious truth that we have nothing to learn from history is to make a greater mistake. Without drawing any historical parallel we can throw an enormous amount of light on the present by merely reviewing the events that preceded it. No event stands alone. It derives its meaning from a long series of events at the end of which it stands. Yet no event is the terminus of the series. Each as it happens becomes a part of the causal structure of those that follow.

Such must be our thoughts as we watch the opening sessions of the 16th General Assembly of the United Nations with the chair of its Secretary General Dag Hammarskjold vacant. History prepares for its great moments. Such a moment has now come. What does the past have to tell us about it? What does that past portend for the future?

To a great many people the United Nations today appears to be an elaborate contrivance of international weakness. Its tiny budget compared with those of the great nations is almost laughable. It owns a fine set of buildings in New York City but several commercial establishments in the same city are larger. The very land on which the U.N. buildings stand was not bought by the nations of the world but was given to them by a private individual, John D. Rockefeller. Its armed forces used to quell wars here and there is so weak its efforts often look like the stock American wrestling referee who is regularly set upon and flattened by the contestants, who then turn back upon each other with renewed ferocity.

No one denies that the U.N. is not all we should like it to be. But here is where our history books come in. To answer charges like these we need to see today's events in perspective. We need to see that today's events do not stand alone. They are not isolated events. They are but details in a great and expanding panorama. They belong to a series of events that can be understood only if they are seen in perspective. The events of our time are not final. Eventually, if we can hold the world together, they will fall into place in a larger series, which the history books of another day will record.

There is no longer any question of the fact that if man is to survive on this planet he will do so through world government. Nothing less than that can prevent some willful man or group of men from plunging the world into atomic war. Nothing less than that can prevent any two nations or any two groups of nations from building up tensions between themselves that become intolerable and produce war of their own accord, much as lightning discharges itself when the static electricity in a cloud passes the power of the cloud to contain it.

It was the 19th century that first began to understand that world government was the only possible means by which permanent peace could be achieved. The 19th century demonstrated all too clearly that disarmament is a farce, treaties are made to be broken, the strong prey upon the weak and a balance of power brings eventual war, far more terrible when it comes because so much longer in the making.

This principle had been understood in the ancient world as well although not in the terms in which we state it today. Each of the ancient empires as it rose and fell was a kind of attempt to establish peace and secure safety for its citizens even though conquest was usually the driving force. The 19th century added to the Roman conception of the Pax Romana, the ideal of world peace, because it had become apparent by that time that international amity could be achieved on no less a basis. The 19th century saw that it was world peace or no peace. The world by that time had grown too small for any other solution of the problem.

Plans looking toward this end were legion. They still are. But the first practical step taken in this direction was the establishment of the Permanent Court of Arbitration at The Hague in 1899. There was another less obvious achievement of the First Hague Peace Conference, the significance of which is often overlooked. The signatories, 26 in all, agreed that international disputes should be settled without resort to war. They went further and attempted to define some of the laws of war (e.g. no projectiles, thrown from balloons for 5 years, no poison gas, no dumdum bullets, better treatment of war prisoners, wounded, etc.).

In the light of the current divergence between Russian statements and Russian actions it is interesting to note that Czar Nicholas II who issued the call for the First Peace Conference at The Hague did not do so in the interests of peace. It has since been learned that his resources were not equal to the arms race in which Russia and Western Europe were then engaged. He was beginning to lose out. Accordingly, in the pious language of peace he called for an international agreement to limit the amassing of arms in the vain attempt to maintain his position in relation to the other powers.

The agreements of the First Hague Conference seem laughable now. Together with the hypocrisy of Czar Nicholas' call they seem, in the light of subsequent events, to have been so much cant. But to leap to such a conclusion is to fail to see what was really going on at the time. At least some of the signatories meant what they said or at least hoped that they did. They were exploring ground that was new ground that had never been trod by the race of men before. They were by no means sure of themselves. Recall that they refused to sign an agreement to submit all international disputes to compulsory arbitration. Why? Were they really opposed to substituting arbitration for war? No, they took this stand because they knew they couldn't keep such an agreement and they knew their citizens would not support them if they tried. Had The Hague treaty been mere cant no one would have cared. They would have signed anything that sounded plausible. It was, insofar as they could make it so, a declaration of principles to which the signatories proposed to live up and which they therefore thought worth stating.

The accomplishments of the First Hague Conference can only be understood in context. And what is that context? It is the succession of dreams of world government that preceded it. That context is the Second Hague Conference that followed it held in 1907. It is also the succession of subsequent events in which, through our study of history. we are now able to place the pronouncements that were made there, the agreements that were signed and the machinery that was set up.

The second Hague Conference did not accomplish as much that was concrete as had the first. Germany led the fight against any agreement for compulsory arbitration. But voluntary arbitration under the first Hague treaty was now an established fact and a body of adjudicated international law had begun to grow up as a result of it. On the basis of this achievement the second Hague Conference enlarged the scope of the Permanent Court of Arbitration. It stated further rules for the regulation of war, rights of neutrals, the collection of debts, etc. Again let us not underestimate the importance of these formulations of principle, even though some of the signatories looked upon them with secret or only partially concealed cynicism.

The story of the League of Nations is also part of the context in which all of these events are to be understood, including the present sessions of the United Nations General Assembly. But the story of the rise and collapse of the League of Nations is fresh enough in all our minds to require no review of that unhappy episode in our history. We must, however, recall that out of its frustrations and helplessness came the United Nations in 1945. In confessing the failure of the League of Nations we should not overlook the significance of the fact that the League was tried. We should not forget the wave of idealism directed toward international amity and world peace that swept most of the peoples of the earth after the First World War and brought the League of Nations into being. And we dare not forget the amount of idealism that was put into words and implemented in action in and through the League of Nations and the World Court.

For us, the long and tortuous development of the ideal of world peace and of the practical means by which it can be achieved comes to focus for us in the United Nations. Its ideals are stated with unmistakable clarity in the Universal Declaration of Human Rights adopted and proclaimed in December 1948, a declaration from which I have often read as part of our Scripture lesson Sunday mornings in this church. Its International Court of Justice continues to expand the statement of international law. The actions of its assembly continue to formulate the incipient ideals of a world in crisis. The individual speeches of its members do the same. Through the international body he has created, man on the planet earth is discovering who he is, what he dreams of, and how he proposes to deal with himself.

Only in the perspective of this history can we measure the significance of the United Nations, and only in this perspective can we gage the extent of our loss in the passing of Dag Hammarskjold, honored and beloved Secretary General of that body. Only as we appreciate the extent to which he made the United Nations a force in our midst shall we see him as he was. Only as we become aware of the increasing record of action and achievement in the United Nations can we estimate the strength of his leadership and the debt we owe him.

Principles, if they are to be lived by must first be stated. But they have then to be tested in action. This was the measure of

Hammarskjold the man. Under his leadership the United Nations increasingly applied its noble principles in practice. His character is revealed in his selfless dedication to the implementation of high principle in international affairs. He moved with forthrightness and courage into the vast power vacuum that lies between the nations of the earth.

He accepted the literal meaning of the paragraph with which the United Nations Declaration of Human Rights begins: "The General Assembly proclaims this universal declaration of human rights as a common standard of achievement for all peoples and all nations to the end that every individual and every organ of society keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observances, both among the peoples of member states themselves and among the peoples of territories under their jurisdiction."

Should the United Nations continue in the years to come to grow in its ability to implement its ideals: should our history books one day record the fact that the secretaryship of Dag Hammarskjold marked the beginning of a long series of events which slowly brought world order to our suffering planet, then it will be clear, if it is not now, that he ranked among the greatest men our world has produced. Then it will be clear that he moved the United Nations from thought to decision, from debate to action.

Then it will be clear too, as it is not now, that the United Nations is the friend of the small nations, whether neutral, or in the Eastern or the Western bloc. Russia and the United States can take care of themselves if need be. Perhaps some other nations can too. But most cannot. Most of the nations of the earth are as helpless to protect themselves from conquest as from fallout. This is as true of our allies as of our enemies; and it is as true of the neutrals as well. Together in the United Nations they are strong. Together they can protect each other. The stronger the United Nations is, the stronger they are. Hammarskjold who sought in every way he could to strengthen the United Nations, was their friend, the best friend they had, although many of them seem not to have realized it.

But the strength and protection available to the small nations from the U.N. is available only upon one condition, and it is very explicit. They must accept the principles upon which the U.N. is reared, the principles for which Dag Hammarskjold lived and died.

To do this is not as easy as it sounds. Unless a nation is willing to claim these ideals for itself it will find the U.N. quite mystifying and very frustrating. An angry man, red of face, pounding his desk like a schoolboy because his will is thwarted, though he be the head of a great state, shows that he does not understand how the U.N. functions or the principles upon which it is built. A nation that believes men and events are swept along the current of history according to the Marxian dialectic will always frustrate and be frustrated by an organization constituted like the U.N. Any people that believes in dictatorship, whether of the proletariat or anyone else cannot accept a declaration of human rights and will participate in deliberations based upon them only with the greatest difficulty. A national leader accustomed to say "Play my way or else," will never know how to handle himself in an assembly that honestly seeks to learn and to follow the assembly's will.

Let the smaller nations of the world ask themselves whether they believe in the principles upon which the United Nations was established and according to which it still operates. If they do, let them then ask whether they are willing to accept the mutual limitations such an organization inevitably imposes on its members. And if they are not ready to accept those limitations exacted by the need for mutual cooperation and understanding let them then ask themselves whether they will accept the Marxian dialectic. Would they reconstitute the U.N. in accordance with it? Let them also ask themselves, if they choose the Marxian way, what would happen to their national independence and the rights of their citizens if they did.

It is sometimes said that the rights for which the U.N. stands are western rights, that they are provincial and therefore not binding upon all. This is like talking about Catholic truth, Protestant truth, Christian truth, and scientific truth. There is no such thing. The truth is one. Likewise, there is no such thing as western rights, eastern rights, northern rights or southern rights. It is true that belief about rights varies from culture to culture. But in the end there can be only one kind of rights and that is human rights.

Insofar as the U.N. declaration may be said to reflect western rights rather than human rights, let them be changed. Insofar as they reflect any provinciality of any kind let them be modified or replaced. The U.N. can stand only so long as it represents a concept of human dignity that transcends all particular nations and cultures.

Let this fact be brought home to the so-called neutrals. Let them see that a strong United Nations would guarantee the very conditions toward which they aspire: that it would do so far more certainly than could any other agency on earth. Let them see that in their mutual support of an agency dedicated to this end they will find the surest promise of achieving it. The United Nations did not just happen. It was fashioned by men who believed certain things—believed them passionately—and sought to exemplify them in a human institution. The United Nations was hammered together by men who believed in man. They believed in the sacredness of every individual. They believed in his rights as a man.

Starting from these basic beliefs the founders of the United Nations sought to rear a structure capable of achieving these things for men in the world around. They hoped to inhibit if not to do away with war altogether. They were realists and took the realities of the situation fully into account. Nevertheless, so much as they were able to build, they reared upon the conviction that men must be treated as men, as individuals, each with his rights and needs, his hopes and aspirations.

The Soviet Union has assiduously cultivated an image of two nations squared off against each other: one, the United States, spoiling for a fight and eager to perpetuate colonialism; the other, the U.S.S.R., eager for peace and trying to protect the peoples of the earth from American imperialism. Let us at this session of the United Nations correct that image. Let us, in our steadfast purpose to work through the U.N. show ourselves to be champions of the human rights for which the U.N. stands. Let us, through our determination to strengthen the U.N. make it clear that we support the continual assertion of human rights among all the underdeveloped nations of the earth. In particular, let us demonstrate to the world that American support for the U.N. is American support for the new nations now achieving statehood, and that our support is not partisan but universal.

If we are in fact such champions of human rights, the world will quickly see it. If we believe in the United Nations, if we undertake to strengthen it, that fact, in and of itself, will become readily apparent to those who have fallen for Communist propaganda and who as a result have come to think of the United Nations as an arm of U.S. foreign policy. If it is true that our aims and those of the United Nations are the same because we both stand for universal human rights, that fact cannot be hidden. All the world will know it. It will shine like a beacon light in the surrounding darkness.

But if on the other hand our policy is clouded by commercial interests that suppress or deny human rights here and there and if these policies are stated in pious but false language, that fact, too, will become apparent. It too will stand out in the darkness, not like a beacon, but more like the flames of a conquered city, destroyed in the lusts of war. Insofar as we permit our policy to be tinged with commercialism, just insofar do we provide the Communist propaganda machine with material with which to destroy us.

In holding this commemoration service for Dag Hammarskjold this morning, we seek to honor the man. Yet more do we seek, through our words of praise for him, to further the work he had begun so well. In honoring him we honor yet more the ideal for which he labored, that for which the U.N. itself stands; that for which we must stand if we are to stand for the U.N.

This is properly a religious service for his was fundamentally a religious ideal. It belongs to the nature of man. It rises from the very fiber of our being. The basic U.N. principles, human rights, brotherhood, cooperation, understanding, peace, these were written first, not on stone or papyrus, not on scrolls or parchment. They were written first on the human heart. Men have discerned them in the course of thousands of years of human living together, in the course of centuries of human thought and development.

Rising from the deepest recesses within us, recesses so deep we know not what they are, there speaks to us the voice of conscience; throbbing in our hearts we find a love for our fellowman that will not let us go. Thrilling through our spirits, defying all our power to explain is the sense that we are close to the center of things, that we speak with and through the great spiritual reality when we declare and implement human rights and harmony among all peoples. God is not far from anyone who labors toward these ends. The brotherhood of man is the one true religion of the earth.

O Thou Spirit of righteousness and peace, rise in our midst to condemn us when we are wrong. But give us heart when we are right.

DISTRICT OF COLUMBIA REVENUE BILL

Mr. MORSE. Mr. President, I feel I have a clear obligation to perform for the Senate and for the House in regard to the controversy which exists concerning the District of Columbia revenue bill.

It will be recalled that the Senate bill which went to the House included the Morse amendment, which provided that the District of Columbia should be recognized as a federally impacted area, as those school districts are recognized in States with Federal impact. There is no question about the District of Columbia being an impacted area. In fact, I gave to the House conferees in conference the figures supplied to us by the Department of Health, Education, and Welfare, which estimates that the District of Columbia is impacted to the extent of approximately 42 percent. There are few school districts in the several States which can show a 42 percent Federal impact.

The District of Columbia is impacted in the amount of more than 47,000 fed-

erally connected school boys and school girls.

The District of Columbia has not received justice for many years under the federally impacted areas law, Public Law 874. The District of Columbia should have been included in 1950 when the law was passed.

The District of Columbia is without Senators or Representatives in Congress to protect its interest. A few of us who serve on the District of Columbia Committee of the Senate—and, let us be frank about it, somewhat as a sort of secondary work obligation—from time to time have sought to protect the legitimate interests of the people of the District of Columbia.

When this problem was brought to my attention this year I had the Morse amendment included in the revenue bill. It was accepted by my good friend and colleague, the chairman of the Committee on the District of Columbia, the Senator from Nevada [Mr. BIBLE]. It went to the House. The House rejected it.

In my opinion the House rejected the amendment on the basis of a series of fallacious arguments. One argument sought to convince the House—and apparently convinced a considerable number in the House—that the District of Columbia is not a federally impacted area. I rebutted that in the conference last week by citing the information given to the Congress by the Department of Health, Education, and Welfare. We must not forget that the law is based on children of all Federal employees, not just the military children.

The argument was made that if the Morse amendment were agreed to by the House it would mean a cutback in funds for States which are federally impacted. That is a pretty selfish argument. That is an argument which should not recommend itself to us. I hope we have not reached the point, in regard to passage of legislation, that we shall be guilty of that kind of discrimination.

Because the argument was made a member of the committee got in touch with the Department of Health, Education, and Welfare. The Secretary, Mr. Ribicoff, was away and could not be reached at the time, but information was sent to the conference room that if the House reconsidered and adopted the new conference report, which continued to include the Morse amendment, a supplemental appropriation request would be necessary and therefore it would not affect existing funds.

We had every reason, on the basis of information we received from a staff member of the Department of Health, Education, and Welfare, transmitted to a staff member of our conference committee to assume that was the case. On the basis of that representation we pressed again for the inclusion in the conference report of the Morse amendment. It was included.

The House conferees went back to the House. I understand the House will vote on the new recommendation of the conference some time tomorrow.

It was agreed at the conference, the other morning, that the senior Senator from Oregon would ask for a letter from the Department of Health, Education, and Welfare. I pressed for such a letter, but it was not until this morning I could get a letter from the Secretary of Health, Education, and Welfare.

It has been suggested by some that I should not make the letter public until after the House acts. The senior Senator from Oregon does not carry on that kind of legislative business. I wish to have the House know the contents of the letter. On the basis of the contents of the letter I think the House by an overwhelming vote should proceed to agree to the conference report which contains the Morse amendment.

I also wish to have the House know in advance—and that is why I put the letter in the RECORD today—that the letter from the Secretary of Health, Education, and Welfare modifies to some extent the information which was sent to the conferees while we were in the conference which led to the agreement on the provision of the conference report.

The letter is dated today:

DEAR SENATOR MORSE: This is to advise you, in response to your request, of the effect of your amendment to Public Law 874, as set forth on page 17074 of the CONGRESSIONAL RECORD for August 25, 1961.

The proposed amendment to Public Law 874 would add the District to the list of eligible jurisdictions and make the District equally eligible with all States and enumerated territories.

We do not have final figures on the entitlements of all jurisdictions. However, the District of Columbia's entitlement would be about $5 million. This represents approximately 2 percent of the total entitlements of all jurisdictions. If the sum of $164,346,000, contained in the supplemental appropriations bill reported out by the Senate on September 22, 1961, is enacted then the District of Columbia and all other jurisdictions would receive, according to our best estimate at this time, not less than 98 percent of full entitlement and it is quite possible that final adjusted figures may bring this up to close to 100 percent of entitlement for all jurisdictions.

Sincerely yours,

ABRAHAM RIBICOFF,
Secretary.

Mr. President, if it should come to pass that the total amount contained in the supplemental appropriation bill, which we expect the Congress to pass before adjournment, is not sufficient to meet all the needs of impacted areas all over the country, including the District of Columbia, then the Senator from Oregon—and he will not be alone—and all others who are interested in equity and fairness in regard to this problem will join next January in urging passage of a supplemental appropriation bill.

I say to those in the House who argue they do not wish to give on this question if it means the possible loss of a single dollar by any school district in any State, "those districts will be protected." I say to my friends in the House, "I shall not stand by to see the schoolchildren of the District of Columbia and the taxpayers of the District of Columbia, also, continue to be discriminated against."

I will work with my colleagues in the House for a supplemental appropriation bill in January, to see that all school districts are done justice. However, I have no intention, in view of the Ribicoff letter, of permitting the District of Columbia to be singled out and put off on a limb with the statement, "We will go through the gesture of bringing you under the impacted areas legislation, but we will see to it that you do not get any money at all at the present time."

I say most respectfully to the House of Representatives, "If you wish to cut the District of Columbia from the impacted areas law, go ahead and do it, but you will have the job of passing a revenue bill for the District of Columbia when you come back next January." We will continue our fight then for the District of Columbia, because the senior Senator from Oregon has no intention of permitting this injustice to continue against the schoolchildren of the District of Columbia.

I have no intention, with my record against the sales tax, of permitting the House of Representatives, in effect, to say to us, "It is a sales tax or nothing." My answer is, "Nothing."

Furthermore, I have a little message to the District of Columbia Commissioners. I say to the District of Columbia Commissioners, "I do not look with any kindness or favor upon the information you gave us some time ago that you really could get along without a revenue bill until March, when now, under certain pressures that I am satisfied have been brought to bear upon the officers of the District of Columbia government, you argue that if you do not get this revenue bill, you will not be able to go ahead with the construction of a junior high school in the District of Columbia."

I say to the Commissioners of the District of Columbia, "If you think that argument will stop the senior Senator from Oregon, you are quite mistaken. I happen to know you can go ahead to construct that building. You are not kidding me. I happen to know that the first information that you gave us was correct, and I am not interested in this political message."

I say to the President of the Board of District of Columbia Commissioners, "I am not interested in the political message now sent to the Congress."

The senior Senator from Oregon has served on the District of Columbia Committee longer than has any other Member of this body. I do not yield to any other Member of Congress with respect to the service I have rendered to the taxpayers of the District of Columbia. I am seeking only justice for them. I think it is pretty shocking business that we are about to impose upon the poor of the District of Columbia an increase in the sales tax from 2 to 3 percent on the necessities of life, yet we let the booze drinkers and the cigarette smokers pay a lower tax on liquor and cigarettes than is paid in the adjoining jurisdictions. I know where a great deal of the lobby pressure is coming from.

I am going a long way with a revenue bill which includes an increase in the sales tax, which I think cannot be justified and I do so only provided that the bill includes $5 million impacted area money for the benefit of the schoolchildren of the District of Columbia. If the House does not want to give us $5

million for the benefit of the schoolchildren of the District of Columbia, through enactment of a provision which is long overdue and which would place the District of Columbia under Public Law 874, for its share of the money under Public Law 874, based upon the number of federally connected children, it is most unfortunate. We could pass a supplemental appropriation in January to make up any possible shortage. Do not forget, there will be many months to go under the Federal impacted-area benefits after January 1 when Congress reassembles. So far as the senior Senator from Oregon is concerned, he will do everything he can to give Congress the whole revenue package again next January for renewed consideration if this item is rejected.

I have been advised by friends in the House that the scuttlebutt in the House is, "Give MORSE his amendment because there is no money provided in the conference report." In other words they think they are going to ratify with a form and a gesture. But I have not served here for 17 years to have anybody creep up on my blind side. So we will either have the money or we will not have the bill. I think I am demonstrating this morning that I am in pretty good voice.

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

Mr. MORSE. I yield.

Mr. DOUGLAS. Does the Senator have his red rose ready?

Mr. MORSE. I will put it back on. I had it on last week. I will not be alone. I have an army of Senators who will support me. Many Senators will have to be brought back from Europe to beat me.

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

Mr. MORSE. I yield.

Mr. HUMPHREY. I stayed here to help the Senator from Oregon.

Mr. MORSE. I know. The Senator from Minnesota is a part of my army. I am always strengthened when the Senator from Minnesota is on my side.

Mr. HUMPHREY. I compliment the Senator on the stand he has taken. He is right, and he should hold to his position. He has my assurance of wholehearted support.

Mr. MORSE. I am holding to it. I put the letter in the RECORD because I thought a question of ethics was involved. I thought it would be quite unethical for me to remain silent when I knew the letter existed, and I knew that the letter modified to a slight extent the staff information which was given to us by the Department of Health, Education, and Welfare when we had our conference. I think it is only fair to every Member in the House. I do not want anyone in the House to say, "MORSE concealed something from us. He had a letter, and he did not make it known until after we voted."

I wish the House tomorrow to vote with a full disclosure of the facts. But I close now by saying to the House, "Pass the bill. You will not sacrifice a dollar of loss in a single Federal-impacted area in a single State by doing justice to the District of Columbia, because you know, as well as I do, the popularity of the Federal aid to impacted areas legislation and Public Law 874."

It would take only about long enough to snap one's fingers, figuratively speaking, to pass a supplemental bill next January. But I say to my friends on the House side that the real issue is, "Do you want to be fair to the children in the District of Columbia? Or do you want to continue the discrimination against them? Do you want to lay the basis for the clear implication that there may be a reason for the discrimination against them, found in the fact that 73 percent of the schoolchildren of the District of Columbia are colored?"

For 17 years the Senator from Oregon has fought for schoolchildren in the District of Columbia, including the colored children as well as white children. I fought for them on the floor of the Senate in 1957, when I conducted the so-called hungry-children investigation in the District of Columbia. In 1957 we found, to the everlasting shame of our country, that there was a surprisingly large number of little boys and girls in the District of Columbia suffering from malnutrition. Some were living out of garbage cans, with no food from any source except what they took from garbage cans.

That discovery led to a distribution of surplus foods through our surplus food supply, through the welfare, neighborhood, and church groups in the District of Columbia. Those children began to be fed. It led to bag lunches at elementary schools.

The CONGRESSIONAL RECORD will show that in the course of the debate, when I was making a plea for food, I was interrogated on the floor of the Senate by a Senator who was not sympathetic with me and asked me if it was not true that most of the children were colored.

The RECORD will show that I said, "Not all of them, but most of them. Let me say to my friend, 'They, too, are the children of God.' "

If there are any in the House or in the Senate who do not want the Federal aid to impacted areas law, Public Law 874, to apply to all the children of the District of Columbia because 73 percent of our schoolchildren are colored, let me repeat, "But they, too, are the children of God."

Do I need to belabor the point to indicate that from the standpoint of the security of our country, I am making an argument for the expenditure of defense dollars? When I argue for the expenditure of more funds in the District of Columbia for schooling, I am arguing to strengthen the security of my country. The brainpower of the colored children, as well as that of the white children, is a great asset to this Republic. The time has come at least to have equality of expenditure under Public Law 874. In my judgment the time has come—and I speak most respectfully—for the House of Representatives to give us the support that the Morse amendment calls for.

It has been pointed out to me by a staff member that if a school district elsewhere would get $1,600 under Public Law 874, only $32 could possibly be taken from that entitlement as the result of giving this amount of money to the District of Columbia and then only, if Congress in January did not pass a supplemental appropriation bill or if it should be found that the present supplemental appropriation would not meet the financial needs of the situation.

However, let us note what the Secretary says in his letter:

> If the sum of $164,346,000, contained in the supplemental appropriations bill reported out by the Senate on September 22, 1961, is enacted then the District of Columbia and all other jurisdictions would receive, according to our best estimate at this time, not less than 98 percent of full entitlement and it is quite possible that final adjusted figures may bring this up to close to 100 percent of entitlement for all jurisdictions.

I close by making a plea to all school districts of America who have been the beneficiary for 10 years or more under Public Law 874 to make clear to their representatives in Congress that they want the discrimination against some 47,000 federally connected little boys and girls in the District of Columbia ended. Let them make clear that they want those same Representatives in Congress to come back next January and, if more funds are needed for the administration of Public Law 874, to join in passing a supplemental appropriation bill which will give to the Department of Health, Education, and Welfare the funds that it needs.

In my judgment we could pass such a bill in the course of 1 day through both Houses of Congress.

STOCK DISTRIBUTION TREATED AS RETURN OF CAPITAL

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution.

ORDER OF BUSINESS

Mr. HUMPHREY. As I understand, between now and 3 o'clock we will discuss the unfinished business, and at 3 o'clock, according to the unanimous consent agreement, the Senate will turn to the consideration of the conference report on H.R. 6775, the so-called dual-rate shipping bill; that the debate thereon will be limited to 1 hour, to be equally divided, and that at the end of that

period the Senate will proceed to vote on the question of agreeing to the conference report.

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. I merely wished to make that statement for the information of the Senate.

RUSSIAN USE OF THE U.S. POSTAL SERVICE

Mr. HUMPHREY. Mr. President, in this morning's mail I received two pamphlets which were mailed from the Embassy of the Soviet Union here in Washington. One pamphlet, under the apparently innocent heading of "Documents of Current History," concerns the "Program of the Communist Party of the Soviet Union," and the other purports to explain "The Soviet Stand on Germany," and presents a "Letter to the American people from Nikita S. Khrushchev."

I should add that about a week ago a special message to the American people in the form of a letter from Nikita Khrushchev was also mailed and delivered to a number of residences and offices in this country.

I need not explain that both of these pamphlets represent the so-called soft-sell approach. They are nothing more or less than Soviet propaganda which—and this is the point of my statement—are being distributed by the U.S. postal service. This is not the same as the propaganda material which enters the United States by oversea mailings. The material of which I speak was printed here and mailed here. For the further information of the Senate, the pamphlets were sent under the bulk mailing rate. In other words, we find our Post Office Department distributing Russian propaganda at mail rates which do not cover the cost our Government absorbs in providing this service.

I have the cover here. It shows in the upper right-hand corner "Bulk rate U.S. postage paid, Washington, D.C., Permit No. 41462."

In the other corner appears: "Press department, Embassy of the Union of Soviet Socialist Republics, Washington 9, D.C." The pamphlets are mailed under what we call the book rate.

As I said, these pamphlets were sent out under the bulk mailing rate. The Post Office Department is distributing Russian propaganda at mail rates which do not cover the cost which our Government absorbs in order to provide this service.

I have been informed that the Soviet Embassy sends out hundreds and thousands of these pamphlets and similar propaganda every day of every week in the year. This seemingly innocuous material is delivered to American citizens throughout our Nation. They receive it with their daily mail, and assume, therefore, that it meets with the approval of the Government which delivers it to their doors.

I am not so much worried about the contents of this material. I have confidence in the judgment of the American people. I know they are intelligent people, and that when they see a document mailed from the Embassy of the Soviet Union, they know that it is Soviet material which carries the Soviet point of view, and that it is Soviet propaganda. I have not been one who has said that this should be prohibited, or, that such a flow of material is dangerous, so long as it is properly labeled and identified.

It is that material which goes under false headings and has much more allegedly respectable sponsorship than this material which comes from the Embassy, which could be dangerous.

Here is my point. There is no reciprocity in the use of the Russian postal service for the United States of America.

With a postal defict over $800 million, it ill behooves the Government of the United States to permit sending through the mails propaganda documents of a foreign government which threatens the life of this Nation, while at the same time we do not have the same rights within the Soviet Union. This is foolish—and should be stopped.

I desire to have the Soviet Embassy and the Soviet Government understand that I am not saying that a free nation such as ours, where the people believe in freedom of speech and freedom of the press, and where we believe in freedom of movement, should deny the use of the mails for the shipment of documents, even documents such as these. They are properly labeled; the envelope indicates that they are from the Soviet Government, even though they were printed by a press in New York City, in the United States.

But I repeat: There is no reciprocity in the use of the Russian postal service by the United States. In fact, it is pretty hard to get any kind of service from the Russian postal system for citizens of the United States. We are not allowed to send materials throughout the Soviet Union explaining our position on world problems, or to explain to the Russian people how our Government operates, or what our President says, or how we view the situation in Berlin, Germany, and elsewhere.

In fact the Russian people did not even know that their own government had resumed nuclear testing until many hours after the action had taken place, because of the censorship which is imposed in the Soviet Union.

I believe the time has come for the U.S. Government to inform the Soviet Union that there must be a quid pro quo for the use of our postal service. In other words, it is time we said, "All right, Mr. Khrushchev; you may use the postal service of the United States when and if you let the United States use the postal service of the Soviet Union on a 50–50 reciprocity basis; not a basis of one horse to one rabbit, which is what is happening now—with the United States getting the rabbit."

We should have rights in mailing material in Russia which are equal to the opportunities and services we provide to Russia in the United States. This seems to me to be only a fair and reasonable request.

This Nation has historically permitted freedom of communication. I hope this policy will not have to be altered. Our postal service has been available to all persons, enabling one and all to communicate and explain their ideas and beliefs. But I believe that if we are not given equal facilities in the Soviet Union, we must reappraise the situation and take corrective action.

We are not talking about a letter sent by some Soviet citizen to the United States. We are not even talking about a club or an association in the Soviet Union. We are talking about the Soviet Embassy in Washington, D.C., which has had printed in the United States of America documents which the government of the Soviet Union would like to have the American people read.

All I ask is that our State Department, in its consultations with the Soviet Union on the subject of exchanges, which I have supported, insist upon full reciprocity. We endorse reciprocity with respect to students and cultural events. We see to it that there is a relative balance. We know, for example, that we are perfectly willing to admit many more Soviet students into the United States if the Soviet Union will permit an equal number of American students to enter the Soviet Union. In that respect, the Soviet Union has been mighty sticky; it has been very resistant to an expanded cultural exchange.

I do not wish my position to be misunderstood. I know that the United States of America has historically permitted freedom of communication. I favor it. I hope that policy will not have to be altered. But I am speaking of official documents of a foreign government which today causes U.S. taxpayers to pay billions of dollars in defense against a government which has learned how to use propaganda, and has poisoned the minds of millions of people throughout the world.

If we are to allow this material to flow through the U.S. mails at subsidized rates, then this U.S. Senator demands reciprocity or that we stop it.

I hope other Senators will join with me in this effort.

The PRESIDING OFFICER. The bill is open to amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT OF SHIPPING ACT, TO PROVIDE FOR OPERATION OF STEAMSHIP CONFERENCES—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, will the Chair state the unanimous-consent agreement, entered into last Saturday, relative to the conference report on the dual rates bill?

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered into, it was agreed that

at 3 p.m. today the Chair would lay before the Senate the conference report on House bill 6775.

The hour of 3 o'clock having arrived, the Chair now lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. The report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences.

The PRESIDING OFFICER. Under the agreement, the Senator from California [Mr. ENGLE] and the Senator from Tennessee [Mr. KEFAUVER] are equally to divide the time.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Will the Chair inform the Senate whether it is a fact that the pending business, the so-called Du Pont bill, has been temporarily laid aside, but that, under the agreement entered into, after the Senate votes on the dual rate bill conference report and on the two treaties, which have already been considered today, the Senate will automatically return to consideration of the Du Pont bill, which then will be laid down as the unfinished business?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. I thank the Chair.

Mr. ENGLE. Mr. President——

The PRESIDING OFFICER. How much time does the Senator from California yield himself?

Mr. ENGLE. Such time as I may require, of the 30 minutes under my control.

The PRESIDING OFFICER. The Senator from California may proceed.

Mr. ENGLE. Mr. President, when we took this bill to conference, it contained seven amendments made to it during the debate in the Senate, six of which were submitted by my good friend, the senior Senator from Tennessee, and one by the senior Senator from Kansas.

The conference retained the amendment submitted by Senator SCHOEPPEL, and also retained three of those submitted by Senator KEFAUVER. Of these, one amendment was strengthened, and another was an improved wording of a section that had been stricken.

This is now a better bill, and I commend it to the Senate for adoption of the report.

I point out that, of the so-called Kefauver amendments, of which there were 14, 6 were accepted by me, 4 were rejected by the Senate by rollcall vote, and the remainder were not called up. In other words, we have gone through these matters before. I urge the acceptance of the conference report.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the statement by the managers on the part of the House, even though it has previously appeared in the RECORD. I make this request in order to secure continuity in connection with the presentation of this matter.

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

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 6775 to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Basically, the difference between H.R. 6775 as it passed the House and passed the Senate is in the manner of approach in four major respects.

(1) The House bill declared exclusive patronage shipping contracts between carriers and shippers to be prohibited except upon prior approval by the appropriate Federal Government agency (now Federal Maritime Commission) and required that the use of such contracts by steamship conferences or individual steamship companies could be approved only if they met certain specified criteria and standards. The bill as it passed the Senate eliminated the prohibition language and affirmatively permitted the use of dual rate, or exclusive patronage, contracts.

(2) The bill as it passed the House made it mandatory that all criteria be affirmatively met before the use of exclusive patronage contracts would be permitted and conference agreements approved by the Commission. The Senate version would permit the use of exclusive patronage contracts unless the Commission made findings to the contrary.

(3) The bill as it passed the House contained several major provisions intended to protect the status of independent carriers who might choose not to join a conference but which would, at the same time, give the conferences full and fair opportunity to operate with effective dual rate systems. The bill as it passed the Senate, for the most part, eliminated all such provisions of an antitrust nature.

(4) The bill as it passed the House provided that conferences of carriers or individual carriers operating in the foreign commerce of the United States must designate persons upon whom service of process may be made within the United States and provide records or other information, wherever located, required by any order of the Commission. These features were stricken from the bill in the Senate version.

As agreed upon, by the conferees, the bill in major respects conforms with the Senate approach on the foregoing points.

Discussion of the differences in more detail follows.

The House bill required findings by the Commission that a proposed dual rate conference agreement would not be detrimental to the commerce of the United States or contrary to the public interest and is not intended, and will not be reasonably likely, to cause the exclusion of any other carriers from the trade. The Senate version omitted the last provision and, with respect to the others, provided that a dual rate agreement should be approved unless the Commission found it to be detrimental to the commerce of the United States or contrary to the public interest. The conferees' agreement adopts the Senate amendments.

The bill as passed the House required that the shippers' contract under a proposed conference agreement must contain a provision assuring space on vessels to contract signers. The Senate omitted this provision and substituted a provision that a contract signer be released from his contract with respect to a particular shipment if conference carriers could not provide space for his shipment. The House conferees agreed to this change.

The House bill provided that the shippers' contract with the conference should cover only those goods to which he has the legal right to select the carrier at the time of shipment. The Senate version added a proviso that if the shipper divested himself of that right before shipment with intent to avoid his contract, such conduct constituted a breach of contract. The conference agreement adopted the Senate amendment with a minor amendment.

The Senate added a provision that a conference contract must exclude cargo carried in bulk without mark or count other than liquid cargo and the conference agreement adopts the amendment.

The bill as it passed the House required the Commission to withdraw its permission for the use of a dual rate system where it finds, after notice and hearing, that the use of such contract tends to cause the elimination from, or prevent the entry into a trade of any carrier. The Senate struck out this provision. The conferees agreed to the Senate version.

The House bill stated that no conference contract could be approved by the Commission which authorized agreements between carriers or conferences of carriers serving different trades that would otherwise be naturally competitive unless in the case of agreements between carriers, each carrier, or in the case of conferences, each conference retains the right of independent action. The Senate struck out this provision. The Senate receded from its position with an amendment, accepted by the House conferees, limiting the prohibition on carrier agreements to carriers not members of the same conference.

The House bill contained a provision prohibiting shippers who act as carrier agents from representing such carrier in conference activities unless no other qualified person was available. The Senate struck the provision and the House receded from its position.

The Senate omitted a provision from the House bill prohibiting agreements whose probable effect will be reasonably likely to exclude any other carrier from the trade. The House receded from its position.

The House bill contained a requirement that no conference agreement shall be approved unless it designated a person within the United States upon whom service of process could be made, effective against all members of the conference and contained an agreement to provide documents and records required by the Commission, together with another similar provision as to all common carriers by water in the foreign trade. The Senate struck out both provisions. The conference agreement adopts the Senate position.

The House bill required conference agreements to contain provisions for policing of the obligations under them and for reasonable procedures for consideration of shippers' complaints. The Senate struck out the provision and inserted in lieu thereof authority in the Commission to disapprove an agreement after notice and hearing on a finding of inadequate policing and failure to maintain procedures for hearing shippers' complaints. The conference agreement adopted the Senate amendment.

The House validated existing agreements which are lawful immediately prior to the enactment of this act for a further period of 1 year after enactment, unless sooner disapproved, canceled, or modified by the Commission. The Senate added a proviso that existing agreements rendered unlawful by the act must be amended to comply with the act and if such amendments are filed for approval within 6 months after enactment, such agreements shall be lawful unless and until disapproved, canceled, or modified by the Commission but agreements

not so amended within the period if thereafter found in violation of the act may be declared unlawful from the expiration of the 6-month period. The conferees adopted an amendment providing that amended agreements filed within the 6-month period are lawful for a further period of 1 year during which year the Commission shall approve, disapprove, cancel, or modify in accordance with this act.

The House rendered unlawful reductions in rates or charges by a common carrier or conference of carriers for the purpose of destroying competition and provided a penalty therefor and authorized reductions made in good faith to meet competition. The Senate struck out the provision and the House receded from its position.

The House authorized the solicitation and receipt of information by a conference to determine whether a shipper or consignee or conference member has committed a breach of his agreement with the conference. The Senate version omitted the provision but receded from its position with an amendment to make the section applicable to a larger class of persons.

The House authorized the Commission to make rules and regulations necessary under specified sections of the act; the Senate amended by broadening the authority to include the entire act. The House receded from its position.

The Senate amended the bill to include a new section authorizing the Governor of a State, Commonwealth, or possession of the United States and any port authority or municipality operating a port to file a protest concerning any conference rate or regulation within 30 days of its filing with the Commission on the ground of unjust discrimination. Within 120 days, the Commission would be required to determine whether the rate or regulation is discriminatory and, if so, may set it aside. The conference agreement adopted the Senate amendment with an amendment eliminating the reference to port authorities and municipalities and increasing the time of Commission action to 180 days.

In addition to the foregoing, there were a number of minor, technical, or conforming amendments agreed to by the conferees.

The Senate amended the title of the bill and the conference agreement adopts the Senate amendment.

HERBERT C. BONNER,
EDWARD A. GARMATZ,
THOMAS N. DOWNING,
BOB CASEY,
THOR C. TOLLEFSON,
JOHN H. RAY,
W. S. MAILLIARD,
Managers on the Part of the House.

Mr. ENGLE. Mr. President, I should like to point out that the bill as passed by the House of Representatives was substantially different from the bill as reported to the Senate by the unanimous vote of the Senate Commerce Committee. I also wish to point out that the House conferees, upon consideration of this matter, joined unanimously with the Senate conferees, and that the conference report now before this body has the unanimous acceptance of both the Senate conferees and the House conferees. In addition, the conference report is substantially the bill as reported to the Senate by the Senate Commerce Committee without a dissenting vote.

In my opinion, the statement by the House conferees is very revealing. In it they state:

Basically, the difference between H.R. 6775 as it passed the House and passed the Senate is in the manner of approach in four major respects.

(1) The House bill declared exclusive patronage shipping contracts between carriers and shippers to be prohibited except upon prior approval by the appropriate Federal Government agency (now Federal Maritime Commission) and required that the use of such contracts by steamship conferences or individual steamship companies could be approved only if they met certain specified criteria and standards. The bill as it passed the Senate eliminated the prohibition language and affirmatively permitted the use of dual rate, or exclusive patronage, contracts.

Mr. President, we did that deliberately, because it seemed to us that we should state what we are doing; and therefore we state specifically and clearly what we are doing in this instance—that is, that we are authorizing these contracts affirmatively, and then we are subjecting them to certain conditions.

I read further from the statement of the managers on the part of the House:

(2) The bill as it passed the House made it mandatory that all criteria be affirmatively met before the use of exclusive patronage contracts would be permitted and conference agreements approved by the Commission. The Senate version would permit the use of exclusive patronage contracts unless the Commission made findings to the contrary.

This is part and parcel of the same proposition—namely, we make it clear, and I believe we should make it clear, not only to the Congress but also to the American people—that what we are doing is that we are authorizing a conference system.

The House version of the bill stated the matter in reverse; it said that conference systems are unlawful, with certain exceptions. We provide that conference systems are lawful, subject to certain conditions. We believe that is the more sensible approach, the franker approach, and the one which more clearly defines the legislative intent.

I read further from the statement of the managers on the part of the House:

(3) The bill as it passed the House contained several major provisions intended to protect the status of independent carriers who might choose not to join a conference but which would, at the same time, give the conferences full and fair opportunity to operate with effective dual rate systems. The bill as it passed the Senate, for the most part, eliminated all such provisions of an antitrust nature.

We found it wholly impossible to authorize what amounted to a quasi-monopoly or a semimonopoly and then turn around and deauthorize it. There was simply no way to do so—in other words, to march up the hill, and then march down again. That is why we eliminated those provisions.

We admit that what we are attempting to do is affirm the system of conference contracts which have been in effect throughout the international trade since about 1877. However, we make plain that we propose to superimpose on those conference systems the finest possible regulatory power, to the maximum that we may possibly extend U.S. regulatory power into the international area; and that is what we have done. I read further from the statement of the managers on the part of the House:

(4) The bill as it passed the House provided that conferences of carriers or individual carriers operating in the foreign commerce of the United States must designate persons upon whom service of process may be made within the United States and provide records or other information, wherever located, required by any order of the Commission. These features were stricken from the bill in the Senate version.

Why were they stricken? We struck them out because American regulatory law cannot impose an extraterritorial effect. There is no question about it. Twelve countries came before the State Department and submitted their program and their objections to our committee, in which they objected to submitting themselves to the regulatory power of the United States. We agree with that statement. We think we can no more subject them to our regulatory power than England, the Netherlands, or Japan could subject us to their regulatory powers.

As far as we have been able to go, however, we have gone, which is that American ship lines must submit their records. We cannot go further than that.

The conference report of the House goes on to state:

As agreed upon, by the conferees, the bill in major respects conforms with the Senate approach on the foregoing points.

Of course, they are the crucial points that came up in conference. I emphasize again that this is a unanimous conference report. The House committee that sent the bill to the Senate of the United States, which was subsequently changed by our committee, agreed to the language that we had devised as the best possible language, and receded from the points they had made.

The bill was unanimously reported by the Senate Committee on Commerce. It passed the Senate of the United States without a rollcall, although there were several rollcalls on amendments proposed by the Senator from Tennessee [Mr. KEFAUVER] which embodied language in the House bill. We thereupon went to conference, and the House conferees, the sponsors of the language, themselves, thereupon thought the Senate approach to this question was the most sensible and correct.

Today we come before the Senate with a unanimous report, signed by all the Democrats and all the Republicans, all the members of the conference, of both the Senate and the House. If it takes more than that to get a bill that has been in conference agreed to, I do not know what it takes.

I think we have done everything we could do. We have convinced the House conferees. They have agreed with us. I hope the Senate will approve and adopt the conference report.

Mr. President, I yield the floor.

Mr. KEFAUVER. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee is recognized. How much time does the Senator yield to himself?

Mr. KEFAUVER. I yield myself 15 minutes.

In the New York Times of yesterday I read an article by Russell Baker, with the dateline of Washington, which contained the words:

I've never seen them as mean as they are this year; a 10-year Member of the Senate complained recently of the House of Representatives: "They get their backs up over everything and don't give on anything."

On this occasion I take exception to what somebody told Mr. Baker, because, if I have ever seen a case where the House yielded on all of the provisions which were designed to protect the export trade and the shippers of the United States, it is in this case.

Mr. President, I am opposed to the adoption of conference report on H.R. 6775, and I shall vote against it.

This legislative proposal grew out of the Isbrandtsen decision in 1958, which outlawed dual-rate systems when they are used as "predatory devices" to drive out all independent competition. I am strongly of the opinion that dual-rate systems should be outlawed when they are so used. Therefore, I can see no reason why the industry cannot live under the Shipping Act of 1916 as interpreted under the Isbrandtsen decision. H.R. 6775 goes way beyond such a system of operation.

In the Isbrandtsen decision it was held that where a dual rate was put into effect for the purpose of eliminating a competitor—and the competitor is about the only protection the American shipper has—it is a predatory device under section 14, third, of the Shipping Act of 1916, and is, therefore, illegal. It does not mean that a conference is illegal, or that conferences cannot be had, and it does not mean that dual rates cannot be used. The decision simply states that wherever dual rates are used as a system for eliminating a competitor and driving it out of business, it is a violation of the Shipping Act of 1916, and is unlawful.

What H.R. 6775 attempts to do is make it possible for conferences to eliminate all competition, to fix rates practically as they please, to place the foreign commerce of this Nation under the domination of conference cartels, which are in turn dominated by foreign shipping interests and supercartels, and which, under this measure, will be completely dominated by foreign shipping interests.

There have been conferences in existence since 1916, and never has the Maritime Commission ruled that a conference is illegal because of rates, or for any other reason. Yet there are many discriminations against American shippers today about which I shall speak in a few moments. Moreover, these discriminations are very mild, indeed, as compared with the discriminations that will be put into effect against American shippers if this outrageous bill becomes law.

As I have said on this floor many times, and as I said earlier in our consideration of H.R. 6775, I am against monopolies and cartels whenever and wherever they exist. However, I feel particularly strong about the international ship cartel. In my long statement last week with respect to this subject, I outlined in some detail, as did the Senator from Wisconsin [Mr. WILEY], the blatant disregard that the international carriers have had for our laws and their disinterest in our economic welfare. As brought out vividly in thousands of pages of testimony before the House Antitrust Subcommittee, of which the distinguished Representative, EMANUEL CELLER, is the chairman, the international carriers have in a large number of instances engaged in nefarious and illegal practices. They have cheated among themselves, they have discriminated against American shippers, including the U.S. Government. They have used every predatory device imaginable to drive independent competitors out of business. Yet it is proposed here to give carte blanche authority for them to do anything they want to do in regard to the foreign commerce of the United States.

In fact, it is hard to conjure up anything to which they have not stopped. True, the control of there cartels which have engaged in this conduct is in the hands of the foreign shipping lines, but many American lines have participated in this misconduct.

When pressure was brought to bear to change the basic Shipping Act of 1916, as amended, exhaustive hearings were held by both the House Committee on Merchant Marine and Fisheries and the House Committee on the Judiciary. The House bill, which resulted from these hearings, contained what might be described as a limited monopoly system. In my estimation, the bill was far from perfect, as it contained only minimal protections for independent carriers and for American exporters and importers. However, it did contain some protections and they were urgently necessary.

The Senate version, on the other hand, contained almost none of these protections. The Senate version, as reported by the Senate Commerce Committee, was radically different from the House version. It was drafted—and I think admittedly so—to suit the needs of the shipowners, most of whom are foreign, and not to fit the needs of shippers or independent carriers.

When the Senate Commerce Committee version came to the floor of the Senate, I offered a number of amendments to it. They were designed primarily to restore the protections contained in the House version. A number of these amendments were accepted by the managers of the bill and adopted by the Senate. To my amazement, some of these were either dropped out or weakened in the conference, although from a substantive standpoint they had been agreed to by both the Senate and the House.

One set of my amendments proposed to restore the vital antitrust protections which were contained in the House version. These had been described by the Attorney General as indispensable.

I should like to put the Attorney General's letter in the RECORD at this point. The Attorney General said, in substance, that no bill should be passed at all unless the antitrust provisions were included. I ask unanimous consent that the letter may be printed in the RECORD in full.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 5, 1961.

Hon. ESTES KEFAUVER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEFAUVER: This is in response to your letter of August 31, 1961, requesting the views of the Department of Justice on H.R. 6775, as it was reported by the Senate Committee on Commerce.

The Senate committee version of H.R. 6775 differs materially from the bill as passed by the House of Representatives. The bill, as it was passed by the House of Representatives, contained specific safeguards to prevent ocean steamship conferences from using dual rate systems or other concerted activity as predatory devices to drive nonconference competition out of business. These safeguards have been omitted in the Senate committee bill. In particular the Senate committee bill has deleted: (1) The provision that the dual rate contracts referred to in the bill shall not be intended or reasonably likely to cause the exclusion of any other carrier from the trade; and (2) the provision that the Board shall not approve agreements whose probable effect will be reasonably likely to exclude any other carrier from the trade.

The deletion of these provisions would have the effect of reversing the rule of the Isbrandtsen case, thereby permitting ocean steamship conferences, which are international cartels, to stifle independent competition by resort to predatory dual rate systems. In the opinion of the Department of Justice these provisions constitute competitive safeguards which are indispensable to any reasonable enactment on this subject. The public interest would be disregarded were these provisions to be omitted.

It is our opinion that no legislation on this subject should be enacted unless such provisions are included. We urge that these provisions, as they have appeared in the House-enacted bill, be restored.

In addition, for your information I am attaching a copy of a letter from Deputy Attorney General Byron White to Senator WARREN G. MAGNUSON, which expresses in detail the views of the Department of Justice on the Senate Merchant Marine and Fisheries Subcommittee print, which is substantially similar to the Senate committee version of H.R. 6775.

Sincerely,

ROBERT KENNEDY,
Attorney General.

Mr. KEFAUVER. Mr. President, on a rollcall vote in the Senate, these amendments were defeated. In the conference, it was agreed to drop these provisions from the bill. For this reason alone, I would feel compelled to vote against the conference report.

Yet, there is another most important provision in the bill which is equally as bad as the omission of antitrust safeguards. I refer to that provision which legalizes supercartels. H.R. 6775 not only approves cartels in each individual trade affecting the foreign commerce of the United States, it permits these individual cartels to join into one or two supercartels of gigantic size. There is no economic justification whatever for this provision and it can only do serious harm to American interests. I think this

provision is an utter disgrace and completely uncalled for.

I have a number of other objections to the bill which I shall not reiterate here. However, the net effect of the whole piece of legislation is to legalize cartels in all of the ocean trades which serve the foreign commerce of the United States.

There is no effective control over the use by the conferences of predatory practices to drive out all independent carriers.

There is no effective control over rates to be charged for the carriage of all American exports and imports.

There is nothing to prevent the legalized cartels from joining in one huge supercartel to dominate completely the foreign commerce of the United States to fix rates, and to do anything else that pleases them.

Who will be hurt by all of this?

Not the American shippers. They will stay in the cartels and enjoy the benefits of high noncompetitive rates. Yet their benefit is small compared to the rewards which will be given to the foreign shippers which dominate virtually all of these conferences. We already subsidize American ship owners, and, by this act, we are granting a much larger, even if indirect, subsidy to foreign ship owners. It is the American exporter and importer who must pay this subsidy, and the American consumer who will have to pay higher prices for imported articles.

I refer, for example, to farmers who manufacture cheese, as mentioned by the Senator from Wisconsin [Mr. WILEY]; to chemical factories; to steel mills; to those who make automobiles; and so on. I refer to any line of endeavor in which one is engaged in the United States. All will pay.

Thus, the people who will get hurt most are the great mass of American exporters and importers. Once independent carriers are driven out, they will have no choice but to pay the artificially high cartel rates.

The President and the Congress have spent much time, thought and effort to devise ways to decrease the gold drain from our country.

The drain has been temporarily halted. We know the great distress we have suffered and which we may suffer in the future if we do not prevent the drain of gold from our country. This drain of gold has been due in large part to the fact that many American exports are not competitive. This, in turn, is due at least in part to the high shipping costs which must be paid by American exporters as compared to much lower inbound shipping costs.

The bill approved by the conference will make it increasingly difficult for American exporters to compete abroad. Our gold drain will increase. And while this is going on, we will be lining the pockets first and foremost of foreign ship owners.

I do not think this bill is in the best interest of the United States and I shall vote against it.

I hope the Senate will reject the conference report.

Mr. President, I wish to sum up by making two things crystal clear.

The first is that the conferences which will control American shipping, as will be seen from page 18167 of the RECORD for September 13, 1961, are dominated by foreign shipping lines. Only in five of these conferences do American member lines outnumber foreign lines. In some of the cartels handling American shipping there are no American lines whatsoever. Americans would be outvoted three to one if an international supercartel of all these cartels was formed.

These are the cartels which will fix rates, conditions and terms upon which American shipping will take place.

Never before in the history of the United States has the United States placed the commerce of the United States completely in the hands of people who will reap the benefits of a monopoly.

Never in the history of the United States, even with a ratemaking ability retained in the hands of some commission, has the United States placed such control in foreign-owned corporations.

Never in the history of the United States have there been legalized foreign-dominated supercartels.

The PRESIDING OFFICER. The 15 minutes the Senator yielded have expired.

Mr. KEFAUVER. Mr. President, I yield myself 5 more minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 more minutes.

Mr. KEFAUVER. The second question I ask is, "What have these cartels done already?" What they have done already is only an example of what we shall see more of, on a larger scale, in the days to come.

I do not care about what line of endeavor one wishes to talk—farm products, automobiles, steel—we find that the rate from an American port to a port abroad is virtually always greater, and sometimes many times greater, than the rate from the same port back to the United States.

For automobiles, from New York to Liverpool, the rate is $23 per 40 cubic feet. The rate from Liverpool to New York is $11.55 per 40 cubic feet.

For industrial chemicals, the rate from New York to Hamburg is $6.61 per hundredweight. The rate from Hamburg to New York is 82 cents per hundredweight.

New York to Rotterdam, $5.85 per hundredweight; Rotterdam to New York, 82 cents.

Many of these items were put into the RECORD by the distinguished Senator from Wisconsin [Mr. WILEY]. He was interested in cheese. Shippers must pay twice as much to get cheese from Michigan or Wisconsin or Minnesota to Denmark as shippers from Denmark must pay to get their cheese to some place in the United States.

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

Mr. KEFAUVER. I am happy to yield to my distinguished friend from Colorado, who understands the problem thoroughly.

Mr. CARROLL. Since our discussion on this subject a few days ago, before the bill went to conference, I thought I would look into the effect of shipping rates on one of our largest industries in Colorado, The Colorado Fuel & Iron Co. C.F. & I. is an industry that employs about 12,000 workers. The industry has been struggling from year to year, sometimes operating in the "red," because of low-priced competitive imports.

The Colorado Fuel & Iron Co., located in Pueblo, Colo., began to lose its markets for wire and pipe products as foreign countries poured cheaper identical products into this country.

It is traditional to blame the cause of lower cost foreign products on cheap labor. But this is not the full story. In some circumstances the supplemental industrial benefits of foreign labor—from free meals to free medical assistance—almost equalize labor costs with our own industrial labor costs.

The difference in price of American-made products and foreign-made products, as the able Senator from Tennessee has pointed out, is due largely to the difference in steamship freight rates in and out of the United States. For example, one steamship conference dominated by foreign countries by a margin of 17 to 6 has fixed dual-rate charges on steel wire and pipe shipped out of the United States at $61.25 per ton. That is what it costs the Colorado Fuel & Iron Co. to ship those products abroad.

I should say that is what it used to cost. A few minutes ago, as I looked at those figures, I put in a telephone call and asked one of the executives "What are you shipping today?"

He said, "We have virtually abandoned our exports because we cannot compete." He agreed that adverse shipping rates in the nature of almost 2 to 1 against them made exporting steel wire and pipe prohibitive.

Mr. KEFAUVER. If they have abandoned exports now, what would they do if we should place complete control in the hands of this foreign-dominated international cartel? That is something else to think about.

Mr. CARROLL. We use this as exhibit A for the able Senator from Tennessee to show why there should be further study given to this important issue. I have given you the rate C.F. & I. must pay to export its products. Imports of the exact same steel wire and pipe products come into this country without being governed by cartel dual-rate shipping contracts. The freight charges on incoming wire and pipe is $33 per ton.

This enables a foreign country 7,000 miles away to deliver pipe to Denver at $20 per ton cheaper than the Colorado Fuel & Iron Co., 110 miles to the south of Denver.

Not only is this true in the industrial field, as the able Senator from Tennessee has so intelligently pointed out, but it also has to do with agriculture in the Rocky Mountain area, which is similarly affected.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KEFAUVER. Mr. President, I yield myself an additional 5 minutes.

Mr. CARROLL. Mr. President, will the Senator yield further to me?

Mr. KEFAUVER. I am very happy to yield. The Senator is stating illustrations that are vital to the economy of the United States. I am glad to yield to him.

Mr. CARROLL. We in Colorado depend substantially on foreign markets for disposition of our surplus Hard Red Winter wheat.

This wheat is partially shipped in independent, or so-called "tramp" steamers.

If the independent shipping lines are not protected with antitrust safeguards in the bill before us they will be driven from the business by the price-fixing cartels, which require that all products must be shipped on conference lines in order to qualify for the special low rates.

Once the independent tramp steamers are no longer competing to carry our Colorado Hard Red Winter wheat we can expect the shipping cost of wheat to rise.

This will throttle our opportunities to sell surplus wheat abroad in commercial markets at competitive rates.

Mr. President, I am opposed to agreement to the conference report on H.R. 6775, the so-called dual-rate shipping bill, because it does not contain the necessary antitrust safeguards to protect American independent steamship companies and American exporters.

We were hopeful that the conferees would adopt the antitrust safeguards in the House bill.

They did not and I therefore take the position I did during consideration of the bill in the Senate, that the bill is not in the public interest.

The bill, as now written, places in the hands of foreign-flag steamship companies the power to determine shipping rates to be charged by U.S.-flag ship companies.

They will do this through their domination of the steamship conferences, an international rate-fixing cartel arrangement which this bill legalizes.

This bill, in the words of Congressman CELLER, chairman of the House Judiciary Committee, fails to protect American consumers from "monopolistic price fixing on imported goods."

I understand that the able Senator from Tennessee has only a few minutes remaining on this question. I commend him for his leadership in opposition to this conference report since it fails to carry the necessary antitrust safeguards. As I said the other day, it is my hope that the President of the United States, the Attorney General, and especially those who are in charge of the Antitrust Division of the Department of Justice, will give close scrutiny to the report should it pass the Senate. If we accept the conference report—and, to be realistic, I think it will be accepted at this late point in the session—I hope the President will put the conference report in his pocket and not let it become law.

Mr. KEFAUVER. Mr. President, I thank the Senator from Colorado for the study and research that he has given this problem. I know that if Senators would consider what the conference report would do for the industry and agriculture in their sections of the country, they would find out what the discriminations against their own industry and agriculture are now, when there is still some competition in international shipping, and then if they would consider what will happen to them when that competition is removed and the matter is placed almost exclusively in the hands of the foreign cartels, I do not believe there would be a handful of Senators who would yield to the influence and persuasion of the shipping lines to support the bill or the conference report.

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

Mr. KEFAUVER. I yield.

Mr. CARROLL. That is precisely the same point that the Senator from Tennessee and I have been trying to make. I can understand the desire of the shipping lines themselves to get together in conferences or cartels, to stake out economic areas in which they can have perhaps some greater stability. But, as the able Senator from Tennessee has said, if each Senator and each Representative knew of the economic impact upon his own area, I am sure that the conference report would be under debate for a long time. We all need information about the bill. What I have said is no reflection on the able Senator from California and the able Senator from Washington. The conference report has come from a committee that has given the subject some study, but I think too much emphasis has been given to what the shipping lines want rather than its economic impact upon the industry of the Nation that is hard hit by low-priced imports and especially its impact on the small businessmen of the Nation.

I thank the able Senator from Tennessee again for his leadership on this question.

Mr. KEFAUVER. I thank the Senator from Colorado. We were talking about steel. We know we have been losing our foreign market. The steel companies themselves will say that one reason is because of the discrimination in rates in the shipment of steel, for example, to ship steel from New York to Tokyo it costs $61.25 per long ton, while from Tokyo to New York it costs $33 per long ton.

I see my friend the Senator from Michigan [Mr. MCNAMARA] in the Chamber. He is interested in the success of the automobile industry. The cost of shipping an automobile from New York to Liverpool is $23 per 40 cubic feet, but from Liverpool to New York it is $11.55 per 40 cubic feet. It costs about half to ship an automobile to the United States as it costs to ship one to Europe.

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

Mr. KEFAUVER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. KEFAUVER. Mr. President, I know that the Senator from California wishes to use some of his time.

The PRESIDING OFFICER. Does the Senator from California wish to yield some time?

Mr. ENGLE. Mr. President, I am glad to yield 5 minutes to my distinguished friend of my time in order that his presentation may be complete.

Mr. President, how much time do I have remaining? Twenty minutes. I should like to reserve the last 10 minutes.

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. ENGLE. I will yield 10 minutes of my remaining time to the distinguished Senator from Tennessee.

Mr. KEFAUVER. I did not ask the Senator to yield time to me, but if he will do so, I will be delighted to have it.

Mr. ENGLE. I wanted my friend from Tennesse to present his case in full. He has lost it in every forum so far. We have a unanimous conference report. It was passed in the House unanimously with only a voice vote. I should be glad to have the Senator from Tennessee take whatever time he wants. I will yield 10 minutes of my time to him.

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

Mr. KEFAUVER. I yield to the Senator from Michigan.

Mr. MCNAMARA. I thank the Senator for yielding. He referred to the automobile industry. I point out to the Senator from Tennessee something he undoubtedly already knows. As a result of these unfair rate charges and other things the automobile industry has been compelled to build many of its automobiles in European countries. Recently I had an opportunity to be in Norway, and I saw many new Chevrolets and Fords on the streets of Oslo. Not one of them was made in the United States. They were all made in European plants. The difference in the freight rates is one of the causes of the exportation of jobs to foreign countries. Where formerly those cars were made in the United States and shipped to Norway, for example, now, because of this discrepancy in shipping rates, they are made in foreign countries. It goes much deeper than what appears on the surface.

Mr. KEFAUVER. I thank the Senator. The cost of shipping automobiles and the disparity in rates as between the United States and other nations of the world is one of the main reasons why more and more cars are being manufactured outside the United States. It is one of the main reasons why we are seeing more and more foreign cars in the United States. I make it perfectly clear that I am all for our foreign neighbors doing business well and getting along fine. I am not for discriminating against the industries and agriculture of the people of the United States, however. The jobs that have been lost in the United States because of the discrepancy in freight rates mount up very substantially. To think of placing the ability to do these things in the hands of an international cartel, in which we have only a minor voice, is really a very remarkable thing.

I hope Senators who have the RECORD of September 21 will look at the speech of Representative EMANUEL CELLER. They will find there that he lists practically every kind of thing that we make in the United States. His speech begins at page 20541.

He talks about automobile equipment. He gives figures that we have given in the Senate. Then he discusses industrial chemicals. He shows the freight rate of major appliances. In the testimony it was brought out that we had lost most of our market in Greece for electrical appliances, electric stoves, and other things, because of the great difference in the shipping rate from Germany and from the United Kingdom to Greece as compared with the rate from the United States to Greece.

We find that not only does the shipping rate to and from the United States work against us, but that even in trying to sell something to Brazil, which is as close to the United States as it is to Great Britain, for example, we find that Britons enjoy a lower shipping rate than we do. So they get an advantage over us no matter where they sell. We find discrimination also in jewelry.

We find the same picture in electronics. We have held many hearings on the electrical manufacturing industry and electrical equipment industry. They are badly discriminated against. In the shipment of rubber, there is a higher rate on rubber from the United States to any foreign country than there is from any foreign country to the United States.

All this means the loss of American jobs. All this means that we are placing the American worker at the mercy and under the control of a foreign-dominated shipping cartel.

We have been talking about farm machinery. We see a great deal of foreign-made farm machinery in this country. There is a great discrimination in freight rates there, too. The same thing is true of textile machinery. Sometimes we hear about farmers talking about competition in connection with fertilizer. Some fertilizer companies fuss about it a great deal. They talk about not being able to ship fertilizer abroad.

If we look at the record we find that the discrimination is substantial between inbound and outbound fertilizer. The same thing is true in air conditioning and refrigeration, as well as in some of the other items.

A great many Senators are interested in agriculture. The Secretaries of Agriculture in both Republican and Democratic administrations have always felt that dual rates were bad, and showed that farmers would have to pay higher rates for shipping products abroad than the rates that are paid for shipping products into the United States.

The Department of Agriculture even opposed dual rates, per se, in the 1959 hearings held by the House Antitrust Subcommittee.

This is a technical matter, but it is an extremely important one. It would be one thing if this law were to be in effect for a limited period of time, so that there would be some lever over the international cartel to make it behave. However, we are being asked to legislate for all time in the future, or at least until the law is changed by going through the procedures of Congress. We are asked to pass a bill which is admittedly aimed at eliminating competition, which admittedly places major control of international shipping in the hands of foreign lines, and which gives very little protection to the American shipper, the American farmer, and the independent American carrier in the way of furnishing competition, and therefore keeping down rates.

I appreciate the Senator's yielding to me at this time.

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

Mr. ENGLE. Mr. President, the Senator from Tennessee has referred to the question of whether the conference rates have stifled our exports. My answer is that they have not. I say that notwithstanding the fact that I do not agree with the disparity of rates between outbound and inbound traffic. I know that that has occurred. Representative CELLER in his discussion in the House the other day mentioned the matter and put in quite an elaborate statement.

Let me make it plain that we have undertaken to put on top of these conference systems a regulatory power that will make it possible for them to continue to do that if the regulatory power operates the way we think it should.

The Senator from Tennessee had introduced an amendment. It was held in conference. It was a fine amendment. It was an amendment that said that if any rate was so unreasonably low or so unreasonably high as to be detrimental to the commerce of the United States our commission was not only empowered but directed to break the conference.

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

Mr. ENGLE. I have already yielded 10 minutes.

Mr. KEFAUVER. I will yield 1 minute of my time to the Senator from California.

Mr. ENGLE. I am sorry but I decline to yield.

Mr. KEFAUVER. I wished to correct a statement the Senator made.

Mr. ENGLE. Mr. President, I will yield for a correction, but not too long a one, because I have only 9 minutes remaining.

Mr. KEFAUVER. It is true that an amendment was offered, which was accepted by the Senator from California and accepted by the Senate, which would have required the Commission to disapprove rates that were so unreasonably low or so unreasonably high as to detrimentally affect the commerce of the United States. That was in section 15. What the Senator from California has done in conference is to take the provision out of section 15 and place it in section 18, where it relates to the filing of tariffs. Even though the rate may be disapproved for a considerable time, at least the conference can continue to operate until the Commission considers the question and readjusts the rate. This condition could not have started if it had been left in section 15; but it has been placed in section 18, where it does not mean much.

Mr. ENGLE. It means much. It means precisely the only thing that represents the power our Commission has, and that is the power to pull an American-flag line out of the conference. That is what it means; that is what the conferees have provided.

I have a memorandum with respect to what the trade of the United States has been. There has actually been an increase. I ask unanimous consent that the statement may be printed at this point in the RECORD.

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

Question: Have conference freight rates stifled our exports?

Answer: They have not. On September 14, 1961, we asked the Maritime Administration's Office of Shipping Statistics to compile the figures on the liner cargo—that is, ocean common carrier cargo—carried into and out of the United States from 1958 through 1960. We picked four of the major trade routes to and from the United States. The figures were compiled from Maritime's forms Nos. 7801 and 7802 which are filed with Marad by all ocean common carriers serving U.S. ports.

Our exports have grown substantially in three of the four trades, and in the fourth have held their own.

To be more specific:

1. On trade route 12 (U.S. Atlantic ports to and from the Far East), we exported 2,360,000 long tons of liner cargo in 1958; and in 1960 this had increased to 2,721,000 long tons. Imports rose somewhat less during the same period; from 1,670,000 long tons in 1958 to 1,728,000 long tons in 1960.

2. On trade route 29 (U.S. Pacific coast ports to and from the Far East, including also Hawaii and Alaska), 1,511,000 long tons were exported in 1958; 2,694,000 long tons were exported in 1960. Imports rose, too, but less; from 892,000 long tons in 1958 to 1,299,000 long tons in 1960.

3. On trade route 7 (U.S. North Atlantic ports to and from North Sea-German ports): 566,000 long tons were exported in 1958; and 556,000 long tons were exported in 1960. Imports, also rose slightly; from 362,000 long tons in 1958 to 376,000 long tons in 1960.

4. On trade route 21 (U.S. gulf ports to and from the United Kingdom, Ireland, and continental Europe, north of Portugal): in 1958 we exported 2,699,000 long tons; in 1960, 3,024,000 long tons. Imports during this same period rose only from 696,000 to 705,000 long tons.

These four trade routes were picked because of their importance.

CONCLUSION

Clearly our exports are growing in relation to our imports, thanks to the conference system.

Question: Can steamship conferences so conduct themselves as to be detrimental to our foreign commerce, or unjustly discriminatory or unfair as between exporters from the United States and their foreign competitors?

Answer: No, not without violating express prohibitions of the Shipping Act, 1916, as amended by this legislation.

As amended by this act, the Maritime Commission would be required to disapprove any conference or other ocean common carrier freight rate which is so unreasonably

high or low as to be detrimental to the foreign commerce of the United States. The Commission would also be required to disapprove any conference agreement which operated to the detriment of our foreign commerce.

As for our exporters vis-a-vis their foreign competitors, section 15, Shipping Act, 1916, as amended by this bill would require the Commission to disapprove, cancel or modify any conference agreement which is unjustly discriminatory or unfair as between "* * * exporters from the United States and their foreign competitors * * *." Section 17 would forbid any common carrier by water in foreign commerce to charge any rate which is unjustly prejudicial to exporters of the United States as compared with their foreign competitors.

INFORMATION FROM THE MARITIME ADMINISTRATION—OFFICE OF SHIPPING STATISTICS

(Information furnished by Mrs. Alice Neitzey, September 14, 1961)

The following information has been compiled from Maritime Administration's forms 7801 and 7802. These forms are filed with the Maritime Administration by all ocean common carriers serving U.S. ports. They show the following:

Total liner (ocean common carrier) cargo carried

[Measured in thousands of long tons of 2,240 pounds]

Trade route	Year	Exports		Imports	
Trade Route 7, U.S. North Atlantic ports to and from North Sea-Germany ports.	1960	Total	556	Total	376
		(United States)	104	(United States)	91
		(Foreign)	452	(Foreign)	285
	1959	Total	466	Total	433
		(United States)	69	(United States)	98
		(Foreign)	397	(Foreign)	335
	1958	Total	566	Total	362
		(United States)	107	(United States)	83
		(Foreign)	459	(Foreign)	279
Trade Route 12, U.S. Atlantic ports to and from the Far East.	1960	Total	2,721	Total	1,728
		(United States)	372	(United States)	256
		(Foreign)	2,349	(Foreign)	1,472
	1959	Total	2,429	Total	1,774
		(United States)	264	(United States)	283
		(Foreign)	2,165	(Foreign)	1,491
	1958	Total	2,360	Total	1,670
		(United States)	322	(United States)	302
		(Foreign)	2,037	(Foreign)	1,367
Trade Route 21, U.S. gulf to and from United Kingdom, Ireland, and continental Europe (north of Portugal).	1960	Total	3,024	Total	705
		(United States)	966	(United States)	167
		(Foreign)	2,058	(Foreign)	538
	1959	Total	2,935	Total	1,015
		(United States)	902	(United States)	230
		(Foreign)	2,033	(Foreign)	785
	1958	Total	2,699	Total	696
		(United States)	854	(United States)	170
		(Foreign)	1,846	(Foreign)	526
Trade Route 29, U.S. Pacific coast from and to the Far East (also Hawaii and Alaska).	1960	Total	2,694	Total	1,299
		(United States)	1,318	(United States)	617
		(Foreign)	1,376	(Foreign)	682
	1959	Total	2,122	Total	1,390
		(United States)	994	(United States)	697
		(Foreign)	1,128	(Foreign)	693
	1958	Total	1,511	Total	892
		(United States)	921	(United States)	437
		(Foreign)	590	(Foreign)	455

Mr. ENGLE. Mr. President, the memorandum demonstrates that although the United States suffers sometimes from a disparity of rates, nevertheless the commerce of the United States has increased over these major trade routes. We still have problems. However, for the first time in many months, there is no outflow of gold today. The outflow of gold is not based upon an adverse trade balance. We have always had about a $4 billion favorable trade balance. We lost it through maintaining troops overseas; we lost it through the foreign aid program. However, our trade is improving.

What I am saying is that we have written a bill which undertakes to control the conference system. We have supported conference systems because we know that they afford the only way of maintaining stable routes and stable procedures in international shipping.

That is why, when we got down to brass tacks, we ended with a bill which was reported by the Committee on Commerce by a unanimous vote. The bill passed the Senate without even a yea-and-nay vote, following a couple of yea-and-nay votes on amendments offered by the distinguished Senator from Tennessee which involved provisions sought to be placed in the bill, but which were repudiated by the Senate.

Thereafter, the Senate conferees went to conference with Members of the House of Representatives. We sat in conference for 2 days. The House conferees agreed in substance to the Senate bill, not by a fragment of the conferees, not by a small majority, but unanimously.

So today the Senate has before it a bill which was reported by the Committee on Commerce by a unanimous vote of the members of that great committee, comprising the most informed men in this field in this body. We have a bill which passed the Senate without even a yea-and-nay vote. We have a bill which comes back from a conference between the two Houses with the unanimous agreement of the conferees of both Houses, Republicans and Democrats alike.

We have a bill which went to the floor of the House of Representatives—because the House had to act first on the conference report on the bill—and was concurred in without even a yea-and-nay vote.

Now, I ask, What does it take to get a bill passed in the Senate? I believe we may say to the Senate today that the composite intelligence, experience, and knowledge of the men having the most expertise in this field have now come to a common agreement, and that we have devised the best bill possible.

Mr. President, I ask the Senate to agree to the conference report.

I yield back the remainder of my time.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The hour of 4 o'clock having arrived, and all remaining time under the agreement having been yielded back, the question now is on agreeing to the conference report. [Putting the question.]

The "ayes" appear to have it.

Mr. KEFAUVER. Mr. President, on this question, I ask for a division.

On a division, the report was agreed to.

Mr. ENGLE. Mr. President, I move that the vote by which the report was agreed to be reconsidered.

Mr. BARTLETT. Mr. President, I move to lay on the table the motion to reconsider.

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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider Calendar No. 9 and Calendar No. 11 on the Executive Calendar, being the International Telecommunications Convention and the radio regulations treaty.

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

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Under the unanimous-consent agreement entered into earlier today, is it the intention of the Chair now to have the yea-and-nay vote on the two treaties commence?

The PRESIDING OFFICER. Yes. It is the understanding of the Chair that, under the unanimous-consent agreement entered into earlier today, the Senate will now proceed, automatically, to a yea-and-nay vote on the question of agreeing to the resolutions of ratification of the two treaties, with one vote to be taken on both resolutions of ratification.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Does the unanimous-consent agreement require that the yea-and-nay vote be taken now; or may Senators be recognized at this time?

The PRESIDING OFFICER. The agreement calls for the vote to be taken immediately following disposition of the conference report on the dual rate bill.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Is the Senate now to vote on the question of agreeing to the resolutions of ratification of the two treaties, but with the vote to be shown twice in the RECORD?

The PRESIDING OFFICER. That is correct.

INTERNATIONAL TELECOMMUNICATIONS CONVENTION

The PRESIDING OFFICER. Under unanimous-consent agreement entered into early today, the Senate will now proceed to vote, by yea-and-nay vote, on the question of agreeing to the resolution of ratification of Executive Calendar Order No. 9, Executive J, 86th Congress, 2d session, the International Telecomunications Convention, with annexes, and the final protocol to the convention.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announcce that the Senator from Nevada [Mr. BIBLE], the Senator from New Mexico [Mr. ANDERSON], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Massachusetts [Mr. SMITH], the Senator from Georgia [Mr. TALMADGE], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Massachusetts [Mr. SMITH], the Senator from Georgia [Mr. TALMADGE], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent by leave of the Senate.

The Senator from Maryland [Mr. BEALL] and the Senator from Texas [Mr. TOWER] are absent by leave of the Senate to attend the Commonwealth Parliamentary Conference in London.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from New Hampshire [Mr. COTTON], the Senator from Hawaii [Mr. FONG], the Senator from Iowa [Mr. MILLER], the Senator from Kentucky [Mr. MORTON], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. ALLOTT], the Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senator from Utah [Mr. BENNETT], the Senator from Indiana [Mr. CAPEHART], the Senator from New Hampshire [Mr. COTTON], the Senator from Hawaii [Mr. FONG], the Senator from Iowa [Mr. MILLER], the Senator from Kentucky [Mr. MORTON], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

The yeas and nays resulted—yeas 66, nays 0, as follows:

[EX. 1]

YEAS—66

Bartlett	Hickenlooper	Metcalf
Boggs	Hickey	Monroney
Bush	Hill	Morse
Byrd, Va.	Holland	Mundt
Byrd, W. Va.	Hruska	Muskie
Carlson	Humphrey	Pastore
Carroll	Jackson	Pell
Case, N.J.	Javits	Prouty
Case, S. Dak.	Johnston	Proxmire
Church	Jordan	Randolph
Cooper	Keating	Russell
Curtis	Kefauver	Saltonstall
Dirksen	Kerr	Smith, Maine
Douglas	Kuchel	Sparkman
Dworshak	Lausche	Stennis
Ellender	Long, Hawaii	Symington
Engle	Long, La.	Thurmond
Ervin	Magnuson	Wiley
Goldwater	Mansfield	Williams, N.J.
Gore	McClellan	Williams, Del.
Hart	McGee	Yarborough
Hayden	McNamara	Young, N. Dak.

NAYS—0

NOT VOTING—34

Aiken	Clark	Moss
Allott	Cotton	Neuberger
Anderson	Dodd	Robertson
Beall	Eastland	Schoeppel
Bennett	Fong	Scott
Bible	Fulbright	Smathers
Bridges	Gruening	Smith, Mass.
Burdick	Hartke	Talmadge
Butler	Long, Mo.	Tower
Cannon	McCarthy	Young, Ohio
Capehart	Miller	
Chavez	Morton	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

GENEVA RADIO REGULATIONS

The PRESIDING OFFICER. The question now comes on agreeing to the resolution of ratification of Executive Calendar Order No. 11, Executive I, 86th Congress, 2d session, the Geneva Radio Regulations, with appendixes and an additional protocol.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from New Mexico [Mr. ANDERSON], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Massachusetts [Mr. SMITH], the Senator from Georgia [Mr. TALMADGE], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. Moss], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Massachusetts [Mr. SMITH], the Senator from Georgia [Mr. TALMADGE], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent by leave of the Senate.

The Senator from Maryland [Mr. BEALL] and the Senator from Texas [Mr. TOWER] are absent by leave of the Senate to attend the Commonwealth Parliamentary Conference in London.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from New Hampshire [Mr. COTTON], the Senator from Hawaii [Mr. FONG], the Senator from

Iowa [Mr. MILLER], the Senator from Kentucky [Mr. MORTON], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. ALLOTT], the Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senator from Utah [Mr. BENNETT], the Senator from Indiana [Mr. CAPEHART], the Senator from New Hampshire [Mr. COTTON], the Senator from Hawaii [Mr. FONG], the Senator from Iowa [Mr. MILLER], the Senator from Kentucky [Mr. MORTON], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

The yeas and nays resulted—yeas 66, nays 0, as follows:

[Ex. 2]

YEAS—66

Bartlett	Hickenlooper	Metcalf
Boggs	Hickey	Monroney
Bush	Hill	Morse
Byrd, Va.	Holland	Mundt
Byrd, W. Va.	Hruska	Muskie
Carlson	Humphrey	Pastore
Carroll	Jackson	Pell
Case, N.J.	Javits	Prouty
Case, S. Dak.	Johnston	Proxmire
Church	Jordan	Randolph
Cooper	Keating	Russell
Curtis	Kefauver	Saltonstall
Dirksen	Kerr	Smith, Maine
Douglas	Kuchel	Sparkman
Dworshak	Lausche	Stennis
Ellender	Long, Hawaii	Symington
Engle	Long, La.	Thurmond
Ervin	Magnuson	Wiley
Goldwater	Mansfield	Williams, N.J.
Gore	McClellan	Williams, Del.
Hart	McGee	Yarborough
Hayden	McNamara	Young, N. Dak.

NAYS—0

NOT VOTING—34

Aiken	Clark	Moss
Allott	Cotton	Neuberger
Anderson	Dodd	Robertson
Beall	Eastland	Schoeppel
Bennett	Fong	Scott
Bible	Fulbright	Smathers
Bridges	Gruening	Smith, Mass.
Burdick	Hartke	Talmadge
Butler	Long, Mo.	Tower
Cannon	McCarthy	Young, Ohio
Capehart	Miller	
Chavez	Morton	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Without objection, the President will be immediately notified that the Senate has advised and consented to the two treaties.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will return to the legislative session.

The Senate resumed consideration of legislative business.

ORDER OF BUSINESS—SUPPLEMENTAL APPROPRIATIONS, 1962

Mr. MANSFIELD. Mr. President, for the information of the Senate, I do not intend to make any more unanimous-consent requests that the supplemental appropriation bill be called up. We will take it up in the regular order of business, and, under the rule requiring a layover for 3 days, it will be taken up tomorrow.

ORDER FOR RECESS TO 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 9 o'clock tomorrow morning.

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

AMENDMENT OF SECTION 510 OF MERCHANT MARINE ACT, RELATING TO TRADE-IN OF OBSOLETE VESSELS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1728) to amend section 510 of the Merchant Marine Act, 1936, to provide for the trade-in of obsolete vessels in connection with the construction of new vessels, either at the time of executing the construction contract or at the time of delivery of the new vessel, which was, on page 2, line 7, after "vessel" insert "or".

Mr. BARTLETT. Mr. President, I move that the Senate agree to the amendment of the House, which corrects a clerical error.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the House of Representatives to S. 1728.

The amendment was agreed to.

STOCK DISTRIBUTION TREATED AS RETURN OF CAPITAL

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, H.R. 8847.

The Senate resumed the consideration of the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution.

SUPPLEMENTAL APPROPRIATIONS, 1962

Mr. SYMINGTON. Mr. President, in connection with the supplemental appropriation bill, H.R. 9169——

Mr. MORSE. Mr. President, will the Senator from Missouri yield to me, before he makes his announcement?

Mr. SYMINGTON. I yield.

Mr. MORSE. Mr. President, I would like to have the attention of the majority leader. I think we need to give great heed to what the Senator from Missouri is about to call to our attention. There is apparently legislation on an appropriation bill of a very serious nature which, so far as the space program is concerned, removes all civil service requirements and gives a space organization discretionary authority to pay any salary it wants to, up to $18,500, to its employees. The Senator from Missouri can speak for himself, but if that is correct, we are headed for trouble in regard to the supplemental appropriation bill.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I must confess ignorance of what the Senator is talking about, because I have received no information with regard to it.

Mr. MORSE. I did not know about it until 3 minutes ago, but the Senator from Missouri is about to make a statement on the matter.

Mr. SYMINGTON. I thank the Senator from Oregon, who, as usual, is most perceptive in his comments. What worries me is that when we consider the bill in its component parts, we see, on page 13, under the heading, "National Aeronautics and Space Council, Salaries and Expenses," it provides:

> Not to exceed $25,000 for travel expenses, $225,000: *Provided,* That hereafter employees—

That is, all employees—

> of the Council may be appointed and compensated under section 201(f) of the National Aeronautics and Space Act of 1958, without regard to the civil service laws and the Classification Act of 1949, as amended.

I called up the Director of the NASA, Mr. James Webb, and discussed this with him. He told me that nobody has taken it up with him.

Inasmuch as the majority leader has announced plans to bring the bill up tomorrow, and inasmuch as it is not possible for me to be here tomorrow, and inasmuch as the Parliamentarian tells me it is legislation on an appropriation bill, I hope a point of order will be made.

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

Mr. SYMINGTON. I yield.

Mr. MANSFIELD. In view of the question raised, may I suggest that the Senator send an amendment to the desk, so it can be brought up tomorrow and so his contention may be given every consideration?

Mr. SYMINGTON. I hope it can be brought up Wednesday. I shall be back then. If it can be brought up on Wednesday, it can be discussed fully.

Mr. MANSFIELD. Mr. President, I should like to agree with the Senator, but I think that under the rules we are entitled to consider the bill tomorrow. We have tried to do so for 2 or 3 days. We have had some difficulties. I am sure the Senator from Missouri understands.

Mr. SYMINGTON. Mr. President, I shall not stand in the way of the able majority leader, but I point out to the Senate that this language is clearly legislation; and it is legislation on an appropriation bill. I hope that some Senator will make a point of order.

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

Mr. SYMINGTON. I yield.

Mr. MANSFIELD. I ask unanimous consent that it be considered that the

point of order has been raised by the Senator from Missouri, so that we can face up to that particular problem tomorrow when the bill is before the Senate.

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

Mr. SYMINGTON. I yield.

Mr. MORSE. I should like to have the attention of the majority leader. I am as much in the dark as is the majority leader. I have had this explained to me by the Senator from Missouri. I believe the Senator from Missouri is correct; I understand he has received a ruling from the Parliamentarian that the language is subject to a point of order, and as I have told the Senator from Missouri, I will raise the point of order. If this has all of the connotations which the Senator has explained, it must be corrected. We have to adopt an amendment. I think now is the time to work it out.

I should like to have the majority leader know that I shall cooperate with him in any way I can to get this worked out, but if the language will have the effect the Senator from Missouri says it will have, of giving to the National Aeronautics and Space Council carte blanche authority for removal of requirements under the civil service laws, we cannot possibly justify that. It must be stopped, if we can stop it.

In behalf of the Senator from Missouri I shall offer tomorrow any amendment the Senator from Missouri can work out.

Mr. MANSFIELD. Will the Senator from Missouri yield for a ruling on the unanimous-consent request?

The PRESIDING OFFICER. The Senator can make a unanimous-consent request, even though the bill is not before the Senate.

Mr. MANSFIELD. I make that unanimous-consent request for the Senator from Missouri.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MANSFIELD. I assure the Senator that the Senator from Oregon and I, among others, will look out for his interest in the problem.

Mr. SYMINGTON. Mr. President, I am grateful. I spoke to the distinguished chairman of the Aeronautical and Space Sciences Committee, with whom I have the honor to serve. We have already allowed four people in the high grades for the National Aeronautics and Space Council. Now not only do they ask for more people, but also they ask that all the people working for the National Aeronautics and Space Council be exempted from civil service.

I hope this will be worked out in my absence from the Senate tomorrow.

The PRESIDING OFFICER. Is there objection to the unanimous consent request made by the Senator from Montana?

Mr. RUSSELL. Mr. President, may the unanimous-consent request be stated?

The PRESIDING OFFICER. As the Chair understands, the Senator from Montana asked unanimous consent that when the supplemental appropriation bill for 1962 is before the Senate tomorrow a point of order, entered by the Senator from Missouri, can be made in his absence.

Mr. RUSSELL. Does that relate to the language on page 13?

Mr. SYMINGTON. At the bottom of page 13 and the top of page 14.

Mr. RUSSELL. The language is very clearly legislation on an appropriation bill.

Mr. SYMINGTON. I thank the distinguished Senator.

Mr. JOHNSTON. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina reserves the right to object.

Mr. JOHNSTON. I should like to invite the Senate's attention to the fact that at the meeting of the conferees of the House and the Senate with respect to the people who should be given supergrades and paid in larger amounts, it was brought out that hereafter we would not allow any other bills to carry other supergrade positions. If we do that, there is no use having the Committees on Post Office and Civil Service of the House and Senate consider matters pertaining to the civil service.

I invite attention to the fact that the Senator from Kansas [Mr. CARLSON] and I are taking the same position the Senator from Missouri has taken.

I observe that other members of the Committee on Post Office and Civil Service are on the floor. Much as we might wish to do something to help out this agency at this time, I think it would be a dangerous precedent to set.

Mr. HOLLAND. Mr. President, what is the unanimous consent request?

The PRESIDING OFFICER. The Chair understands the unanimous consent request by the Senator from Montana to be that when the supplemental appropriation bill for 1962 is considered by the Senate, a point of order against the language described by the Senator from Missouri may be entered.

Mr. HOLLAND. Mr. President, of course a point of order may be entered. That does not require unanimous consent.

The PRESIDING OFFICER. The point of order would be entered now, because the Senator from Missouri has said he will be unable to be present tomorrow.

Mr. HOLLAND. Mr. President, I object. I do not believe we have any right to set a precedent to make points of order long before measures come before the Senate. I am perfectly willing for the point of order to be raised tomorrow. I might make it myself, if I believe the language included is offensive. To make in advance a point of this kind is simply not proper.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. Objection is heard.

Mr. MORSE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Objection has already been heard.

Mr. MORSE. Then I ask for the floor in my own right.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

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

Mr. MORSE. I yield to the minority leader.

Mr. DIRKSEN. Mr. President, the Senator from Missouri is entitled to his day in court on this problem. He has followed it pretty closely. Other Senators from time to time are unavoidably absent. I do not believe the suggestion made by the majority leader, to consider the point of order entered now, would constitute a dangerous precedent, but I assure the Senate and I assure the Senator from Missouri that I shall be present, if no other Senator is, and I shall make the point of order for him.

Mr. HOLLAND. Mr. President, I would have been happy to give such assurance to the Senator from Missouri myself, but I do not think it is sound, when a Senator is going to be away necessarily, a day ahead, 2 days ahead, a week ahead, or any period of time ahead of the date when a bill is to be before the Senate, to give unanimous consent that the point be taken up at that time.

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

Mr. MORSE. I yield.

Mr. MANSFIELD. The Senator from Florida has a point. The Senator knows better than I, because he has been in the Senate so many years longer than I, that under unanimous consent practically any kind of a request can be made by a Senator and, if agreed to, can be laid before the Senate.

In this respect the point of the Senator from Missouri is well taken. I think the right to make the point is well protected by those who accord with what he has stated this afternoon. While perhaps the request may have been inadvised, it was certainly not outside the rules of the Senate.

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

Mr. MORSE. I yield.

Mr. HOLLAND. I certainly recognize the fact that any request made by our distinguished majority leader——

Mr. MANSFIELD. Or by any Senator.

Mr. HOLLAND. By any Senator, is entitled to respect. I certainly respect the distinguished Senator from Montana, as I think he knows full well. My conduct has so shown.

I do not know what is the subject matter to which the Senator from Missouri objects. What I object to is, on principle, setting a precedent that a Senator, no matter how conscientious or how dedicated, can ask unanimous consent, when a dozen and a half Senators are present, as they are now, or when three Senators are present, as frequently is the case, for a point of order to be made later, tomorrow, a week from now, or 2 weeks from now. I think that is a practice we ought not follow. For that reason I objected.

Mr. MORSE. Mr. President, I shall be brief.

I wish to say that when I find myself on the side supported by the Senator from Georgia [Mr. RUSSELL] in respect to any subject involving parliamentary rulings, I have no fear about being correct. The Senator from Georgia has

made clear that the point raised by the Senator from Missouri is a correct point, that the part of the bill to which he objects is legislation on an appropriation bill.

I have been briefed by the Senator from Missouri. He has already made his case. I shall raise the point of order tomorrow. I thought if we could agree on this it would not hold up consideration of a very important bill, the supplemental appropriation bill for 1962.

I should like to have the RECORD show, as the Senator from Missouri leaves to catch his plane, that the Senator from Missouri has announced that he is a member of the committee, that so far as he knows this subject was never taken up within the committee; and that he did not know the broad power sought to be given to this Aeronautics and Space Council was to be asked for. The Senator pointed out he has called Mr. Webb. Mr. Webb informed him he likewise had no knowledge or notification that any such broad request was to be made in the proposed legislation.

It is very simple, therefore. We should strike it tomorrow. That is all there is to it. I shall raise a point of order. It would require a two-thirds vote to overcome my objection.

I am sure that the Senate will not overcome my objection, so the Senator from Missouri can go on his merry way.

Mr. SYMINGTON. I wish to thank the senior Senator from Oregon for his graciousness, courtesy, and fine contribution to the handling of this problem.

MILK SANITATION CODE

Mr. JAVITS. On September 20, Senator PROXMIRE spoke again on the matter of national milk sanitation legislation.

Little purpose is served by continuing at this time a debate and exchange of views on this matter, however important it is to the dairy interests of New York, Wisconsin and other great dairy States. There is legislation pending in both bodies to provide for national sanitation standards, and the merits and demerits of this legislation will, of course, be fully considered in committee and thereafter by the entire membership of both bodies.

Accordingly, in reply to Senator PROXMIRE, I wish to say at this time that as a New York Senator I do not question the U.S. Public Health Service Milk Sanitation Code; I cannot say at this time, nor can anyone, what the effect of a national law would be on local producers; and I stand now, as I always have, for the freest possible interstate commerce.

My position with respect to proposed national milk sanitation laws is not negative. Rather it is affirmative, based on pride in our New York dairy industry and in our New York sanitation standards. Where health and zealous protection of milk consumers is involved, I shall insist on maximum standards and maximum enforcement. We have these maximum standards in New York, and until I can be satisfied that quality and safety will not be jeopardized at all, I shall continue to urge caution and utmost deliberation of this matter by the Congress before forsaking New York's maximum standards which have been of such benefit to the people of my State.

Mr. KEATING. Will my distinguished dairy colleague yield to me?

Mr. JAVITS. I yield.

Mr. KEATING. I wish to commend my colleague from New York for his treatment of the subject. At the present time I am trying to develop some further material in answer to our distinguished friend from Wisconsin. In particular, I am interested in the specific problems presented by the legislation which is offered by the Senator from Wisconsin. For example, I question the requirement that milk be inspected in the Midwest rather than where it is consumed.

There is also a very serious question regarding the Senator's allegation that the standards set by the proposed legislation are as high as the standards for milk set by New York State and its municipalities, as stated by the senior Senator from New York.

We are, of course, interested in protecting to the fullest the health of the residents of New York State. On Saturday I sent a telegram to the director of the division of milk control in the New York State Department of Agriculture asking for some more detailed information on the subject. I believe in a day or two I shall be prepared to explore the subject in greater detail, at which time I shall, of course, advise our distinguished friend from Wisconsin, as well as the senior Senator from New York. I thank him for yielding to me.

Mr. JAVITS. May I say to my dairy colleague from Rochester that it is a tradition in New York to have an upstate and a downstate Senator. The milk is produced upstate; we drink it in New York City. Hence we both have a burning interest in the subject. Representing the State, I have a very deep interest in the fact that our State milk producers shall have their just due, as well as that our consumers shall benefit by the best in milk and the best price. I welcome my colleague's participation in this discussion, and the expertise which he can bring to it from his long experience in upstate New York. I assure the milk producers of our State that I have very deep cognizance of the responsibility of representing a whole State, and hence my deep interest in the subject, and my effort to join with my colleague from upstate New York in doing what we should do as New York State Senators about the problem.

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

Mr. JAVITS. I yield.

Mr. KEATING. I do not want to be outdone in my interest in those who drink milk, because we drink a great deal of it in upstate New York, too. I am interested, as I pointed out, in the health of all citizens of New York. I am happy that my colleague brought out that point.

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

Mr. JAVITS. I yield.

Mr. PROXMIRE. As the junior Senator from Wisconsin, I welcome the debate and the argument of the senior and junior Senators from New York on this issue of such vital importance to dairy farmers in both States. The senior Senator from New York would be interested to know that his speech and the speech of the junior Senator from New York were carried in some detail in the Madison, Wis., Capital Times in Madison, Wis. They have been reported objectively and fully. The people in Wisconsin are very interested in the point of view expressed by New York Senators because the congressional resolution of the problem is so crucial to the welfare of the Wisconsin dairy economy.

I think the more intelligence and interest we can focus on it the better. I am hopeful if not confident that both Senators from New York will agree, after scrutiny, that the proposed legislation will very likely not only benefit the consumers of the great State of New York, our biggest State with the largest number of consumers, but, in my judgment, will benefit the dairy farmers of New York. There is good reason for that belief.

But I think as time goes on, that benefits will become clearer and clearer to the people of New York State. I thank the Senator from New York. His usual very great intelligence and understanding, not only on this issue but all others, serves an invaluable purpose in enlightening this problem as it does so frequently in the Senate with so many others.

Mr. JAVITS. I am grateful to the distinguished Senator from Wisconsin. My colleague [Mr. KEATING] and I have never said we are closed minded on this question, and that it is absolutely out of the question to have a national code or anything like that. We have only said, presumptively, what we have been doing has worked out very satisfactorily for our consumers. As we go along in respect to the proposed legislation which the Senator from Wisconsin feels the country needs, we have a remarkably able department of agriculture and markets in the State of New York. Governor Rockefeller has, as my colleague I think knows, a very great interest and experience in this field. I can assure Senators for myself and I think for my colleague, who I believe has stated the same point, that we will proceed at every stage on this question in an effort to be deeply grounded in the facts and the merits. There is no parochial thinking in New York. I think we have demonstrated that in a thousand battles here on the floor of the Senate. I think the Senator and his constituents may feel, in all justice to us, that, as we look at this question, we will look at it with an open mind.

I will at least do my utmost, and I believe my collegaue [Mr. KEATING] feels the same way, to get the concentrated judgment of all our authorities on the question, as well as ourselves, in order to come to the best point of view. I think we have said, and I think in all fairness and justice that as we stand now, we have pretty high standards. We do not want to see them compromised.

We think the burden of proof is on those who would give us a new set of

standards. I think that has been the totality of my own position. I thank the Senator from Wisconsin.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Mississippi without losing my right to the floor, and that I may resume immediately thereafter.

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

FARMERS HOME ADMINISTRATION

Mr. STENNIS. Mr. President, I am pleased to have this opportunity to bring to the attention of the Senate an account of some of the fruitful activities of one of the splendid programs of the U.S. Department of Agriculture and the benefits it has provided the people of Mississippi. I have in mind the Farmers Home Administration.

This program has been soundly and effectively administered in Mississippi under the able and dedicated leadership of State Director T. B. Fatherree and his excellent staff. Mr. Fatherree and his fellow workers have demonstrated deep personal interest in the problems of the people on our farms and have worked tirelessly to be of genuine help. Their accomplishments entitle them to commendation in full measure.

Not only has this agency furnished credit to farmers who could not obtain conventional credit, but it has tackled one of the greatest problems which faces us today, the migration of our farmers to urban areas and our young people to other parts of the country away from homes where they were reared and educated.

This outstanding agency of government is engaged in one of the great programs for helping young people get the proper financing they need to become established on family-size farms. It offers opportunities for farmowners to develop their farms into efficient farm management units. It aids them to make the best possible use of the available resources by developing their lands and acquiring dwellings and essential farm service buildings. It helps those with backgrounds of 4–H Club and Future Farmers of America work to buy and develop farms of their own and to become homeowners.

Let me direct your attention to what has happened to agriculture in Mississippi during the past decade: First, the number of farms has declined 45 percent to a low of 138,142 farms compared to 251,383 farms in 1950; second, the average size of the farms has increased by 64 percent; third, the average value of a farm is now $12,922—or three times the average value in 1950; fourth, large-scale farming, both in acreage and production, has made rapid gains; fifth, almost all of the decline has come in the small-size, small-production units; sixth, the average age of farm operators is 51.2 years—of 5 years older than in 1950; and seventh, our young farmers are leaving the farms, seeking employment in urban areas.

In order to correct some of the deficiencies reflected by these changes in the agricultural situation, the Farmers Home Administration carries on a broad program of services. These services include supplemental credit for the purchase, enlargement, and development of farms, the conservation of soil and water resources, credit for small watershed districts, rural housing, operating loans, and emergency assistance. Recently the responsibility of coordinating the technical services of the USDA in the rural areas development program has also been assigned to the Farmers Home Administration.

Under the new Agricultural Act adopted at this session of Congress the Farmers Home Administration credit services have been expanded and improved and its program has been liberalized to the great benefit of our farm people, the farm States, and the Nation.

The following is a brief and helpful summary of several of the improvements made in Farmers Home Administration's program by the Agricultural Act of 1961.

First. Operating loans for equipment, livestock, feed, seed, fertilizer, and similar items can now be made in amounts up to $35,000. The previous limit was $20,000.

This increase in the operating loan limits will enable the agency to more adequately serve the credit needs of family farmers. The technical revolution has greatly increased the amount of capital farmers have to invest in their operations. Many young farmers who are just getting started, and established farmers who need to make major adjustments in their operations will benefit from the modernizing of this credit regulation.

Second. Loans to buy and enlarge farms may now be made on any family farm if the total indebtedness on the farm is not more than $60,000 when the loan is closed.

Previously these loans had been limited to farms whose value was no greater than that of the average family farm in the county. The broadening of the authority to make farm purchase and enlargement loans will also help young farmers, as well as others. In the past many young farmers were unable to obtain a loan to buy their family farm simply because the farm was worth more than the average family farm in the county in which it is located.

Third. Loans may now be made to farmers with off-farm income to buy and enlarge small farms. Previously such loans could be made only on farms large enough to support a family without the aid of off-farm income.

All of the provisions of the new law to the extent that they make the program more flexible and enable the Farmers Home Administration to serve the credit needs of family farmers who were previously ineligible, will increase the effectiveness of supervised credit in rural areas development. One new provision that should prove especially useful in growing communities, is the authority to buy and enlarge small farms. There are many instances where young farmers who have off-farm employment to supplement their farm income can use such loans to gradually acquire the land resources they need for successful farming.

Fourth. Small loans for farm real estate improvement can now be made without taking a mortgage on the farm.

Fifth. The authority to make real estate loans solely for refinancing has been placed on a permanent basis.

Sixth. Insured loans for the enlargement, improvement, and purchase of farms may now be made up to the normal value of the farm. Previously these loans were limited to 90 percent of the farm's normal value. In addition the ceiling on the amount of interest investors in insured loans may receive has been increased from 4 to 4½ percent and the minimum length of time that investors may hold insured notes has now been reduced from 5 to 3 years.

The authority to allow the lender one-half of 1 percent more interest and shorten the length of time he holds the note will increase the volume of real estate credit available to farmers. The flexibility thus introduced permits adjusting the return as money market conditions warrant. At the present time these loans pay 4 percent to the lender and must be held for 5 years. This will in no way affect the rate the farmer-borrower pays—it will remain at 5 percent.

Seventh. Loans to groups of farmers for the development of rural community water systems, irrigation and drainage systems now have a ceiling of $500,000 when made from appropriated funds and $1 million when insured loan funds are used. The previous limit was $250,000 on both direct and insured loans.

The expansion in the maximum size of association loans for domestic and irrigation water systems will cut the cost per association member and permit service to groups whose efficient operation required investments exceeding the previous ceiling.

Eighth. Rural community water systems loans may now be made to associations serving farmers and rural residents without the prior restriction that farmers be the main users of the water supply system.

Ninth. Emergency loans can now be made to farmers who need credit as the result of a natural disaster in areas where the disaster—such as a flash flood—was not widespread enough to warrant an emergency area designation.

The farm ownership phase of this program in Mississippi provides an interesting account of some of the effective work of this agency. From its beginning in 1938—passage of the Bankhead-Jones Farm Tenant Act—through March 31, 1961, the agency made 7,400 farm ownership loans to farmers for purchase, development, and enlargement of farms, for a total of $48,735,591. These loans were made to tenants, sharecroppers, owners of less than family-type farms, returning veterans, and young farmers. During fiscal year 1961 alone, 195 farm-ownership loans were made, totaling $1,831,667, with 53 loans totaling $426,887 being made from funds advanced by private capital, such as banks in the State, with the loans fully insured by the Government.

Soil and water conservation loans in Mississippi to farmers to help conserve

soil and water resources and to combat the great erosion problems in the State were made to 467 individuals from September 17, 1954, through January 1, 1961, totaling $1,739,460.

In cooperation with the Soil Conservation Service, the Farmers Home Administration makes watershed loans under the Watershed Protection and Flood Prevention Act, Public Law 566. The agency has approved loans of this type to Ellison Creek Watershed Drainage District in Yazoo County in the amount of $37,000; to Ascalmore Drainage District No. 1 in Tallahatchie County in the amount of $70,000; and to Indian Creek Drainage District No. 1 in Quitman County in the amount of $100,000, making a total of $207,000. Such loans are made to farmer groups organized under State statutes to carry out plans for the protection and development of land and water resources in small watersheds. There are approximately 32 such loans in process in the State in various stages of development.

The rural housing program in Mississippi is doing a great deal to retard the migration from farms. It has helped farmowner families to acquire new housing and to modernize and repair existing housing and farm service buildings, to acquire satisfactory and adequate water facilities, and have all modern living conveniences which make farm life more attractive and more appealing.

It has been said that one-fifth of the occupied housing in rural America is so dilapidated that it must be repaired. The rural housing program means a great deal to Mississippi. Through December 31, 1960, 3,602 loans had been made to deserving Mississippi farmers for a total of $19,382,695. Although the loans are made with a repayment period up to 33 years, out of the 3,602 loans made, 688 families have already repaid them in full. There has never been a loss in Mississippi—not even a foreclosure of the mortgage held on such a farm. This is an outstanding record.

The operating loan program is a most important function of the agency. Its basic objective is to enable farmers to carry on a successful system of farming, to make efficient use of their land, labor, and other resources, to make needed improvements in their living conditions and economic situations, and to qualify for credit from private or cooperative sources within a reasonable time. The primary emphasis of this program is to assist family operators who will be making significant adjustments and improvements in their farm and home operations. This objective is accomplished through extension of credit and supervisory assistance.

Loans are made to carry out plans developed with the borrower. More resources are required each year for farmers to be successful. In 1951, in Mississippi, 57.7 percent of all initial operating loan funds were used to purchase capital goods, while in 1959, 84.5 percent of initial loan funds were used to purchase capital goods and provide borrowers with adequate resources. The family farm will probably continue to increase in size with requirements of larger outlays of capital for livestock and improved farm machinery. Recent legislation will enable the agency to help farmers keep up with the changes and will provide a more stable agricultural economy for the State and Nation. Since November 1, 1946, when the agency was established, the Farmers Home Administration has made 71,530 operating loans to individuals in Mississippi in the amount of $65,011,128.

As I have traveled through my State, I have met many families who have told me of the wonderful help they have received through the Farmers Home Administration. In many instances, they feel that, otherwise, they would not have had the opportunity to become home and farm owners. Many of my friends who represent conventional sources of credit—banks, insurance companies, production credit associations, and the Federal land bank—tell me that the Farmers Home Administration is not competitive with their business. On the contrary, many of these families, through the assistance and advice of the Farmers Home Administration, are guided back into sound financial programs and eventually return to conventional credit sources.

As important as the loan activities of this agency are, the program in other very important ways is helping solve financial problems of the farmers of our State. These helps include credit counseling; bringing new and recommended practices to farmers seeking help; providing information recommended by experiment stations, Extension Service, and the Soil Conservation Service; planning and diversification of farms which previously have been built around one-crop systems; modernization of rural homes and the resulting interest of families in their homes and land; encouraging in young Americans a love for the land and a pride of ownership and a pride in living on the farm. These are vital concepts of citizenship in Mississippi and over the Nation. They are stimulated and emphasized by programs administered by the Farmers Home Administration.

When the Farmers Home Administration program was activated in Mississippi in 1947, a staff of 338 individuals was employed to administer the program. Despite the addition of the farm housing program and the greatly increased volume of both the farmownership and operating loan programs, the staff has now been reduced to 218. This 35-percent reduction in the number of employees has been made possible through the skill and the ability of the Farmers Home Administration personnel in Mississippi, a staff of employees who are dedicated to a program which has done so much to improve the living standards and the economic well-being of thousands of their fellow Mississippians.

FISH FLOUR

Mr. PELL. Mr. President, I should like to have printed into the RECORD a statement by my colleague, the Senator from Massachusetts [Mr. SMITH] on the subject of fish flour.

I concur fully with Senator SMITH. Statements by scientists from all parts of the world this week at the FAO Fish in Nutrition Conference at the State Department have shown the almost limitless role that fish can play in reducing the nutrition deficiencies that exist among millions of people in every part of the globe. And fish flour may well serve as a major weapon in this battle against hunger and malnutrition.

In this connection I should also like to insert after Senator SMITH's remarks and insertion an article which appeared in the August 21 issue of the Christian Science Monitor. It presents a very good picture of the fight against hunger, I believe, and of the enormous potential to win it which exists in our untapped seas.

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

STATEMENT BY SENATOR SMITH OF MASSACHUSETTS

An International Conference on Fish in Nutrition is meeting this week in Washington. Scientists from all over the world have gathered at the State Department under the auspices of the Food and Agricultural Organization of the United Nations to discuss the problem of supplying the millions of undernourished people of the world with food from the relatively unexplored and untapped supplies of the seas. The answer to this problem which they increasingly advocate is a relatively new and inexpensive product called fish flour.

The vastness of the problem which these men face can be stated quite simply. Nutritionists from the FAO, the World Health Organization, and other international agencies, have estimated that two-thirds of the present world population receive an inadequate daily diet. And this population, now slightly under 3 billion persons, is expected to double within 50 years to 6 billion persons.

How will you feed 6 billion people in 2011 when you can't supply more than 1 billion persons with adequate supplies of food in 1961? This is the question they—and we—face.

The answer to this may well lie in the seas. They cover three-fourths of the globe yet provide less than one-twentieth of the food consumed in the world today. They contain the world's last natural, self-multiplying source of animal protein—fish. And the fish product which may well hold the key to good health for millions of people on this planet in the coming decades is fish flour.

Secretary of the Interior Udall made a clear and concise case for the merits of fish flour in his opening remarks to the Conference when he said:

"I foresee that this protein supplement will someday enjoy widespread acceptance and usage. Such a product, whose marketability is independent of the species of fish from which it was derived, and which is inexpensive, versatile in use, resistent to spoilage and highly nutritious is, in my estimation, the basic fishery product of the future."

Fortunately, the United States has been one of the leading countries to develop a commercial manufacturing method for this product, which is made from ground, whole fish. This has been done in New Bedford, Mass., by the VioBin Corp., whose headquarters are in Monticello, Ill. The president of VioBin, Mr. Ezra Levin, has been a leading and tireless backer of fish flour.

Congress has also taken a strong interest in it, and this year approved an appropriation of $50,000 for a study of manufacturing methods of fish flour. This study will be conducted by Dr. E. R. Pariser, formerly of

the staff of the Massachusetts Institute of Technology but currently employed by the Bureau of Commercial Fisheries at their College Park Laboratory in Maryland.

He has summarized in a paper to be given before the Conference the progress made to date in the United States and I submit for printing in the RECORD a summary of the paper.

I also hope that this paper and the others on this subject being presented to the Conference will come to the attention of the Food and Drug Administration. The FDA has in its hands a crucial decision involving the use of this product in the United States. I hope that they will see fit to make this decision on the basis of scientific information such as that represented in these papers and not on arbitary grounds. We who believe in the future of this product expect objective, good judgment, and a judicial attitude. This product is important to our fishing industry and even more important to our foreign policy, as Mr. George McGovern and Mr. James Symington of our food-for-peace program have recognized.

It needs the enlightened support of Government officials and of the public. I hope both are now at hand.

FISH FLOUR—TECHNOLOGICAL DEVELOPMENTS IN THE UNITED STATES

(By E. R. Pariser, Bureau of Commercial Fisheries, Technological Laboratory, College Park, Md., delivered at the FAO International Conference on Fish in Nutrition, Washington, D.C., September 22, 1961)

ABSTRACT

During the last 20 or 25 years, processes for the manufacture of fish protein concentrate (fish flour) for human consumption were developed in different countries, and showed that it was possible to produce, at low cost, a concentrate of high nutritive value and long shelf life. Many hundred tons of fish flour have been produced and consumed in Germany, Sweden, Morocco, and South Africa, but it was only in the last 10 years that, thanks to the untiring efforts of international agencies of the United Nations, fish flour has received the attention it deserves as a weapon in the universal fight against hunger.

PAST U.S. CONTRIBUTIONS

The United States has contributed significantly to the development of fish protein concentrate (FPC), both by collaborating closely with other nations within the United Nations, and by independent effort.

1. Development of new processing methods

(a) The most outstanding independent contribution of this country until today has been the development, by the VioBin Corp. of Monticello, Ill., of a process of azeotropic dehydration and extraction of lipids from comminuted fish. This process was initiated 5 or 6 years ago and is today beyond the pilot-plant stage: equipment is in operation, capable of converting large volumes of fresh fish into a FPC; some of this product has already found a market.

In contrast to almost all the other processing methods that have been developed in this country, the engineering aspects of the VioBin process are well documented, and a number of scientific investigators of repute have published their findings as to the nutritive value of the finished product.

(b) The General Foods Corp. Research Center at Tarrytown, N.Y., has developed a method for the production of two types of protein concentrate from fish, one water-soluble, and the other water-insoluble. Little is known, however, about the technical details of manufacture or the nutritional characteristics of the end products.

(c) Lever Brothers of New York were granted a U.S. patent for the treatment of proteinaceous material under conditions of specific pH. The inventors claim that it is thus possible to produce an entirely odorless and tasteless FPC. No more information than this patent is at the moment available.

(d) Other processing methods developed in this country include vacuum dehydration at low temperature of fresh fish with the help of a heat transfer medium (Carver-Greenfield) and various other methods of extraction.

(e) We understand that both the menhaden and tunafish industries are conducting comprehensive research projects with the view of developing methods for the manufacture of FPC.

FUTURE U.S. CONTRIBUTIONS

The Bureau of Commercial Fisheries of the Department of the Interior has recently initiated a large-scale program of investigation which, it is hoped, will further help in the development of this important food product. The program will attempt to collect all available information regarding the manufacture of FPC and on the basis of these findings to design one or several processes capable of producing a fully satisfactory product.

EVALUATION OF THE NUTRITIVE VALUE OF FPC

(a) Allison, Scrimshaw, Harper, Huntley and many other eminent American scientists have greatly contributed to the fish flour project by studying the nutritive values of both fish meal and FPC of different origins. These studies have been published and are well known. An intensive study of the nutritional values of fish flours manufactured on a pilot plant scale was recently conducted by Caroline H. Kurtzman at the University of Maryland.

(b) In 1957, UNICEF, in consultation with FAO, arranged for an investigation to be carried out by the Department of Food Technology of the Massachusetts Institute of Technology. The purpose of this study was to assess the effects of processing variables upon the composition, protein quality and organoleptic characteristics of the final FPC. In the course of this investigation, the following processing methods were studied: Vacuum drying of the comminuted fish suspended in oil; azeotropic dehydration and extraction of moisture directly with 95 percent ethanol. Studies on the defatting and deodorizing of dehydrated fish products included investigations into the relative solvencies of fish extractables in 95 percent ethanol and commercial hexane. The effect of process variables on the quality of the final product was investigated by carefully preparing experimental FPC samples according to five selected processing methods. The samples were then subjected to chemical, biological, and organoleptic tests.

Examination of information available in this country and elsewhere on FPC manufacture clearly points to the fact that a great deal of work must urgently be done to insure that, under different local conditions, a cheap product of an unvariably high nutritive value can be produced from different species of fish. It is for this reason that the Bureau of Commercial Fisheries of the U.S. Department of the Interior has recently initiated a program of investigation which, it is hoped, will further help in the development of this important food product. It is planned to collect and study all available information regarding the manufacture of FPC; on the basis of these findings it will be attempted to design and fully test one or several processes that will: (a) Require low initial capitalization; (b) be economical in operation; (c) be flexible for large- and small-scale production; (d) be flexible to permit operation in those parts of the world where public utilities are limited; (e) be flexible to permit the manufacture of a product that will be accepted by people who may have varying taste preferences, cultures and taboos; (f) result in the production of a consistently uniform high-quality protein concentrate; and (g) result in the production of a product that could be cheaply shipped to distant parts, could be stored for varying periods without quality loss, and that could easily be incorporated into the local diets of undernourished people.

VIRGIN FARMLANDS OF THE SEA—CAN WE USE THEM?

Perhaps the richest unused farmland on earth is the vast bulk of the sea. Here is a source of food that experts generally agree could be greatly expanded in many parts of the world.

What is more important, it is a source of food rich in protein. Any increase in its productivity would be worth far more than an equivalent increase in the output of the protein-poor foods so many people now eat.

GREAT BOON FORESEEN

Fish even now account for something like 12 percent of the world's animal protein foods. In a country like Japan, fish accounts for only about 3 percent of the annual food calorie consumption but amounts to 74 percent of the supplies of animal protein.

What a boon to protein-hungry countries it would be if products of the sea were more freely available to them. And what an opportunity the sea presents for scientific exploitation, for, compared to the land, our use of oceanic food resources is almost unbelievably primitive.

PRESERVATION IMPORTANT

Each year, something on the order of 30 million tons of food products are taken from the sea. Except for a minor amount of fish and shellfish farming, this represents the bag of the hunter and food gatherer. Fishing today is simply preying on wild stocks.

Even fish farming is primitive. As husbandry, it is reckoned to be in roughly the same state as was agriculture in the year 1700, before the revolutionary advances of applied agricultural science.

There are few projects that could do more to raise the nutritional level of mankind than a full-scale scientific effort to develop the resources of the sea.

One of the most useful problems to tackle first would be that of finding cheap and effective means to preserve sea food on a large scale.

For the hot, protein-hungry countries that need this food most, spoilage is a mammoth problem. Fish often begin to go bad even before fishing boats can reach shore. In the market, fish rarely last more than a day. This is one of the chief reasons sea food has not played a bigger role in the diet of such countries.

Refrigeration, freezing, or even icepacking are out as general remedies. Even canning, as now practiced, is only useful as a long-term technique, for it would have to be part of a larger industrialization program.

The money that would be needed to subsidize such techniques to apply them today could be better spent developing, say, some kind of fishmeal, preserved by simple heat or chemical treatment or even by sterilizing radiations. Some countries are already experimenting along this line. Such a meal could be mixed with curries in Asia or with other native dishes depending on the region. They would contribute little to the caloric value of these dishes. But they would add needed protein and perhaps a delightful new flavor.

MORE FOOD AVAILABLE

In any event this typifies the kind of cheap, widely applicable solution that is needed to solve the preservation problem.

Beyond this is the larger question, Can men take more food from the sea itself? The answer is most certainly "Yes." No one knows exactly what is the total productivity

of the sea, but it surely is many times the annual current production of seafood.

Sometimes it is suggested that the tiny plants and animals of the plankton, which are the food source of the fishes, could be harvested directly. When one considers that many millions of tons of sea water would have to be filtered to get a few tons of plankton, it would seem more practical, in general, to let the fishes do this job for us.

Improvements in fishing will not be enough, however. It has been estimated that, even with intensified development, the productivity of the kind of fishing that is little more than hunting can only be doubled over what it is today. To increase seafood yields dramatically, men will have to become "farmers" and gamekeepers instead of being merely hunters of fish.

CONSERVATION VARIANT

It may well be that, in many parts of the sea, the most practical technique will be scientifically informed conservation, a kind of gamekeeping in which a knowledge of food fish and all that affects them will be applied to maximize the yield of what are still essentially wild species.

For example, by removing animals that compete with plaice or other bottom-living fish, it might be possible to increase the yield of these fish as much as 10 times. But this presupposes a detailed knowledge of this ocean environment so that one does not disastrously upset the balance of nature.

In coastal regions, and especially protected bays and inlets, true husbandry or "fish farming" may be possible on a large scale. It is already practiced to some extent today.

The best of "these farms" enclose marine animals, feed them, and protect them from predators. They can produce three times as much "meat" acre for acre as the richest pasture land. Yet their management, like agriculture two centuries ago, is traditional rather than scientific.

It is tempting to speculate that the yields of such "farming" could be greatly increased and its scope extended if the biology and ecology of marine life were as well known as is that of crop plants on land and if this knowledge were widely applied.

The place to start is with a census of the food resources of the sea and a study of its productivity to determine what one has to work with. It is interesting that the Seventh Conference on Science and World Affairs that brought eastern and western scientists together at Stowe, Vt., earlier this month noted such a study as one of several fields meriting a large cooperative international research effort.

TRIBUTE TO A GREAT AMERICAN—CONRAD HILTON

Mr. MORSE. Mr. President, at about the turn of the century, an American sociologist declared that the American myth or the American dream still makes some people think that any boy can become President.

Horatio Alger, it was said, glorified that myth, that dream. Well let me say, right here: It is not a dream; it is not a myth. In fact, the majority of men who have served as President of the United States have come from very modest homes. Some men took two generations to make high ranks; some did it in one.

I want today to pay tribute to a man who came from a wholesome, simple American home, and in one generation became a very wealthy man. Conrad Hilton makes me proud of my American heritage.

Conrad Hilton is not a dream, out walking. He is the real American: he is a living character from an Alger book except that he made good on his own; no rich man discovered him and helped him as the Horatio Alger heroes were helped. He made good on his own.

Born on Christmas day in a small down in New Mexico, he got his early education there and later went to the New Mexico School of Mines. Later, he went into business with his father.

When war came, he enlisted, and served with the AEF. After the war, he, like millions of others returned to his former civilian duties, as well as to his career. He shared in the work of helping New Mexico become a sovereign State. He was elected a member of the first State Legislature of New Mexico.

All this is so thoroughly, so simply all-American. What I like particularly about his record is that while he made money—plenty of money—he made it honestly, through his own careful planning and not by any irregular tactics nor by exploiting those whom he employed.

When I read recently that a new Hilton Hotel would be opened in Washington, I was delighted. It meant another fine hotel for the Nation's Capital; it meant a chance for many more men and women to find work. A $30 million dollar investment is not a dream, it is not a myth. It is the symbol of the American ideal. I want here to express my appreciation to this man.

Before I spoke here I wanted to check the facts again. His business rating is fine. So is his labor record. I had someone check with the Labor Trades Department of the AFL–CIO on his record with his employees; "100 percent OK," was the answer.

To me this is the most effective answer to the Communists. By his own efforts, in our competitive, free society this man made good. But the money he made was never "blood money." It is clean money which his employees, and the general public helped him earn.

He gives generously to church and charity; but never with a fanfare of trumpets.

Would that he would choose to return to the political arena where once he served in the State legislature. America needs men like Conrad Hilton whose modesty has prevented his story being more widely known. He is an all-American star in our American game. Would that the Communists had the chance to produce such men too.

EDUCATION—UNUSED CAPACITY FOR ADDITIONAL DOCTORAL CANDIDATES

Mr. JAVITS. Mr. President, I should like to call attention to a very important matter which relates to higher education. It is a subject which will be under considerable debate in the Senate, probably when we resume next January. It goes to that part of aid to higher education and that part of the National Defense Education Act which deals with fellowships, and relates to the real challenge with respect to what we are doing in the higher education field.

I refer to a release issued by the U.S. Department of Health, Education, and Welfare dated September 3, 1961, which for some reason or other has escaped important notice. It shows what I believe is absolutely shocking in terms of the interests of the American people in the cold war. It shows that we are giving one-half the doctoral degrees in this country that we have the capability of giving, because we have a dearth of fellowship candidates due to their inability to be financed.

When we estimate the power which the Communists have mustered in the cold war by virtue of their higher educational experience or expertise in the fields of science and engineering, this disclosure is absolutely shocking. The report states:

Estimates of additional doctoral capacity exceeded 20,000. More than half of this capacity could have been devoted to students of science and engineering had the financial backing been available, the Office of Education was told.

Many of us have contended that aid to higher education had to be a "must" in our agenda in the Senate, of equal importance with defense. Some people have rather scoffed at us, and thought we were highbrows or eggheads.

Here it is, Mr. President. Here is the finding of the official Government department in charge of the subject, which says we are wasting half of our potential in terms of our highest level of education, of our professionally trained engineers and scientists, because the eligible fellowship recipients cannot be financed. It is absolutely shocking.

I hope very much that the American people will understand what people like myself and the Senator from Oregon [Mr. MORSE] and others are talking about when we cry out against what is an unbelievable dereliction of duty to take up these measures in this Congress.

It is not our fault, I hasten to say. It has its position in the other body. I think it is tragic in terms of the American people. I hope that as Members of Congress go back home, their constituents will hear these voices in this body, and in the other body, as well, protesting against it and will do something about it, so that when their representatives come back, this very serious dereliction may be remedied.

SOVIET ECONOMIC WARFARE

Mr. JAVITS. Mr. President, I call the attention of the Senate to an editorial published in the New York Times of September 25, 1961, entitled "Soviet Economic Warfare." It demonstrates how critically important to the world is the capability of the Soviet Union to engage in economic warfare on free world markets.

This was brilliantly called to our attention the other day in the speech by the Senator from Minnesota [Mr. HUMPHREY], which I am proud to say I am going to use in print as a committee document for my own NATO Parliamentarians Economic Committee, of which I have the honor of being Chair-

man, at its impending sessions in October and November at Paris.

The editorial emphasizes the need of the free world to have organized means available for the kind of economic warfare the Committee of which I am the Chairman is dealing with. I think such an organization belongs in NATO. It is just as important for the free world's defense as is military means.

I am much fortified by this editorial and by Senator HUMPHREY'S speech, and I will do my best to forward this idea at the NATO Parliamentarians meetings which will be held in Paris shortly.

I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

[From the New York Times, Sept. 25, 1961]

SOVIET ECONOMIC WARFARE

The Soviet Union has used the world sugar conference in Geneva as a forum in which to attack the United States for allegedly harming the interests of many countries by our cancellation of Cuban sugar imports. The Soviet delegate spoke in the sanctimonious tones that would have been fitting for the representative of a nation that never engages in economic warfare for political purposes, not one with as unclean hands on this issue as are those of the U.S.S.R.

How very little Moscow is really concerned with the stability of the world market has been demonstrated time and again this past half decade. Producers and sellers of chemicals, tin and platinum, for example, still remember well the raids Soviet agencies have conducted against the world price structure for these commodities, and the heavy losses that have had to be suffered. The world petroleum market has time and again been shaken by Soviet cut-price tactics.

The Soviet Union has long since proved itself a past master in the use of economic warfare techniques to achieve political aims. In the late 1940's and again in the 1950's, for example, Yugoslavia paid heavily in economic losses for having dared to show political independence toward Moscow. Finland has had occasion to learn the hard way that Soviet orders for its goods are conditional upon Moscow's satisfaction with the political complexion and composition of the Government in Helsinki. The Israelis still nurse bitter memories of the cavalier way in which Moscow concealed its trade contracts with Israel as a means of pressure during the Suez War 5 years ago.

We cannot deny that the United States is employing economic warfare against Cuba in retaliation for the extreme economic measures Cuba has taken against the United States; and opinion is divided in this country over the wisdom of doing so. But for a Russian spokesman in Geneva or anywhere else to criticize us on this ground is rank hyprocrisy.

CABLEGRAM TO HIS EXCELLENCY NIKITA S. KHRUSHCHEV BY SENATOR HUBERT H. HUMPHREY

Mr. HUMPHREY. Mr. President, I have taken the liberty to address a cablegram this afternoon to His Excellency Nikita S. Khrushchev, Chairman of the Council of Ministers of the Union of Soviet Socialistic Republics, Moscow, U.S.S.R., which reads as follows:

To promote understanding between the people of the United States of America and the Union of Soviet Socialist Republics, I respectfully urge that you permit President Kennedy's message to the United Nations General Assembly to reach your people through press, television, radio, and motion pictures. You will recall that your appearance before the General Assembly was given the widest possible coverage in the United States and elsewhere. Such a gesture on your part will do much to promote the cause of peace and understanding.

HUBERT H. HUMPHREY,
Assistant Majority Leader, U.S. Senate.

COMMITTEE MEETING DURING SENATE SESSION—TUESDAY

On request of Mr. HUMPHREY, and by unanimous consent, the Subcommittee on Public Buildings of the Committee on Public Works was authorized to meet during the session of the Senate tomorrow.

ORDER OF BUSINESS

During the debate on H.R. 8847,

Mr. MANSFIELD. Mr. President, for the information of the Senate, I have informed Senators that there will be no further votes tonight. For the further information of the Senate, it is the intention of the leadership to bring up the supplemental appropriation bill as soon as possible after conclusion of the morning hour tomorrow, but, in the meantime, the so-called Du Pont bill will be laid down and made the pending business, and then I intend to ask unanimous consent to lay it aside to take up the supplemental appropriation bill.

Mr. CARROLL. Mr. President, I ask unanimous consent that I may propound an inquiry to the majority leader, without losing my right to the floor.

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

Mr. CARROLL. In view of the comments of the majority leader, am I to understand that a unanimous-consent request has been made that there be no votes tonight?

Mr. MANSFIELD. That is what I have been telling Members of the Senate, and they have been taking me at my word. Therefore, I thought I should make the announcement public, because I think there will be discussion on this bill—as the Senator from Illinois would say, discussion in depth.

Mr. DOUGLAS. And in breadth.

STOCK DISTRIBUTION TREATED AS RETURN OF CAPITAL

The Senate resumed the consideration of the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution.

The PRESIDING OFFICER (Mr. PELL in the chair). The bill is open to amendment.

Mr. CARROLL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CARROLL. What is the pending business?

The PRESIDING OFFICER. The so-called Du Pont bill.

Mr. CARROLL. Mr. President, I have listened with a great deal of interest to the debate on the pending bill. Although I am not a member of the Committee on Finance, I have a deep interest in the bill because it involves the antitrust statutes of this Nation. The junior Senator from Colorado is a member of the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary. It is for that reason that I have an interest in the bill.

In making any comment I certainly do not question the integrity or skill or intelligence of the Members of the Senate or the Finance Committee who may not agree with me in the position which I take on this bill. I see the able Senator from Tennessee [Mr. GORE] on the floor, and with his permission I should like to propound a series of questions. This is a very complex bill. I see on the floor also the able Senator from Delaware [Mr. WILLIAMS]. I will be happy to yield at any time, because what I seek is information. I have some information of my own which I shall present later. I should like to ask the Senator from Tennessee if I have correct information on the bill.

Mr. WILLIAMS of Delaware. Mr. President, the Senate is apparently confronted with a filibuster. I ask for the regular order. The Senator's question is not in order.

The PRESIDING OFFICER. The regular order is asked for.

Mr. CARROLL. The junior Senator from Colorado does not understand the inquiry of the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Colorado has the floor, and he may yield only for a question. Will the Senator from Colorado speak a little louder?

Mr. CARROLL. I do not understand the request of the Senator from Delaware, nor the purpose of it, nor his statement.

Mr. WILLIAMS of Delaware. I ask for the regular order.

The PRESIDING OFFICER. The regular order is asked for. The Senator from Colorado has the floor. He may yield only for a question.

Mr. CARROLL. The Senator from Colorado has hardly begun. It is a little premature on the part of the Senator from Delaware to talk about filibustering when I have been on my feet for only 2 or 3 minutes. I understand that the Senator from Delaware has more than a passing senatorial interest in the bill, coming, as he does, from the State of Delaware; so I can appreciate his apprehension about some of the remarks that the junior Senator from Colorado might make with reference to the pending bill.

Having indicated that I am not a member of this important committee, I tried to look into what I consider to be the facts. I find that Du Pont owns 23 percent of the common stock of General

Motors; that is to say, 63 million shares; that most of these shares were acquired about 40 years ago at a cost of $2.09 a share; that the stock is now worth $45 a share.

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

Mr. CARROLL. I yield for a question, with the understanding that I do not lose the floor.

Mr. DOUGLAS. While it is true that some time ago the stocks were worth $45 a share, is it not true that the closing price for those shares on Friday was $48.62?

Mr. CARROLL. I am so informed. I am happy to have the Senator from Illinois confirm that information.

Mr. DOUGLAS. Therefore, does it not follow that the increase in value of each share has amounted to $46.50?

Mr. CARROLL. I am sure that is a correct statement.

Mr. DOUGLAS. And that the value of the 63 million shares comes to a total of between $2,900 million and $3 billion?

Mr. CARROLL. I am happy to accept the estimate of the Senator from Illinois, not only because he is an able economist, but also because he is a member of the Committee on Finance, which has studied this question. I accept the Senator's estimate.

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

Mr. CARROLL. I yield for a question, provided I do not lose my right to the floor.

Mr. GORE. Did the junior Senator from Tennessee correctly understand the senior Senator from Illinois to say that this amount represented a realizable profit by the Du Pont Co. on its General Motors stockholdings of approximately $3 billion?

Mr. CARROLL. That is my information. That is according to the estimate of the Senator from Illinois.

Mr. GORE. Is the Senator from Colorado aware that the president of the Du Pont Co., Mr. Greenewalt, testified before the Committee on Finance that under present law, the Court order permitting, the divestiture ordered by the Supreme Court of the United States could be accomplished with a tax as small as $133 million?

Mr. CARROLL. That is my recollection of that testimony.

Mr. President, the history of this case is interesting. First of all, I may say to the Senator from Delaware [Mr. WILLIAMS], or to any other Senator, I have tried to consider this case as a lawyer, as a member of the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary. I have tried to determine what the courts have decided with respect to it. I have asked myself, How did the case arise?

I shall read from volume 353 of the U.S. Reports, October 1956, No. 2, page 586, the case of United States against E. I. du Pont & Co. et al. Appeal from the U.S. District Court for the Northern District of Illinois. The case was argued November 14, 1956, and decided June 3, 1957. I read from the syllabus:

This is a civil action brought by the Government in 1949 under section 15 of the Clayton Act to enjoin violations of section 7 of that act resulting from the purchase by Du Pont in 1917–19 of a 23-percent stock interest in General Motors. The essence of the charge was that, by means of the close relationship of the two companies, Du Pont had obtained an illegal preference over competitors in the sale of automotive finishes and fabrics to General Motors, thus tending to "create a monopoly" in a "line of commerce." After trial, the district court dismissed the complaint on the ground that the Government had failed to prove its case, and the Government appealed directly to this court. Held: The Government proved a violation of section 7; the judgment is reversed and the cause is remanded to the district court for a determination, after further hearing, of the equitable relief necessary and appropriate in the public interest to eliminate the effects of the stock acquisition offensive to the statute.

That happened in 1957. As I have previously said, the case arose in the U.S. District Court for the Northern District of Illinois. This is why I shall talk as a lawyer. I shall not talk about tax rates and tax differentials.

The suit was decided on June 3, 1957; but keep in mind that it was initially filed on June 30, 1949. Eight years had passed before there was a decision. Prior to June 30, 1949, there must have been a tremendous amount of work done on this case, perhaps involving several years and costing the Government of the United States thousands of dollars for investigation.

After 1949, an amendment was filed on June 28, 1952. Another amendment was filed on January 16, 1953.

After the decision of June 3, 1957, the case was returned to the district court for a determination of appropriate relief.

What happened when the case went before that court? The court began to consider, under the mandate of the Supreme Court, what it should do to give appropriate relief. It rendered a decision at that time which was taken again by the Government of the United States to the Supreme Court, and again the Supreme Court of the United States overruled the same district court. The Supreme Court again overruled the order of the same district court which has jurisdiction today. That order came in 1961. The issue is once again before that district court today.

What did the Supreme Court tell the district court to do? It told the court to advise Du Pont to begin to divest itself of its shares of General Motors stock. Those are not the precise words, but in layman's language this is what the Court ordered. In law, it is called divestiture.

Mr. GORE. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I am happy to yield for a question, so long as I do not lose my right to the floor.

Mr. GORE. Is it not true that the Supreme Court of the United States not only ordered divestiture but also remanded the case to the trial court in Chicago, with instructions to that court to hear the proposals of the Du Pont Co. on the question of implementing the Supreme Court's decision, and to hear the Government on the subject of suggested amendments thereto or substitutes therefor; and then to give precedence on the calendar of the court for the entering of an appropriate order to implement the decision of the Supreme Court?

Mr. CARROLL. That is precisely the point I wish to make today. The Supreme Court of the United States has spoken. It has said to the lower court, in effect, "The Supreme Court of the United States on May 22, 1961, has ordered a complete divestiture by Du Pont of its General Motors stock within 10 years."

This is not an involved issue. The question of determining the method and procedure of divestiture is now before the lower court, and the lower court must enter its order of divestiture; its order to Du Pont to get rid of its General Motors stock. The question is, How shall that be done? The Supreme Court said in effect to the lower court: "In 60 days, call in Du Pont, and let Du Pont prepare its concept of the order or findings and conclusions, and then let the court examine them; and within 30 days thereafter the Department of Justice will present its concept of the order."

After the proposals are presented to the lower court—and perhaps not all Senators understand this point—the lower court, which has been hearing this case since 1949, will not have to proceed under any time limitation. That is to say, on October 2, when the Federal Government submits its request, after Du Pont has submitted its request, it probably will be January, February, or perhaps March before the Court will enter its finding; and there would be no violation of the spirit and intent of the Supreme Court's order if the lower court held the matter that long.

So what is the hurry for the enactment of the measure now before us? I shall be happy to yield to the Senator from Delaware or to any of the other great experts on the Finance Committee who may desire to ask about this issue; but at this time I ask why we should interfere with the judicial process of the Federal Government.

If the Court's order becomes operative in January, February, or March, is there any reason why the Congress cannot then examine the order and ascertain whether it is equitable and fair or whether it is inequitable and unfair and might cause an economic crisis? Why is an effort now being made to interfere, by means of the legislative process, with the judicial function? This is not the first time I have seen such an effort made. Such efforts have often been made, but they should stop.

Since we operate under a Constitution which provides for separation of powers, we should observe that principle. The executive branch began this lawsuit, and the suit was heard by the judicial branch. Congress enacted the laws which established the basis for the prosecution. It is the function of the executive branch to enforce the laws—the laws under which Du Pont was brought into court. The judicial branch interpreted those laws, and said to Du Pont, "Divest yourself of this stock." But while that procedure is in process, we are called upon, by means of a bill introduced in Congress, to take action

in the closing days of the session on a controversial and complex subject. Furthermore, if I have been correctly informed, this measure skidded through the other body in about 15 minutes, at about 8 p.m., when only a few Members were present.

Perhaps not many Members of this body have had the time and the opportunity to study this complex and involved measure. But I can say to the able Senator from Tennessee that after this case was called to my attention, I spent 4 or 5 hours, one afternoon, digging through the testimony taken before the House committee and the testimony taken before the Senate committee, and reading the decisions and the history of this litigation. In view of the workload and the pressure upon us in the closing days of the session, how would it be possible for Senators to devote sufficient time and study to this question? Even though I have a special interest in it, because of my service on the Judiciary Committee, I could not devote more than 5 or 6 hours to it, in order to ascertain the issues involved.

I say it is not sound legislative procedure and it is not in the public interest to have the Senate pass this measure under existing conditions. This is a measure which deserves the serious study of all Senators: it should not be hurried into law.

Mr. GORE. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I am glad to yield for a question, provided I do not lose the floor.

Mr. GORE. Whose interest would be injured if the Senate should decline to legislate on this subject until after the Chicago court had rendered its judgment?

Mr. CARROLL. The only way we can protect the interest of everyone involved—including the public interest, and the interest and integrity of this body and those of the executive branch—is not to pass this measure at this time. Thus we can protect the rights of everyone.

Why should Members of Congress, who have been laboring for 10 months now, wish to go home, at the conclusion of this long period of work, to be subject to the charge that they had perhaps opened up a rich tax loophole, involving perhaps $130 million or perhaps $350 million? As Senators know various estimates have been made.

Mr. GORE. Is it not true that the revenue estimates made at the Senate Finance Committee hearings ranged from $133 million to $1 billion?

Mr. CARROLL. That is my recollection of the testimony. However, I do not know whether the correct estimate is $133 million or $350 million.

Mr. GORE. Who does know what the correct estimate is?

Mr. CARROLL. Exactly.

Mr. President, I have examined the hearings on this subject. The testimony shows that only Du Pont's proposal has been submitted to the Court. The Justice Department has not yet submitted its proposed amendments to the Court.

It has been reported that members of the executive branch of the Government believe this measure, if approved by the Congress would be considered by the Court as a legislative mandate. It is surprising that the executive branch has not spoken out forcefully against this amazing attempt to interfere with judicial procedure.

It is also interesting to point out that although the Supreme Court's decision did not reach its finale until May 1961, this bill has been under active consideration by both Houses of Congress for almost 2 years.

If the bill goes over until January, February, or March, I shall try to keep an open mind on this question. It is not my intention to have the stockholders or the company punished, because the Supreme Court has said this case was not one of willful violation; and it also has said that the function of section 7 of the Clayton Act is not punitive, but remedial. Under that act, the Court decreed that the Du Pont Co., must divest itself of this stock. Obviously, when there is a divestiture of 63 million shares of stock, unless it is handled intelligently, someone will be hurt. I believe there is enough intelligence among the Members of this body to enable them to see to it that a large number of innocent stockholders should not be hurt.

I must point out that of the 200,000 Du Pont shareholders—according to my information—173,000 own less than 100 shares each. That is the conclusion I have reached from the testimony. I know that Du Pont has shareholders in Colorado, and I know that General Motors has shareholders in Colorado.

I was delighted to learn the other day during the debate, the views of the able Senator from Tennessee—although it is true that the Senator from Delaware did not agree with him. However, as I recall, the Senator from Tennessee pointed out that if this measure were enacted, it would place the tax burden upon the shareholders, rather than upon the company.

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

Mr. CARROLL. I am happy to yield for a question, provided I do not lose the floor.

Mr. DOUGLAS. Is it not true that 29 percent of the stock of Du Pont is owned by the Christiana Corp., and this would be the equivalent of approximately 19 million shares of General Motors stock?

Mr. CARROLL. The Senator from Illinois raises one of the most important questions brought up in the debate, in my opinion. We must think in terms of what the Christiana Corp is. If my recollection serves me correctly—and I ask Senators not to hesitate to interrupt me if I am wrong—the Christiana Corp. is a holding company of the Du Pont family. I do not say it is entirely a family corporation, but at least large blocs of the stock of the Christiana Corp., are held by this family. I think the record will show that. Being a holding company, it owns 29 percent of the Du Pont stock. Owning 29 percent of the stock, it owns almost 20 million shares of the 63 million shares. Does the Senator from Illinois agree with me on that point?

Mr. DOUGLAS. Yes.

Mr. President, I ask unanimous consent that I may introduce and have printed in the RECORD a letter from Mr. Greenewalt, the president of the Du Pont Co. and a very honorable man, which gives the precise figures on this point.

Mr. CARROLL. I have no objection to the letter going into the RECORD at this point.

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

E. I. DU PONT DE NEMOURS & CO.,
Wilmington, Del., September 17, 1961.

The Honorable PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: As a result of your inquiry, upon returning from the Senate Finance Committee hearing of Wednesday, September 13, 1961, I directed that a study be undertaken to determine the extent of ownership of Christiana Securities Co. common stock by the Du Pont family.

Estimates have been made on the basis of data that have been assembled.

We estimate that the family stockholders of Christiana comprise some 250 individuals who own approximately 9,180,000 shares of Christiana common, which is about 69 percent of the 13,248,640 shares outstanding. Only a small number of these people have any business connection either with the Du Pont Co., or with Christiana Securities Co.

I hope that this estimate will be of assistance in your deliberations on corrective legislation to meet the grave problem which confronts these people and more than a million other American citizens.

Sincerely yours,

C. H. GREENEWALT,
President.

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

Mr. CARROLL. I yield for a question, provided I do not lose my right to the floor.

Mr. GORE. What are the conditions which this legislation proposes to relieve? Since the judgment of the Chicago court has not been rendered, since the plan of divestiture has not been ordered, how can the Congress know what conditions may need relief?

Mr. CARROLL. I repeat to the Senator from Tennessee—and this must be repeated and emphasized and reemphasized—the Congress cannot know, because it has no information. Actually, there is no precise way of knowing what form the court will order divesture. We have no way of knowing what the Department of Justice will present on October 2. All I can say to the leader in this fight, the Senator from Tennessee, is that if we enact this legislation, it will be a legislative mandate that will pull the rug out from under the Federal Government and let the Du Pont people write their own divestiture order. I say that is wrong, and we ought not to permit it.

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

Mr. CARROLL. I am happy to yield for a question, if I do not lose my right to the floor.

Mr. GORE. If it be ethical, if it be proper, if it be legal for the Congress to mandate a Federal district judge as to the terms of his order for divestiture in an antitrust case, cannot the Congress by the same principle and by the same

precedent—unfortunate though it may be—undertake legislatively to direct other Federal district judges as to the character of their judgments in other cases, such as bankruptcies, interstate commerce actions, tort actions, civil rights actions, desegregation cases, or criminal cases?

The able Senator has served as a U.S. attorney. He now serves as a member of the Committee on the Judiciary and as a member of the Antitrust and Monopoly Subcommittee. In his present capacity does he not now have an opportunity, and in his former capacity did he not have an opportunity, to observe the advisability of leaving the judges of our courts free from pressure so that they might render carefully considered opinions?

Mr. CARROLL. The able Senator from Tennessee is correct. This is one of the great pillars of our constitutional democracy. This is why we give to only one group of people in American Government lifetime tenure, so that they will be protected from political winds and pressures. Federal judges are supposed to be relieved from all the storms and winds which blow in political controversies.

As a member of the Committee on the Judiciary for a short period of years, I know the Congress has great power. I have seen Congress try to assert its power to repeal the appellate jurisdiction of the Supreme Court. It failed, but only after there was a great hue and cry from the country. I have seen Senators seek to cut through decisions of 100 years standing, in behalf of some specially favored legislation.

That is why I say to approve this proposal now is basically wrong. I wish to keep the record clear for myself in January or February, if the order should be entered and if I should see something unfair and inequitable involved. I have nothing against the Du Ponts. I have nothing against the stockholders of General Motors.

The nub of the problem is contained within the Christiana Corp. The able Senator from Illinois pointed out that this is a holding company of the Du Ponts. The Senator put a letter into the RECORD. The letter was from President Greenewalt to the able Senator from Illinois. Evidently the Senator from Illinois asked for some information about the Christiana common stock owned by the Du Pont family. President Greenewalt wrote to the senior Senator from Illinois [Mr. DOUGLAS]. He said:

> We estimate that the family stockholders of Christiana comprise some 250 individuals who own approximately 9,180,000 shares of Christiana common, which is about 69 percent of the 13,248,640 shares outstanding.

He also said:

> Only a small number of these people have any business connection either with the Du Pont Co. or with Christiana Securities.

This is all in the record. Nobody today knows what will be the Court order. What will Christiana do with the General Motors stock? Will it pass it through to its stockholders?

The essence of the prosecution by the Department of Justice can be stated in simple language. The essence of the charge was that because of the close relationship of the two companies, Du Pont obtained an illegal preference over competitors on the sale of automotive finishes and fabrics to General Motors, thus creating or tending to create a monopoly in the line of commerce. That was the basis for the prosecution. The Supreme Court sustained that contention.

What is the basic question? I do not wish to disagree with my friend from Tennessee, my friend from Illinois, or other Senators who have great technical knowledge about taxes. In my opinion the issue now before this body does not relate to tax relief. The issue is whether we shall sustain the prosecution and the finding by the Supreme Court, to permit a court to enter an order of divestiture.

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

Mr. CARROLL. I am glad to yield for a question if I do not lose my right to the floor.

Mr. GORE. Has the Senator heard the junior Senator from Tennessee do other than to plead that the Congress should await the judgment of the court before rushing in either to prejudice the action of the court, to provide benefits for those who may not be entitled to benefits, or to provide relief for conditions about which we know little?

Mr. CARROLL. The able Senator from Tennessee has stated that over and over again. I have listened very carefully to his brilliant presentation. I am confident that his purpose was to show the motivation and intent behind the proposed legislation.

This relates not only to a divestiture but also, if there is a divestiture, to how much tax money will be involved. The issue will be raised later. No one can pass on that now for no one knows what directions the court divestiture order will make.

Why do I say this? Because not one of us knows what the court will do. The truth is that not a single one of us knows what evidence will be placed before the court. Only the Du Pont proposal has been presented. The Department of Justice, under the Supreme Court mandate, must make a proposal. We do not know what it will be. That is not due until October 2.

We are asked to give relief for what purpose? My sincere conviction is that the purpose is to force the court to shape an order to meet the demands of the people who have been required to divest themselves of stock. I say this is contrary to the public interest and is basically wrong.

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

Mr. CARROLL. I am happy to yield for a question, if I do not lose my right to the floor.

Mr. MANSFIELD. I wish to make an announcement.

Mr. CARROLL. I yield.

ORDER FOR SESSION TOMORROW TO CONVENE AT 11 A.M.

Mr. MANSFIELD. Mr. President, the Senate previously agreed to assemble tomorrow at 9 a.m. Prior to the time that I asked for the previous order, I had promised a Senator that the Senate would not come in until 12 o'clock because of a death in his family. I ask unanimous consent to change the time at which the Senate will convene tomorrow from 9 a.m. to 11 a.m.

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

Mr. MANSFIELD. I express my regrets to the Senate for the inconvenience I may have caused.

Mr. JAVITS. Mr. President, I express my appreciation to the Senator. I am the Senator to whom the Senator from Montana is referring.

TRANSPORTATION OF DISTRICT OF COLUMBIA SCHOOLCHILDREN

During the delivery of Mr. CARROLL'S speech,

Mr. MORSE. Mr. President, if the Senator will yield so there may be a recitation of the understanding between the Senator from Delaware and myself regarding the District of Columbia bill, which the Senate passed, but as to which the Senator from Delaware has filed a motion to reconsider. We are getting some material which the Senator may want to examine before he decides whether or not to press his motion to reconsider. I have just talked to the staff members about it. I feel it would be highly desirable, if possible, to get this little bill cleared tonight, but if the Senator from Delaware should desire to press his motion to reconsider, I will take my chances tomorrow and not press for action tonight. I wanted the Senator from Delaware to know that I think, from the standpoint of the House, that it would be desirable for him to indicate whether he will withdraw his motion to reconsider. If he does, the bill, having already passed the Senate, will go over to the House.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Delaware?

Mr. CARROLL. I yield without losing my right to the floor.

Mr. WILLIAMS of Delaware. After examining the information to which the Senator has referred, I will be able to give him a better answer.

Mr. MORSE. I apologize that the Senator does not have it. It should have been here before now. It is coming from the Government offices downtown.

BERLIN AND THE UNITED NATIONS

Mr. GOLDWATER. Mr. President, a great many Americans were profoundly disturbed over the weekend at reports that American policy with regard to Berlin had changed officially from one of firmness to one of conciliation and concession. As we all know, the reports originated in Berlin and were variously attributed to off-the-record statements by Gen. Lucius D. Clay, President Kennedy's personal representative, and other unnamed Government officials. One characteristic of the reports was their unanimously specific nature. They all

said that U.S. officials were advising West Germany that East Germany is a fact of life which is going to exist for many years and that the West Germans must face up to letting the Communist regime share some power over access to Berlin.

Quite understandably, these reports caused a commotion throughout Germany. Many West Germans have, for some time now, harbored a fear that the administration's determination to enter into negotiations with the Russians would pave the way for Western concessions. And I would say this is a perfectly legitimate fear. Any time diplomats begin talking of negotiations in a Soviet-created situation where there is nothing to negotiate, I claim that is the time for the defenders of freedom to become wary.

Now, Mr. President, in the present situation, the administration has gone to great lengths to deny that there has been any change in U.S. policy with regard to Berlin. But, I suggest the question is not whether there has been any change in our policy. The grave question confronting the West Germans as well as the American people right now is whether there will be a change in our policy if and when negotiations get underway.

It seems very strange to me, Mr. President, that a man of General Clay's experience could have made a slip of the tongue which could be so widely misinterpreted in the press. Several explanations offer themselves and of these, I would say the most likely is the most unpalatable. That is that the U.S. officials in Berlin were floating a trial balloon to test the reaction of West Germany on the possibility of concessions. Now, I suggest that it is time for us all to consider whether the reports emanating from Berlin last Friday were part of a carefully mapped plan to "soften up" the West Germans and the American public for future eventualities. If this is the case, the great issue comes down to what our policy in the future is intended to be. If this is not the case, we can only indict General Clay for an ineptitude which is completely out of character.

Mr. President, I did not like the tone of those reports for a very important reason. The whole idea that some Communist objective is "a fact which must be faced up to" is a technique of appeasement which we are hearing too much of these days from people in responsible positions. It is, for example, along the same line as the argument that the admission of Red China to the United Nations is "inevitable" and, for that reason, we should sit back meekly and accept it as such. It also smacks of the arguments that we have heard to the effect that Laos is so far gone along the Communist route that there is no point in trying to save it. It also sounds like those arguments we hear about the Castro regime being a disagreeable fact of life which we will have to accept for fear of losing face in Latin America and Africa if we take effective action.

Mr. President, more and more we seem to be being conditioned for the argument that the world is being remade in the Communist image and that we must learn to live with it. This is sheer nonsense. We do not have to accept Communist conditions, whether they be in Berlin, Laos, or Cuba, merely because they exist and might require some determination and risk to overcome. We do not have to yield to Communist demands unless we lack the will to oppose them. Regardless of how our officials may appraise the situation, I know for sure that the American people have the will and the determination and the desire to stand up to the Communists.

But what can they think of our official attitudes when the majority leader of this body suggests on a nationwide television show that India's Nehru be promoted by the United States as a candidate for the secretary generalship of the United Nations. Mr. President, I can think of no one less suited to Western purposes in the United Nations unless it be China's Mao or Russia's Gromyko. At the very best, India's Nehru is a professional neutral. And if the officials of this administration have not wised up to the phony stance of the so-called neutrals in this world situation after the disgraceful Belgrade Conference, I doubt if they ever will. Putting Nehru in the job Dag Hammarskjold once held, I suggest, would be worse than accepting the Russians troika plan. At least under the troika setup we would have a veto working for us. With a wishy-washy neutral like Nehru, who always manages to see some good in all nefarious Soviet moves, we would be virtually helpless. The cause of freedom would go down the drain and with it the hopes and aspirations of people all over the world. Mr. President, I sincerely hope that the Senate majority leader was not speaking for the Kennedy administration when he suggested Nehru as our candidate to head the United Nations. It is unthinkable and the American people would never stand for it.

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

Mr. GOLDWATER. I am happy to yield.

Mr. MANSFIELD. I believe that once again the RECORD ought to be made clear as to what was said on the program yesterday relative to my suggestion which the distinguished Senator has mentioned. The questions were asked by Mr. McIntire, a radio commentator for the ABC network in Washington, and the answers given were as follows:

Mr. MCINTIRE. Senator MANSFIELD, what if the United Nations should incorporate the troika principle? What do we do vis-a-vis our relations with the U.N.?

Senator MANSFIELD. Well, I think we ought not to make a decision now. We ought to face up with it. We ought to fight the application of the troika principle. We ought to come forward with the name of some outstanding world leader who could take over for Dag Hammarskjold, and I would suggest offhand that a man like Mr. Nehru of India would be the type for consideration, and I cannot see the Soviet Union in its advocacy of the troika principle going against a man of the stature of Nehru to head an organization of that kind.

Senator DIRKSEN. Let's talk about this solo principle and substitute solo for troika, one for three, and then we will have what we ought to have in the United Nations.

Senator MANSFIELD. And that is what we believe in.

When I left the studio I was called by the UPI, I believe, about the statement. I said, "Yes, that is what I said." In addition, another man of outstanding character and ability who should be given consideration would be the President of Mexico, Adolfo Lopez Mateos, a man who, I think, is a real statesman, and who has represented his country in this hemisphere extremely well.

As the Senator has indicated, I am sure that he certainly does not favor the troika principle, even though there is a veto attached to it. I am sure that he understands that whoever is Secretary General would not act on his own initiative but would act under the orders of the Security Council and/or the General Assembly.

I believe we ought to emphasize a continuation of the solo principle, as it is called by my distinguished colleague, the minority leader, the Senator from Illinois [Mr. DIRKSEN], because, as the President pointed out today, even if the United Nations had a troika, one man must drive the troika if it is to function.

I do not have as bad an opinion of Mr. Nehru as does my friend from Arizona, because I recognize the difficult position in which Mr. Nehru is. I have some ideas of the problems which confront him in the subcontinent which is India. I believe that Nehru is a man basically friendly to the West, but torn by the fact that he has on his frontier a country like Red China, which has made incursions into the area known as Ladakh, a part of Kashmir, which both the Pakistanis and the Indians are arguing over; that the Chinese have made penetrations of a kind into the so-called northeast border area, and that they have made noises indicating that they had intentions in the areas of Sikkim, Bhutan, and even Nepal. I am sure that the Senator from Arizona would like to see a continuation of the one-man principle, even if we may disagree on a man like Nehru. If it were a man like Adolfo Lopez Mateos I would not disagree.

Mr. GOLDWATER. Had the distinguished majority leader mentioned the name of the President of Mexico yesterday, instead of the name of Mr. Nehru, I would not be making these remarks this afternoon. I know the President of Mexico quite well, and I have great regard for him. I believe that the selection of a man from one of the Latin American countries might be a very wise selection.

I agree completely with the majority leader that we should maintain single control. I admired his stand yesterday on the television show, which prompted these remarks, when he spoke against the troika plan. I was also glad to hear the President of the United States say this morning that he would oppose it. I was quite disturbed, however, that a man like Nehru, a professional neutral, had been suggested. Had Adolfo Lopez Mateos' name been mentioned, I question whether I would be making these remarks.

Mr. MANSFIELD. I appreciate the Senator's viewpoint. I point out that

perhaps we could refer to Dag Hammarskjold as a professional neutral also, because it was his purpose and his job to bring about an amelioration of conditions which divide nations. Being the kind of man he was, a man of neutrality, a man of understanding, he gave his life to the cause.

Mr. GOLDWATER. I would not compare Hammarskjold with Nehru. True, one might consider Mr. Hammarskjold a neutral, but his neutrality was expressed more by a general effort to bring nations together, and he gave his life for this cause. My fear of Mr. Nehru is based partly on his inability to decide where he should stand, although recognizing that he has problems close to his country that we do not know of. Nevertheless, I do not have the confidence in him that the distinguished majority leader has.

Mr. MANSFIELD. Insofar as our country is concerned, I believe we ought to recognize that what may be developing in Asia is perhaps a battle between two ideologies, Communist China on the one hand and India on the other. Which country do we want to have succeed? Which country do we want to have given primary consideration on the Asian continent? I think it is obvious. Certainly not Communist China.

Mr. GOLDWATER. I agree with the majority leader.

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

Mr. GOLDWATER. I yield.

Mr. GORE. I am not sure that my distinguished colleagues have accurately described the late Dag Hammarskjold when they referred to him as a neutral. Of course, this term may mean one thing to some men, and other things to others. The term "neutral," it seems to me, has come to mean to a great many people an unprincipled fence sitter. I never regarded the late Mr. Hammarskjold in that light. He may have been an impartial administrator, but certainly one could never refer to him as an unprincipled neutral, that is, a neutral without principle and without courage to back a principle. It seems to me that neutrality means more—if it has a real meaning—than a do-nothing, a say-nothing, one who is frightened to take a position. That is not neutrality. That is nihilism. That is nothingism. That is nothingness. Mr. Hammarskjold was a man of conviction, a man of dedication to principle. He administered fairly. Sometimes we did not agree, but I think on the whole the judgment of his performance is that he was an impartial administrator of the principle of collective security.

Mr. GOLDWATER. I agree that the choice of the word "neutral" was probably improper. However, it was not my choice. The majority leader spoke of him as a neutral. I tried to qualify that a bit, but I think my friend from Tennessee has qualified it as it should be, and I thank him for it.

Mr. GORE. I acknowledge that it depends upon the meaning and the context in which one uses terms. Many terms, such as "peace," "democracy," and "people's republic," have been warped by Communist propaganda in recent years. To some the word "neutral" has a connotation which I do not believe befits the character, career, and performance of the late Dag Hammarskjold.

Mr. GOLDWATER. I thank the Senator for further qualifying the term, which was not applied by me but by the distinguished majority leader, who, I think, would accept the qualifications of the Senator from Tennessee, as I do.

THE USE OF ATOMIC WEAPONS IN DEFENSE OF BERLIN

Mr. GOLDWATER. Mr. President, there was one encouraging report in the morning papers. And that was the statement by Attorney General Robert F. Kennedy that there "is no question" but what his brother, President Kennedy, would order the use of nuclear weapons if they are essential to save West Berlin's freedom. Why it took the New Frontier so long to reassure the American people on this score I do not know. And, I am led to believe it might never have been done if our distinguished colleague from Maine, Senator MARGARET CHASE SMITH, had not so ably presented the need for such a declaration on the part of our Government in her speech last week. In fact, it might be fair to say that it took the courage and forthrightness of the lady from Maine to drag the New Frontier kicking and screaming into an attitude of nuclear reality with regard to Berlin. I believe all of us in this Chamber, as well as all of the American people, owe Senator SMITH a vote of gratitude and appreciation.

Mr. President, in connection with the furor caused in Berlin over the statements purportedly made by General Clay, I should like unanimous consent to insert in the RECORD at this point two editorials from the Chicago Tribune. The first one was published September 24, and is entitled "Munich, 1961"; the other was published September 25 and is entitled "Ineptitude as Policy."

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

[From the Chicago Sunday Tribune, Sept. 24, 1961]

MUNICH, 1961

Dispatches from West Berlin during the last 24 hours suggest that the contest with the Kremlin is all but over, that Mr. Kennedy is prepared to capitulate to Khrushchev, and that another Munich is just around the corner.

The reports originally were ascribed to "an authoritative U.S. source" or "good authority." They disclosed that the U.S. Government "has taken a fresh approach in German affairs." The approach was outlined at a reception for Gen. Lucius D. Clay, newly arrived in West Berlin as President Kennedy's personal representative. The West Berlin press names Clay himself as the source.

In essence, the approach implies de facto recognition of the Soviet puppet regime in East Germany, with which Khrushchev proposes to sign a peace treaty. The West German Federal Republic, which has refused to acknowledge this Kremlin invention, is being urged by the United States to accept the East German Communist slave state as a fact of life.

Not only is West Germany to deal with this Communist satrapy as a sovereign equal, but it must prepare itself, along with the United States and the Western Allies, to concede to East Germany the right to control access to West Berlin. This control over communications would extend to checking the identity of people coming into Berlin by air as well as by road and rail.

Implicit in this particular concession is acknowledgment of the right of the East German Communists to turn back anyone they choose, with the possible exception of members of the token allied garrisons in West Berlin.

There are hints of still further concessions to the Communists. One is the denuclearization of West German armed forces, which have tactical nuclear weapons, though the warheads are under American control. West Germany views this measure as an evidence of Western intention to reduce it to second-class partnership in the North Atlantic Treaty Organization.

The outline of the proposed Western retreat has produced a violent reaction among West Germans. Mayor Brandt of West Berlin has warned the allies not to seek to evade their responsibilities to West Berlin. He said the passivity of the allies when the Communists sealed off the eastern sector of the city with a wall August 13 has provided a regrettable demonstration that the allies are not able to take care of the rights and responsibilities for Berlin as a whole.

With pointed reference to reports that Americans are willing to accept internationalization of Berlin, according to Khrushchev's prescription, Brandt said that the danger here was that the Russians, while keeping East Berlin closed off, might seize the opening to reinstate themselves as the fourth power in West Berlin. Khrushchev has said that if West Berlin is converted into a free city, Soviet troops would join American, British, and French garrisons there as a "protecting" force.

The implication of the new Berlin approach, which reports suggest may be traced directly to the White House, is potentially disastrous. It accepts what the United States has never been prepared to grant—that East Germany is a legitimate government, not a country under Soviet occupation. By extension, the doctrine amounts to informing all of the captive peoples in Soviet Eastern Europe that they have been abandoned by the West and must reconcile themselves to a future in which no liberation is possible.

To West Germany the new policy represents a crushing defeat. Hope for the reunification of the whole of Germany is endlessly postponed. West Germany is to be denied adequate means to defend itself. The status of West Berlin as an integral part of West Germany is fatally impaired. West German statesmen and citizens may travel there only on East German Communist sufferance. When the Western Allies assent to similar regulation, they embrace the possibility that they will be forced out of West Berlin and that the city will die of Communist strangulation.

In combination, these dispositions could cause such disillusionment as to throw West Germany into the arms of Russia. There have been continuing Soviet suggestions that Germany turn her back on her unreliable Western partners and join Moscow for what Stalin in 1949 called great actions of world significance.

We have expressed our fears again and again that British pressure would bring about a German sellout. With that prospect looming, if ever there was a time when Congress should stay in session, it is now. If it carries through its resolve to adjourn this week, it will have abandoned its responsibilities. There are men of courage and principle in both Houses who will fight under a dif-

ferent banner than the umbrella of appeasement.

President de Gaulle of France warned the other day that, in yielding to Communist demands, we run the risk that after taking our hat, they will want our coat, shirt, skin, and finally our soul.

What is the end? Is this the way the world of liberty dies—not with a bang but a whimper?

[From the Chicago Daily Tribune, Sept. 25, 1961]

INEPTITUDE AS POLICY

The more that is learned about General Clay's statement in Berlin, the more apparent it becomes that, for sheer ineptitude in the management of foreign affairs, the Kennedy administration has had no equal in living memory.

General Clay is no jackanapes like Jack Paar to exploit the tension in Berlin for the greater glory of hair tonic and himself. The general has earned a reputation for sagacity. He has had many dealings with the Russians, knows how rapacious they are, and knows also that in negotiating with them it is folly to expect good will.

Any poker player knows that you don't continue to pour money into the pot only to throw in your hand. Yet that is exactly what General Clay has done in the diplomatic poker game. For our part, we can't escape the conclusion that he said exactly what he was instructed to say in exactly the circumstances outlined for him.

It is easy to see why he was chosen for this distasteful job. He is esteemed by the West Germans and there was reason, therefore, to think they would accept the bitter truth from him with better grace than from some other spokesman for the United States.

General Clay let the world know where Mr. Kennedy really stands. The word came at a reception for about 100 newspapermen, including influential German publishers. He spoke off the record and strictly not for attribution, but no one in his right mind supposes that there is such a thing as a secret after it has been confided to 100 men stone sober to say nothing of 100 men some of whom no doubt were tolerably well plastered.

The Kremlin must have known who was the author of General Clay's remarks within an hour of the time he made them. The only influence that might have deterred Khrushchev from pushing his Berlin policy to the limit was the possibility that President Kennedy might resist it with all the force that the United States commands, including our atomic arsenal. General Clay's statement has gone further than necessary to remove all such risks from the Russian calculation. The administration has given Khrushchev the green light.

And that isn't by any means the full measure of the administration's folly. In the diplomatic poker game we held some high cards. One of them was the hatred of bolshevism by the people of West Germany. Another was the equal or greater hatred of bolshevism by the people of East Germany. Still another was the hatred of bolshevism by every satellite nation in Europe.

Khrushchev had reason to fear that if revolt broke out anywhere—in East Berlin or anywhere else within his empire—he would have his hands full and the trouble might spread before long to Russia itself. The wall dividing the two parts of Berlin was intended not only to keep the East Berliners from fleeing to the West but also to keep West Berliners from coming to the aid of their brethren on the other side of the wall should they undertake to free themselves from the Communist yoke.

These counters on our side have now been thrown away without obtaining even the slightest concession from Khrushchev. To call this kind of diplomacy inept is to flatter it, but in its ineptitude it does not occupy a unique spot in the Kennedy chronicle. It takes its place in the procession which is headed by Laos and the Bay of Pigs and includes such stupidities as the performance of Paar and his soubrette in Berlin.

The failures of Mr. Kennedy's diplomacy do not seem to distress him greatly. On the weekend during which General Clay's statement was breaking the spirit of our friends behind the Iron Curtain, President Kennedy had as his houseguest that great statesman and thinker, Frankie Sinatra.

Congress, as we said yesterday, should remain in session in Washington. We know how keen is the desire of the Members to go home after a grueling winter, spring, and summer in Washington; but if Congress adjourns there will be no authority in Washington to guard the public interest against this most inept of administrations, demand explanations, and insist on being heard.

Mr. GOLDWATER. I apologize to the Senator from Colorado [Mr. CARROLL] for taking longer than I had intended, but when one enters into a discussion like the important discussion the Senator is engaging in, one is bound to raise certain points.

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

Mr. CARROLL. I yield to the Senator from Minnesota with the understanding I do not lose the floor.

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

Mr. HUMPHREY. The administration did not need to have the Attorney General make clear what the Government would do in fulfilling its commitment, even though the Attorney General did it very well on the radio-television program.

It has been quite clear for anyone who wanted to have it clear and wanted to understand that the President and the responsible defense officials of this country were prepared to use whatever force was necessary to fulfill our treaty obligations and to protect and defend this country.

I commend the President for not running around like a town crier or a messenger saying every other day to the Soviet Union exactly what it could expect in terms of weapons. Mr. Khrushchev knows who has the weapons; he knows what we have and he knows what they have.

We hear a great deal of talk about what we would do and what we would not do. We have heard it over the years. The previous administration made it quite clear in a conference with Khrushchev that we would never use nuclear weapons first. It was not this administration that did that, and the Senator from Arizona knows it.

I believe the President of the United States, Mr. Kennedy, has made it crystal clear for all who wanted to hear, and who did not want to take partisan advantage, that this country was prepared to use whatever force was necessary for the purpose of our defense and our security.

The President also recognizes that it is folly to have a defense system based entirely upon massive weapons. Therefore he has attempted to bring some balance back into our Defense Establishment by modernizing our conventional forces.

That principle has been endorsed by a number of reputable organizations and a large number of qualified, experienced persons in the field of national security.

I heard the speech of the distinguished senior Senator from Maine [Mrs. SMITH]. It was a good speech, but I do not believe there was a single new thing in it.

The President has had the leaders—and both of us are sitting here—to the White House, when we have sat down with responsible officers of the Government. The President has made crystal clear what we were willing to do and what we would do, and what weapons would be used. However, I do not think it makes the case any stronger to publish it in bold headlines in the newspapers. There has been much publicity on the subject of defense; but what the President of the United States has tried to do has been to substitute materials and weapons for publicity. I think he has done a very good job.

Mr. GOLDWATER. I am glad to have the reaffirmation of the Senator from Minnesota concerning the President's stand. I do not speak now in a partisan way. We must speak up when we are concerned about what we believe is a drift in the direction of our defenses or offenses.

I have been very much concerned about the emphasis on conventional weapons. I am the first to recognize that we should have a greater mix; that we should have conventional weapons; but that we should not exclude nuclear tactical weapons in our rush toward the conventional type. This has been my only concern. The Senator from Minnesota and I engaged in a colloquy on this subject several months ago.

Mr. HUMPHREY. That is correct.

Mr. GOLDWATER. I am glad to hear a spokesman of the opposition state that the term "conventional weapons" includes certain nuclear tactical weapons. I am very fearful that if we say we shall use only conventional weapons, and convey the feeling that the conventional weapon is the World War II-Korea type weapon, we shall not be working to our best advantage.

I am happy to hear the administration's position stated time and again. I think it is wise that we engage in these colloquies, so that we can bring out what the determination of the administration is.

Mr. HUMPHREY. I am sure the Senator is a man well informed on these questions. I respect his qualifications and his long experience in problems of defense. He is an officer of the U.S. Air Force. He is one of the Senate's able, distinguished, and honored officers.

Every Member of this body knows that the United States has prepared itself with tactical nuclear weapons. Every Member of this body who wants to know, knows that our ships at sea, our planes in the air, and our troops in the field are properly armed with the weapons which are necessary for the defense of this country. However, that is something I do not believe the President needs to reiterate every day or every week.

When Joe Louis was world's heavyweight champion, he did not walk down the street saying, "I can lick you." He did not go down the street flexing his muscles and saying, "Feel this arm." He did not have to.

Mr. GOLDWATER. Most people knew he was strong.

Mr. HUMPHREY. They knew he was strong. His silence and composure were two of his great assets.

President Kennedy has not substituted press releases for the Nation's defense and security.

Mr. GOLDWATER. When Joe Louis was in the ring, and his adversary was known to him, he had a great mix of lefts and rights, and he knew when to use them. He was not timid about using them, as many of his opponents learned in the ring.

Mr. HUMPHREY. He did not exactly write a description of the fight before it started. That is exactly what some Members of Congress always seem to desire. They ask, "Where do you think we ought to attack? What weapons ought we to use? Where should we move next?" That is the most foolish way I can think of to conduct foreign policy.

Mr. GOLDWATER. I do not think anyone has ever suggested that. We desire to have frequent statements by Senators like the distinguished Senator from Minnesota [Mr. HUMPHREY] supporting the President. That is exactly what we need. We do not care whether Mr. Khrushchev hears them or not. We want to be confident, if we become engaged in a conflict over Berlin—and we pray we will not—that we will have the weapons which the Senator describes and will have the determination to use them.

Mr. HUMPHREY. Premier Khrushchev did not give us any choice. Khrushchev said in the very beginning, with respect to Berlin, that if anyone had any doubts about whether a power struggle could be handled by what are called conventional activities or weapons, he ought to disabuse his mind of it. That is why some of us have been so deeply concerned about the tragic situation over Berlin.

Today we heard the President of the United States speak to the United Nations with moving eloquence and determination when he said that the choice before us is either to have this planet actually become a fireball, destroyed by nuclear war, or to have it become a planet which can be made a better place in which to live through arms control, economic development, and the many other processes and programs which he advocated.

There are none so blind as those who will not see. There is no way in which those who are always in doubt can be convinced. The President of the United States is the Commander in Chief of this country. Everyone who wishes to know can know that the country is prepared to use whatever power is necessary to defend itself. That is what the Senator from Arizona believes; that is what the Senator from Minnesota believes. On this point we agree.

We do not help our case by denouncing or undermining the Prime Minister of India. I do not ask the Prime Minister of India to engage in a sort of pat-me-on-the-back U.S. policy. I expect the Prime Minister of India to do one thing, namely, to take care of India. If he will take care of India, he will be performing a greater service for the United States than will all of the other leaders who come here and say nice things when they are here, but then do not take care of their own countries.

Leaders from throughout the world have said that they are our political friends. They say the sweetest things which we in America like to hear. They tell us how big we are, how rich we are, how strong we are. Then they have rebellions at home which throw them out of power; or they end by being hanged, as happened to some of our allies in Turkey a while ago; or they end by being banished from their countries, as Syngman Rhee was exiled from Korea. Many people have told us the pleasant things we wanted to hear, only to learn that they had no support at home.

Prime Minister Nehru, in India, is a democratic leader—with a small "d." He is devoted to the principles of democracy in his own country. India has free speech and a free press. Mr. Nehru, in India, has taken stern measures, as stern as the Senator from Arizona would want, against subversion in his own country and against Communists in India. More Communists are in jail in India than in any other country I can think of, except Russia. In Russia the Communists are locked up if they happen to disagree with the boss in power.

Mr. GOLDWATER. I suggest to the Senator from Minnesota that we are operating on the time of the distinguished Senator from Colorado.

Mr. HUMPHREY. He has plenty of time.

Mr. GOLDWATER. The Senator from Minnesota may like Mr. Nehru. That is his prerogative. I do not happen to believe that Mr. Nehru is accomplishing for his people what the Senator from Minnesota believes he is accomplishing. If this man were doing more for his own people, I might be more entranced with him. I do not expect anyone chosen for the position of Secretary General to forget his own nationality.

Mr. HUMPHREY. I believe there are many men in the world who could be Secretary General, but at this time there is only one man who can lead India. India's independence and security today are vital to the United States of America. I would rather have India, with her 375 million population, with her vast treasure house of resources, as a free and independent nation, occasionally saying something we do not like or occasionally doing something we do not like, than to have India as a hunting ground for Communist China, and soon to be brought within the Communist empire. The day India goes Communist, that day the balance of power will forever be lost to the West.

Mr. Nehru is needed in India. He is not needed nearly so much as Secretary General.

Mr. GOLDWATER. The Senator from Minnesota relieves my mind greatly. I am not campaigning for Mr. Nehru as Prime Minister of India. I lived for a while in India. I know the wants of those people. I know that what the Senator from Minnesota says about those people is true. I should like to see the time come in my life when the people of India will live better lives. I am not arguing about the Senator's position with respect to the people of India. That would be like someone asking me about the race for Governor in California. I could not care less.

Mr. HUMPHREY. What does the Senator from Arizona think about it?

Mr. GOLDWATER. Shall we go into that question?

Mr. HUMPHREY. I should like to get the Senator's opinion on that question.

Mr. GOLDWATER. The only thing I am convinced of is that Governor Brown will be retired.

Mr. HUMPHREY. We could move into this subject.

Mr. GOLDWATER. He may come to the New Frontier, because the only requirement to get into the New Frontier is to have been a failure as a Governor.

Mr. HUMPHREY. The best requirement to get into the New Frontier is to have been a success as a Senator. The Senator from Arizona might even make it.

Mr. GOLDWATER. Oh, no. Every time I am tempted to look over at my good friend from Minnesota, I say, "Oh, no."

Mr. HUMPHREY. The Senator knows that if I could not make it, there is no hope for him. I appreciate that.

Mr. GOLDWATER. Absolutely.

Mr. HUMPHREY. But to return to the more serious matter—although I appreciate this slight diversion, and it is one of the charming attributes of the Senator from Arizona—my only point is that we should not be supercritical of the leaders of other countries when they are attempting desperately to keep their countries free and to give greater strength to the economy of their countries and to remove from their people the terrible burdens which have rested on them for years.

I consider Nehru one of the truly great leaders of nations in the world. I wish he would be a little more pleasant on occasion to the United States. But I think it most important that India be free and independent, rather than to have Mr. Nehru give us a friendly pat on the back and act like a kissing cousin. I do not think we need that. We need statesmen of the caliber of Mr. Nehru, who is leading his own country as it progresses as a free and democratic institution.

THE DU PONT STOCK DIVESTITURE CASE

Mr. CARROLL. Mr. President, the debate by the Senator from Minnesota and the Senator from Arizona has been most stimulating, but it is a far cry from the Du Pont stock divestiture case. The Senator from Delaware has accused me of conducting a filibuster. I do not want the Senator from Arizona or the

Senator from Minnesota to be charged with joint responsibility in that connection.

The Senator from California [Mr. KUCHEL] and other Members are waiting to transact important business, and the hour is late. So I wish to conclude very quickly.

My remarks today have not been against the Du Pont Co. or against the Senator from Delaware or against any other member of the Senate Finance Committee. I have been discussing, as a lawyer, what I consider to be the principal issues involved. Certainly it is not considered proper to provide relief to a litigant before a court enters its order; and no order has been entered in this case.

On September 1, Du Pont filed with the Court a proposed divestiture order—merely a proposed order, to give the Court the benefit of its opinion.

On October 2—a date not yet reached—the Department of Justice will file its proposed divestiture order. No one knows yet what that proposed order will provide; and sometimes I wonder whether the Department of Justice itself knows what it will provide. Certainly the Treasury has not indicated what it prefers. I make no criticism, but I do point out that this does not give the Congress the material with which to legislate intelligently.

However, after the Department of Justice files its proposed order on October 2, the Court will not be subject to a time limitation in regard to the entering of its stock divestiture order. All the Supreme Court said was that the lower court should consider the matter as one of major import. The lower court could take 60 days, 90 days, or 6 months. But 90 days after the lower court files its final order, the divestiture is to begin. Certainly if that divestiture order does not suit the Du Pont Co., the order will be appealed to the Supreme Court; and if the lower court goes too far—as it has done on two occasions—certainly the Department of Justice should appeal to the Supreme Court.

So why cannot we be patient, sensible, and intelligent, and wait? If we do, no one will suffer.

So I urge Senators to let this matter go over until next year; and then we can take another look at it.

Mr. GORE. Mr. President——

Mr. CARROLL. I yield, if I do not lose the floor. But I have about concluded.

Mr. GORE. Who could possibly be hurt by awaiting the judgment of the Chicago court, unless it be someone who, by means of this bill, would get something to which he would not be entitled?

Mr. CARROLL. I can assure the Senator that no one would be hurt; but someone could be greatly benefited by means of this measure, if the Senate were thus to interfere with the judicial machinery, where it has no business being. In my opinion, at this time and I want to emphasize, at this time, this measure is special-favor legislation.

Mr. GORE. Mr. President, will the Senator from Colorado yield further?

Mr. CARROLL. I am glad to yield for a question.

Mr. GORE. Is not this to be the largest single distribution of corporate assets which has ever occurred in the history of the world?

Mr. CARROLL. That is my understanding, from reading the record. But to phrase the matter a little differently, and to try to be as impartial as possible, let me say that never before has there been an antitrust case of this nature and of such gigantic size. Consequently, the problem is very great, and the decision in regard to how to handle it properly and with fairness is most difficult to arrive at.

The other day I heard a statement, here on the floor, which implied that the Democratic Members of Congress are against business. However, that is not so. We are attempting to proceed under the statutes. As the Supreme Court has said, the fact that someone may be injured by the decision should not affect the Court's decision.

Of course this is a case of great magnitude; and I venture to assert that at this time, in the closing days of this session, there are not more than 15 Members of this body, other than the members of the Finance Committee, who have studied this case carefully. It is a very involved tax case and financial case which has great economic implications.

Therefore, Mr. President, we should take our time in connection with it. It may be that in February or March the able Senator from Tennessee [Mr. GORE] will say, "After studying the Court's order, it is clear that special legislation is needed."

But in any case, let us wait.

Mr. GORE. Have I not said privately to the Senator, and has he not also heard me say publicly, on the floor of the Senate, that when the equities or the inequities—as they may appear from the decision—are known, I shall be ready and willing to give full and careful consideration to a bill to relieve such inequities as there may be?

Mr. CARROLL. Yes, and there is not the slightest doubt in my mind that the able Senator from Tennessee feels that way. He has spoken to the point. As a matter of fact, in almost his opening statement in the debate on this issue, he said this is a premature bill, and it should not be passed at this time.

Mr. President, I have developed that point; and I have tried to show the tremendous amount of work done by the executive branch on this case. Over a period of perhaps 15 years, the action on this matter has proceeded from the executive branch to the lower courts, then to the Supreme Court, and then back again, and I have pointed out that this bill has been shuttled about in Congress for some years, in an attempt to provide relief before the final judgment is entered. I have said we should not do that. That is why I have spoken today.

Mr. President, I yield the floor.

FEDERAL-STATE WATER RIGHTS PROBLEM: THE NEED FOR A LEGISLATIVE SOLUTION

Mr. KUCHEL. Mr. President, I send to the desk for appropriate reference a bill which I hope and believe will be a first step in achieving a fair and reasonable solution to a problem which many millions of my fellow citizens in California and other States regard as deterring—if not, indeed, preventing—maximum development of our water resources. I ask unanimous consent that the text of my bill be set forth in full at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD, as requested.

(See exhibit 1.)

The bill (S. 2636) to provide that withdrawals or reservations of public land shall not affect certain water rights, introduced by Mr. KUCHEL, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. KUCHEL. Mr. President, I refer to the troublesome, complex, complicated, and controversial problem of the sometimes conflicting jurisdiction, rights, and responsibilities of the individual States, on the one hand, and that of the Federal Government on the other, with respect to what law should govern the development, appropriation, and use of the waters within State boundaries: Whether we should follow the historic, time-tested principles that State law should control within the borders of a State, or whether we follow a new, regrettable trend toward centralism with an ill-defined concept of Federal paramount rights superseding local self-government in such matters?

A FIRST STEP PROPOSAL

At my request, the chairman of the Senate Committee on Interior and Insular Affairs arranged for hearings on June 15 and 16, 1961. In these 2 days of productive hearings, we attempted to elicit from both the executive departments and other interested parties a basis from which we could draft and introduce a reasonable, first-step bill in this difficult area of State-Federal relations. It appeared at that time that the executive departments, particularly the Department of Justice, might continue the spirit of cooperation which prompted the Departments of Defense, Justice, Interior, and Agriculture to agree to the so-called reservations bill in 1958. I regret that to date a similar bill has not been recommended. Thus, I am introducing a measure today which I hope will be discussed within the coming months and carefully considered by the executive departments during the congressional recess. When Congress again meets in January, I would hope that we could move ahead on the basis of the proposal I have offered.

As I have suggested, the legislation I am proposing at this time would not, in my considered judgment, be a final solution to this long unsolved and growing problem. But I hope it would be

a first step, a trailblazing step, toward a workable solution.

The basic principle and text of the measure was recommended by the executive branches of the Federal Government in 1958, and I have added certain clarifying and perfecting amendments, the desirability of which developed during the exhaustive hearings by the Committee on Interior and Insular Affairs in June on Federal-State water rights.

RIGHTS OF BOTH STATES AND UNITED STATES PROTECTED

Under this reservations bill, Congress would declare, on behalf of the Central Government, that the mere fact that an area of land within a State had been reserved by one of the administrative branches of the Government for one purpose or another, such as establishing a gunnery range, for example, does not negate, suspend, or nullify State water law, and water resource development under it, in that area.

The basic purpose of the proposed legislation is clearly and succinctly stated in the first sentence of the first paragraph of the first section. It would provide:

> The withdrawal or reservation of surveyed or unsurveyed public lands, heretofore or hereafter established, shall not affect any right to the use of water acquired pursuant to State law either before or after the establishment of such withdrawal or reservation.

Other sections of the bill protect fully the rights and prerogatives of the Federal Government, and carry out the purpose of the bill, as stated in the provision just quoted.

The changes in the bill I am introducing from the administration drafted and sponsored measure do not, I believe, go at all to the substance of the proposed legislation. I would add paragraphs (2), (3), and (4) to section 1, and a new section, section 3.

The new paragraph (2) would merely declare by statute that which is already true factually; namely, that in the rivers of the West, the use of the waters for navigation is subordinate to uses for irrigation and other domestic purposes. The Flood Control Act of 1944 states this fact with respect to federally constructed projects for flood control and navigation generally; and on the Interior Committee we have written such a provision into irrigation and reclamation bills on a project-by-project basis. There is sound reason why the principle should become general law.

PRINCIPLE OF RECLAMATION LAW EXTENDED

My paragraph (3) is derived from sections 7 and 8 of the Reclamation Act of 1902. The provision has worked very well indeed, without any hardship or derogation of the rights of the Federal Government with respect to reclamation projects for some 60 years now.

It has stood the test of time and experience, and there is no reason it should not become general law. The provision would not deny the United States any power it now has to acquire rights other than by State law; but the provision does say that when the United States claims a water right under State law, it shall follow the administrative procedures established by the State.

My addition to the administration bill set forth in paragraph 4 of section 1 contains two provisions. One is to recognize the right to compensation of rights in waters, whether navigable or nonnavigable, if they are recognized by the State. This is the point made by the general counsel of the Federal Power Commission in our Interior Committee hearings this June, and I thought it was one of the most constructive statements that has appeared in any hearings on this subject. Mr. John C. Mason, the general counsel, indicated, and I think he is right, that the recognition of the compensability of rights taken by the United States or its licensees would remove a very high percentage of the area of friction in water rights relationships.

COMPENSATION A BASIC ISSUE

Nobody denies the right of the United States to build works or to take property, real estate, water rights, or whatever, in aid of constitutionally authorized projects. The only question is whether it is going to take them with compensation or without compensation.

Once the principle of compensability is established, 95 percent of the conflict disappears. Compensability does not, in most instances, add any appreciable cost to a Federal project. By "appreciable," I mean in terms of percentage.

On the Central Valley project, for example, my recollection is that out of a total cost of some $500 million, only about $5 million had been spent for the acquisition of water rights; and in the Gerlach—*U.S.* v. *Gerlach Live Stock Co.* (339 U.S. 725 (1950))—case only a few hundred thousand dollars was involved.

Compensability would remove much of the problem before us.

INITIATION OF JUDICIAL PROCEEDING REQUIRED

The second clause of this proposed paragraph 4 relates to the manner in which the United States shall take, that is, by eminent domain, as provided in section 21 of the Federal Power Act, and not otherwise.

The intent, here, is to negate, as to water rights, the asserted power of the United States to take without first initiating judicial proceedings, that is, by what is called inverse condemnation. Inverse condemnation is not a new principle. In some respects, it is highly equitable.

But with respect to water rights, the difficulty is that this technique has been developed and used by the Department of Justice in several instances in which the water user never knew that anything was being taken from him.

Water rights operate at a distance, both as to time and place. When the gates of Friant Dam were closed and water below that was shut off from time to time, did the United States thereby take, without any notice to the downstream user that it intended to make a permanent taking? If the Federal Government took the water that would have reached the downstream user in August, is that notice that forever after he is going to be restricted to the water that happened to reach him in that particular month of that particular year, even though in other months in the year, or even in August of another year that was wetter, he received all the water he wanted?

It seems highly equitable that if the United States is to take any water rights, which are a kind of real property, it should go through the ordinary condemnation processes. It gets immediate possession, and then tries out the value of what is taken before a local court.

Section 21 of the Federal Power Act is a very liberal provision which allows the licensee to condemn either under Federal law, if there is one applicable, or under State law. Section 21 has been construed in the case of the *City of Tacoma* v. *Taxpayers of Tacoma* (357 U.S. 320), as being applicable even against State-owned property; so that the Federal licensee or the United States, in proceeding under section 21, has ample powers.

This matter of inverse condemnation is one of the sore points in the Government's dealing with the western water users.

WAIVER OF SOVEREIGN IMMUNITY

Section 3 of my bill is new. It would amend section 208 of the act of July 10, 1952, the so-called McCarran Act, by deleting from subsection (c) of that section 208 the following:

> Nothing in this Act shall be construed as authorizing the joinder of the United States in any suit or controversy in the Supreme Court of the United States involving the right of States to the use of the water of any interstate stream.

The effect of that clause, that sentence, in the existing act, is to make impossible the litigation of the very cases that require resolution in the courts. It is generally true that most of the streams in which the United States is interested are interstate.

But that whole subject matter, which must involve a suit by one State against another in the original jurisdiction, is now withdrawn by the effect of the act of 1952. I think the principle of consent to suit should be made general. The Congress should grant such general consent, not any individual officer, such as the Attorney General.

BILL RECOMMENDED BY PRIOR ADMINISTRATION

Mr. President, as I stated, this bill is generally the measure drafted and recommended in 1958 by all of the executive agencies of the Federal Government concerned with water resource development, and transmitted to the Congress by the Department of the Interior. It had been drafted at the request of the Interior and Insular Affairs Committee as an acceptable substitute—a substitute acceptable to the executive branch of the Federal Government, that is, to the so-called Barrett bill, S. 863 of the 84th Congress, popularly called the western water rights bill.

I ask unanimous consent that the letter from the then Secretary of the Interior, Hon. Fred Seaton, transmitting the text of the reservation bill as a substitute for the Barrett bill, S. 863, 85th Congress, be set forth in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 13, 1958.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR MURRAY: This letter is in response to your request for a report on S. 863, 85th Congress, a bill to govern the control, appropriation, use and distribution of water. The Department of the Interior adheres to the position it has taken generally and consistently, as expressed earlier in our letter of March 20, 1956, favoring the enactment of such legislation.

Our departmental experiences in varying programs of development and conservation of water resources have encouraged us to support as a national policy matter proposals to extend to other executive departments and agencies congressionally prescribed policies requiring cooperation with States and adherence to State practices. Those departments and agencies admittedly have different functions and duties resting, in most instances, on constitutional powers other than those on which the programs carried out by Interior are based.

Notwithstanding these dissimilarities, an earnest effort was made over a period of months to find language agreeable to the various executive departments and agencies concerned with uses of water resources which would afford adequate protection to Federal interests yet grant the 17 reclamation States the desired statutory assurances of the integrity of the water rights of their people. The main problem was to agree on language which would give this assurance of the integrity of western water rights notwithstanding adverse implications arising from the Pelton case (*Federal Power Commission* v. *Oregon*, 349 U.S. 435 (1955)), and thereby also curtail any further extension of the so-called Federal reservation theory. In so doing it was essential also to protect legitimate Federal interests and vital Federal programs.

The result has been a modification of the approach proposed by the sponsors of S. 863. This modification which we submit for your consideration admittedly is more limited than the comprehensive measure now before the committee. It nevertheless constitutes a major step toward assurance of the integrity of existing rights to the use of water in the reclamation States. This compromise draft, stated in the form of a single limited proposition and followed in section 2 by pertinent reservations, follows:

"SECTION 1. The withdrawal or reservation of surveyed or unsurveyed public lands, heretofore or hereafter established, shall not affect any right to the use of water acquired pursuant to State law either before or after the establishment of such withdrawal or reservation.

"SEC. 2. Nothing in this Act shall be construed as:

"(a) Modifying or repealing any provision of any existing Act of Congress requiring that rights of the United States to the use of water be acquired pursuant to State law, to the extent that such provisions are otherwise applicable.

"(b) Permitting appropriations of water under State law which interfere with the provisions of international treaties of the United States.

"(c) Affecting, impairing, diminishing, subordinating or enlarging (1) the rights of the United States or any State to waters under any interstate compact or existing judicial decree; (2) the obligations of the United States to Indians or Indian tribes, or any right owned or held by or for Indians or Indian tribes; (3) any water right heretofore acquired by others than the United States under Federal or State law; (4) any right to any quantity of water used for governmental purposes or programs of the United States at any time from January 1, 1940, to the effective date of this Act; or (5) any right of the United States to use water hereafter lawfully initiated in the exercise of the express or necessarily implied authority of any present or future Act of Congress or State law when such right is initiated prior to the acquisition by others of any right to use water pursuant to State law."

You will observe that this draft is devoid of caption, title, preamble or statement of purpose, popular name title and other desirable legislative embellishments.

Section 1, as we have already indicated, is intended to curtail any possible extension of the so-called Federal reservation theory. The main issue raised by section 1 is intended to be one of congressional policy in the exercise of constitutional powers. In this connection it may be pertinent to observe here that a constitutional grant of power carries with it all auxiliary and implied powers necessary to its legislative effectuation or its successful invocation or application. Further, the supremacy clause of our Federal Constitution interposes the national power to protect an authorized activity as set forth in, or as sanctioned by, the Constitution of the United States, the laws made in pursuance of the Constitution, or the treaties of the United States.

Under the language proposed and with respect to the Federal Power Act, a State still could not, under the doctrine of the New River case (*U.S.* v. *Appalachian Electric Power Co.*, 311 U.S. 377 (1940)), and the Red River case (*Oklahoma ex rel. Phillips, Governor* v. *Guy F. Atkinson Co., et al.*, 313 U.S. 508 (1941)) license a dam on a navigable stream or its tributaries contrary to that act. Nor could a State, under the doctrine of the First Iowa Co-op case (*First Iowa Hydro-Electric Cooperative* v. *Federal Power Commission*, 328 U.S. 152 (1946)) and the Pelton case (*Federal Power Commission* v. *Oregon, supra*), prevent the issuance of a Federal license.

The legislative assurance of the integrity of western water rights contained in section 1 does not jeopardize the national defense or other national interests. Probably no other combination of powers vested in Congress even approaches in scope the aggregate often referred to as the War Powers. Article I, section 8 of the Constitution empowers Congress to "provide for the common Defense and general Welfare of the United States" (cl. 1); "declare War" (cl. 11); "raise and support Armies" (cl. 12); "provide and maintain a Navy" (cl. 13); "make Rules for the Government and Regulation of the land naval Forces" (cl. 14); "repel Invasions" (cl. 15); and "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof" (cl. 18). Other constitutional powers are available to protect other national interests.

Section 2 of the draft consists of rules or limitations on the construction of section 1 and also carries restrictions on the general application of the act. They are intended primarily to forestall possible attempts to circumvent section 1 and thereby upset existing rights, obligations, or programs. At the same time, they leave the way open for future acquisitions of rights and legislative adoption of programs by Congress. Briefly stated, they are:

1. The numerous provisions of Federal law which Congress over a long period of time has enacted requiring noninterference with State, territorial, or local laws in the acquisition of rights to the use of water are not to be construed as modified or repealed by this act. This includes, of course, section 8 of the 1902 Reclamation Act, the pertinent provisions of the Flood Control Act of 1944, and other similar provisions of Federal law. Among other things, it also negates any inference that in protecting uses of water which may be lawfully initiated under an act of Congress, Congress thereby will be deemed to intend that existing statutory provisions requiring noninterference with State law shall be superseded.

2. Interference with existing international treaties of the United States by appropriations of water pursuant to State law is not authorized. A treaty commitment dealing properly with matters of international concern is a Federal obligation not within the control of any single State or any group of States. Such a commitment is part of the supreme law of the land, any State law to the contrary notwithstanding, and it is subject to such action as the Congress or the Nation may take for its enforcement, modification, or repeal.

3. Rights of the United States or any State to waters under an interstate compact or judicial decree are to be neither enlarged nor impaired by section 1. Consent of Congress to a compact is cast in the form of statutory approval, subject to Presidential veto, and within the fundamental rule that one Congress cannot irrevocably bind a subsequent Congress to its enactment. Nor can Congress, by compact or delegation, divest itself of powers conferred by the Constitution, so as to preclude further congressional action involving the exercise of those constitutional powers. The Federal Government may participate in the compact in many instances if it chooses. It should be noted in this connection, however, that any invocation by Congress of constitutional powers in connection with a compact, a treaty, or by way of amending existing statutory law must take into account vested rights which may have accrued under that compact, treaty, or the amended statute.

4. The obligation of the United States to Indians or Indian tribes, especially those claimed obligations now in litigation, remain unaffected, and rights held by or for Indian tribes are not to be impaired, diminished, or enlarged by section 1. This provision, it may be noted, is in harmony with variations of language found in interstate compacts relating to water rights of Indians and Indian tribes. An attempt was made in this instance to select language which would take into account the final Ahtanum decision (*U.S.* v. *Ahtanum Irrigation District*, 236 Fed. 2d 321 (1956), cert. den. 352 U.S. 988 (1957)) and would leave unaffected current issues before the Indian Claims Commission and the courts.

5. Water rights heretofore acquired by others than the United States pursuant to Federal law or under State law will not be impaired by operation of section 1. The same may be said of rights acquired in territorial periods prior to the granting of statehood to Territories under Federal enabling legislation.

6. Water rights problems arising as a result of water uses on Federal reservations after January 1, 1940, and prior to the effective date of this proposed bill, especially those which arose by reason of national defense activities, are left in the status quo. Thus, certain issues, such as those in litigation involving the Navy's ammunition depot at Hawthorne, Nev., must await judicial disposition by the courts, or legislative disposition by the Congress. In this connection, it should be recalled that substantial uses of water were made during this period by reason of our preparations for the defense of the Nation and our participation

in World War II. This proposal would preserve for possible future needs such rights to the use of water as may have been established in the United States by reason of those activities.

7. In connection with any project or program authorized by Congress in the future, this proposed act cannot be construed to curtail or foreclose the acquisition under proper legislative and constitutional authority of necessary rights to the use of water when such acquisitions will not divest others of rights acquired pursuant to State law. Uses established in the past or to be authorized in the future are not prejudged in this bill.

You will observe that there is a substantial degree of correlation in this modified proposal and important elements of S. 863. First, it will be noted that past and future Federal withdrawals and reservations shall not prejudice beneficial uses initiated under State laws. Second, the applicability of section 8 of the 1902 Reclamation Act and related laws are preserved across the board, so to speak. Third, impairments or diminutions of Federal, State, or international rights under applicable interstate compacts, treaties, or judicial decrees are foreclosed. Fourth, the protection of rights of Indians and Indian tribes is assured. All of these principles are embodied in S. 863.

We do not believe this modified proposal can impair Federal functions and programs because immense constitutional powers vested in Congress, including those relating to national defense and war, are always available for national use. Thus, Federal interests can be readily protected at the same time rights vested under State law are assured.

We are authorized to state that the Department of Justice, Department of Defense, Department of the Interior, Department of Agriculture, and the Bureau of the Budget concur in submitting this proposed substitute language for the consideration of your committee. We will be pleased to furnish such further information and otherwise render such assistance as you may desire in connection with this matter.

Sincerely yours,

FRED A. SEATON,
Secretary of the Interior.

Mr. KUCHEL. Mr. President, as I stated, I have delayed introducing my present measure until this time in the hope that the executive agencies of the present administration might see fit to follow the admirable example set by their predecessors in office and come up with similar recommendations for legislative action in this Congress that would constitute at least a step forward in solving some of the problems presented by Federal claims to ownership of all unappropriated waters in my State of California and other States based on Federal ownership of vast areas of public lands in my State and other States of the West.

THE NEED FOR ACTION

As a result of the hearings on Federal-State water rights held by the Senate Committee on Interior and Insular Affairs last June at my request, and in view of the report of the Senate Select Committee on National Water Resources, on which I had the honor to serve as vice chairman, there was, to my mind, at least, a firm basis for such hope—a reason to believe that the problem had been made clear, and that the need for action had been made equally clear. In a speech I made in the Senate on May 26, 1960, prior to either the Federal-State water rights hearings or the select committee's report, I tried to point out the need and urgency for such action.

At that time in discussing the Barrett and similar bills, which would have declared the rights of the States to control, under their own laws, the use of waters within State boundaries, I said:

I do not want the States to hamstring the Federal Government in its constitutional sphere of activities in the conservation and development of our land and water resources. But neither do I want the Federal Government to hamstring our States in their efforts to respond to the needs, present and future, of their citizens, in accord with local conditions and local needs, and in their efforts to use for the highest public good waters within their borders.

The executive branch categorically opposes these proposals. But I submit this opposition by one branch of the Government is no reason why the Congress should not face up to the problem and fashion legislation which would end the constant unrest and uncertainty as to water rights between the several States and the Federal Government.

I then went on to say:

Mr. President, time is running out. My purpose in addressing the Senate is to voice the urgent need for congressional action. These legislative proposals form the basis on which we can take constructive action. As I say, the principles they set forth are valid. They preserve to every State of these United States its historic—and constitutional—right to use the waters within its borders as its own people determine to be in their own best interests. They also protect the interests of the Federal Government in its constitutional sphere.

However, this administration has not seen fit to approve affirmatively even the reservation bill so carefully worked out by the Departments of Justice, Interior, Agriculture, and Defense, and the Federal Power Commission in the previous administration. Nor has this administration advanced any new or constructive ideas of its own to solve the conflicts, actual and potential, between the Federal Government and the States over water resource development. Nevertheless, inadequate as I believe this measure to be to solve the basic problem, I am introducing it as one small step forward.

BASIC GOALS

Mr. President, I hope that I have made plain my own sincere convictions that the measure I am sponsoring is not the final solution to the problem. Personally, I much prefer the general goals of several earlier and more comprehensive measures. These proposals sought:

First, to remove clouds on water rights previously vested under the laws of the 17 Western States;

Second, to provide for the future acquisition, under State law, of rights to the use of all unappropriated waters;

Third, to provide adequate protection for Federal interests in the use and development of such waters.

The proposed legislation would have attained these purposes by having Congress declare that all unappropriated waters, whether ground or surface, nonnavigable, are available for appropriation under State laws. Federal agencies and permittees, licensees, and employees of the Federal Government would be required to acquire property rights to the use of water under State law in carrying out Federal water uses. All existing rights of third parties under State or Federal law would be protected, including Indian rights.

What is wrong with these basic policy goals?

Nothing is wrong with these goals. I had always assumed they were well recognized by the Constitution and the whole evolution of Federal-State responsibilities in this country. I had thought these goals were achieved for generations. These goals are in the public interest.

The only thing wrong with these goals is the lack of affirmative response from some of the executive agencies.

In order that the executive agencies' position may be clear, I ask unanimous consent that the report of the Department of Justice on the Barrett bill, dated March 19, 1956, be printed in the RECORD at this point in my remarks.

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

JUSTICE DEPARTMENT'S REPORT ON BARRETT BILL OF 1956

DEPARTMENT OF JUSTICE,
Washington, D.C., March 19, 1956.

HON. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in response to your request dated March 5, 1956, for the views of the Department of Justice concerning the amendment to be proposed by Senator BARRETT to the bill, S. 863. Under the proposed amendment, the bill would be entitled "A bill to recognize and confirm the authority of arid and semiarid States relating to the control, appropriation, use, or distribution of water within their geographic boundaries, and for other purposes."

The proposed legislation would be cited as the "Water Rights Settlement Act of 1956." After a detailed recital indicating that the security of prior rights to the use of water acquired under State law for beneficial purposes is threatened by the exercise by the Federal Government of its rights to the use of water in those States lying wholly or in part west of the 98th meridian, the purpose of the proposed legislation is stated in the last sentence of section 2 as follows: "Because of the fact that previous acts of Congress have been and may be interpreted with respect to these States so as to cast clouds on such prior rights and to interfere with the future orderly development of water resources in accordance with the foregoing declaration, it is the purpose of this act: (1) to remove any such clouds; (2) to provide for the future acquisition of unappropriated waters, navigable and nonnavigable, in compliance with State laws; and (3) to provide adequate protections of the Federal interests to the end that the Federal Government may perform its functions in a manner consistent with the foregoing purposes."

This Department questions the validity of the assumption underlying the statement of policy that Federal activities in the Western States involving rights to the use of water threaten the security of prior rights acquired under State law or cause undue interference with such rights or with the orderly acquisition of such rights in the future. If there are instances in which either public or nonpublic investments in water resource developments have been jeopardized by the National Government in the exercise of its powers and authority under the Constitution, they are indeed rare.

Passing over without further comment the statement of policy considerations, it appears that the effect of the legislation would be to subordinate substantially all Federal rights to the use of water in the West to the laws of the States and the rights of those claiming under State laws and to completely subject the National Government in this field to control and regulation by the States. That this effect is inconsistent with, and, in the present form of the bill, at best renders uncertain of accomplishment, the declared purpose "(3) to provide adequate protections of the Federal interests to the end that the Federal Government may perform its functions in a manner consistent with the foregoing purposes" is apparent from the following considerations.

Section 5 of the proposed legislation would provide that: "In the use of water for any purpose in connection with Federal programs, projects, or activities no Federal agency or employee of the Government shall interfere with the exercise of any right to the use of water for beneficial purposes heretofore acquired under and recognized by State custom or law except when expressly authorized by law and upon payment of just compensation therefor: * * *." The full impact of this provision is difficult of comprehension. Questions of construction would be innumerable. It is conceivable that rights "heretofore" acquired under and recognized by State custom or law without recognition of prior vested rights of the Federal Government not based upon State law would be held superior to the Federal rights. There are presently pending in the courts numerous cases involving that precise situation. A conceivable construction of section 5 is that it constitutes a relinquishment by the United States of America of its vested rights to the use of water in every instance when an appropriator under the laws of the State, asserting a right acquired prior to the date of approval of the legislation, claims adversely to the rights of the United States irrespective of relative priority. Under such a construction, the executive branch of the Federal Government would be precluded from fulfilling its responsibilities in connection with the development of water resources and the use of those resources if for no other reason than that the costs would be in many instances prohibitive. Beyond the question of the extent to which section 5 might conceivably be construed as subordinating reserved or other presently vested rights of the Federal Government not based upon State law to rights asserted under such laws, other impediments to performance by the Federal Government of its functions in water resource development are suggested. For example, the injunction against interference by Federal agencies or employees with the exercise of any right to the use of water heretofore acquired under and recognized by State custom or law might be construed as requiring water deliveries from the Colorado River for the satisfaction of all rights to waters of that river heretofore acquired under State law without regard to the feasibility of such deliveries unless express authorization for the taking of such rights by the Federal Government can be found in legislation. There is wide conflict between such possible construction of section 5 of the proposed legislation and the claims asserted by the several States included in the lower basin of this river in litigation now pending in the Supreme Court of the United States. A similar impact upon administration by the Federal Government of other great reclamation projects in the West is conceivable.

The devastating effects of the provisions of section 6 of the proposed legislation upon the performance by the Federal Government of its functions in water resource development and in the exercise of its rights to the use of water are even more readily apparent. These provisions, subject to existing rights under State law, purport to reserve for appropriation and use of the public pursuant to State law all navigable and nonnavigable waters, and would require all Federal agencies and all permittees, licensees, and employees of the Federal Government, as a condition precedent to the use of water for any purpose in connection with Federal programs, projects, activities, licenses or permits, to acquire the right to such use in conformity with State laws and procedures. The only exception to such requirements of conformity with State law relates to the storage and release of water solely for the prevention of floods.

The impracticability, if not the impossibility, of full compliance by the Federal Government with State laws in connection with interstate stream development is obvious. This applies not only to reclamation projects but as well to the use of water for power development, improvement, and control of navigation, flood control beyond the mere storage and release of water, pollution control, and other proper functions of the Federal Government in connection with the water resources of the Nation. That the necessity of complying with the varying and oftentimes conflicting provisions of the laws of the several States affected by any interstate stream project before such project might be undertaken seriously threatens the possibility of additional Federal projects on such streams appears clear.

This Department cannot, of course, state with certainty the interpretations which may be placed by the courts upon the proposed legislation. The best that can be done is through an analysis of the legislation to suggest what interpretations are reasonably conceivable. In this connection, it is conceivable that the provision of section 6 reserving for appropriation and use of the public pursuant to State law all navigable and nonnavigable waters might be construed as opening up for appropriation under State law the waters stored in Hoover Dam, Parker Dam, Davis Dam, Friant, Shasta, Grand Coulee, Elephant Butte, Fort Peck, Oahe, Garrison, Fort Randall and other similar projects without regard to the purpose of the project and was without regard to the authorizing legislation, existing Federal contracts, or other considerations.

Other equally undesirable consequences are perceivable through the interpretations which might be made of section 6. There is nothing in the proposed legislation which saves from the operation of that section present rights of the United States, with the exception of the provision of section 9 relative to the fulfillment of treaty obligations. The language of section 6 seems to require that in the future no Federal right to the use of water which is not already based upon State law may be exercised unless a right to such use is first acquired in conformity with State law relating to the control, appropriation, use, or distribution of such waters. Whether rights to the use of water for many purposes which are recognzed as being within the purview of the Federal Government can be acquired in conformity with State laws presents a serious question. The subject bill provides that rights to the use of navigable and nonnavigable waters for beneficial purposes shall be acquired under State laws relating to the appropriation, control, use, or distribution of such waters. Use for a beneficial purpose is a prerequisite to acquisition of a water right in those States following the system of prior appropriation. By definition what constitutes a beneficial purpose in a particular State would depend upon the law of that State. Many Federal uses are not recognized as being for beneficial purposes under present laws of all the Western States and many are not so recognized under present laws of any of those States. In this category are navigation; recreation purposes; conservation of fish and wildlife; maintenance of national parks, monuments, and scenic attractions; military purposes; and others. If a right to the use of water for any of such purposes could not be acquired in conformity with State law, the provisions of section 6 of the subject legislation would in effect constitute a prohibition against the continuance of existing and the initiation of future Federal activities within these areas, except as such prohibition may be held violative of constitutional provisions. It could be argued that Federal law recognizing the validity of such purposes in the field of Federal activity would have to be accepted as part of the State law relating to the control, appropriation, use, or distribution of water. Past experience indicates that this view would not be willingly accepted. The last proviso in section 6 does not preserve to the National Government the right to the use of water in the national parks and monuments. It merely prohibits others from acquiring the right to store or divert waters therein.

Beyond the question of the impossibility of acquiring rights under State law for many proper Federal purposes, reference is also made to the impracticability in numerous other situations of acquiring all necessary water rights in conformity with State law prior to proceeding with Federal projects. Attention is also directed to the fact that the bill would in effect delegate to State authorities control over the operation of all Federal "programs, projects, activities" requiring the exercise of rights to the use of water. Passing for the time the constitutional aspect of such a delegation, it is suggested that the infeasibility of turning over to authority other than the executive branch of the Federal Government the control of projects built at a cost of hundreds of millions of dollars contributed by the taxpayers of the entire Nation requires no further comment.

That the provisions of section 6 appear to expose to loss, through appropriation by others under State law, all presently vested rights of the United States to the use of water on the Government's military establishments, national forests, Indian reservations, national parks and monuments, and other reserved lands, except as the fulfillment of treaty obligations in connection therewith is involved, should be noted. Even if it were assumed that all affected Federal agencies would proceed immediately to attempt to perfect in conformity with State law the presently vested rights which would be so exposed, little imagination is required to envisage the flood of conflicting claims as to dates of priority which would ensue.

In the next preceding paragraph, an immediate attempt by all affected Federal agencies to perfect in conformity with State law rights presently vested in connection with reserved lands is assumed. If such attempts were not successfully consummated prior to the acquisition of rights by others in those waters which are now reserved by the National Government, or if filings already made thus become effective, liabilities of still another nature might be involved. For example, there are the rights of the Indians and Indian tribes to the use of water on their reservations which are not based on State law. If, as above suggested, such prior rights were lost as the result of the operation of section 6, an obligation to compensate the Indians in a very large amount might well be established. Although section 9 of the proposed bill would appear to eliminate from this particular consideration the Indian rights with respect to reservations established by treaty, there is nothing in the bill which saves the Indian rights stemming from executive action or otherwise.

Section 7 of the proposed bill is a waiver of immunity from suit which is broader than 43 U.S.C., 666. The latter permits the joinder of the United States as a defendant "in any suit (1) for the adjudication of

rights to the use of water of a river system or other source, or (2) for the administration of such rights * * *." Section 7(a) of the proposed legislation would permit the joinder of the United States as a defendant "in any suit relating to the control, appropriation, use, or distribution of water which is to be used for beneficial purposes * * *." Although this Department would vigorously resist in behalf of the United States such a contention, and there is doubt as to the constitutionality of the law so construed, it is conceivable that section 7(a) might be construed as authorizing injunctive relief against the United States when it is contended that the directions of the Congress to the executive branch of the Federal Government are not being carried out in conformity with State law. Without regard to the validity of such contentions in any such suit, it is readily discernible that such a construction of section 7(a) might well result in prolonged delays in the accomplishment of water resource development projects provided for by the Congress pending the outcome of such litigation. There is serious doubt whether the Federal projects, either now operating or authorized throughout the West, could have been possible under the provisions of this bill. The net result of a waiver of immunity from suit such as is here presented could be an abdication by the Congress to the judiciary of those powers relating to water resources which are delegated by the Constitution to the Congress and which that body has in the past jealously guarded.

Numerous problems of conflict between constitutional provisions and the provisions of the subject bill are presented.

One of these has to do with the provision of section 6 that all navigable and nonnavigable waters are reserved for appropriations and use of the public pursuant to State law. In several of the affected States, the common law doctrine of riparian rights is recognized in varying degrees. Is not the congressional purpose to make the law of prior appropriation exclusively applicable in all these States, without regard to riparian rights, an invasion of the reserved power of the States to control the non-Federal ownership and use of rights to the use of waters within their respective jurisdictions? It is doubtful that the opening language of section 6 making the provisions of the section subject to presently existing rights under State law overcomes this objection.

Another question with reference to the same language in section 6 is whether the Congress has the power, in the face of the commerce clause of the Constitution of the United States, to reserve for appropriation under State law all navigable waters in the western two-thirds of the Nation.

Brief reference has been made above to the effect which sections 5 and 6 would have of delegating to State control the administration and management of Federal projects and activities. It is further noted that these provisions would in effect delegate to State control those rights to the use of water which under existing law are property rights owned by the United States of America. It is believed that such delegation by the Congress to the States of the power to make "all needful rules and regulations respecting" those property rights of the Federal Government would be in contravention of article IV, section 3, clause 2, of the Constitution of the United States. It is also believed that for Congress to attempt to take from the executive branch of the Federal Government and invest in State authorities the power to make rules and regulations for or affecting control of the Federal properties involved in "Federal programs, projects, activities," including federally owned rights to the use of the water, would be in violation of fundamental precepts of constitutional law respecting the separation of powers. For under article II, sections 1 and 3, of the Constitution, the President is charged to take care that "the laws be faithfully executed * * *." Faithful execution by the President (through the executive departments and agencies) of all the laws of Congress relating to water resources in conformity to the laws of 17 different States would, it is submitted, be patently impossible. But in addition, the Congress is prohibited from assuming to itself executive functions. A fortiori it may not invest those functions in the States and their agencies over which it has no control. To bestow upon the States the powers of the President to "take care that the laws" relating to rights to the use of water are faithfully executed is contrary to the proposition that Congress can neither delegate its own powers nor enlarge those of a State.

A conflict between the purpose of the proposed legislation to make State laws relating to the use of water superior to all Federal law in that field and the provisions of article VI, clause 2, of the Constitution is also suggested.

For the foregoing reasons, the Department of Justice is opposed to the enactment of the bill.

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

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

Mr. KUCHEL. Mr. President, again in the 85th Congress, the water rights bill was introduced. Some of us tried to obtain favorable action on it. Again the executive agencies, spearheaded by the Department of Justice, opposed. In response to the request, which some of us on the committee made for a bill that would be acceptable, the measure I am introducing today was drafted and submitted. As I have said, I regard it as but a first step.

FINDINGS OF THE SENATE SELECT COMMITTEE ON WATER RESOURCES

As one basis for my strong conviction of the need for congressional action, at least to clarify the certainly confused situation with respect to problems in the field of water rights arising from our unique Federal system, under which both our States and our National Government exercise sovereignty, I wish to cite the findings of the Select Committee on Water Resources.

As the members of the committee know, this select committee was established by Senate Resolution 48, 86th Congress. It was composed of 17 Members of the Senate from all sections of the United States—East, West, North, and South.

In the select committee's report, under a sectional heading entitled "Action Areas for Meeting National Goals," there is a subsection called "Clarification of the Federal Position in Connection with Water Rights." I quote a few paragraphs from the select committee's findings on this matter, beginning at page 65 of the report:

(c) Clarification of the Federal position in connection with water rights: With demand for water far outreaching increases in present sources of supply, conflicts between the States and the Federal Government over the control and use of water are growing sharper and more serious. The problem is a national one, but its threat is especially grave in the public land States of the semiarid West, where not only is water even more scarce than elsewhere in our country, but where Federal ownership of millions upon millions of acres of land give the Federal Government an asserted basis for claiming proprietorship, paramount rights, or title in fee simple absolute to all unappropriated waters in many of our States.

Inevitably, such sweeping claims by the Federal Government might retard State plans and projects for development of their own water resources to meet local needs and conditions for their own citizens in accordance with their own local law and customs. As a result, all of our people everywhere are the losers.

A few specific examples will serve to illustrate the danger. California, with its nearly 16 million citizens—to whom a half million more are being added each year—has a far-reaching State water resource development plan, estimated to cost $11 billion or more within the next 25 years.

Last November the voters of the State adapted a proposal to bond themselves in the amonut of $1,750 million to bring the waters of the Feather River from the northern to the southern part of the State over a transmission system hundreds of miles long.

At the very time this project was under consideration by the people of the State, the Federal Government asserted in a California court action that when the United States acquired the area that is now California, and five other States, under the 1848 Peace Treaty of Guadalupe Hidalgo which ended the war with Mexico, the Federal Government "became the owner of all lands and all rights to use water within the area. This ownership is still retained unless it has been divested pursuant to act of Congress. There has been no such divestment (*City of Fresno* v. *State Water Rights Board*, California Superior Court, Fresno County, No. 105245)."

This claim by the Federal Government, based on a 112-year-old peace treaty, of outright ownership over all unappropriated water in the State, is described by California officials as "casting a dark and ugly cloud over California's water development program." If this situation is to deter the development of California water resources or the development of the resources of any other State, this conflict must be cleared up and the Congress should take leadership in doing it.

Examples of the conflicts of Federal-State jurisdiction in the field of water abound. One arose in Iowa where a State law sought to prevent diversion of water from one river to another within the State but where a private utility, licensed by a Federal agency, contended it did not need to comply with the State law. The Supreme Court agreed with the utility's contention.

The Hawthorne case in Nevada represents a controversy between the Navy, occupying property in that State, and the State of Nevada over the applicability of a State law controlling underground water to a Federal military reservation. We make no comment on the validity of the Federal and State contentions.

We point to them simply to indicate our belief that what can be done to compose the conflicts in this field ought to be done by both the Federal Government and by the several States.

These cases mentioned briefly above are but a few specific examples of the ever-increasing conflict between the Federal Government and the States over water rights. As stated, such conflicts operate to the disadvantage of both, regarding the maximum development of water resources by the States.

RECENT FEDERAL ACTIONS DEMONSTRATE NEED FOR LEGISLATIVE SOLUTION

Mr. President, in my Senate comments on the subject of Federal-State water rights last year, I pointed out that the then proposed report of the Supreme

Court's special master in the case of Arizona against California would deny the 16 million citizens of California their long-recognized rights in the waters of the Colorado River, and also pointed out the grave implications of the sweeping claim asserted by the Department of Justice in the Fresno case to outright ownership by the Federal Government of all rights to all unappropriated water in California.

I regret to report that the fears I expressed in that speech have been shown to be only too well grounded. In May 1961, the Department of Justice filed a brief in the Supreme Court of the United States in support of the exceptions the Federal Government is taking to the special master's report in the Arizona against California case.

The master had found, and had recommended in his proposed decree, that water rights within a State under contracts entered into pursuant to the Boulder Canyon Project Act would be subject to the laws of the State. That is, in the words of the special master:

> State law governs intrastate rights and priorities to water diverted from the Colorado River.

This finding is from pages 216 and 303 of the master's report. But the Department of Justice has vigorously objected to such a finding and has urged that it be purged from the report and recommended decree. The Justice Department on page 32 of its brief asserts, as a general rule, the claim:

> The rights of landowners to receive and use the waters developed by a Federal reclamation project have been derived under and determined by contracts made with the United States in pursuance of applicable Federal law.

Again, on page 43 of its brief, the Justice Department asserts:

> The power of the Secretary to determine, without threat of veto by State authorities, the quantities and priorities of the water to be delivered is essential to efficient and effective operation intrastate as his power to select the persons to whom the water will be supplied.

Under this doctrine advocated by the Department of Justice; namely, that even the apportionment, priority, and use of an individual State's share of the waters of an interstate stream are governed by Federal law, not State law, what becomes of our historic American concept of local self-government?

FEDERAL-STATE COOPERATION

I submit, Mr. President, that such a doctrine does indeed cast what I have referred to previously as a "dark and ugly cloud" over the rights of a State in waters within its State boundaries. Inevitably, such a position by our National Government, in my view, is a deterrent to action by a State to develop its water resources.

I come from a State which is eternally grateful for the prodigious assistance the Federal Government has given us. Hoover Dam and the Central Valley projects are prime examples. My concern here is simply to remove roadblocks from maximum cooperation between the Federal Government and the several States. As I said last March in a talk I made to the California Municipal Utilities Association meeting in San Francisco:

> We are at the beginning of an era. I hope and believe, of genuine cooperation, both legally and physically, between the Federal Government and our State and local governments for the maximum development and use of our water resources in accordance with State and local needs and customers, and the desires of the people of California. At the same time, the Federal function and responsibility will be carried forward far more effectively.
>
> * * * * *
>
> This new approach will be, I hope and believe, one of greater recognition and greater respect by the Federal Government for the historic principle of local autonomy and self-government under which our Nation has grown great. At the same time, the State will recognize the responsibilities of the Federal Government under our constitutional system and have due respect for and appreciation of its role in water resource development.

I believe that my bill is a step forward toward realization of that goal.

Mr. President, so that the record might be complete, I ask unanimous consent that the reports from the Departments of Defense, Justice, and Interior on S. 851, the reservations bill of 1958 be included at this point in my remarks. I also ask unanimous consent to include the excellent statement made in June before the Interior Committee by the distinguished attorney and expert in water law, Mr. Northcutt Ely of Washington, D.C. I have adopted Mr. Ely's suggested amendments to the original reservations bill.

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

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., July 15, 1959.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior, and Insular Affairs, U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 851, 86th Congress, a bill "To provide that withdrawals or reservations of public lands shall not affect certain water rights."

Section 1 of this bill would provide that the withdrawal or reservation of surveyed or unsurveyed public lands, heretofore or hereafter established, shall not affect any right to the use of water acquired pursuant to State law either before or after the establishment of such withdrawal or reservation, nor shall it affect the right of any State to exercise jurisdiction over water rights conferred by the act admitting the State into the Union or the State's constitution as accepted by the act of admission. Section 2 of the bill would preserve certain rights of the United States and others as specifically set forth therein.

This bill is substantially in the same form as that submitted by the Secretary of the Interior in a letter to your committee dated May 13, 1958, as a substitute for S. 863 of the 85th Congress. In that letter the Secretary of the Interior advised that he was authorized to state that various executive departments, including the Department of Defense, concurred in submitting the substitute proposal to the committee.

The draft bill submitted by the Secretary of the Interior as a substitute for S. 863, was designed to provide "assurance of the integrity of western water rights." Accordingly, under the provisions of the draft bill, as well as under S. 851, withdrawals or reservations would not affect "any right to the use of water acquired pursuant to State law." However, S. 851 further provides that a withdrawal or reservation shall not affect "the right of any State to exercise jurisdiction over water rights conferred by the act admitting such State into the Union or such State's constitution, as accepted and ratified by such act of admission." This provision appears to go considerably beyond the purpose of the original draft bill, since it is designed to protect not only vested rights to the use of water but also State jurisdiction over such rights. Since in some cases the United States may, in the interest of the national security, require the use of water for a purpose which is not recognized as a beneficial use under State law, this language might conceivably be interpreted to preclude acquisition by the United States of essential water rights.

For this reason, the Department of Defense opposes the enactment of S. 851.

The Bureau of the Budget advises that there is no objection to the submission of this report to the Congress.

Sincerely yours,

_____,
General Counsel.

DEPARTMENT OF JUSTICE,
OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 22, 1959.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR MURRAY: This replies to your request for a report on S. 851, 86th Congress, a bill "To provide that withdrawals or reservations of public lands shall not affect certain water rights."

On May 13, 1958, the Secretary of the Interior submitted to your committee a suggested draft of the text of a bill which had the concurrence of the Departments of Defense, Interior, Agriculture and Justice and the Bureau of the Budget. The Department of Justice adheres to its support of a bill like the draft set out in that letter of Secretary Seaton, copy of which draft is attached as annex A for ready reference. This Department was in fact instrumental in working out that language through several months of cooperative interdepartmental effort.

The clear objective of that proposal was (by section 1) to remove what some have considered to be the adverse impact of the Pelton case (*Federal Power Commission* v. *Oregon*, 349 U.S. 435 (1955)), upon the security of State, local and private development of water resources, while at the same time (by section 2) reasonably protecting legitimate Federal interests and vital Federal programs.

These observations are all directly pertinent to the greater part of S. 851 because, with the exception below noted, S. 851 appears to have been taken directly from the draft submitted last year by the Secretary of the Interior, as above mentioned.

Down to the comma after the word "reservation" in line 7, page 1, of S. 851, the first section of S. 851 is exactly the same as the first section of the May 1958 draft above mentioned. And notwithstanding minor formal differences (punctuation, numbering, etc.), the second section of S. 851 is substantially the same as the May 1958 draft (annex A).

However, in S. 851 a clause following the comma in line 7, page 1, and reading "* * * nor shall it affect the right of any State to exercise jurisdiction over water rights conferred by the Act admitting such State into the Union or such State's constitution, as accepted and ratified by such Act of admission." has been added as new matter.

With this clause contained in the bill, this Department would have to oppose it in its present form. There are substantial reasons why we cannot agree, as a matter of law, that "any State" has had "conferred" upon it "the right * * * to exercise jurisdiction over water rights" in the manner suggested by the language of the clause quoted. However, we do not press our views in this respect at this time further than to suggest very practical reasons why we believe your committee will wish to recommend amendment of the bill by deleting the clause in question.

If the effect of a State's admission to the Union (based on language of either the act of admission or its own constitution) has been such as that implied by the clause in question, it is fait accompli, and any new legislation on the subject is superfluous. But if, on the other hand, the effect of a State's admission was not such as that so implied, then the clause in question cannot make it so. Furthermore, the mentioned clause deals with an issue which is not germane to the rest of the bill and its inclusion could very possibly cause confusion and misunderstanding in the interpretation and application of any such legislation as a whole. Finally, the clause referred to could not, in any view, have effect or application in more than 3, more likely only 2, of the 17 so-called reclamation States. We therefore join the recommendation made by the Department of the Interior that this clause be eliminated.

We also share Interior's belief that the phrase "of the United States" should be inserted in subsection 2(3)(d) following the word "programs" (as it appears in subsection 2(c)(4) of the May 1958, proposal, annex A), thus making it beyond question that only Federal purposes and programs are referred to at this point.

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

Sincerely,

LAWRENCE E. WALSH,
Deputy Attorney General.

ANNEX A

SECTION 1. The withdrawal or reservation of surveyed or unsurveyed public lands, heretofore or hereafter established, shall not affect any right to the use of water acquired pursuant to State law either before or after the establishment of such withdrawal or reservation.

SEC. 2. Nothing in this Act shall be construed as—

(a) Modifying or repealing any provision of any existing Act of Congress requiring that rights of the United States to the use of water be acquired pursuant to State law, to the extent that such provisions are otherwise applicable.

(b) Permitting appropriations of water under State law which interfere with the provisions of international treaties of the United States.

(c) Affecting, impairing, diminishing, subordinating or enlarging (1) the rights of the United States or any State to waters under any interstate compact or existing judicial decree; (2) the obligations of the United States to Indians or Indian tribes, or any right owned or held by or for Indians or Indian tribes; (3) any water right heretofore acquired by others than the United States under Federal or State law; (4) any right to any quantity of water used for governmental purposes or programs of the United States at any time from January 1, 1940, to the effective date of this Act; or (5) any right of the United States to use water hereafter lawfully initiated in the exercise of the express or necessarily implied authority of any present or future act of Congress or State law when such right is initiated prior to the acquisition by others of any right to use water pursuant to State law.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 17, 1959.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR MURRAY: This responds to your request for the views of this Department on S. 851, a bill "To provide that withdrawals or reservations of public lands shall not affect certain water rights." The language of this bill appears to be a modification of a proposal submitted in our letter of May 13, 1958, to your committee for its consideration.

The views of this Department in favor of legislation which would assure the integrity of water rights in the West are, of course, matters of documentary record. (See S. Rept. 2587, 84th Cong., pp. 26–31.) However, views stated on the earlier legislation, S. 863, 84th Congress, by various agencies and departments having varied programs and interests did not coincide in some instances. An earnest effort, accordingly, was made during the 85th Congress to reconcile divergent views and obtain an agreement on language which would grant desired assurances of integrity of rights to use water in the reclamation States yet protect also these varied Federal programs and interests.

The language ultimately agreed to by the interested departments and agencies, as we have indicated, was that submitted for the consideration of your committee in our letter of May 13, 1958. The Departments of Justice, Defense, and Agriculture, as well as the Bureau of the Budget, concurred in that submission. We adhere to the views expressed at that time and we continue to support the language as submitted. A copy of our earlier report is enclosed and we ask that it be considered as part of our comments on this legislation.

You will observe that the earlier report emphasized to a certain extent the negative aspects of the substitute language—that is, what it did not do or was not intended to do. It was thus pointed out that Federal interests and programs could be fully protected. Perhaps it would be helpful to note at this point some of the positive aspects, particularly those in the first section.

The primary objective of section 1 is to assure the integrity of property rights in the use of waters which may have had their sources on Federal withdrawals or reservations. The Desert Land Act already affords a similar assurance with respect to waters having their sources on open public lands. The result thus would be to preclude a possibility that the western economy, which is tied to water resources and their use, could be completely upset by future assertions of reserved rights.

The proposed assurance is retroactive as well as prospective. It is disjunctively granted in connection with Federal withdrawals or reservations "heretofore or hereafter established." This is further implemented by an assurance that any such withdrawal or reservation shall not affect any right to the use of water pursuant to State law "either before or after the establishment of such withdrawal or reservation."

With respect to the modifications mentioned in our first paragraph, we are particularly concerned with the meaning of the wording added to section 1 of the bill. It reads:

"Nor shall it [the withdrawal or reservation] affect the right of any State to exercise jurisdiction over water rights conferred by the Act admitting such State into the Union or such State's constitution, as accepted and ratified by such Act of admission."

This added language, we believe, would have very limited application. Be that as it may, there is no intention in the substitute proposal, as originally submitted for your Committee's consideration, to overturn or upset rights, if any, which may have been acquired, or which may have vested as a result of a congressional concurrence contained in an Admission Act. Accordingly, we believe that this amendment may increase possibilities of avoidable controversy without strengthening the bill and it should therefore be eliminated. We suggest that insofar as such admission laws are applicable, and insofar as rights may vest or may have vested thereunder, they are not affected, impaired, diminished, subordinated, or enlarged by this proposed substitute.

We believe the phrase "of the United States" should be restored to subsection 2(3)(d) following the word "programs," thus making it clear that Congress is legislating in this instance with respect to the Federal purposes and programs.

We have no objection to the insertion of the words "which is" in subsection 2(3)(e).

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

Sincerely yours,

GORDON R. BENNETT,
Acting Secretary of the Interior.

STATEMENT OF NORTHCUTT ELY BEFORE THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, JUNE 15, 1961, RE FEDERAL AND STATE WATER RIGHTS PROBLEMS

My name is Northcutt Ely. I am a member of the law firm of Ely, Duncan & Bennett, with offices in the Tower Building, Washington, D.C.

I am appearing as an individual at the invitation of committee, not in a representative capacity, and what I say here represents only my own views.

I. WATER BUDGET

We are accustomed to saying that the water budget is one budget that has to be balanced: You can't print water and you can't borrow it. But the Nation's water budget, like its other accounts, is under inflationary pressures. In many areas we are consuming capital.

East of the 98th meridian the Nation's water resources are so great that they appear adequate to meet any foreseeable consumptive use requirements. Over 80 percent of the water diverted or withdrawn there is used by industry, and the most of that use is not consumptive. The problems are ones of geographic redistribution and of quality. Money can solve most of them. There is as yet no absolute ceiling on quantity in sight.

West of the 98th meridian an absolute ceiling on the water supply is foreseeable. The day will come in many areas and in a few decades when more money will not produce more water. It has been estimated that by the year 2000 the population of the Southwestern States will be such that the required withdrawals of water, by diversion or pumping, will require twice the estimated runoff and consumptive use requirements might equal the entire runoff, even if it could all be made available for use. Irrigated agriculture will necessarily be competitive with other uses.

We are witnessing one of the great migrations of human history. It is pouring into the driest quadrant of the American Nation. The southwestern deserts are filling up, and as people move there, they increase their per capita consumption. Peoples have migrated over the earth's surface in great numbers before, but seldom have they deliberately left humid areas and moved into the desert.

As our people have moved into these deserts, it is hard to say whether the development of the water supply has kept up with the population or the population has kept up with the water supply.

We should take note of three significant factors. The first is that most of this western development has been agricultural, giving rise to the assumption, until recently, that agricultural use is the most economic use of water; second, some five-sixths of this agricultural development took place under the control of the law of supply and demand, without Government subsidy; third, most of it took place more than a quarter century ago, when our stream hydrographs were necessarily short, and in many areas, as we now know, they encompassed only the wet phase of a long-range cycle.

The demand was agricultural, and the population pressure was rural and hence not intense. Even now, more than 80 percent of the West's use of water is agricultural, less than 15 percent industrial and municipal.

But this is changing. The easy projects have all been built. The new ones are extremely expensive and their water supply is frequently controversial. The human migration into the deserts coincides with the march of the deserts against man. This appears to be a dry phase of a long cycle, and the deserts are on the march. As the hydrograph lengthens, man's optimism shortens.

II. THE ROLE OF THE FEDERAL AND STATE GOVERNMENTS

There are two ways to balance any budget, water included. One is to increase the supply; the other is to limit the demand. The first is the popular one for all of us, whether in terms of money or water.

As one community after another builds up to the local waterline and must go abroad for more water, it needs money beyond its own resources, and it encounters political problems beyond its own jurisdiction.

These factors all work in favor of expansion of the Federal Government's role in development of water resources. Its jurisdiction transcends State lines, its pocketbook is deep.

The demand for Federal money is concentrated; the resistance to spending is diffuse. The pressure is to reduce standards of financial feasibility to whatever level will justify the project. The technique has become: Shoot first, then draw the target around the hole. This technique commits the resource, sometimes irrevocably, in response to present pressures instead of future needs. We denounce the Federal bureaucracy at once if it rejects a project. If it builds the project, we denounce it somewhat later for interfering with State water rights.

The States promoting Federal projects, debasing feasibility standards to get them, are not in a good position to resist the expansion of Federal bureaucracy and Federal control of their water supplies. If you accept Federal greenbacks as legal tender, you compromise your confederate principles. States who want to marry the Federal Treasury cannot object if they get Congress as a mother-in-law.

The problems become regional and interstate, Federal as well as local, and involve great economic and political problems disguised as questions of law.

The innocent victim of the clash between the Federal and State dinosaurs is the water user. More specifically, it is the water user who has built his project in reliance upon water rights acquired by appropriation made under State law, who finds his supply imperiled by new projects whose sponsors have obtained Federal backing and who claim some kind of a federally generated water right.

III. PREMISES UNDERLYING FEDERAL AND STATE LAWS GOVERNING WATER RESOURCE DEVELOPMENT

It seems desirable at this point to identify the bases of Federal and State jurisdiction with respect to water resources development.

Bases of Federal jurisdiction

1. The Federal jurisdiction underlying water-resource legislation is based on five constitutional powers. The two most frequently asserted are found in the commerce clause (art. I, sec. 8, cl. 3) and the property clause (art. IV, sec. 3, cl. 2) of the Federal Constitution. These, for example, are the basis of jurisdiction of the Federal Power Act (41 Stat. 1065 (1920), as amended, 16 U.S.C. sec. 797(e) (1958)). The scope of these two constitutional powers, the commerce power as related to navigable waters and the property clause as related to public or reserved lands[1] is said to be "plenary." This, however, is an oversimplification. The other three constitutional bases, referred to in some decisions, are the war power (art. I, sec. 8), the general welfare clause (art. I, sec. 8, cl. 1) and the treaty power (art. II, sec. 2, cl. 2). The reclamation laws have been sustained under the property clause and the general welfare clause.

Bases of State jurisdiction

2. The State's jurisdiction over water resources is founded upon the "police power," that is, the power to regulate the use of property for two general purposes: (a) to conserve natural resources and prevent their waste, and (b) to establish the basis upon which private rights in water resources may be initiated and established, as a part of the State's general powers to determine the terms upon which property may be owned and enjoyed. We are not considering today the constitutional conflict, frequently encountered, between the exercise of the State's police power and the constitutional restraint placed upon that power by the 14th amendment. The conflict now under discussion is primarily in the arena of legislative policy rather than constitutional law.

Ownership versus regulation and control

3. Neither the United States nor the State owns the corpus of any water flowing in a stream, navigable or nonnavigable. Such power as either jurisdiction possesses is the power to regulate the use of that water. Great confusion is introduced by talk of Federal or State ownership of water or water resources. As against a foreign country, the U.S. owns everything within its boundaries, to the exclusion of any ownership thereof by any other nation. But what we really mean by this sort of ownership is sovereignty, not proprietorship. In some countries which follow the regalian principle of real property, the nation owns, as a proprietor, the mineral estate underlying the privately owned surface. But that principle does not prevail in this country, either as to minerals or water rights. The State owns water flowing in a stream only in the sense that it owns wild birds. One may not shoot the birds or appropriate the water without a permit from the State, in its exercise of the police power. Nevertheless, title does not come from the State's permit, but from the act of reducing the birds or the water to possession with the assent of the State as sovereign, not as proprietor. Moreover, as to water, the right that the user gets from the State is a reasonable usufructuary right, not a right in the corpus of the flowing stream. So also the United States does not own the waters flowing in any stream, any more than it owns the migratory birds which cannot be lawfully killed without a Federal duck stamp, which is required by the Federal Government in the exercise of its treaty powers for the protection of migratory fowl. The Federal power to regulate the use of the waters of a navigable stream, like its power to regulate the use of a highway or railroad, stems from the constitutional commerce power, and does not mean that the United States owns either the corpus or the usufructuary right in a stream any more than it necessarily owns the highways or the traffic on the highways.

Supremacy clause

4. Where an irreconcilable conflict is found between the exercise of power by the State, otherwise lawful, and exercise of power by Congress in a field confided to it by the Constitution, the supremacy clause (art. VI, cl. 2) of that Constitution requires the State law to yield. But it is within the power of Congress (except in a few specific constitutionally prohibited instances, such as treaties, coinage, and postal functions), to set limits upon its own exercise of power which is otherwise plenary, and to yield ground to the State in the exercise of the latter's police power. Sometimes Congress does so by silence, as by failing to legislate in a field which is open to both Federal and State regulation. Sometimes it does so by affirmative declaration. The Desert Land Act, recognizing State law appropriations of the use of waters on public lands, is an example. In the latter type of cases, the question arises whether the "propulsive force" of the law is Federal or State. It makes little difference to the man on whom this force operates, either in the recognition or the prohibition of some activity, so long as the mandate is clear as to the right or duty involved.

IV. PRINCIPAL AREAS OF CONFLICT BETWEEN FEDERAL AND STATE JURISDICTION

The areas of conflict between Federal and State powers of regulation of the use of streams can be identified and simplified by supposing that we are planning the development of a stream system, starting at the head of the stream and working down.

Construction of works

1. If Congress, in the constitutional exercise of its powers, builds or licenses the building of a dam, whether on navigable or nonnavigable waters, must it conform to the police regulations of the State, which, if operative, may veto its construction? Examples are State statutes prohibiting all dams in excess of a stated height on specified streams. The answer, under the decided cases, is plainly in the negative, and should remain so. By hypothesis, the Constitution delegated these powers to the Federal Government in order to deny that very veto power to the local interests of a State. Hydroelectric power, originating in a single State, flows across State lines in instant response to the needs of users in other States. There is a national, not a parochial, interest in weighing such benefits from the nonconsumptive use of the stream against competing nonconsumptive uses, such as fish runs which may be impeded by the dam. One agency must make this difficult evaluation, and the Federal Power Commission, not several competing State agencies, is the logical one to determine the project best adapted to the comprehensive development of the stream.

Water rights

2. But, after a dam begins to impound water, what kind of a water right inheres in those who use that water, particularly when the use is a consumptive one? This is quite a different question. It presupposes conflict with competing rights to the use of the same stream, at points which may be either above or below the project. The very nature of water rights is such that they operate at a distance, entitling the owner, on the one hand, to compel claimants above him to let the water down to his project, and, on the other hand, entitling him to store or consume that water, which would otherwise be available for use by still other projects which are below him.

[1] Sec. 3 of the Federal Power Act defines "reservations" to include "lands acquired and held for any public purposes." (41 Stat. 1063 (1920), as amended 16 U.S.C. 796 (1958)).

Water rights are of two general kinds, riparian and appropriative. The common-law riparian right, typical of England and humid areas in the Eastern United States, is a correlative right to use of a pro rata share of the stream. It can be claimed only for lands which are riparian to the stream; it is not dependent upon use for its creation, and it may not be lost by nonuse. There are no priorities among owners of riparian water rights; thus a riparian use initiated in 1959 if reasonable may lawfully diminish the supply available to other riparians, although they may have used that supply for a half century. By contrast, the law of appropriation, recognized in all 17 States west of the 98th meridian (and exclusively in 8 of them), is based on the principle of "first in time, first in right." Priority is its keystone, and it is exclusive in character. Shortage is not prorated; it falls on the junior appropriators in inverse order of seniority of the establishment of their appropriations. Appropriations are established by compliance with the procedure specified by the State: in general, filing of notice with a State administrative body, hearings on competing notices, issuance of a permit evidencing the date of initiation of the right, followed by construction of works, and thereafter by application of water to use with due diligence. In the classic language of section 8 of the Reclamation Act of 1902 (32 Stat. 388, 390 (1902), 43 U.S.C. secs. 372, 383 (1952)) "beneficial use shall be the basis, the measure, and the limit of the right." The priority of the right, upon final completion of the project, relates back to the date of initiation, to the extent of the full quantity ultimately used.

There is no comparable Federal apparatus. Instead, in at least 36 statutes, Congress has directed that rights to the consumptive use of water be established in accordance with State law.

Where Federal jurisdiction to require a Federal power license rests on the property clause of the Constitution, it is usually because the project is located on, or involves, Federal lands which are withdrawn or reserved. In fact, since 1934, all public lands have been withdrawn. Suppose a Federal reservation was created in 1910, but the license to build a project on or affecting these lands was not issued until 1959, and in the meantime substantial appropriations were made under State law, either upstream or downstream from the reservation. What water right does the licensee get, as against these appropriations? Did the United States carve out a riparian right of some kind in 1910? Does the licensee get one in 1959, notwithstanding the fact that the State may have wholly abolished riparian rights, either before or after 1910, and can he compel existing appropriators to share with him? In turn, must he prorate with a subsequent licensee on some other reservation on the same stream? If so, chaos is a certainty. The Pelton Dam case (*Federal Power Com'm.* v. *Oregon*, 349 U.S. 435 (1953)) sustained a Federal license for a project on withdrawn and reserved lands, but upon a finding by the Power Commission that no vested rights were affected, and accompanied by a waiver of claims by the licensee to certain quantities of water for future developments elsewhere. But what kind of right does the power company now have at the Pelton site? A federally generated riparian right, in a State which does not now recognize riparian rights? Or a federally generated appropriative right under the Federal Power Act, a statute which specifically requires the licensee to show evidence of an appropriation under State law?

Compensation

3. Where the Federal jurisdiction rests on the commerce clause, brought to bear in asserted exercise of the function of improving navigation, and is in conflict with property rights asserted under State law, to what extent are those rights compensable? Are the States constitutionally incapable of generating any rights at all to the use of navigable waters for consumptive purposes or power production (as they are constitutionally disabled from coining money), or are proprietary rights of individuals to the use of navigable waters, recognized by State law, valid unless and until cut off by Federal legislation? The latter appears the proper and fair view, but it has been vigorously challenged. If Federal legislation does preempt the stream, legislation ought, as a matter of fair play, to assure the same measure of compensation to the owner as against the Federal Government or its licensees as against anyone else, whether or not the Constitution might permit harsher treatment.

Judicial review

4. How shall conflicts between the Federal and State Governments, or between private parties claiming under these jurisdictions, be resolved? The answer, of necessity, is that the resolution must be by a judicial tribunal. But the doctrine of sovereign immunity, shielding the United States from suit even by a State without the consent of the United States, prevents such a determination in any case where the United States is found by the court to be a necessary party (even though the suit is not on its face directed against the United States). Only Congress can grant the requisite consent. (As an alternative, the Attorney General may intervene as a plaintiff. He did so in *Arizona* v. *California*, now pending before the U.S. Supreme Court, on the Colorado (344 U.S. 919 (1953)). He refused to do so in *New Mexico* v. *Texas*, 352 U.S. 991 (1957), on the Rio Grande, and the court dismissed the suit).

There is existing legislation on this subject, but it is piecemeal. Section 208(a) of the act of July 10, 1952, 66 Stat. 560, 43 U.S.C. 666(a) (1958), grants the consent of Congress to joinder of the United States in water rights litigation where the United States is an indispensable party, but subsection (c) of section 208 excludes interstate suits in the original jurisdiction of the Supreme Court. On the other hand, section 14 of the Colorado River Storage Project Act of April 11, 1956, 70 Stat. 110, 43 U.S.C. 620(m) (1958), specifically grants consent to joinder of the United States in original actions involving the law of the river on the Colorado. It is desirable to make the consent provision appearing in the 1952 act of general application.

Conclusion

The real underlying necessity is in the field of the hydrologist and the economist, not that of the lawyer or legislator.

First, the dependable supply must be determined before any new project is authorized. Second, the wisest future use of that supply, whether for agriculture or industry or municipal supply, ought to be determined before new projects are authorized.

But, if we are to discuss legislation that deals with the mechanics of the jurisdictional problem, rather than with prevention of the shortages that generate the problem, the most workable solution that has yet appeared in print is the bill drafted by the Interior, Justice, and Defense Departments and submitted to Congress as H.R. 4567, and S. 851 in the 86th Congress. It deals solely with the reservation problem, highlighted by the Pelton Dam case. It ought to be enacted. The other points which I have discussed can be properly considered later, perhaps during interim hearings of this committee between sessions. To that end, and in order to put specific language before you, I am annexing a copy of H.R. 4567 with amendments to carry out the recommendations I have made today.

Draft of a bill[1] to provide that withdrawals or reservations of public lands shall not affect certain water rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) The withdrawal or reservation of surveyed or unsurveyed public lands, heretofore or hereafter established, shall not affect any right to the use of water acquired pursuant to State law either before or after the establishment of such withdrawal or reservation[, nor shall it affect the right of any State to exercise jurisdiction over water rights conferred by the Act admitting such State into the Union or such State's constitution, as accepted and ratified by such Act of admission.][2]

(2) The provisions of section 1(b) of the Flood Control Act of 1944 (Act of December 22, 1944, 58 Stat. 888–89, as amended, 33 U.S.C. sec. 701–1 (1952)) shall apply to all works hereafter constructed by or under the authority of the United States west of the ninety-eighth meridian.[3]

(3) Any right to the consumptive use of water claimed by the United States under the laws of any State shall be initiated and perfected in accordance with the procedure established by the laws of that State.[4]

(4) No vested right to the beneficial consumptive use of any water, navigable or nonnavigable, which is recognized by the laws of the State in which such use is made, shall be taken by or under authority of the United States without compensation;[5] and where such rights are acquired otherwise than by agreement with the owner, they shall be taken by proceedings in eminent domain in the manner provided in section 21 of the Federal Power Act, and not otherwise.[6]

SEC. 2. Nothing in this Act shall be construed as—

(1) Modifying or repealing any provision of any existing Act of Congress requiring that rights of the United States to the use of water be acquired pursuant to State law;

(2) Permitting appropriations of water under State law which interfere with the provisions of international treaties of the United States; or

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[1] Amendments proposed to H.R. 4567, 86th Cong., 1st sess., accompanying statement of Northcutt Ely before the House Committee on Interior and Insular Affairs, July 22, 1959.

[2] Amendment opposed by U.S. witnesses in those hearings.

[3] Sec. 1(b) of the Flood Control Act of 1944 subordinates uses of water for navigation to uses for irrigation and domestic purposes, in areas west of the 98th meridian. It does not affect the authority of the United States or its licensees to construct works, and does not touch conflicts between navigation or power functions and other nonconsumptive functions such as preservation of fish and wildlife.

[4] This is derived from secs. 7 and 8 of the Reclamation Act of 1902. The proposed language applies only where the United States claims an appropriative right under State law, but in such a case requires the United States to conform to the administrative procedure established by the State for the establishment of such a right. It negatives the asserted "right of self-help."

[5] This language does not deny the supremacy of the Federal commerce power but does recognize the existence and compensable character of rights generated under State law which may be taken in the exercise of the plenary Federal commerce power.

[6] This language requires the exercise of the power of condemnation in affirmative judicial proceedings for that purpose, in contrast with the asserted right of "inverse condemnation," i.e., a taking without prior judicial process, remitting the claimant to suing for compensation.

(3) Affecting, impairing, diminishing, subordinating, or enlarging (a) the rights of the United States or any State to waters under any interstate compact or existing judicial decree, (b) the obligations of the United States to Indians or Indian tribes, or any right owned or held by or for Indians or Indian tribes, (c) any water right heretofore acquired by others than the United States under Federal or State law, (d) any right to any quantity of water used for governmental purposes or programs of the United States[7] at any time from January 1, 1940, to the effective date of this Act; or (e) any right of the United States to use water which is hereafter lawfully initiated in the exercise of the express or necessarily implied authority of any present or future Act of Congress or State law when such right is initiated prior to the acquisition by others of any right to use water pursuant to State law.

SEC. 3. Section 208 of the Act of July 10, 1952 (66 Stat. 560; 43 U.S.C. 666 (1958)), is amended by deleting therefrom the following language[8] contained in subsection (c):

"Nothing in this Act shall be construed as authorizing the joinder of the United States in any suit or controversy in the Supreme Court of the United States involving the right of States to the use of the water of any interstate stream."

EXHIBIT 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) The withdrawal or reservation of surveyed or unsurveyed public lands, heretofore or hereafter established, shall not affect any right to the use of water acquired pursuant to State law either before or after the establishment of such withdrawal or reservation.

(2) The provisions of section 1(b) of the Flood Control Act of 1944 (Act of December 22, 1944, 58 Stat. 888–89, as amended, 33 U.S.C. 701–1 (1952)) shall apply to all works hereafter constructed by or under the authority of the United States west of the ninety-eighth meridian.

(3) Any right to the consumptive use of water claimed by the United States under the laws of any State shall be initiated and perfected in accordance with the procedure established by the laws of that State.

(4) No vested right to the beneficial consumptive use of any waters, navigable or nonnavigable, which is recognized by the laws of the State in which such use is made, shall be taken by or under authority of the United States without compensation; and where such rights are acquired otherwise than by agreement with the owner, they shall be taken by proceedings in eminent domain in the manner provided in section 21 of the Federal Power Act, and not otherwise.

SEC. 2. Nothing in this Act shall be construed as—

(1) modifying or repealing any provision of any existing Act of Congress requiring that rights of the United States to the use of water be acquired pursuant to State law;

(2) permitting appropriations of water under State law which interfere with the provisions of international treaties of the United States; or

(3) affecting, impairing, diminishing, subordinating or enlarging (a) the rights of the United States or any State to waters under any interstate compact or existing judicial decree, (b) the obligations of the United States to Indians or Indian tribes, or any right owned or held by or for Indians or Indian tribes, (c) any water right heretofore acquired by others than the United States under Federal or State law, (d) any right to any quantity of water used for governmental purposes or programs of the United States at any time from January 1, 1940, to the effective date of this Act; or (e) any right of the United States to use water which is hereafter lawfully initiated in the exercise of the express or necessarily implied authority of any present or future Act of Congress or State law when such right is initiated prior to the acquisition by others of any right to use water pursuant to State law.

SEC. 3. Section 208 of the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. § 666 (1958)) is amended by deleting therefrom the following language contained in subsection (c): "Nothing in this Act shall be construed as authorizing the joinder of the United States in any suit or controversy in the Supreme Court of the United States involving the right of States to the use of the water of any interstate stream.".

[7] Amendment opposed by U.S. witnesses.

[8] Sec. 208(a) of the act of July 10, 1952, grants the consent of Congress to joinder of the United States in water rights litigation where the United States is an indispensable party, but subsec. (c) of sec. 208 excludes interstate suits in the original jurisdiction of the Supreme Court. On the other hand, sec. 14 of the Colorado River Storage Project Act of April 11, 1956, 70 Stat. 110, 43 U.S.C. 620(m) (1958), specifically grants consent to joinder of the United States in original actions involving the "law of the river" on the Colorado. The proposed amendment makes the consent provisions of sec. 208(a) of the act of July 10, 1952, of general application.

STOCK DISTRIBUTION TREATED AS RETURN OF CAPITAL

The Senate resumed the consideration of the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Colorado spoke this afternoon in regard to the bill pending before the Senate. The Senator made much of the point that in his opinion the proposed legislation should not be dealt with at this time.

I emphasize that the proposed legislation has been approved by the Treasury Department and by the Justice Department. Mr. Knight of the Treasury Department made the statement that he feels the proposed legislation could very properly be considered at this session of the Congress, if the Congress decides any relief is needed.

I talked today with Judge Loevinger, the head of the Antitrust Division of the Department of Justice, who also stated there is nothing wrong with Congress' legislating at this time. This legislation would not in any way influence the court decision as to the plan it will approve. On the contrary, as he said, it probably would assist the court. The court is approaching a decision on some plan, and in evaluting any proposed plan the court must operate on the basis of existing law. The Supreme Court has said that divestiture can take place over a period of 10 years. The plan which is being discussed before the court now, upon which a final decree must be entered by December 2, is a plan based on the 10-year formula laid down by the Supreme Court.

The company, in submitting its plan on September 2, could do no other than to submit a plan that assumed existing law would not be changed, and therefore it proposed to use the full 10 years in divesting its 63 million shares of General Motors.

This bill, if enacted, would provide for a plan agreed upon by the Justice Department, the Treasury Department, and the company, wherein the distribution would be completed in 3 years from the date of the final decree. The Department must submit its answer to the company's plan by October 2, and the court must render a final decision by December 2. If no legislation is enacted now and if the plan is formalized, Congress would be placed in the position in January of being asked to amend the court decision. Would it not be better for Congress to lay down the rules, and then let the court act accordingly?

The Senator from Tennessee [Mr. GORE] and the Senator from Colorado [Mr. CARROLL] have a right to make their arguments, but I merely wish to state that there are those, particularly those in their administration, who have taken a different position and are not asking that the proposed legislation be held up.

I wish to read a letter from a Member of the U.S. Senate who has taken a very active interest in the enforcement of the antitrust laws and particularly in connection with this legislation. The letter is addressed to the Honorable HARRY F. BYRD, chairman of the Senate Committee on Finance:

DEAR MR. CHAIRMAN: It is my understanding that your committee will hold hearings tomorrow on legislation to reduce the economic hardship on shareholders of Du Pont stock arising out of the divestiture of General Motors stock. Although the divestiture resulted from antitrust action, I believe that it would work undue hardship on shareholders. Therfore, I wish to be on public record in favor of the legislation in principle and hope you will make this letter a part of the record of the hearings.

With kind regards,

Sincerely yours,

ESTES KEFAUVER,
U.S. Senator.

He is the senior U.S. Senator from Tennessee.

I also wish to have incorporated into the RECORD two editorials which appeared in two of Colorado's leading papers wherein they point out the serious plight of the stockholders in the absence of any legislation giving tax relief.

The first is from the Post, of Denver, Colo., under date of May 26, 1961, in which it is stated that the tax relief for the Du Pont stockholders deserves favorable consideration.

I also ask unanimous consent to have printed in the RECORD an editorial of June 15, 1961, from the Gazette Telegraph, of Colorado Springs, Colo., in which they refer to the court decision ordering this divestiture as being "a monstrous inequity."

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

The Denver (Colo.) Post of May 26, 1961, in its editorial said that the tax relief law deserves "favorable consideration."

The Post completed its chronology of the litigation with the observation that measures aimed at "greatly reducing the tax burden on involuntary stock distributions" had been introduced in the last Congress. Continuing:

"Efforts to pass such legislation will now be pushed with new vigor and deserve favorable consideration."

However, in considering the case as a whole, the Post declared:

"This 'divorce' could have a healthful effect on industry in general."

The Gazette Telegraph, Colorado Springs, Colo., of June 15, 1961, in its editorial called the ruling a "monstrous inequity." Continuing it said:

"A firm and its stockholders are being punished, not for something done, but for a 'tendency' which admittedly doesn't exist and hasn't existed, which might arise at some future time. * * *

"While the economically uninformed will doubtless chortle with glee over this disastrous order, those who understand the workings of the market are going to be confronted with the recognition that nothing quite so far-reaching and potentially destructive has occurred in the American marketplace within the memory of man."

Mr. WILLIAMS of Delaware. Much claim has been made that the proposed legislation would benefit a special group, with particular emphasis on the advantages which would go to Christiana Securities Corp. Under the terms of the bill before the Senate, the taxes which Christiana would have to pay would not be reduced but would be increased from three and a quarter million dollars to $65 million. If the bill is defeated it will not cost Christiana extra money but will actually save Christiana $62 million.

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

Mr. WILLIAMS of Delaware. I shall yield the floor in a moment.

Mr. President, to support this statement I ask unanimous consent that certain colloquy, as shown on page 18 of the committee hearings of the Committee on Finance, September 13, 1961, may be printed in the RECORD at this point.

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

Senator WILLIAMS. Under existing law, assuming that the Du Pont Co. distributed its General Motors stock to its stockholders now, under existing law would not the tax to Christiana be substantially less than it would under the Boggs bill if it is enacted?

Mr. KNIGHT. That is correct, because the Boggs bill contains a proposal which we suggested to the House Ways and Means which would apply the intercorporate dividend tax against the fair market value of distributions received by corporations rather than the cost basis of distributions made by corporations.

Senator KERR. Which is existing law.

Mr. KNIGHT. Existing law; correct. It is a difference between $3.50 per share and 16 cents per share.

Senator WILLIAMS. So, in effect, when they endorse this bill they are endorsing something which will raise their tax higher than under existing law.

Mr. KNIGHT. Not only so far as Christiana is concerned, but higher for all corporate shareholders.

Mr. WILLIAMS of Delaware. Mr. President, I read a portion of the colloquy, for emphasis:

Under existing law, assuming that the Du Pont Co. distributed its General Motors stock to its stockholders now, under existing law would not the tax to Christiana be substantially less than it would under the Boggs bill if it is enacted?

Mr. KNIGHT. That is correct, because the Boggs bill contains a proposal which we suggested to the House Ways and Means which would apply the intercorporate dividend tax against the fair market value of distributions received by corporations rather than the cost basis of distributions made by corporations.

Senator KERR. Which is existing law.

Mr. KNIGHT. Existing law; correct. It is a difference between $3.50 per share and 16 cents per share.

Senator WILLIAMS. So, in effect, when they endorse this bill they are endorsing something which will raise their tax higher than under existing law.

I think that should be in the RECORD. It should be clearly understood that if the bill is defeated and if the distribution is made under existing law the Christiana Corp. will be better off by about $62 million. Let the record be clear for whom the opponents of this bill are shedding their crocodile tears.

It has been stated that 250 individuals own about 70 percent of the stock of Christiana. Assuming that to be correct there will be a savings, if the bill is defeated, for those 250 individuals of 70 percent of the $62 million, or $43 million.

I think that should be pointed out. Rather than to condemn these people, they should be commended for endorsing a bill which while making their taxes higher would give substantial tax relief to 173,000 smaller stockholders of the company itself. There is no question of that.

The Senator from Tennessee has indicated he is in perfect agreement with this proposal, yet he does not wish to vote for the bill, nor does he wish to have Congress take any action at this session.

He has openly threatened to filibuster the bill and thereby prevent a vote.

In my opinion, the threat of a filibuster is never made by a man who has confidence in his own arguments. It is an admission of weakness.

Let the Senator offer amendments if he has amendments to offer, but he should permit the Senate to vote if he has confidence in his amendments. If a man does not have confidence in his own amendments, or his ability to present his arguments, then he should not offer them.

I repeat that there has been no one in the Treasury Department or the Justice Department who has asked that action on the proposed legislation be delayed at this time. On the contrary, it has been suggested that the proposed legislation could properly be dealt with at this time, following which the Court would know the rules of the game and could more accurately and more intelligently make its decision on a final plan for divestiture.

If the bill is passed, it has already been agreed among the Treasury Department, the Justice Department, the company, and the committees of Congress that 3 years would be a proper interval for distribution. It has been agreed among the Justice Department, the Treasury Department, and the company that if the law is not amended then the full 10 years that were allowed by the Supreme Court will be required.

In my opinion, the Court cannot decide whether to suggest a 3-year plan, a 10-year plan, or a plan of any other interval until there has been a decision by the Congress as to what the tax will be on such distribution.

Mr. President, I yield the floor.

Mr. GORE. Mr. President, I wish to say to the distinguished senior Senator from Delaware that I have not indicated agreement with the provisions in section 2. I do not think that the provisions of the pending bill deal with the subject matter adequately. However, I have not had an opportunity to fully debate and discuss the merits or demerits of the bill.

The senior Senator from Delaware has taken far more time on the bill than I have had an opportunity to do. I suggest that he seems to speak very frequently on Christiana and what the bill would do in regard to that company.

What is completely overlooked in the report of the committee, and that to which the Senator has made no reference whatsoever in his remarks today, is the difference in the tax that the Du Pont Co. will pay under the plan that it proposes to follow under existing law, the court permitting, and the plan it proposes to follow should the terms of the pending bill be enacted. The Senator has not talked as much about that subject. I suggest to the Senate that this is a very important factor. I am more concerned with the taxation on the approximately $3 billion profit of Du Pont than I am in the share of that profit which under distribution would go to Christiana.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. GORE. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD excerpts from pages 12 and 13, of the hearings, preceded by an analysis of the bill as it affects the individual stockholders of the company. This will answer the question of the Senator from Tennessee:

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

Section 1 of the bill would amend the code to provide that a distribution of stock to an individual pursuant to an antitrust order is not treated as a dividend distribution but is treated instead as a return of capital. Accordingly, if the stock received in such a distribution is worth less than the basis of the underlying stock with respect to which the distribution is made, the basis of the underlying stock is simply reduced by the amount of the distribution. On the other hand, if the value of the stock distributed exceeds the basis of the underlying

stock, the excess is recognized as gain and the basis of the underlying stock is reduced to zero. This may be illustrated by two simple examples:

Example (1): An individual (shareholder A) owns a single share of the stock of Du Pont which has a basis to him of $100. In a distribution pursuant to the terms of an antitrust order he receives 1⅓ shares of General Motors stock worth $60. Because of the distribution his basis for the Du Pont stock ($100) is reduced by the fair market value of the General Motors stock received ($60), so that after the distribution his basis for the Du Pont stock is $40 ($100 minus $60). In this instance the stockholder would owe no tax upon receipt of his stock dividend, but if he later sells the Du Pont stock, of course, his gain is computed using the remaining $40 basis for that stock.

Example (2): An individual (shareholder B) owns a single share of Du Pont stock having an adjusted basis to him of $40. In a distribution pursuant to the terms of an antitrust order, he receives 1⅓ shares of General Motors stock worth $60. Since the fair market value of the distribution received is more than his entire basis, all of his basis is wiped out by the distribution and the amount in excess of basis is recognized as a gain. Accordingly, he will have a gain of $20 ($60 minus $40) because of the distribution, and his basis for the Du Pont stock after the distribution will be zero. In this instance the stockholder would owe a capital gains tax on the $20, and if he later sells the Du Pont stock, of course, his gain will be computed using a basis of zero.

I quote from the hearings, beginning on page 12:

"The CHAIRMAN. Does the Treasury agree with the estimates of the Du Pont Co. that there will be $350 million additional revenue under the Boggs bill?

"Mr. KNIGHT. The Treasury agrees that if the stock is distributed as Du Pont has assumed in this plan they presented to us, under the Boggs bill, that their estimates of revenue would be correct, based on their assumptions.

"Senator WILLIAMS. Does the Treasury Department agree with the estimate of $330 million that would be paid under existing law as the result of the first plan which they presented to the Ways and Means Committee?

"Mr. KNIGHT. Again, on the basis of their assumptions, their mathematics and interpretation of the law, it was correct."

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MANSFIELD, from the Committee on Rules and Administration, without amendment:

S. Res. 220. Resolution authorizing the printing as a Senate document of the study entitled "The United States Senate, 1787–1801" (Rept. No. 1114).

ADDITIONAL BILLS INTRODUCED

The following additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. MORSE:

S. 2635. A bill to authorize the Attorney General to call a national conference to study the impact of social change upon Federal and State law, and for other purposes; to the Committee on the Judiciary.

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

By Mr. KUCHEL:

S. 2636. A bill to provide that withdrawals or reservations of public land shall not affect certain water rights; to the Committee on Interior and Insular Affairs.

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

NATIONAL CONFERENCE ON THE SOCIAL IMPACT OF THE LAW

Mr. MORSE. Mr. President, in yesterday's Book Review of the New York Times the lead review article is on "The Adams Papers." I look forward to reading them this summer. I liked the opening quote selected by Dr. Koch in her review. In a letter written in 1780 to his wife, Abigail Adams, John Adams wrote:

> The science of government is my duty to study, more than all other sciences; the arts of legislation and administration and negotiation ought to take place if, indeed to exclude in a manner, all other arts, I must study politics and war, that my sons may have liberty to study mathematics and philosophy, geography, history, navigation, commerce and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain.

How right he was. Unless we devote ourselves to a study of the science of government we forfeit for the next generations their right to study philosophy and their children's right to study and enjoy the beauties of the fine arts.

It is true that today our colleges, our women's clubs, our businessmen, our trade unions, our farmers—every phase and form of our democratic society are keenly aware that we are as a Nation and as individuals experiencing a tremendous social revolution. We all want to preserve the traditions of our free democratic society; we don't all agree on how this may be done most effectively. Surely not, by having each form of socioeconomic organization attack other forms; surely not by having each group ignore the other groups and their aims and purposes.

Our problem of law enforcement today is not only of the form of law, but of the form within a set of ideals. The basic philosophy of civilized men has not changed, but our concepts of how to implement the law and vitalize its purposes have changed. In our rapidly changing world we, a free people, are concerned with preserving the rights of each man, yet protecting the common rights of all. We must preserve the balance between freedom and order—between men and among nations.

Much of the world today is not subject to the rule of law. There is no rule of law in Communist countries. The people in those lands are but puppets in the hands of Communist despots. And that same devastating power threatens all of us today. We are proud today that we are a people, a nation, governed by the rule of law. On great occasions speakers may trace our allegiance to the rule of law back to that meeting of Coke with James I when Coke dared say to the king, "Your Majesty must be mindful that man is not under man, high or low, but under God and law." The magnificent courage of Coke won out and not so long thereafter in England and in the colonies the acceptance of the rule of law assured our freedom.

Coke was learned in the law but Coke in his wisdom knew that law in a vacuum had no meaning. He drove home his message to the people—all the people, and therein lay his victory.

Today, our people, laymen as well as legal practitioners, must give thought to the substance of the law and to procedural matters as well.

Social change should be reflected in the law—not too rapidly, but as soon as the change itself is accepted as a pattern, as a way of life. We must protect the dignity of the law, and prevent its being changed to meet each change in fashion. Yet we must make it so flexible that the changing needs of the people are met by the law.

I do not propose here even to outline the many facets of the law which we, the people should study together, seriously. But study them we must.

To this end, I have introduced a bill authorizing the Attorney General to call a national conference on the social impact on the law and to invite to that conference not only members of the bench and the bar, and also a representative group of the Nation's leaders from all the learned professions, from all the disciplines of knowledge, from agriculture, labor, industry; from the great religious faiths of our communities, from the civic groups—in short a cross section of America. But before they come here, my bill provides that the Governors shall be invited to have such conferences at the State level.

There are many colleges today emphasizing the need for such studies—and quite rightly so. Our young people are seriously concerned, and we must help them meet the challenge of a changing world, and urge them to seek to preserve the democratic ideal in practice as well as in theory.

I am writing to a number of citizens in all walks of life asking their ideas on the project. I shall of course welcome the counsel and help of my colleagues from this distinguished body.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2635) to authorize the Attorney General to call a national conference to study the impact of social change upon Federal and State law, and for other purposes, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the Judiciary, and 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 (a) the Attorney General is authorized and directed to call a national conference, to be known

as the Attorney General's Conference on Social Change and the Law (referred to hereinafter as the "National Conference"), which shall be conducted within the District of Columbia before December 15, 1962. It shall be the duty of the conference to—

(1) receive, consider, and compile all reports concerning significant trends reflecting the impact of social change upon Federal and State law which it may receive from State conferences convened under section 3 of this Act and from such other individuals and organizations as it may deem appropriate;

(2) upon the basis of the reports so received, prepare a report containing a full and complete statement of its findings with respect to such trends;

(3) submit such report to the Attorney General for transmittal to the President and to the Congress; and

(4) provide for the dissemination of such report to the public.

(b) Conferees to the National Conference who shall be invited by the Attorney General in such numbers as the Attorney General may deem appropriate shall include:

1. Persons from each State who shall have been designated by their respective Governors to serve as conferees.

2. Representative leaders of the bench and the bar.

3. Representative leaders from other learned professions, and other scholars from all disciplines of learning.

4. Representative leaders from industry, labor, agriculture, designated by their respective organiaztions.

5. Representative leaders of the clergy.

6. Representative leaders from other groups and organizations engaged in the study of social change reflected in the law who shall have been designated by their respective organizations.

7. Such other leaders in American thought as the Attorney General may wish to invite.

SEC. 2. (a) To assist in preparing necessary plans for the conduct of the National Conference authorized by this Act, the Attorney General shall establish a General Planning Committee (referred to hereinafter as the "Committee") composed of 25 members selected by the Attorney General, who are specially qualified for the performance of such service. After consultation with the president of the American Bar Association, the Attorney General shall designate as Chairman of the Committee a recognized scholar of the law who is specifically qualified to evaluate the impact of social change upon the law.

(b) The Chairman of the Committee shall serve as Chairman of the Conference.

(c) Members of the Committee shall receive no compensation for their services as such, but shall be reimbursed for travel expenses actually and necessarily incurred in the performance of the duties of the Committee. Each member of the Committee shall receive, in lieu of reimbursement for subsistence expenses, an allowance at the rate of $50 per day for each day devoted to the performance of duties of the Committee, except that the Chairman thereof shall receive such an allowance computed at the rate of $100 per day.

(d) With the approval of, and subject to such conditions as may be prescribed by the Attorney General, the committee may cause to be incorporated under State law a nonprofit corporation organized to assist in carrying into effect the purposes of this Act. Such corporation shall be authorized to (1) receive from individuals in private life and from public or private organizations unconditional grants and gifts, and (2) expend funds so obtained to defray expenses necessarily incurred in preparing plans for the National and State conferences, in conducting the activities of the National Conference, in defraying expenses incurred incident to the conduct of the National Conference, and in publishing and distributing the report of that conference.

Section 3. (a) Before the convening of the National Conference, and at any time after the enactment of this law providing for the conference, the Attorney General shall invite the executive authority of each State, to convene within each State a conference of qualified citizens of that State which shall (1) conduct a study of significant social change reflected in the law within that State, and (2) prepare and transmit to the Attorney General, for consideration by the National Conference, its report on the significance of the changes revealed by the study.

(b) Each State shall organize and conduct its conference in such a manner and shall make such reports to the National Conference as its Governor shall determine.

(c) To defray the expenses actually and necessarily incurred in convening such State conferences and in the preparation and transmittal of their reports, there is hereby authorized to be appropriated to the Attorney General not more than $1,000,000. Any sums appropriated pursuant to this subsection shall be allocated for disbursement, pursuant to such regulations as the Attorney General shall prescribe, to defray such expenses. The amount so allocated to defray the expenses of each State conference shall bear to the aggregate amount of all sums so appropriated the same relationship as the total adult population of that State bears to the total adult population of the United States (as certified by the Secretary of Commerce on the basis of the most recent decennial census of the United States), except that not less than $15,000 shall be allocated to defray the expenses of each State. All sums appropriated under this subsection shall remain available for obligation until the National Conference is convened pursuant to the first section of this Act. Any such sums then unobligated shall be covered into the Treasury as miscellaneous receipts.

(d) As used in this section—

(1) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands; and

(2) the term "executive authority" means the Governor of any State or his designee, except that in the case of the District of Columbia that term means the Board of Commissioners of the District of Columbia or the designee of the Board.

SEC. 4. (a) In addition to funds authorized to be appropriated pursuant to section 3 of this Act, there are hereby authorized to be appropriated to the Attorney General for the fiscal years ending June 30, 1962, and June 30, 1963, such funds as may be required to carry into effect the provisions of this Act.

(b) The Attorney General is authorized to receive, and to use or expend to carry into effect such provisions, any grant of funds, facilities, or property made to him for that purpose by any individual or organization.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO DISTRIBUTION OF STOCK—AMENDMENTS

Mr. DOUGLAS submitted amendments, intended to be proposed by him to the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution, which were ordered to lie on the table and to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 25, 1961, he presented to the President of the United States the following enrolled bills:

S. 1040. An act to abolish the Federal Farm Mortgage Corporation, and for other purposes; and

S. 1107. An act to provide a 2-year extension of the existing provision for a minimum wheat acreage allotment in the Tulelake area of California.

RECESS UNTIL 11 A.M.

Mr. GORE. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 31 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, September 26, 1961, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 1961:

COLLECTOR OF CUSTOMS

Minnie M. Zoller, of Texas, to be collector of customs for customs collection district No. 21, with headquarters at Port Arthur, Tex.

Sam D. W. Low, of Texas, to be collector of customs for customs collection district No. 22, with headquarters at Galveston, Tex.

Charles H. Kazen, of Texas, to be collector of customs for customs collection district No. 23, with headquarters at Laredo, Tex.

Raymond H. Dwigans, of Texas, to be collector of customs for customs collection district No. 24, with headquarters at El Paso, Tex.

U.S. MARSHALS

Robert I. Nash, of Texas, to be U.S. marshal for the northern district of Texas for the term of 4 years, vice Hobart K. McDowell.

Tully Reynolds, of Texas, to be U.S. marshal for the eastern district of Texas for the term of 4 years, vice James Crawford, Jr.

Marion Mathias Hale, of Texas, to be U.S. marshal for the southern district of Texas for the term of 4 years, vice James W. McCarty.

U.S. DISTRICT JUDGES

Adrian A. Spears, of Texas, to be U.S. district judge for the western district of Texas. (A new position.)

Leo Brewster, of Texas, to be U.S. district judge for the northern district of Texas. (A new position.)

Sarah T. Hughes, of Texas, to be U.S. district judge for the northern district of Texas. (A new position.)

James L. Noel, Jr., of Texas, to be U.S. district judge for the southern district of Texas. (A new position.)

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Maj. Gen. Samuel Leslie Myers, XXXXXX U.S. Army, in the rank of lieutenant general.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the

grade of lieutenant colonel, subject to qualification therefor as provided by law:

Smith, Edgar L.
Keim, Robert M.
Pearce, James T.
Rash, Richard S.
Fenton, Donald L.
Dorsey, James A.
Edelmann, George J., Jr.
Rowe, Carroll D.
Cline, Richard W.
Bland, Richard L.
Rooney, John J.
Fink, Gerald
Muller, Godfrey
Crew, Erskine B.
Riffle, James C.
Berger, Ernest J.
Bowen, Ralph E.
Artnak, Edward J.
Hart, Henry
Armstrong, Charles B., Jr.
Williams, Royce M.
Fornonzini, Benjamin A., Jr.,
Coleman, Thomas A.
Hodde, Gordon V.
Oglesby, Edward D.
Ritter, Darrell L.
Davis, Raymond R.
Willis, Robert L.
Maloney, Emmons S.
Slaton, Clyde H., Jr.
Geissinger, Robert S.
Waskom, Wendell M.
Takala, David O.
Hinshaw, Don M.
Sienko, Walter
Urell, John
Aldworth, James
Johnston, Thomas J., Jr.
Herndon, John L.
Stein, Laurence J.
Beach, William L.
Cassidy, Earl W.
Gillis, Alexander J., Jr.
Winneberger, George L., Jr.
Maire, Gerald J.
Eldridge, William W., Jr.
Shields, John E.
Davis, Oliver R.
Moore, John T.
King, George J.
Allen, Norris D.
Huffstutter, Hardy V., Jr.
Miller, Lewis L.
Denny, Rex C., Jr.
Dykes, Kenneth T.
Hall, W. C.
Stewart, Walter C., Jr.
Sullivan, John W.
Dennis, Nicholas, J.
Gould, Charles H.
Williams, Lynn F.
Albers, George H.
Smith, Jerry B.
Seabaugh, Paul W.
Zorn, Elmer J.
Snapper, John N.
O'Hara, Frank J., Jr.
Boswell, Charles E., Jr.
Ritter, Leland C.
Lovette, Lenhrew E.
Stender, Bernard J.
Daniel, Walter E.
Githens, Daniel P., Jr.
Brown, Williams P.
Zitnik, Robert J.
Barden, Arnold W.
Leis, Sylvester F.
Roark, Walter N., Jr.
Mulvihill, Thomas E.
Hines, Cloyd V.
Campbell, Marshall S.
Tucker, Lud R.
McGlade, Lawrence
Voth, Stanley B.
Elder, Thomas G.
McCain, Warren E.
Stewart, Grover S., Jr.
Connell, Herschel G.
Jernigan, Curtis D.
Olsen, Willard C.
Mason, John B.
Robertson, Robert S.
Cavalero, John H.
Weaver, James R.
Walker, William L.
Bushnell, Richard H.
Foss, Donald H.
Haley, Harold L.
Whitlock, Roy B.
Hanes, John V.
Crooks, William M.
Heitzler, Joseph S.
Koster, Edward A.
Stanton, Eldon C.
Wolf, Howard
Tomlinson, Francis K., Jr.
Kuprash, George
Leon, James
Watson, William D.
Childers, Lloyd F.
Browne, John
Mixson, Herman L.
Tweed, McDonald D.
Calhoun, Loren W.
Harrell, William F.
McCormick, Herbert F.
Clark, Truman
Clarke, Thomas W.
Ryan, John T.
Nelson, Joseph A.
Bianchi, Rocco D.
Hunter, Harry, Jr.
Champion, Cecil L., Jr.
Di Frank, Joseph, Jr.
Sparling, Walter E.
Hitchcock, Paul L.
Quinn, William R.
Dunwiddie, Stanley G.
Jones, Elwin M.
Bass, Julian G., Jr.
Somerville, Daniel A.
Shank, James W.
Vining, Norman
Engelhardt, Lloyd J.
Corcoran, Clement T.
White, Thomas A.
Costello, Keith W.
Goebel, Jerome L.
Kelly, William D.
Schwartz, Leo R.
Harris, William S.
Curtis, Paul F.
Gleason, Thomas E.
Vale, Sumner A.
Roeder, Horton E.
McCulloch, William L.
Blanchard, Don H.
Joens, Ray N.
Dionisopoulos, James G.
Gasser, James C.
Tope, Lyle V.
Opeka, Francis C.
Mullane, Raymond W.
Smith, Burneal E.
Gibson, George A.
Mendenhall, Herbert E.
Rainer, Mark A., Jr.
Taylor, Robert W.
Spielman, Harvey E.
Hixon, Wilmer W.
David, Maurice A.
Williams, James F.
Schick, Edwin S., Jr.
Schwenk, Adolph G.
Vickers, Earl K., Jr.
Matthews, Lyle B., Jr.
Blue, Miller M.
Finch, Francis E.
Mample, Richard H.
Affleck, William R., Jr.
Crompton, Wallace W.
Zeugner, Robert
Odenthal, Joseph T.
Hess, Theodore D.
Horgan, Thomas J., Jr.
Snell, Albert W.
Bailey, Almarion S.
Wydner, Charles E., Jr.
Farmer, Chester V.
Evans, Daniel R.
Lanagan, William H., Jr.
Poage, Jay V.
Watterson, Donald E.
Robinson, Harry G., Jr.
Eldracher, Frank A., Jr.
Volkert, Marvin D.
Cail, Ralph D.
Beat, Nolan J.
Watson, Warren C.
Busick, Clarence J.
Lee, Harry
Fulton, Floyd K., Jr.
Nahow, Theodore
Schmid, Clarence H.
Vaught, Francis W.
Kirk, Walter C.
Evans, Harold W., Jr.
Mobley, Warren L.
Sinclair, Robert B.
Doty, Duane J.
Murphy, John J.
Nichols, Robert L.
Dunbar, Michael J.
O'Donnell, Andrew W.
Burnett, Loren E.
Mann, Clyde R.
Coffeen, Albert E.
Nelson, William L.
Hershey, Gilbert R.
Donahue, William F., Jr.
Pommerenk, Albert C.
Fisher, Sidney
Slenning, Bradford N.
Soper, James B.
Skotnicki, Anthony J.
Michaux, Alexander L., Jr.
Gore, Willis L.
Wagenhoffer, Martin T.
Doering, John H., Jr.
Domina, Walter E.
Bailey, Edward A.
Bain, Herbert J.
Bell, Van D., Jr.
Franzman, Freddie L.
Lauck, John H.
Landrigan, James M.
Raphael, Milton L.
Kurth, Harold R., Jr.
Camporini, Edward E.
Moritz, Andrew B.
Allen, Robert B.
Rogal, Edward R.
Priddy, James R.
Alexander, Leland G.
Thomas, Alfred I.
Herndon, Wilber N.
Sullivan, Arthur J.
Adair, Harold F.
Wilkerson, Herbert L.
Crispen, Richard W.
Taylor, William W.
Defenbaugh, Neil F.
Broome, Norris C.
Campbell, Frederick H.
House, Arthur E., Jr.
MacDonald James A., Jr.
Culver, Ralph K.
Oliver, Verne L.
Scribner, Robert G.
Storm, William W., III
Wood, Frederick S.
Brunnenmeyer, Sherwood A.
Meyers, Bruce F.
Gogging, William F.
Fisher, Joseph R.
Barcus, Paul W.
Gibson, Gerald W.
Holben, Donald E.
Piehl, Robert H.
Moody, Clarence G., Jr.
Preston, Herbert, Jr.
Clement, David A.
Kirstein, Lee A.
Dyroff, William F.
Freeman, Thomas R.
Draper, William H.
Wilcox, Edward A.
Vance, Robert N.
Van Meter, Jo M.
Sims, John B.
Leader, Samuel F.
Davis, Merle C.
Powell, J. B.
McKean, Edgar A.
Vroegindewey, Robert J.
Grimes, Doyle
Youngs, Clifford A.
Assad, Albert J.
McGuire, James L.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 25, 1961:

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

Andrew J. Howard, Jr., of the District of Columbia, to be associate judge of the municipal court for the District of Columbia for a term of 10 years. (He is now serving in this office under an appointment which expired December 7, 1960.)

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 25, 1961

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Isaiah 26: 4: *Trust ye in the Lord forever; for in the Lord Jehovah is everlasting strength.*

Almighty God, we gratefully acknowledge that the coming in and the going out of all the days of this 1st session of the 87th Congress have been in Thy divine keeping and control.

Grant that when we adjourn we may have within our minds and hearts the testimony that we have sought to discharge the duties of our high vocation to Thee and our fellow men with a pure and steadfast devotion.

We know not what the future has in store for us but we are commending and committing one another to Thy love and care, assured that, as our days, so also shall be our strength and that no needed blessing wilt Thou withhold from us if we do justly, love mercy, and walk humbly with the Lord.

Now unto Him who is willing and able to provide for us and protect us be glory and majesty, dominion and power. Amen.

THE JOURNAL

The Journal of the proceedings of Saturday, September 23, 1961, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8320. An act to amend the Freeport Harbor project, Texas.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7391) entitled "An act to promote the conservation of migratory birds by the acquisition of wet lands and other essential waterfowl habitat, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8444) entitled "An act to amend the act of August 12, 1955, relating to elections in the District of Columbia."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9118) entitled "An act to establish a United States Arms Control Agency."

ADDRESS BY THE PRESIDENT OF THE UNITED STATES TO THE UNITED NATIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include the address made by the President of the United States to the United Nations today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, the President of the United States has just delivered one of the great orations of this century. His speech before the General Assembly a few minutes ago was a blueprint not only for the survival of the United Nations but for the very survival of man. In terms of cold logic he outlined the commitments from which the United States and the free world cannot veer. In a warm and impassioned plea to Soviet leaders he challenged them not to an arms race but to a peace race. The address follows:

FOLLOWING IS THE TEXT OF THE PRESIDENT'S ADDRESS TO THE UNITED NATIONS, DELIVERED AT 11:30 A.M., EASTERN DAYLIGHT TIME, SEPTEMBER 25, 1961, NEW YORK CITY

Mr. President, honored delegates, ladies and gentlemen, we meet in an hour of grief and challenge. Dag Hammarskjold is dead. But the United Nations lives. His tragedy is deep in our hearts, but the task for which he died is at the top of our agenda. A noble servant of peace is gone. But the quest for peace lies before us.

The problem is not the death of one man—the problem is the life of this Organization. It will either grow to meet the challenge of our age—or it will be gone with the wind, without influence, without force, without respect. Were we to let it die—to enfeeble its vigor—to cripple its powers—we would condemn the future.

For in the development of this organization rests the only true alternative to war, and war appeals no longer as a rational alternative. Unconditional war can no longer lead to unconditional victory. It can no longer serve to settle disputes. It can no longer concern the great powers alone. For a nuclear disaster, spread by winds and waters and fear, could well engulf the great and the small, the rich and the poor, the committed and the uncommitted alike. Mankind must put an end to war, or war will put an end to mankind.

So let us here resolve that Dag Hammarskjold did not live, or die, in vain. Let us call a truce to terror. Let us invoke the blessings of peace. And, as we build an international capacity to keep peace, let us join in dismantling the national capacity to wage war.

II

This will require new strength and new roles for the United Nations. For disarmament without checks is but a shadow—and a community without law is but a shell. Already the United Nations has become both the measure and the vehicle of man's most generous impulses. Already it has provided in the Middle East, in Asia, in Africa this year in the Congo, a means of holding violence within bounds.

But the great question which confronted this body in 1945 is still before us—whether man's cherished hopes for progress and peace are to be destroyed by terror and disruption—whether the "foul winds of war" can be tamed in time to free the cooling winds of reason—and whether the pledges of our charter are to be fulfilled or defied: Pledges to secure peace, progress, human rights, and world law.

In this hall, there are not three forces, but two. One is composed of those who are trying to build the kind of world described in articles I and II of the charter. The other, seeking a far different world, would undermine this Organization in the process.

Today of all days our dedication to the charter must be maintained. It must be strengthened first of all, by the selection of an outstanding civil servant to carry forward the responsibilities of the Secretary General—a man endowed with both the wisdom and the power to make meaningful the moral force of the world community. The late Secretary General nurtured and sharpened the United Nation's obligation to act. But he did not invent it. It was there in the charter. It is still there in the charter. However difficult it may be to fill Mr. Hammarskjold's place, it can better be filled by one man rather than by three. Even the three horses of the troika did not have three drivers, all going in different directions. They had only one—and so must the United Nations executive. To install a triumvirate, or any rotating authority, in the United Nations administrative offices would replace order with anarchy, action with paralysis, and confidence with confusion.

The Secretary General, in a very real sense, is the servant of the General Assembly. Diminish his authority and you diminish the authority of the only body where all nations, regardless of power, are equal and sovereign. Until all the powerful are just, the weak will be secure only in the strength of this Assembly.

Effective and independent executive action is not the same question as balanced representation. In view of the enormous change in membership in this body since its founding, the American delegation will join in any effort for the prompt review and revision of the composition of United Nations bodies.

But to give this Organization three drivers—to permit each great power to decide its own case—would entrench the cold war in the headquarters of peace. Whatever advantages such a plan may hold out to my own country, as one of the great powers, we reject it. For we far prefer world law, in the age of self-determination, to world war, in the age of mass extermination.

III

Today, every inhabitant of this planet must contemplate the day when this planet may no longer be habitable. Every man, woman, and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us.

Men no longer debate whether armaments are a symptom or a cause of tension. The mere existence of modern weapons—10 million times more powerful than anything the world has ever seen, and only minutes away from any target on earth—is a source of horror, and discord and distrust. Men no longer maintain that disarmament must await the settlement of all disputes—for disarmament must be a part of any permanent settlement. And men may no longer pretend that the quest for disarmament is a sign of weakness—for in a spiraling arms race, a nation's security may well be shrinking even as its arms increase.

For 15 years this Organization has sought the reduction and destruction of arms.

Now that goal is no longer a dream—it is a practical matter of life or death. The risks inherent in disarmament pale in comparison to the risks inherent in an unlimited arms race.

It is in this spirit that the recent Belgrade Conference—recognizing that this is no longer a Soviet problem or an American problem, but a human problem—endorsed a program of "general, complete and strictly an internationally controlled disarmament." It is in this same spirit that we in the United States have labored this year, with a new urgency, and with a new, now-statutory agency fully endorsed by the Congress, to find an approach to disarmament which would be so far reaching yet realistic, so mutually balanced and beneficial, that it could be accepted by every nation. And it is in this spirit that we have presented with the agreement of the Soviet Union—under the label both nations now accept of "general and complete disarmament"—a new statement of newly agreed principles for negotiation.

But we are well aware that all issues of principle are not settled—and that principles alone are not enough. It is therefore our intention to challenge the Soviet Union, not to an arms race, but to a peace race—to advance together step by step, stage by stage, until general and complete disarmament has been achieved. We invite them now to go beyond agreement in principle to reach agreement on actual plans.

The program to be presented to this assembly—for general and complete disarmament under effective international control—moves to bridge the gap between those who insist on a gradual approach and those who talk only of the final and total achievement. It would create machinery to keep the peace as it destroys the machines of war. It would proceed through balanced and safeguarded stages designed to give no state a military advantage over another. It would place the final responsibility for verification and control where it belongs—not with the big powers alone, not with one's adversary or one's self—but in an international organization within the framework of the United Nations. It would assure that indispensable condition of disarmament—true inspection—and apply it in stages proportionate to the stage of disarmament. It would cover delivery systems as well as weapons. It would ultimately halt their production as well as their testing, their transfer as well as their possession. It would achieve, under the eye of an international disarmament organization, a steady reduction in forces, both nuclear and conventional, until it has abolished all armies and all weapons except those needed for internal order and a new United Nations Peace Force. And it starts that process now, today, even as the talks begin.

In short, general and complete disarmament must no longer be a slogan, used to resist the first steps. It is no longer to be a goal without means of achieving it, without means of verifying its progress, without means of keeping the peace. It is now a realistic plan, and a test—a test of those only willing to talk and a test of those willing to act.

Such a plan would not bring a world free from conflict or greed—but it would bring a world free from the terrors of mass destruction. It would not usher in the era of the superstate—but it would usher in an era in which no state could annihilate or be annihilated by another.

In 1945, this Nation proposed the Baruch plan to internationalize the atom before other nations even possessed the bomb or demilitarized their troops. We proposed with our allies the disarmament plan of 1951 while still at war in Korea. And we make our proposals today, while building up our defense over Berlin, not because we are inconsistent or insincere or intimidated, but because we know the rights of freemen will prevail—because while we are compelled against our will to rearm, we look confidently beyond Berlin to the kind of disarmed world we all prefer.

I therefore propose, on the basis of this plan, that disarmament negotiations resume promptly, and continue without interruption until an entire program for general and complete disarmament has not only been agreed but has been actually achieved.

IV

The logical place to begin is a treaty assuring the end of nuclear tests of all kinds, in every environment, under workable controls. The United States and the United Kingdom have proposed such a treaty that is both reasonable, effective, and ready for signature. We are still prepared to sign that treaty today.

We also proposed a mutual ban on atmospheric testing, without inspection or controls, in order to save the human race from the poison of radioactive fallout. We regret that that offer was not accepted.

For 15 years we have sought to make the atom an instrument of peaceful growth rather than of war. But for 15 years our concessions have been matched by obstruction, our patience by intransigence. And the pleas of mankind for peace have met with disregard.

Finally, as the explosions of others beclouded the skies, my country was left with no alternative but to act in the interests of its own and the free world's security. We cannot endanger that security by refraining from testing while others improve their arsenals. Nor can we endanger it by another long, uninspected ban on testing. For 3 years we accepted those risks in our open society while seeking agreement on inspection. But this year, while we were negotiating in good faith in Geneva, others were secretly preparing new experiments in destruction.

Our tests are not polluting the atmosphere. Our deterrent weapons are guarded against accidental explosion or use. Our doctors and scientists stand ready to help any nation measure and meet the hazards to health which inevitably result from the tests in the atmosphere.

But to halt the spread of these terrible weapons, to halt the contamination of the air, to halt the spiraling nuclear arms race, we remain ready to seek new avenues of agreement. Our new disarmament program thus includes the following proposals:

First, signing the test ban treaty by all nations. This can be done now. Test ban negotiations need not and should not await general disarmament.

Second, stopping the production of fissionable materials for use in weapons, and preventing their transfer to any nation now lacking in nuclear weapons.

Third, prohibiting the transfer of control over nuclear weapons to states that do not own them.

Fourth, keeping nuclear weapons from seeding new battlegrounds in outer space.

Fifth, gradually destroying existing nuclear weapons and converting their materials to peaceful uses; and

Finally, halting the unlimited testing and production of strategic nuclear delivery vehicles, and gradually destroying them as well.

V

To destroy arms, however, is not enough. We must create even as we destroy—creating worldwide law and law enforcement as we outlaw worldwide war and weapons. In the world we seek, the United Nations Emergency Forces which have been hastily assembled, uncertainly supplied, and inadequately financed will never be enough.

Therefore, the United States recommends that all member nations earmark special peacekeeping units in their armed forces—to be on call of the United Nations—to be specially trained and quickly available—and with advance provision for financial and logistic support.

In addition, the American delegation will suggest a series of steps to improve the United Nations machinery for the peaceful settlement of disputes—for on-the-spot fact-finding, mediation, and adjudication—for extending the rule of international law. For peace is not solely a matter of military or technical problems—it is primarily a problem of politics and people. And unless man can match his strides in weaponry and technology with equal strides in social and political development, our great strength, like that of the dinosaur, will become incapable of proper control—and like the dinosaur vanish from the earth.

VI

As we extend the rule of law on earth, so must we also extend it to man's new domain: outer space.

All of us salute the brave cosmonauts of the Soviet Union. The new horizons of outer space must not be driven by the old bitter concepts of imperialism and sovereign claims. The cold reaches of the universe must not become the new arena of an even colder war.

To this end, we shall urge proposals extending the United Nations Charter to the limits of man's exploration in the universe, reserving outer space for peaceful use, prohibiting weapons of mass destruction in space or on celestial bodies, and opening the mysteries and benefits of space to every nation. We shall further propose cooperative efforts between all nations in weather prediction and eventually in weather control. We shall propose, finally, a global system of communications satellites linking the whole world in telegraph and telephone and radio and television. The day need not be far away when such a system will televise the proceedings of this body to every corner of the world for the benefit of peace.

VII

But the mysteries of outer space must not divert our eyes or our energies from the harsh realities that face our fellow men. Political sovereignty is but a mockery without the means of meeting poverty and illiteracy and disease. Self-determination is but a slogan if the future holds no hope.

That is why my Nation—which has freely shared its capital and its technology to help others help themselves—now proposes officially designating this decade of the 1960's as the United Nations decade of development. Under the framework of that resolution, the United Nations existing efforts in promoting economic growth can be expanded and coordinated. Regional surveys and training institutes can now pool the talents of many. New research, technical assistance, and pilot projects can unlock the wealth of less developed lands and untapped waters. And development can become a cooperative and not a competitive enterprise—to enable all nations, however diverse in their systems and beliefs, to become in fact as well as in law free and equal nations.

VIII

My country favors a world of free and equal states. We agree with those who say that colonialism is a key issue in this Assembly. But let the full facts of that issue be discussed in full.

On the one hand is the fact that, since the close of World War II, a worldwide declaration of independence has transformed nearly 1 billion people and 9 million square miles into 42 free and independent states. Less than 2 percent of the world's population now lives in "dependent" territories.

I do not ignore the remaining problems of traditional colonialism which still confront this body. Those problems will be solved, with patience, good will, and determination. Within the limits of our responsibility in such matters, my country intends to be a participant and not merely an observer, in the peaceful, expeditious movement of nations from the status of colonies to the partnership of equals. That continuing tide of self-determination, which runs so strong, has our sympathy and our support.

But colonialism in its harshest forms is not only the exploitation of new nations by old, of dark skins by light—or the subjugation of the poor by the rich. My Nation was once a colony, and we know what colonialism means—the exploitation and subjugation of the weak by the powerful, of the many by the few, of the governed who have given no consent to be governed, whatever their continent, their class, or their color, and that is why there is no ignoring the fact that the tide of self-determination has not reached the Communist empire where a population far larger than that officially termed "dependent" lives under governments installed by foreign troops instead of free institutions—under a system which knows only one party and one belief—which suppresses free debate, and free elections, and free newspapers, and free books, and free trade unions—and which builds a wall to keep truth a stranger and its own citizens prisoners. Let us debate colonialism in full—and apply the principle of free choice and the practice of free plebiscites in every corner of the globe.

IX

Finally, as President of the United States, I consider it my duty to report to this Assembly on two threats to the peace which are not on your crowded agenda, but which causes us, and most of you, the deepest concern.

The first threat on which I wish to report is widely misunderstood: the smoldering coals of war in southeast Asia. South Vietnam is already under attack—sometimes by a single assassin, sometimes by a band of guerrillas, recently by full battalions. The peaceful borders of Burma, Cambodia and India have been repeatedly violated. And the peaceful people of Laos are in danger of losing the independence they gained not so long ago.

No one can call these "wars of liberation." For these are free countries living under governments. Nor are these aggressions any less real because men are knifed in their homes and not shot in the fields of battle.

The very simple question confronting the world community is whether measures can be devised to protect the small and weak from such tactics. For if they are successful in Laos and South Vietnam, the gates will be opened wide.

The United States seeks for itself no base, no territory, no special position in this area of any kind. We support a truly neutral and independent Laos, its people free from outside interference, living at peace with themselves and with their neighbors, assured that their territory will not be used for attacks on others, and under a government comparable (as Mr. Khrushchev and I agreed at Vienna) to Cambodia and Burma.

But now the negotiations over Laos are reaching a crucial stage. The cease fire is at best precarious. The rainy season is coming to an end. Lao territory is being used to infiltrate South Vietnam. The world community must recognize—all those who are involved—that this potent threat to Lao peace and freedom is indivisible from all other threats to their own.

Second, I wish to report to you on the crisis over Germany and Berlin. This is not the time or the place for immoderate tones, but the world community is entitled to know the very simple issues as we see them. If there is a crisis it is because an existing peace is under threat—because an existing island of free people is under pressure—because solemn agreements are being treated with indifference. Established international rights are being threatened with unilateral usurpation. Peaceful circulation has been interrupted by barbed wire and concrete blocks.

One recalls the order of the czar in Pushkin's "Boris Godunov": "Take steps at this very hour that our frontiers be fenced in by barriers. * * * That not a single soul pass o'er the border, that not a hare be able to run or a crow to fly."

It is absurd to allege that we are threatening a war merely to prevent the Soviet Union and East Germany from signing a so-called treaty of peace. The Western Allies are not concerned with any paper arrangement the Soviets may wish to make with a regime of their own creation, on territory occupied

by their own troops and governed by their own agents. No such action can affect either our rights or our responsibilities.

If there is a dangerous crisis in Berlin—and there is—it is because of threats against the vital interests and the deep commitments of the Western Powers, and the freedom of West Berlin. We cannot yield these interests. We cannot fail these commitments. We cannot surrender the freedom of these people for whom we are responsible. A peace treaty which carried with it the provisions which destroy the peace would be a fraud. A free city which was not genuinely free would suffocate freedom and would be an infamy.

For a city or a people to be truly free, they must have the secure right, without economic, political or police pressure, to make their own choice and to live their own lives. And as I have said before, if anyone doubts the extent to which our presence is desired by the people of West Berlin, we are ready to have that question submitted to a free vote in all Berlin and, if possible, among all the German people.

The elementary fact about this crisis is that it is unnecessary. The elementary tools for a peaceful settlement are to be found in the charter. Under its law, agreements are to be kept, unless changed by all those who made them. Established rights are to be respected. The political disposition of peoples should rest upon their own wishes, freely expressed in plebiscites or free elections. If there are legal problems, they can be solved by legal means. If there is a threat of force, it must be rejected. If there is desire for change, it must be a subject for negotiation and if there is negotiation, it must be rooted in mutual respect and concern for the rights of others.

The Western Powers have calmly resolved to defend, by whatever means are forced upon them, their obligations and their access to the free citizens of West Berlin and the self-determination of those citizens. This generation learned from bitter experience that either brandishing or yielding to threats can only lead to war. But firmness and reason can lead to the kind of peaceful solution in which my country profoundly believes.

We are committed to no rigid formula. We see no perfect solution. We recognize that troops and tanks can, for a time, keep a nation divided against its will, however unwise that policy may seem to us. But we believe a peaceful agreement is possible which protects the freedom of West Berlin and allied presence and access, while recognizing the historic and legitimate interests of others in assuring European security.

The possibilities of negotiation are now being explored; it is too early to report what the prospects may be. For our part, we would be glad to report at the appropriate time that a solution has been found. For there is no need for a crisis over Berlin, threatening the peace—and if those who created this crisis desire peace, there will be peace and freedom in Berlin.

x

The events and decisions of the next 10 months may well decide the fate of man for the next 10,000 years. There will be no avoiding those events. There will be no appeal from these decisions. And we in this hall shall be remembered either as part of the generation that turned this planet into a flaming funeral pyre or the generation that met its vow to save succeeding generations from the scourge of war.

In the endeavor to meet that vow, I pledge you every effort this Nation possesses. I pledge you that we shall neither commit nor provoke aggression—that we shall neither flee nor invoke the threat of force—that we shall never negotiate out of fear; we shall never fear to negotiate.

Terror is not a new weapon. Throughout history it has been used by those who could not prevail, either by persuasion or example. But inevitably they fail—either because men are not afraid to die for a life worth living—or because the terrorists themselves came to realize that freemen cannot be frightened by threats, and that aggression would meet its own response. And it is in the light of that history that every nation today should know, be he friend or foe, that the United States has both the will and the weapons to join freemen in standing up to their responsibilities.

But I come here today to look across this world of threats to the world of peace. In that search we cannot expect any final triumph—for new problems will always arise. We cannot expect that all nations will adopt like systems—for conformity is the jailer of freedom, and the enemy of growth. Nor can we expect to reach our goal by contrivance, by fiat or even by the wishes of all.

But however close we sometimes seem to that dark and final abyss, let no man of peace and freedom despair. For he does not stand alone. If we all can persevere—if we can in every land and office look beyond our own shores and ambitions—then surely the age will dawn in which the strong are just and the weak secure and the peace preserved.

Ladies and gentlemen of this Assembly—the decision is ours. Never have the nations of the world had so much to lose—or so much to gain. Together we shall save our planet—or together we shall perish in its flames. Save it we can—and save it we must—and then shall we earn the eternal thanks of mankind and, as peacemakers, the eternal blessing of God.

PERMANENT SUBCOMMITTEE OF CONGRESS NEEDED AS WATCHDOG FOR AIRLINER AND AIRPORT SAFETY

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, "an American Airlines Boeing 707 jetplane groping for a landing in thick fog, skidded off the end of a runway and into the shallow waters of Boston Harbor yesterday, but all 71 persons aboard were rescued by an armada of pleasure boats."

That was the opening of a UPI story in today's—Monday—edition of the New York Herald Tribune. Fortunately the tide was high and the big plane did not nose over and settle into the mudbanks.

According to the Associated Press, the pilot said:

> I was making a normal approach; there was some fog. I landed on the runway a little farther up than I would have liked to and we skidded off the end.

What was the control tower doing while all this was happening? Why did not the pilot make an instrument landing so that he would have touched down with plenty of distance left for him to bring the plane to a gradual stop on the 7,500-foot runway? Preliminary evidence points to a human error, under difficult conditions, and lack of coordination between control tower and pilot.

Logan International Airport in Boston is one of the largest in the United States, with the most modern equipment for bringing planes in safely. What is the explanation then for this near disaster and what steps should be taken to eliminate this danger? The Civil Aeronautics Board promptly announced that it would begin an investigation into the cause of the crash.

Although I realize the tremendous responsibility of the pilot under these circumstances, and although I am confident in the CAB, I believe that even greater coordination between control tower and pilots is essential at all times.

Therefore, I ask that a special and permanent subcommittee of the House Interstate and Foreign Commerce Committee be established with its own staff of safety experts, as a watchdog to keep in touch at all times with the operation of our major airports, to make certain that there is no human laxity or failure of cooperation between pilot and control tower.

When 70 or more human lives are at stake every time an airliner takes off from, or approaches for a landing, we must insist on maximum discipline based on the most modern control equipment.

I am sure that the Interstate and Foreign Commerce Committee will conduct its own searching investigation into the Boston crash. But it occurs to me that the Congress must take steps to prevent these accidents, and not content itself with conducting post mortem investigations after the damage has been done.

With the growing volume of air traffic, it is the responsibility of Congress to maintain close watch over our major airports and to insist on maximum efficiency in the interest of public safety.

CONCORDIA SOCIAL CLUB, LAWRENCE, MASS.

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the Concordia Social Club on the east side of Prospect Hill, is a neighborhood fraternal organization that has united the families of that area in good fellowship and in cooperation on projects to help someone in need for many, many years.

A fact unknown to most Lawrencians is that this club is located in the Cottage Park section of our city. Some of these old, familiar names have disappeared from everyday use, but the age of this club takes us back in memory to the days when these neighborhood organizations ranked next to the family and the church; that brought people together in the sharing of joy and kinship and faith; as social units for group effort in a good cause.

Many changes have occurred through the years that have enriched our lives but, at the same time, have disrupted this neighborhood unity that gave us a feeling of human security.

Today, where two or more cars to a family is becoming the custom, rather

than the exception, and each member goes his own way there is less family participation in social activities than in former times.

But the Concordia Club has maintained the loyalty of its members to the group, from generation to generation, in spite of present-day distractions. This is the proof, if any were needed, that this club has made everyone feel welcome, year after year, with the friendliness that attracts and holds those to whom membership in the Concordia Club is one of their proudest and most satisfying affiliations.

There has been much space in the papers recently about Babe Ruth's record, and how close Roger Maris came to tieing it, or breaking it. But in Lawrence, we are celebrating a community record of a different kind of club, whose service to its members and its guests goes on and on.

For more than two-thirds of our city's history, this organization has contributed much to its social life, to its civic spirit, and its morale. And in the companionship it has fostered, done more than its share for human happiness. So that I wish to extend my congratulations to the Concordia Club on its 75th anniversary. The harmony it has promoted will be reflected from the smiling faces of your children and grandchildren when they meet in the future to celebrate its 100th anniversary.

NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, according to an article appearing yesterday in the New York Times, the newly formed National Assembly for Democratic Rights had its first meeting Saturday, and at this meeting it was predicted that there would be many organizations of the same sort erected throughout the United States.

The purpose of this movement is to attempt to influence the Supreme Court of the United States to reverse the decision it recently handed down with respect to the Communist Party. According to this newspaper article, and I quote:

> The Supreme Court on June 5 sustained by a 5 to 4 vote the Smith and Walter-McCarran legislation. The Walter-McCarran Act requires Communists to register. If the two acts are enforced, the Communist Party would find it difficult to stay in business.

I think this article is very revealing. I believe the American people now ought to know what admittedly is the purpose of this new organization.

Other revealing statements from the September 25, 1961, issue of the New York Times with reference to this meeting, follow:

> At a morning session the assembly had heard Benjamin J. Davis, national secretary of the Communist Party, and spokesman for three other organizations that have been cited as Communist fronts by the Subversive Activities Control Board established under the McCarran Internal Security Act of 1950.
>
> They were the Reverend Richard Morford, executive secretary of the National Council of American-Soviet Friendship; Moe Fishman, executive secretary of Veterans of the Abraham Lincoln Brigade, and Frank Lopez, representing the American Committee for Protection of the Foreign Born.

One is not surprised to learn of Communist Party leadership in a movement designed to benefit the Communist Party.

HON. MANUEL F. COHEN, MEMBER, SECURITIES AND EXCHANGE COMMISSION

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, on September 18, 1961, the President nominated Mr. Manuel F. Cohen, a resident of the great State of Maryland, to be a member of the Securities and Exchange Commission. The Senate Committee on Banking and Currency unanimously reported the nomination to the Senate on September 21, and the nomination was cofirmed on September 22.

Mr. Speaker, the Securities and Exchange Commission is one of the most important regulatory agencies in the Federal Government. The distinguished gentleman from Texas [Mr. RAYBURN] was influential in its creation. As the then chairman of the House Committee on Interstate and Foreign Commerce, he actively sponsored the legislation before the committee and the Congress which became the Securities Exchange Act of 1934, under which the Commission was created.

The Commission administers five acts; namely, the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. The general objective of all of these statutes is to protect the public and investors against fraud and manipulation in the securities markets, and other malpractices in these markets which were rampant during the roaring 1920's.

Commissioner Cohen is eminently qualified to carry out the duties and responsibilities of his office. He has been an employee of the Commission for the past 19 years, starting as a junior attorney in 1942, and occupying successively higher positions. From 1952 to 1959, he was Chief Counsel of the Division of Corporation Finance. He then was promoted to the position of Adviser to the Commission, and in July 1960, he became the Director of the Division of Corporation Finance. He is an outstanding expert in the work of the Commission.

In 1956, Mr. Cohen was awarded the Rockefeller Public Service Award by the trustees of Princeton University which enabled him to go to Europe to study the capital markets, the processes of capital formation and governmental control over these activities in several foreign countries. This year, he was honored with the Career Service Award of the National Civil Service League.

Mr. Speaker, I am very pleased that the President made such an excellent appointment to the Securities and Exchange Commission.

PROCEDURE OF THE HOUSE

Mr. GROSS. Mr. Speaker, I have a unanimous-consent request to make concerning the procedure of the House. I ask unanimous consent that the action by which clause 2 of rule XXVIII was suspended a week ago last Saturday be revoked, and that clause 2, rule XXVIII of the Rules of the House of Representatives be restored.

Mr. Speaker, I should like to be heard briefly on my reasons for so doing.

Mr. Speaker, as the Members well know, suspension of clause 2, rule XXVIII, provides for the consideration of a conference report when it is reported to the House. I agreed a week ago last Saturday and offered no objection to suspension of that provision of the rule for the reason, I thought, that by not objecting the business of the House during the past week would be expedited. But if this session is to continue interminably, I think the Members of the House ought to know what the remaining conference reports contain. I would call the attention of the Speaker to the fact that a conference report was called up on the floor of the House last week in which I was vitally interested, and the Members iof the House, I am sure, were vitally interested, but I doubt that very many of them knew and I did not know when the report was called up what the conference report contained. By asking questions, I failed to elicit correct information because the gentleman, who was recognized to hurriedly present the conference report did not know precisely what the conference report contained. The result was that the House was given information that was not in accord with the facts. I do not blame the gentleman in charge of the bill. I blame the procedure which is in effect and which permits the forced-draft consideration of bills when there is no valid reason for so doing.

Mr. Speaker, I know of no business before the House this week that calls for the setting aside of clause 2 of rule XXVIII which is for the protection of the Members of the House to know what these conference reports contain.

Mr. Speaker, the deficiency appropriation bill coming up, as now pending before the other body, contains over a billion dollars or an increase of almost half a billion dollars over the bill which the House approved. I certainly want, and I would hope the other Members of the House would want to know why this deficiency appropriation bill has been increased by a half-billion dollars. I do not want to see that bill considered nor do I want to see the foreign aid appropriations bill, dealing with billions of

dollars, considered without ample notice to the House.

Mr. Speaker, that is the reason I have asked unanimous consent that clause 2, rule XXVIII, be restored with full force and effect.

Mr. ALBERT. Mr. Speaker, reserving the right to object, we sincerely hope that Members handling conference reports will cooperate in advising the House as to any changes that have been made in House bills. The procedure about which the gentleman is talking is the one generally used toward the end of sessions of Congress. Of course, it is necessary for the expeditious handling of the business leading to adjournment of the House as the gentleman well knows.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. Now that we have turned the corner, going into another week, does the gentleman mean that the pressure is so great as of today and for the remainder of this week that we cannot consider conference reports on the basis of having them printed so that all Members may read them and know what has transpired as between the House and the other body?

Mr. ALBERT. Of course, the fact that we are entering into another week is not the main point at issue. Members for several days have appealed to me that they have business to attend to and speaking engagements in their districts this week. The procedure by which the handling of these matters may be expedited is not only an accommodation to individual Members, but is beneficial to the House of Representatives as a whole. I hope the gentleman will not pursue his unanimous-consent request. I would like to cooperate with the gentleman in having matters thoroughly explained as they come from conference, but I would be constrained to object if the gentleman should pursue his request.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. ALBERT. I am glad to yield to my colleague.

Mr. GROSS. Is there any other way by which Members can be assured that they will know what is in the conference reports other than by having them printed and, thus, given an opportunity to see them before they are brought to the House floor? That is the orderly procedure and the only orderly procedure that I know of, and that is why I am sure that clause 2 was written in rule XXVIII.

Mr. ALBERT. Of course, the gentleman from Iowa can examine the bills that are passed by both Houses of the Congress and, thus, be alert to the possibilities with respect to any conference report.

The gentleman is a very astute and alert Member of this body and makes many contributions toward helping the House get information as to the content of bills and conference reports, but I would respectfully suggest that the gentleman withdraw his request.

The SPEAKER pro tempore. Under the circumstances the Chair declines to recognize the gentleman from Iowa to submit the request.

ACQUISITION OF WET LANDS AND ESSENTIAL WATERFOWL HABITAT

Mr. BONNER. Mr. Speaker, I call up the conference report on the bill (H.R. 7391) to promote the conservation of migratory waterfowl by the acquisition of wet lands and other essential waterfowl habitat, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

Mr. ANDERSEN of Minnesota. Mr. Speaker, reserving the right to object, will the gentleman tell us what this is about?

Mr. BONNER. Yes. The House passed the bill providing $150 million over a 10-year period and 75 percent of the moneys taken in by the duck stamps and other funds of that nature were to be applied to the repayment of this money. The Senate reduced it to $50 million and a 5-year period with the provision that the Governors of the States would have to acquiesce to the taking of this land, and also carrying a provision that the funds from the duck stamps and other moneys taken in over this 5-year period be applied to this $50 million.

Mr. ANDERSEN of Minnesota. I thank the gentleman and withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1184)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7391) to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "seven-year period"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$105,000,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "1969"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "seven-year period"; and the Senate agree to the same.

HERBERT C. BONNER,
GEORGE P. MILLER,
JOHN D. DINGELL,
THOMAS M. PELLY,
ROBERT F. ELLSWORTH,
Managers on the Part of the House.

WARREN G. MAGNUSON,
CLAIR ENGLE,
E. L. BARTLETT,
GALE W. MCGEE,
ANDREW F. SCHOEPPEL,
JOHN MARSHALL BUTLER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7391) to promote the conservation of migratory waterfowl the acquisition of wet lands and other essential waterfowl habitat, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Section 1 of the House bill provided for authorization of appropriations of not to exceed $150 million for the 10-year period beginning with fiscal year 1962 for the acquisition of wet lands and other waterfowl habitat. Seventy-five percent of such funds, after the 10-year period, were to be repaid to the Government out of the proceeds of the migratory bird conservation stamps.

The Senate bill reduced the time limit to 5 years and the authorization to $50 million, with a provision that 90 percent be repaid out of migratory bird conservation funds. In addition, the Senate bill provided that land acquisitions could be made in States only with the approval of the Governor or appropriate agencies of the States.

The Senate accepted the House provision for 75-percent repayment and the House accepted the Senate provision with respect to the necessity for State approval prior to land acquisition.

With respect to the fund authorization, it was the sense of the conference that the authorization should be for a 7-year period in the amount of $105 million.

HERBERT C. BONNER,
GEORGE P. MILLER,
JOHN D. DINGELL,
THOMAS M. PELLY,
ROBERT F. ELLSWORTH,
Managers on the Part of the House.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Mr. Speaker, are there special orders for today?

The SPEAKER pro tempore. They will not be called yet. There is one matter pending. The gentleman from Georgia [Mr. JAMES C. DAVIS] has a conference report on elections in the District of Columbia.

ELECTIONS IN THE DISTRICT OF COLUMBIA

Mr. JAMES C. DAVIS submitted the following conference report on the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia:

CONFERENCE REPORT (H. REPT. NO. 1266)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8444) to amend the Act of August 12, 1955, relating to elections in the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That the Act entitled 'An Act to regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes', approved August 12, 1955 (69 Stat. 699; title I, ch. 11, D.C. Code, 1951 ed.), is amended as follows:

"(1) The first section is amended by inserting after the word 'That' the words 'in the District of Columbia electors of President and Vice President of the United States and'.

"(2) Section 3 of such Act of August 12, 1955 (D.C. Code, sec. 1–1103), is amended by inserting at the end thereof the following new sentence: 'The said Commissioners shall from time to time designate the Chairman of the Board.'

"(3) Paragraph (1) of subsection (a) of section 5 of such Act of August 12, 1955 (D.C. Code, sec. 1–1105), is amended by striking out 'permanent'.

"(4) Paragraph 3 of subsection (a) of section 5 of such Act of August 12, 1955 (D.C. Code, sec. 1–1105), is amended to read as follows:

"'(3) provide for recording and counting votes by means of ballots or machines or both and not less than five days before each election held pursuant to this Act, publish in one or more newspapers of general circulation in the District a copy of the official ballot to be used in any such election;'.

"(5) Section 5 of such Act of August 12, 1955 (D.C. Code, sec. 1–1105), is further amended (A) by striking from the first sentence of subsection (b) 'The Board, and persons authorized by it' and inserting in lieu thereof 'Each member of the Board and persons authorized by the Board', and by striking the period at the end of subsection (c) thereof and inserting in lieu thereof the following: ', including, a regulation permitting persons not absent from the District but who are physically unable to appear personally at an official registration place, to register in the manner prescribed in such regulation for the purpose of voting in any election held pursuant to this Act.'

"(6) Paragraphs (6) and (7) of subsection (a) of section 5 of such Act of August 12, 1955 (D.C. Code, sec. 1–1105) are hereby renumbered as paragraphs (7) and (8) respectively, and a new paragraph inserted immediately after paragraph (5) as follows:

"'(6) Develop and administer procedures for absentee registration for and voting in any election held under this Act by any person included within the categories referred to in paragraphs (1), (2), (3), or (4) of section 101 of the Federal Voting Assistance Act of 1955 (69 Stat. 584).'

"(7) Section 6 of such Act of August 12, 1955 (D.C. Code, sec. 1–1106), is amended by adding at the end thereof the following new subsection:

"'(c) Subject to the approval of the Commissioners of the District of Columbia, the Board is authorized to adopt and use a seal.'

"(8) Subsection (a) of section 7 of such Act of August 12, 1955 (D.C. Code, sec. 1–1107), is amended to read as follows:

"'(a) A person shall be entitled to vote in an election in the District of Columbia only if he is a qualified elector, and except as provided in subsection (e) of this section, he registers in the District during the year in which such election is to be held.'

"(9) Paragraphs (2) and (3) of section 7 (b) of such Act of August 12, 1955 (D.C. Code, sec. 1–1107), are hereby amended to read as follows:

"'(2) he executes a registration affidavit by signature or mark (unless prevented by physical disability) on the form prescribed by the Board pursuant to subsection (c) showing that he meets each of the requirements specified in section 2 (2) for a qualified elector or qualifies under procedures established by the Board under paragraph (6) of subsection (a) of section 5 of this Act, and, if he desires to vote in a party election, such form shall show his political party affiliation.'

"(10) Section 7(c) of such Act of August 12, 1955 (D.C. Code, sec. 1–1107), is amended by striking '(b)(3)' and inserting in lieu thereof '(b)(2)'.

"(11) The first sentence of subsection (d) of section 7 of such Act of August 12, 1955 (D.C. Code, sec. 1–1107), is amended to read as follows: 'The registry shall be open from January 1 until forty-five days before the first Tuesday following the first Monday in November during each presidential election year except the forty-five day period which ends on the first Tuesday in May, and except as provided by the Board in the case of a special election. The Board may close the registry on Saturdays, Sundays and holidays.'

"(12) So much of subsection (a) of section 8 of such Act of August 12, 1955 (D.C. Code, sec. 1–1108), as precedes clause (1) is amended to read as follows:

"'(a) Candidates for office participating in an election of the officials referred to in clauses (1), (2), and (3) of the first section of this Act and of officials designated pursuant to clause (4) of such section shall be the persons registered under section 7 of this Act who have been nominated for such office by a petition—'.

"(13) Section 8 of such Act of August 12, 1955 (D.C. Code, sec. 1–1108), is further amended by adding at the end thereof the following new subsections:

"'(d) Each political party who has had its candidate elected as President of the United States after January 1, 1950, shall be entitled to nominate candidates for presidential electors. The executive committee of the organization recognized by the national committee of each such party as the official organization of that party in the District of Columbia shall nominate by appropriate means the presidential electors for that party. Nominations shall be made by message to the Board of Elections on or before September 1 next preceding a presidential election.

"'(e) The names of the candidates of each political party for President and Vice President shall be placed on the ballot under the title and device, if any, of that party as designated by the duly authorized committee of the organization recognized by the national committee of that party as the official organization of that party in the District. The form of the ballot shall be determined by the Board. The position on the ballot of names of candidates for President and Vice President shall be determined by lot. The names of persons nominated as candidates for electors of President and Vice President shall not appear on the ballot.

"'(f) A political party which does not qualify under subsection (d) of this section may have the names of its candidates for President and Vice President of the United States printed on the general election ballot provided a petition nominating the appropriate number of candidates for presidential electors signed by at least 5 per centum of registered qualified electors of the District of Columbia, as of July 1 of the year in which the election is to be held is presented to the Board on or before August 15 preceding the date of the presidential election.

"'(g) No person may be elected to the office of elector of President and Vice President pursuant to this Act unless (1) he is a registered voter in the District and (2) he has been a bona fide resident of the District for a period of three years immediately preceding the date of the presidential election. Each person elected as elector of President and Vice President shall, in the presence of the Board, take an oath or solemnly affirm that he will vote for the candidates of the party he has been nominated to represent, and it shall be his duty to vote in such manner in the electoral college.'

"(14) Subsection (a) of section 9 is amended by striking the second sentence.

"(15) Subsection (b) of section 9 is amended by striking 'ballot' and inserting in lieu thereof 'vote' in the first sentence thereof and by inserting at the end thereof the following new sentence: 'The Board shall by regulation permit voting for electors of President and Vice President by any registered elector who is absent from the District or who, because of his physical condition, is unable to vote in person at the polling place in his voting precinct on election day'.

"(16) Subsection (e) of section 9 of such Act of August 12, 1955 (D.C. Code, sec. 1–1109), is amended by striking 'municipal court of the District' and inserting in lieu thereof 'municipal court for the District'.

"(17) Subsection (g) of section 9 of such Act of August 12, 1955 (D.C. Code, sec. 1–1109), is amended to read as follows:

"'(g) No person shall vote more than once in any election, nor shall any person vote in an election held by a political party other than that of which he has declared himself a member.'

"(18) Subsection (a) of section 10 of such Act of August 12, 1955 (D.C. Code, sec. 1–1110), is amended by inserting '(1)' immediately after '(a)', and by adding at the end of such subsection the following:

"'(2) The electors of President and Vice President of the United States shall be elected on the Tuesday next after the first Monday in November in every fourth year succeeding every election of a President and Vice President of the United States. Polls shall be open from 8 o'clock antemeridian to 8 o'clock postmeridian on election day. Each vote cast for a candidate for President or Vice President whose name appears on the general election ballot shall be counted as a vote cast for the candidates for presidential electors of the party supporting such presidential and vice presidential candidate. Candidates receiving the highest number of votes in such election shall be declared the

winners, except that in the case of a tie it shall be resolved in the same manner as is provided in subsection (c) of this section.'

"(19) Subsection (b) of section 10 of such Act of August 12, 1955 (D.C. Code, sec. 1–1109), is amended by striking 'said election' and inserting in lieu thereof 'such elections'.

"(20) Section (d) of section 10 is amended by striking 'dies' and inserting in lieu thereof 'dies, resigns, or becomes unable to serve', and by striking 'local committee' and inserting in lieu thereof 'party committee': *Provided*, That such successor shall have the qualifications required by this Act for such office'.

"(21) Subsection (b) of section 13 of such Act of August 12, 1955 (D.C. Code, sec. 1–1113), is amended by inserting after the words 'a candidate for' the words 'elector of President and Vice President,'.

"(22) Subsection (d) of section 13 of such Act of August 12, 1955 (D.C. Code, sec. 1–1113), is amended by striking 'any national committeeman' and inserting in lieu thereof 'any elector, national committeeman'.

"(23) Subsection (e) of section 13 of such Act of August 12, 1955 (D.C. Code, sec. 1–1113), is amended by striking from the first sentence thereof 'the election' and inserting in lieu thereof 'an election'.

"(24) Section 14 of such Act of August 12, 1955 (D.C. Code, sec. 1–1114), is amended (A) by striking from the first sentence therof 'if employed in the counting of votes in such elections' and inserting in lieu thereof 'if employed in the counting of votes in any election held pursuant to this Act knowingly'; (B) by inserting the word 'knowingly' immediately before the words 'make any expenditure'.

"(25) The title of such Act of August 12, 1955 (D.C. Code), is amended to read as follows: 'An Act to regulate the election in the District of Columbia of electors of President and Vice President of the United States and of delegates representing the District of Columbia to national political conventions, and for other purposes.'

"(26) Clause (A) of paragraph 2 of section 2 of such Act is amended to read as follows: '(A) who does not claim voting residence or right to vote in any State or Territory; and who, for the purpose of voting in an election under this Act, has resided in the District continuously since the beginning of the one-year period ending on the day of such election:'.

"SEC. 2. (a) Chapter 1 of title 3 of the United States Code is amended by adding at the end thereof the following new section:

" '§ 21. Definitions

" 'As used in this chapter the term—

" '(a) "State" includes the District of Columbia.

" '(b) "executives of each State" includes the Board of Commissioners of the District of Columbia.' "

(b) The table of contents of chapter 1 of title 3 of the United States Code is amended by adding at the end thereof the following:

" '21. Definitions.'

"(c) For the purposes of the Federal Voting Assistance Act, of 1955 (69 Stat. 584) the word 'State' shall be deemed to include the District of Columbia.

"SEC. 3. The second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act, as amended (sec. 25–107, D.C. Code, 1951 ed.), is amended by inserting after the first sentence the following new sentence: 'Notwithstanding any other provision of this Act, the Commissioners shall not authorize the sale by any licensee, other than the holder of a retailer's license, class E, of any beverages on the day of the presidential election in the District of Columbia during the hours when the polls are open, and any such sales are hereby prohibited.' "

And the Senate agree to the same.

JAMES C. DAVIS,
JOHN DOWDY,
BASIL WHITENER,
JOEL T. BROYHILL,
WM. H. HARSHA, JR.,
Managers on the Part of the House.

ALAN BIBLE,
WAYNE MORSE,
WINSTON L. PROUTY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8444) to amend the Act of August 12, 1955, relating to elections in the District of Columbia, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted in lieu of it a complete substitute. The following is an explanation except for minor technical and conforming amendments of the differences between the bill as passed the House and the proposed conference substitute.

Paragraph (4). The Senate amendment required the publication of the official ballot in one or more newspapers of general circulation in the District at least five days before each election.

The House bill had no such requirement.

The proposed conference substitute is the same as the Senate amendment in this respect.

Paragraph (5). The Senate amendment permitted persons temporarily absent from the District and persons present but physically unable to appear to register by absentee procedures to be established by the board of elections.

The House bill had no such provision.

The proposed conference substitute would permit the registration by absentee procedures established by the board of elections only in the case of persons present in the District of Columbia who are physically unable to appear at official registration places.

Paragraph (11). The Senate amendment authorized the board to close registration offices on Saturdays, Sundays, and holidays.

The House bill contained no such provision.

The proposed conference substitute would authorize the board to close the registry on Saturdays, Sundays, and holidays.

Paragraph (12). The House bill required the names of candidates for presidential electors to appear on the ballot. The Senate bill required that the names of persons nominated as electors for president and vice president should not appear on the ballot.

The proposed conference substitute is the same as the Senate bill in this respect.

The Senate amendment specifically prohibited persons from being elected as presidential electors unless they are registered voters and have been residents of the District for three years immediately preceding the date of the election.

The Senate amendment also required presidential electors to swear to vote for his party's candidate and provided that it would be his duty to so vote.

The House bill contains no such requirement.

The proposed conference substitute is identical with the Senate amendment in this respect.

Paragraph (15). The Senate amendment provided that the board should permit voting for electors for president and vice president by any registered voter who is absent from the District or who because of his physical condition is unable to vote in person. The House bill contained no such provision.

The proposed conference substitute is essentially the same as the Senate bill in this respect.

Paragraph (26). The Senate amendment made certain changes in paragraph (2) of section 2 of the existing law for the purpose of deleting the phrase "or if such period has not begun, resides in the District". This is a technical amendment to clarify a present ambiguity in the law.

The House bill had no similar provision.

The proposed conference substitute is substantially the same as the Senate bill in this respect.

Section 3. The Senate amendment and the House bill both amended the District of Columbia Alcohol Beverage Control Act to prohibit the sale of alcohol on election day during the period when the polls are open.

The Senate bill permitted the sale during this time of alcohol beverages by druggists upon prescriptions.

The House bill did not contain this exemption.

The conference substitute is the same as the Senate bill.

JAMES C. DAVIS,
JOHN DOWDY,
BASIL L. WHITENER,
JOEL T. BROYHILL,
WILLIAM H. HARSHA, JR.,
Managers on the Part of the House.

Mr. JAMES C. DAVIS. Mr. Speaker, I call up the conference report on the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

Mr. JAMES C. DAVIS. Mr. Speaker, the statement which has been read gives a comprehensive account of the action taken in the conference on this bill to provide for voting in the District of Columbia in presidential elections.

The bill as it came out of the conference committee contains most of the substantial provisions of the House bill. In the final version of the legislation, 1 year's residence is required in order for one to qualify to vote in the elections.

There is no absentee registration except in the case of persons who are physically disqualified to go and register. We felt after discussing it it would be appropriate to amend the House version of the bill so as to permit persons who are physically unable to go to the registration place to register that they should be permitted to register by sending in their application and complying with requirements.

In the House bill we did not provide for absentee voting except in the case of military personnel. The conferees

changed the House version in that respect and provided for absentee voting in all cases. In that instance the House receded and adopted the Senate version.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Iowa.

Mr. GROSS. Is there any intelligence standard or test in the bill as it came back from conference?

Mr. JAMES C. DAVIS. There is no prescribed test in this bill, but the Board of Elections is given jurisdiction to provide requirements for eligibility on the part of the registrants and voters. This bill, the House will remember I am sure, is not new legislation in the sense that it starts from scratch. It amends the previous law already on the books which has provided for election of delegates to national political parties conventions. That law is amended.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Iowa.

Mr. GROSS. And, what is the age limit?

Mr. JAMES C. DAVIS. Twenty-one years.

Mr. GROSS. As was in the House bill?

Mr. JAMES C. DAVIS. That is correct.

Mr. BROWN. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Ohio.

Mr. BROWN. As I understand this conference report, it provides for the 21 years of age voting requirement?

Mr. JAMES C. DAVIS. That is correct.

Mr. BROWN. That is, it provides for the 21 years of age requirement in order to be a voter, and it also requires the voter must be a qualified resident of the District for at least 1 year?

Mr. JAMES C. DAVIS. For 1 year; that is correct.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield for a question?

Mr. JAMES C. DAVIS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Just what authority is given to the Board to impose qualifications for electors?

Mr. JAMES C. DAVIS. Well, the Board has authority under existing law. This is an amendment to the existing law which already provides for the residents of the District to elect delegates to the conventions of national political parties. That is already in the law.

Mr. HOFFMAN of Michigan. I am sorry, but I am ignorant as to what that is. I wonder if the gentleman could give me a general statement on it?

Mr. JAMES C. DAVIS. The gentleman from Georgia will have to confess that he is ignorant also on that item. However, when the bill was under consideration in the House District Committee we reviewed that law and we were satisfied that it was adequate to take care of the situation. However, I am sorry that I do not remember the exact provisions of that section of the D.C. Code.

Mr. HOFFMAN of Michigan. Will the gentleman yield further?

Mr. JAMES C. DAVIS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Then in effect we are giving the Board—the local Board—authority to impose regulations or not make regulations of which we now know nothing? We are just extending to the people of the District the power to vote?

Mr. JAMES C. DAVIS. I would say to the gentleman that the District law, as I remember it—and it is already on the statute books—follows in that respect the statutes of most of the other States of the Union.

Mr. Speaker, I would like to pay tribute to the members of the conference committee from the House who served on this conference, the gentleman from North Carolina [Mr. WHITENER], the gentleman from Texas [Mr. DOWDY], and on the minority side, the gentleman from Virginia [Mr. BROYHILL], and the gentleman from Ohio [Mr. HARSHA]. They worked earnestly and sincerely in working out a bill in the conference committee which we feel will take care of the situation here and provide for the residents of the District of Columbia this opportunity to participate in the National Government.

Mr. Speaker, if there are no further questions, and no further requests to yield, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PRESIDENT KENNEDY HAS SPELLED OUT AN "INTERNATIONAL CHARTER OF HOPE" IN HIS SPEECH TO THE UNITED NATIONS ASSEMBLY

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, the entire world has just heard President Kennedy address the United Nations at the opening session of its deliberations. I had the privilege to hear this momentous speech on television just a few minutes ago.

Mr. Speaker, I believe that President John Fitzgerald Kennedy today has presented to humanity a new "charter of hope" around which the entire free world and those dedicated to freedom and dignity of man can rally. I, as an American, and I am sure all Americans, are proud of the tremendous message that the President gave to the world today. I think it was a message of hope and confidence. It was a message in which he set out fully the principles of dignity that this Nation stands for and is ready to defend.

Mr. Kennedy can today rightfully take his place among the truly great leaders of world history. His eloquence in delivering this inspiring message has elevated President Kennedy to the heights reached by such outstanding leaders as Winston Churchill in their greatest moments of glory.

Mr. Kennedy completely destroyed the Kremlin's claims for changing the United Nation's executive structure by reminding the delegates that even a "troika," while it has three horses, has only one driver. Mr. Kennedy's insistence that the debate on colonialism must include the plight of the captive nations now held in bondage by the Kremlin, I am sure, will rekindle new hope among the oppressed people of the world.

I certainly hope that the delegates at the United Nations will ponder the message of the President and carry out the inspiring program which Mr. Kennedy presented to the world today. I certainly hope that we in this Congress will have an opportunity to record ourselves in full support of the principles laid down by Mr. Kennedy today. We, as Americans, all of us, can be proud of President Kennedy regardless of partisan considerations or affiliations.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield.

Mr. HOFFMAN of Michigan. Is a copy of that message available now?

Mr. PUCINSKI. It is my understanding that the acting majority leader will place the speech in the CONGRESSIONAL RECORD.

Mr. HOFFMAN of Michigan. Does the gentleman have a copy of it?

Mr. PUCINSKI. I do not know whether copies are available on the floor. I do not have a copy at this moment. But I can assure the gentleman that it was undoubtedly the most powerful speech I have ever heard any President of the United States deliver to the world.

Mr. HOFFMAN of Michigan. The gentleman has not heard it yet, has he?

Mr. PUCINSKI. I have heard it, yes, I viewed it on television.

Mr. HOFFMAN of Michigan. Where can we hear it?

Mr. PUCINSKI. I imagine the press will carry the entire speech; and I am sure that the television people will rebroadcast it throughout the day and in the evening. But I assure the gentleman, when he hears the speech, even though he is of the opposite political party, he will be just as proud of President Kennedy as I am.

THE LATE HONORABLE PAUL BROWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia [Mr. STEPHENS].

Mr. STEPHENS. Mr. Speaker, I hate to appear for the first time on the floor of the House of Representatives on a sorrowful occasion, but I rise to announce that Paul Brown, former Representative from the 10th District of Georgia, whom I succeeded, died yesterday at his home in Elberton, Ga., at

about 7:30 in the evening. The funeral plans are for him to be buried from the First Methodist Church in Elberton, Ga., tomorrow at 11 o'clock.

Out of respect for Mr. Brown the stores, the banks, and all business activities of his hometown are to be closed tomorrow.

Mr. Speaker, I would like to say a few words about the life of Paul Brown, who was known to many of you as a great public servant. Paul Brown was born in the State of Georgia. He was educated in the State of Georgia. He practiced law in the State of Georgia. He served in the Legislature of the State of Georgia, and he served her people in the Congress of the United States for almost 28 continuous years. He came here in 1933 on the 5th of July as a result of a special election, at which time he received the overwhelming majority of the votes for his succession here to Congressman Brand of Georgia.

Mr. Speaker, I have lived in his district and I never voted for any other Congressman than Paul Brown. His district returned him continuously year after year with no opposition and on only one or two occasions did he have even token opposition, with only a few scattered votes. This showed the love and respect the people of Georgia had for this man who served us well. He served his State well. He served his Nation well. He served his constituents well. He was a man who had as his prime motivation, service to his friends, and to his people. He was loyal, he was gentle, he was conscientious, and he was beloved of his people. I join with his many friends in and out of Congress and in and out of Georgia to pay respect to his memory to say that in every way this couplet best fitted the life of the Honorable Paul Brown:

None knew thee but to love thee.
None named thee but to praise.

Mr. JAMES C. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Georgia.

Mr. JAMES C. DAVIS. I thank the distinguished gentleman from Georgia for yielding to me.

It was with sadness and grief that I learned this morning of the passing away of Paul Brown. I had served with him here for 14 years. He was a Member of the House of Representatives when I was elected. Most newly elected Members of the House find themselves in the position of needing help, assistance, wise counsel, and cooperation. I so found myself when I became a Member of this body. Paul Brown was the vice dean of the Georgia delegation. I found it necessary on many occasions to go to him for counsel and advice. I found him extremely cooperative. I found that he had a kind heart, that he was sympathetic with the problems of the new Members. On numerous occasions when I called upon him to help me break into the routine, to help me find the way to perform some of the duties which rested upon me to properly represent my constituents, I found that he was always willing, always considerate of any request I made of him.

He was a valued member of the House Committee on Banking and Currency. I have had problems which to me and my constituents were of great importance to handle with that committee, matters over which that committee had jurisdiction. Paul Brown was always willing to render me assistance in that capacity. I recall that he on at least one occasion during a congressional recess made a trip with me from Georgia up here to appear before the Federal Home Loan Bank Board in behalf of an application which I had pending there.

He was a humble man. He was a man who had great knowledge of the needs of the people, and he was assiduous in his efforts to write legislation for the benefit of the common people. He was always on the alert to do what he could to remedy the plight of the farmer, who during my lifetime has experienced many, many troubles in my area of the country. He always had the welfare of the farmer at heart, and he never overlooked an opportunity to remedy the condition of agriculture.

It was with much regret that I learned that he planned to retire at the end of the last session. I have missed him greatly, as I know many of you have. My heart is heavy today when I reflect on the fact that never again will I hear his kindly, friendly voice, and never will I look upon him again as he undertook to serve his fellow men.

I join his many friends here in extending deepest sympathy to his family. I pray that Almighty God will give to them the consolation which only He can give.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, one of the joys and pleasures of my life has been to meet and to know Paul Brown. Paul Brown was truly one of God's noblemen, a gentleman in every respect of the word, one who could disagree without being disagreeable, possessed of an understanding mind that in his association with his fellow men inspired others to be a better person—a better man or better woman. Paul Brown served in this Chamber for many years with great distinction, with courage and devotion. He was one of the most influential Members of this branch that I have served with in my 33 years as a Member of this great legislative body. The friensdhip that existed between Paul Brown and me was a very close friendship. He was one of my closest and most valued friends. He was an inspiration to me. His kindly spirit and his dedication to public service throughout his entire life was in life, and will always be an inspiration to me.

Mr. Speaker, in the passing of Paul Brown, the country has lost one of its greatest citizens. Paul Brown retired voluntarily as a Member of this body not long ago, but now the House of Representatives has lost one of the greatest Members ever to sit in this Chamber throughout the entire history of our country.

Mr. Speaker, I have lost one of my dearest friends. The memory of Paul Brown's friendship will always be a treasured memory during the remainder of my life. Mrs. McCormack and I extend to Mrs. Brown and her daughter our profound sympathy. But, I know, Mr. Speaker, that they will derive a great consolation in their loss by the knowledge that Paul Brown was one of the greatest men and one of the finest men who every journeyed through life.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker, for 22 years Paul Brown and I served here together. We were the two Browns in the House of Representatives. We referred to each other as "cousin." For most of those 22 years, Paul and I—and his family and mine—lived in the same apartment building so that the two families became close friends. For a great portion of the World War II days, Paul Brown rode to and from the Capitol with me each day.

During that war, he lost his only son, a brilliant young man who was a student at the University of Georgia Law School. When the war broke out, he immediately came to Washington and insisted on enlisting in the Navy and entered the submarine service. As a perfect illustration of the type of man Paul Brown was, I can only tell you the story of Paul Brown's son. He was on submarine patrol in the Pacific. The submarine on which he was an officer returned to Pearl Harbor just before Christmas. It was his turn to be given leave, and he could have taken that leave and returned to his family here in Washington, to his father and his mother and sister, as he had hoped to do. But there was another officer on that same submarine whose turn for leave had not yet come, but who was married and the father of three small children.

To him, Paul's only son said: "No you go ahead; I'll take your place on this next tour of duty. You spend Christmas with your own family and I will take the next turn for leave."

Young Brown's submarine left Pearl Harbor never to return. It is still a mystery, as far as the Navy is concerned, as to just what happened to that submarine.

I watched Paul Brown break and grow aged during those terrible days of waiting. One day he would have hope that perhaps his son, along with the others on the submarine, had been rescued or had reached some island in the Pacific, or by some miracle he still lived, yet always word would come back. "Nothing to report." I am convinced the loss of Paul's only son had much to do with his decline in health in recent years. That boy, like his father, was thinking of the welfare of others and not just of himself. I watched Paul Brown during those trying days, as he walked about the apartment neighborhood, for I walked with him many times at night. He could not sleep, he could not rest, for his heart was broken, his thoughts were of his son.

Paul Brown, like his boy, served his country ably and well to the best of his ability. In the opinion of many of us Paul gave his life in the service of his

country, just as much as his son had given his.

Mrs. Brown and I have already, by personal message, extended to Mrs. Paul Brown and to her daughter, Rosalind, whom we knew as well, our sincerest sympathy. We have assured them that Paul Brown has left to his family the priceless heritage of a good name, and to those of us who served with him, and to the hundreds and the thousands who called him friend, many precious memories which will live with us as long as life continues. Paul Brown was a great legislator, a great American. The world is better for his having lived. His loss is one we all greatly regret.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Speaker, from 1933 through 1960, Hon. Paul Brown served in this body. Reading clerks came and went, but during all of that time this matchless servant was in his appointed place and always responded to the call of his name with "here." Perhaps his record for attendance in this forum has never been matched.

Yesterday, near his devoted Christian wife and daughter, he made his transition from mortality to immortality. He was attended by his warm and trusted physician friend, whose friendship extended back to the time when the Congressman brought a promising youth to Washington to serve as a page, and from his earnings pursue a medical career in college. Truly, the relationship between a patient and a trusted physician is a tender one, but this relationship was almost that of parent and child.

There is no one who knew Congressman Paul Brown that cannot say of him, as Saint Paul said to young Timothy—II Timothy, chapter 4, verses 6–7:

> For I am now ready to be offered, and the time of my departure is at hand. I have fought a good fight. I have finished my course. I have kept the faith.

Truly a great man has passed over on the other side of the river. For 10 years, he was my constant and abiding friend and the bonds of love and affection between us are sacred and enduring.

Undoubtedly, Paul Brown was one of the most influential and outstanding Members of this body. He was always practical and he always meant business. I have said many times concerning him, "I never saw him fall below the standard of great." His mind was so brilliant, his heart so true and purposeful, he could not have taken leave of honor and sound judgment had he tried. He regarded life as a scene for doing good, and as a period for constructive work. There was no wasted or misspent time. There can be no regrets because of any idleness or any failure to grasp any opportunity to do good to his fellow man.

Nature does discriminate in the kind and quality of man and women it produces. Paul Brown was born a gentleman. In his young manhood, he was an outstanding lawyer in his section. There were many uncommonly brilliant lawyers in his county and adjoining counties. It was no small achievement to win an honored name before such an illustrious bar. Paul Brown did it, and today he is known as one of the greatest lawyers that section has produced. As a Congressman, Paul Brown was superb. He served a remarkable district. Alexander Stephens, Robert Toombs, Howell Cobb, all names to conjure with, had formerly served that district. Congressman Brown has taken his place with those intellectual giants of the yesterdays.

Mr. Speaker, Congressman Brown was tested as Job was tested. He proved that he was made out of the best of materials. He lost his one and only son in the service of his country. His heart was broken, but he redoubled his efforts so that it seemed that he was trying to perform service for our common country both for himself and for the son who had laid down his life for his country.

Paul Brown loved his family and they were most worthy of that great love and devotion he showered upon them. To his wonderful wife and daughter, I extend my love, affection, and appreciation. I grieve with them over their loss, but I remind them that few families have been so fortunate as to have a loved one of the nobility and humility, character, love, and loyalty as Paul Brown.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Speaker, I was deeply grieved to learn of the passing of our beloved former esteemed colleague from Georgia, Paul Brown, who for many years, until his retirement last year, served with honor and distinction as a Member of Congress. I had learned of Mr. Brown's illness and kept in touch with the situation through his worthy successor [Mr. STEPHENS].

It was a great privilege to serve in this body with Paul Brown. Many times I went to that fine man for advice and guidance, because of his knowledge and wisdom and his experience here. He was willing and able always to give good and sound counsel.

This world truly is a much better place in which to live because Paul Brown lived in it. His life was of the finest character, his works of the highest quality. May God rest his soul.

I extend to Mrs. Brown and the family my heartfelt sympathy in their great loss and sorrow, and I pray that they may be sustained and comforted in this period of bereavement.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, the very eloquent words of the gentlemen from Georgia [Mr. STEPHENS] and [Mr. FORRESTER] and of the gentleman from Ohio [Mr. BROWN] have sweetened the sorrow which overtook me when I read this morning of the loss of my friend, Paul Brown. These gentlemen, who knew him so well, have outlined so clearly the great qualities which went into the life and character of this great American.

When the late Honorable John Rankin was a Member of this body, he told me once that he had done extensive research on the matter of attendance of Members and that Paul Brown had an attendance record that far exceeded that of any other Member who ever served in this body. Paul Brown had answered consecutively more than twice as many roll calls as any other Member.

Mr. Speaker, I was also advised that on the occasion when the word of the loss of his son reached him, he found that it was going to be necessary for him to be absent by reason of that tragic event. Out of respect for his great diligence and fidelity and out of respect for the sorrow of a man who had been so diligent and so faithful, the House put over roll calls on that occasion so that Paul Brown could maintain his perfect voting record in this House. He never missed a single vote on a single occasion until he became too ill to attend the sessions of the House.

Mr. Speaker, I think this is illustrative of this steadfast American, this devoted public servant, this great and good man whom I am proud to say I knew as my friend.

Mr. Speaker, to his wonderful wife and daughter and all of his loved ones, I extend my deepest sympathy in this hour of their sorrow.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Speaker, as has been mentioned before, each Member of this House feels deep regret and sorrow in learning of the death of former Congressman Paul Brown. Two years prior to my coming to Congress, Paul Brown was here. During the remaining years of his service prior to his voluntary retirement from Congress, I was privileged to serve with him and to know him as a friend as well as a colleague.

Mr. Speaker, Paul Brown was one of those outstanding Americans that comes along but now and then, a devoted, patriotic individual citizen. He was devoted to this House of Representatives, and in every possible way fulfilled the obligation of a great servant of the people from his district and his State. One of the finest things that happens to those of us privileged to serve here is the pleasure to know certain individuals. I was proud to call Paul Brown my friend. I am so glad I knew him. I am sure this was a better House because of Paul Brown having served here.

Mr. Speaker, I think I express the feelings of many men on this side of the aisle—all of them, in fact—in joining with my colleagues here in saying that never have we met a finer individual than Paul Brown. We regret his passing, and to his wife and family we extend our deepest and sincere sympathy.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. MCMILLAN].

Mr. MCMILLAN. Mr. Speaker, I was distressed to learn this morning of the passing of my friend, the late Paul Brown, of Georgia.

I had the privilege and pleasure of serving in the Congress with Congressman Brown for 22 years, and during that

time, I called on him on numerous occasions for advice on legislation pending before the Congress. He was a real friend to freshman Congressmen as he was never too busy to sit down and discuss legislation problems with any Member who called on him for advice.

Our offices in the Old House Office Building were on the same corridor, and I had the pleasure of talking with him almost every day during the sessions of Congress.

Congressman Brown's only son was lost during World War II while serving as an officer on one of our submarines. Congressman Brown's whole life was tied up in his only son who lost his life serving his country, and I don't believe that he ever completely got over the shock of his son's passing. I have never known any man during my lifetime who grieved as much over the loss of one of his loved ones as Congressman Brown did over the loss of his fine son who served his country with great distinction until he lost his life in battle.

I have greatly missed Congressman Brown during the 1st session of the 87th Congress; however, I knew that when he did not offer for reelection this year that he was not enjoying the best of health.

I believe that Congressman Brown was the only man I ever knew who had a perfect voting record in the Congress until his illness last year.

Congressman Brown leaves a wife and daughter, and I want to take this opportunity to express my deepest sympathy to them during their hours of bereavement.

The State of Georgia and the United States lost one of its finest and most astute lawmakers in the passing of Congressman Brown. I am certain that all the Members of Congress who had the privilege of serving with him anytime during his 28 years of service in the House of Representatives will remember him as a great statesman, a Christian gentleman, and a sincere lawmaker.

Mr. ANDERSEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Minnesota.

Mr. ANDERSEN of Minnesota. Mr. Speaker, for 22 years it was my privilege to serve with a real southern gentleman, the late Paul Brown of Georgia. I remember Paul best for his service to agriculture. I do not think there was a man in the Congress of the United States during that period of time who did more for the small farmers of America than Paul Brown.

I learned the same thing that has been brought out by the gentleman from Georgia [Mr. FORRESTER], and the gentleman from Oklahoma [Mr. ALBERT], the fact that he was always present to vote, on every quorum call and every rollcall. I am sure that the record he established has never been equaled and perhaps will never be surpassed.

Mrs. Andersen joins with me in extending deepest sympathy to Mrs. Brown and the family at this time.

Mr. STEPHENS. Mr. Speaker, I thank the gentleman.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I should like to join Paul Brown's able and distinguished successor in Congress in grieving over his passing. I join the rest of the Georgia delegation and the membership of this House in paying tribute to an outstanding American. Paul Brown possessed all of the attributes that go to make up a good and a great man. He was kind, he was considerate, he was courtly in the finest traditions of the South. And he was persuasive. I remember many times when he came to me on the Subcommittee on Public Works with reference to some of the small projects in which his district was interested. He had those persuasive qualities which distinguished his character and he always got what his district needed.

Mr. Speaker, I join with all of his colleagues here in expressing my profound sympathy to his devoted wife and his daughter.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Speaker, all of us were saddened to learn of the passing of Paul Brown. Those of us who had the privilege of serving with him recognized that he was a great man. It was my privilege to know him well, having served with him more than 10 years. He was always attentive to the legislative business. He had an outlook that was unusual; he was sympathetic and understanding. While he had certain interests to represent in his own particular area, his understanding of the Nation's problems was such that he did not hesitate to cast a vote the way he saw it, regardless of consequences to himself or his district.

Those of us who learned to know him appreciated his contributions to the Nation. We were sorry to learn of his retirement at the end of the last session of Congress, because he had contributed so much to his country. I know that Georgia and the Nation will miss him. May I extend my sympathy to his family.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Mr. Speaker, Paul Brown was one of my best friends in Congress. I served with him on the Committee on Banking and Currency for 10 years. He was just as diligent on that committee and just as faithful as he was in his attendance on the floor of the House. During those years, our committee held almost constant hearings on one important piece of legislation after another. Paul Brown was always there with his sound judgment and careful analysis. He played a major role in securing a workable price control bill and in making adjustments to it as the years passed by. His advice and suggestions were invaluable when the time came to dispense with price control in an orderly way. He played a major role in housing legislation and also in the development of the International Bank and Monetary Fund. His judgment was respected by every member of the committee. There was no more able member of the committee on either side than Paul Brown.

One of my great disappointments on my return to Congress was to find that Paul Brown was no longer a Member of this body and, therefore, I was deprived of the privilege of seeing him again. That was one of the pleasures I had looked forward to eagerly after my nomination and election to Congress.

I want to extend my deep sympathy to his wife and family.

Looking back on it, I can think of no Member of the House that contributed more to the national welfare and the pleasant associations during my previous encumbency in the Congress.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Speaker, I join my colleagues in extending sympathy to the family of our late beloved colleague. I know most of us have missed him. I have missed him since he retired last year. He was always here in his seat. He was always ready to help you in any way. He gave of his advice freely. I remember on one occasion when a group of South Carolinians came up here with a problem and he gave them his time and advice, and solved the problem of those people from South Carolina. They went back to my good State grateful that they were privileged to meet with such a man.

I think of the characteristics that I saw in him that we miss most. I miss his gentleness at all times to those of us who were younger and had not had the experience he had. I miss his compassion. He had such a great compassion for his fellow human beings. On many occasions we have talked about the home and housing programs in which he was interested. He felt that the home and housing programs for the Nation were great programs, and he convinced me they were great programs. He was one of those who furthered those programs. Many people in America today can thank Paul Brown that they have homes wholly or in part at Government expense. He had great leadership.

To his family and his friends I express my deepest sympathy.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from Georgia [Mr. JOHN W. DAVIS].

Mr. JOHN W. DAVIS. Mr. Speaker, I rise as one who did not have the privilege of a personal acquaintanceship with Congressman Paul Brown. I hasten to say that in that failure I feel that I have sustained a very great personal loss. However, as a citizen of Georgia I followed the career of Congressman Brown from the time of his election in 1933 until his retirement from this body at the end of this past year.

He was one of my heroes. As a matter of fact, during the campaign for my seat in this body last fall on one occasion I was sitting on the platform with the other contenders for this seat and the question was asked of me by the moderator as to just what sort of Congressman I aspired to be. I answered that I hoped to become the same type of Member of Congress that Paul Brown

was. I still entertain that hope. I can think of no finer record for anyone to aspire to establish than that of the Honorable Paul Brown.

I join my colleagues who have expressed their sympathy to his wife and daughter.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Speaker, I join my distinguished friend, the gentleman from Georgia [Mr. STEPHENS], and other colleagues in paying tribute to the late Paul Brown. As Members before me have said, Mr. Brown was one who was always willing to assist new Members of this body and give of his counsel and his guidance if they sought that guidance. He was not one who was inclined to volunteer suggestions to his colleagues, but was always more than willing to respond to any request for assistance.

I think one of the most impressive occasions I have witnessed in this House of Representatives was on August 29, 1960, when the news of the intended retirement of Paul Brown was brought to the attention of the House by the gentleman from Georgia [Mr. JAMES C. DAVIS]. At that time in a manner which has been unequaled during my service in the Congress Members on both sides of the aisle, in greater numbers than I had ever witnessed, rose in this Chamber to pay their tribute to this distinguished American who had so long and so capably represented the people of the State of Georgia.

I remember on that occasion that our distinguished Speaker, who had known Mr. Brown from the time of the commencement of his service in the House of Representatives, had this to say about our departed former colleague. "If I were selecting what I call a good man, I would select Paul Brown." What higher tribute could any man pay to one of his fellowmen than the tribute contained in those words by this great man, Speaker RAYBURN, when he said that if he were selecting what he would call a good man, he would select Paul Brown? I might say without any intent to take the words of our distinguished Speaker as my own, I would merely echo that sentiment because, certainly, of all the men I have had the privilege of knowing, I have known of none who was more completely qualified for the title of a good man than this great gentleman who served here with us for so long and so capably as a servant of the people and, yet, a leader of the people of his district and of the Nation.

My deepest sympathy is with the loved ones of my departed friend, Paul Brown, in their time of great sadness.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. BONNER].

Mr. BONNER. Mr. Speaker, I wish to join the Members of the Georgia delegation and other Members of the House in paying tribute to Paul Brown. He was a lovable, kind man. He was a true, loyal American. His service in the House of Representatives was a dedicated service and those of us who had the honor and the privilege of knowing him in the cloakroom, to observe him on the floor of the House, and to watch his work in the committee room have enjoyed a rare privilege in life. To have known and seen a man, conscientious and dedicated to the service of his district, of his State, and of his Nation.

Mr. Speaker, I am proud that I have the honor to have known Paul Brown.

Mr. STEPHENS. Mr. Speaker, I yield to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, I want to join my colleagues who have so eloquently paid tribute to our former colleague today. Paul Brown was an old friend to me long before I came to the House of Representatives. It so happens that in 1937, Mr. Brown had requested the President of the United States to send a speaker to the University of Georgia at Athens. I was privileged to have been selected on that occasion. This was my first contact with Paul Brown. I shall never forget not only his guidance—for I had great need for guidance in those days—being a rather young man, I shall never forget not only his guidance but his kindness and his hospitality. Through the many years that followed, our friendship continued. Then I had the privilege to serve with him here in the House of Representatives. A few years ago, once again, fate brought about a situation where again I had reason to know the great human heart which was a part of Paul Brown. My wife was in an automobile accident on her way back from California to Washington. At the time she was passing through Paul Brown's district. No man could have gone more out of his way to make the necessary arrangements to have Mrs. Roosevelt taken care of and to give to all of us at a difficult time so much solace and comfort. So today as we pay this tribute to Paul Brown, I can only add very sincerely that there was, indeed, no finer American, no greater friend to the individual Members of the House of Representatives who served with him, and no more useful citizen.

So to Mrs. Brown and to his family, Mrs. Roosevelt and I would like to extend our deepest sympathy in this difficult hour for them.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield.

Mr. O'HARA of Illinois. Mr. Speaker, for 6 fruitful years I had the rich privilege and the deep pleasure of serving with Paul Brown on the Committee on Banking and Currency. When I came to the Congress, the dean of the Illinois delegation, the beloved TOM O'BRIEN, introduced me to one of his dearest friends, Paul Brown; and Paul Brown gave to me so much in assistance, so much in wise counsel, so much in warm friendship that I shall never forget. He was one of the finest gentlemen I ever knew. The affection in which he was held by his colleagues from his native Georgia was felt in no less degree by his colleagues from Illinois.

Mr. Speaker, I should like to add something to what our distinguished acting majority leader, Mr. ALBERT, said concerning the attendance record of Paul Brown, a record for attendance during his service in this body that never has been equaled and probably never will be approached. But, in addition to that, the many long years that Paul went always answering every rollcall, including quorum calls, during that entire period he also attended every meeting of the Banking and Currency Committee. He was present at every convening of the committee. He was there every minute the committee was in session. He remained to the closing of every session. Not one session of the Banking and Currency Committee did Paul Brown miss during this long period that he was answering every rollcall and every quorum call on the floor of the House. He set for the Members of this historic body the highest pattern in faithfulness to duty.

I am deeply saddened. Only a few days ago I was chatting with the distinguished and lovable gentleman who is Paul Brown's successor here, and I had asked him on his return home after the adjournment to remember TOM O'BRIEN and the others of our delegation to our dear friend, Paul Brown, and to tell him how very, very much we missed him. The news now of his passing stirs the deepest of emotions.

He was a man of towering ability, yet he walked the road of life with that sweet simplicity that marks the truly great. In his heart of hearts he had understanding of all his fellow travelers on life's highway.

To his wife and daughter, I extend my deep and heartfelt sympathy in their great loss.

Mr. FENTON. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield.

Mr. FENTON. It was certainly a profound shock to learn of the death of our former colleague, Paul Brown. I came to know him during his career in this House as one of the kindest and finest gentlemen it has been my privilege to have come in contact with. Mr. Brown's family and mine became close friends. His daughter and my youngest daughter were high school pals together here in Washington. On one occasion she visited our home in Pennsylvania.

Mr. Brown served his constituency, his State, and our Nation well and I want to join with the Georgia delegation in their statements here today.

My sympathy and that of my family go out to Mrs. Brown and Roslyn in their hour of great bereavement.

GENERAL LEAVE TO EXTEND

Mr. STEPHENS. Mr. Speaker, on behalf of the people of Georgia I want to thank all who have spoken. I could say much more, but the tribute from both sides of the aisle and the tribute from all parts of America that we have heard today are evidence of the great worth of Paul Brown.

Mr. Speaker, I ask unanimous consent that each Member who has spoken may have the privilege of revising and extending his remarks, and that all Members may be permitted to extend their remarks at this point in the RECORD on

the life, character, and public service of Mr. Brown.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. O'BRIEN of Illinois. Mr. Speaker, I rise to join in the tribute to a dedicated American, the late Congressman Paul Brown. I know I speak for the entire Illinois delegation when I say our Nation has lost a great American. It has been my privilege to know Congressman Brown for many years. I have always admired his deep dedication to the best interest of America. His fairness in evaluating legislation and his courage in defending the cause he believed to be right has been a source of constant comfort to all of us.

Paul Brown brought to this Chamber the depth of gentle conduct so typical in the South. He was an inspiring American and we will all miss him. I extend to his family my most sincere condolence.

Mr. BREEDING. Mr. Speaker, I wish to add my voice to those of my colleagues who have expresesd a sense of personal loss in the death of the Honorable Paul Brown. When I first came to Congress I was appointed to the House Banking and Currency Committee, of which the distinguished gentleman from Georgia was a ranking majority member. I will never forget his many kindnesses and the many little things which he did to make the path of a freshman Congressman easier and smoother.

This was typical of Paul Brown. He was a kind and gentle man and this, in part, accounts for the universal love and respect Members of this House had for him.

Aside from his many fine personal characteristics, Paul Brown was one of the ablest men ever to sit in this House. He was a master legislative craftsman and parliamentarian. He made a major contribution to many of the important policies of the Government which are now taken for granted.

In the death of Paul Brown, the Nation has lost a fine and able servant and those of us who were privileged to know him and to serve with him have lost a warm personal friend.

Mr. EVINS. Mr. Speaker, permit me to join with my colleagues from Georgia and others in paying a brief but sincere tribute to the memory of our late colleague and friend, the distinguished gentleman from Georgia, Hon. Paul Brown.

I admired Paul Brown immensely. He was in the truest sense a gentleman and a scholar.

Paul Brown served in the House for more than a quarter of a century and his service and his life provides a noble example of kindness, sincere friendship, and devotion to duty found only in the very outstanding.

He was a colleague whom we all could respect and who we all admired. He was a great American, who served his district, State, and Nation well.

I extend to the members of his family an expression of my most sincere sympathy in their bereavement.

Mr. HALEY. Mr. Speaker, I am shocked and deeply grieved to learn of the passing of our former colleague, my beloved friend, Paul Brown, of Georgia.

Early in my freshman term, I came to know him well. I had the benefit of his wisdom and lengthy experience here in the U.S. House of Representatives. When I sought his advice, he freely gave it.

I admired his sincerity and Christian character; and I respected his conscientious and distinguished service to his State and Nation. His friendship I have treasured.

Paul Brown had some special quality which was recognized by all. His friendliness, his warmth, his courtly ways were noted and responded to even by those who knew him only casually.

He was an effective legislator. His devotion to principles of sound government were well known. His career of service to his State and Nation was long and distinguished. It was only natural when he announced his retirement last year that many Members of the House expressed a sense of loss.

Today, as we come to know of his death, our personal loss is great. We know that Georgia has lost one of her noblest sons, and America has lost an outstanding legislator and statesman.

To his widow and his daughter, I extend my sympathy and kindest wishes.

Mr. MARSHALL. Mr. Speaker, it is always sad to lose a good friend. Paul Brown was a friendly and kindly man. Many, many times he took the trouble to help me as a Member in my first term particularly and later he asked me questions in such a way as to steer me on what he considered the right course. His advice was always good and he was as honest as a man could be in giving his views.

His legislative life could well be a source of inspiration to every American school boy and girl. He was dedicated to his duties as few men are. Regardless of inconvenience to himself, he never complained. He did his legislative work as his conscience dictated. America could well use more men like Paul Brown. To his family we extend our sincerest sympathy.

Mr. ROONEY. Mr. Speaker, I was truly saddened this morning when I learned of the passing of our former colleague, the distinguished gentleman from Georgia, the Honorable Paul Brown.

I served for many years here in the House with Paul Brown and had a most pleasant association and friendship with him. He was a kindly gentleman who always had the courage of his convictions. One of these convictions was his firm adherence to the leadership of the Democratic Party. I admired him on many occasions for his faithful and courageous votes in following the Democratic leadership of this House.

Mrs. Brown and his daughter have my deepest sympathy in their bereavement.

Mr. MACK. Mr. Speaker, I join with my colleagues in paying tribute to a distinguished American and one of the most dedicated Representatives to serve in this house. Paul Brown, who served his State of Georgia and country as Congressman for 28 years until his retirement last year, was an outstanding man and leaves behind a great record in Congress.

A life-long devotee to the principles of working government, Paul Brown entered Congress in 1933 after an active political career and service as representative in the State legislature.

He was a close personal friend of my father-in-law, a fellow Georgian, Roy M. North. They lived as neighbors in Washington for a quarter-century and were active in the affairs of their church. The North family admired and respected Paul Brown, and they join me in expressing sympathy to his family.

Among his many contributions as a true friend of his constituents and of his fellow members, he concentrated his efforts as a member of the Banking and Currency Committee.

Here, he rose to the positions of second ranking Democrat and chairman of the second subcommittee handling banking matters. In his latter years he was best known as having introduced revisions to the national banking laws enacted in the last Congress, aiding in what became the Bank Merger Act in 1960 and the 1959 law relating to reserve requirements for commercial bank members of the Federal Reserve System.

This mild-mannered southern gentleman emanated a unique personality and insight which naturally drew other Members to him for advice and assessment of sentiments over important matters. In short, he was as trusted and honored by those in the Nation's Capital as he was by those in the 10th District of Georgia who consistently verified their faith in him throughout his career in Congress.

It is with my deepest sympathies and regret that I take note of the death of this good man.

Mr. PATMAN. Mr. Speaker, the Members of Congress who served with Paul Brown of Georgia were saddened today to learn of his passing. I had the privilege of serving with Paul Brown during all the 28 years that he was in Congress. In fact, I was closely associated with him because we were on the same committee together during that time—the Banking and Currency Committee—on which he was senior to me.

I have never known a fairer person in my life. He was always determined to do exactly what was right concerning any problem upon which he was expected to make a decision. He not only attended all sessions of the Banking and Currency Committee, but he also attended practically every session of the House of Representatives while he was a Member. I doubt that any Member of Congress has ever had a better attendance record than Paul Brown.

Paul was genuinely interested in the people and, of course, he had a special interest in those whom he was privileged to represent. I do not believe that he had one announced opponent against him during the 14 elections in which he was elected to serve the people of his district in Georgia. This fact alone cer-

tifies to his great popularity in his district. I can add that he was just as popular in Congress, as every Member with whom he was privileged to serve had complete confidence in the knowledge, ability, and courage of Paul Brown. He was not only a civic-minded person—he was proud of his patriotism and no Members of Congress ever served more patriotically and loyally than did Paul Brown.

The people of Georgia and the people of the entire Nation have lost a great statesman. This country is much better because Paul Brown lived here as long as he did and served so faithfully and well.

Mrs. Patman joins me in extending sympathy to his loved ones.

Mr. BETTS. Mr. Speaker, Paul Brown was one of my close personal friends. From the first day of my service on the Banking and Currency Committee, he took an interest in me and my congressional work. He was always most helpful and our friendship extended beyond the committee room to many personal contacts of a social as well as official nature.

He was a true southern gentleman in every sense of the word. Honorable, dignified, loyal, and charming—he represented the finest type of U.S. Congressman and set an example which I shall always try to follow. I consider it a privilege to have had the opportunity to know Paul Brown. I am saddened at his death and extend my deepest sympathy to his family.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it is with sadness that I join the Members of the Georgia delegation and other Members of the House in paying tribute to the late Paul Brown. I had the privilege during my first term in Congress to serve on the same subcommittee of the Banking and Currency Committee with Paul Brown. In fact, he was the chairman of my subcommittee, and it was a disappointment when we on the subcommittee learned that he planned to retire at the end of the last session of Congress.

Mr. Speaker, it is easy to understand why Congressman Brown had such love and respect from the people of his district. His warm heart and kindly manner endeared him to all who knew him. He was respected because he was truly a dedicated public servant whose conscientious and loyal devotion to duty were an inspiration.

Personally, I shall always remember him for his kind and warm personality. He was never too busy to take the time to share with younger members the benefits of his wide experience and thorough knowledge.

To his wife and daughter I extend my deepest sympathy.

Mr. MULTER. Mr. Speaker, one of the truly devoted servants of the people has passed on to another life. Our beloved former colleague, the distinguished Paul Brown, of Elberton, Ga., has died.

Those of us who knew Paul will never forget the friendship and devotion of this man. Born and educated in Georgia, Paul was the true southern gentleman. For some years I had the honor of serving with him on the Banking and Currency Committee and may I say that working with him there was one of the most rewarding experiences of my life. His wise counsel was often sought and freely given; his understanding of basic problems was deep and always exercised; his judgment was faultless and benefited his colleagues on many occasions.

In 1960 when he decided to return to his Georgia home, we knew that we would sorely miss him and we have.

A distinguished legislator and lawyer, his example will long serve as a model of excellence for his successors.

I join with my colleagues in expressing my deepest sympathies to Mrs. Brown and their daughter.

Mr. ADDONIZIO. Mr. Speaker, like all who were privileged to serve with him in the House of Representatives, I had deep affection and respect for Paul Brown. His fine qualities of mind and heart endeared him to all and made him one of the outstanding Members of the House. During my years of association with him on the Banking and Currency Committee, Paul Brown was always most kind and gracious, and his devotion to duty was an inspiration to his younger colleagues. While we differed on many fundamental issues, I was always impressed with his nobility of character and I feel that all his colleagues were better for having known this truly good man.

To Mrs. Brown and his family, I extend my deepest sympathy in their heavy loss.

Mr. KILBURN. Mr. Speaker, over the years it was my privilege to be closely associated with the late Paul Brown, of Georgia, as a member of the Banking and Currency Committee. He was a most able and conscientious member of that committee. Time after time it was the Brown amendments which took the quirks out of legislation being formulated by the committee. Much legislation on the books today, although not bearing his name, reflects the imprint of his wisdom and skill as an outstanding legislator.

In particular, I remember Paul Brown as a conferee in our meetings with Members of the Senate in working out compromises on legislation passed by the House and Senate. With frequent regularity, it was the commonsense solutions of Paul Brown which resolved many of the difficult problems with which the conference was faced. In fact, it was here that he was at his best because he always proceeded on the basis that problems existed not to baffle but to be solved in a sensible way.

Paul Brown was more than a Representative of the 10th District of Georgia. Labor, business, and farmers everywhere have benefited from his distinguished service to his country. May this thought soften the sorrow of his devoted wife and daughter in his passing.

Mr. RAINS. Mr. Speaker, this body has been saddened to hear of the death of our former colleague, the Honorable Paul Brown, of Georgia. I had the privilege and pleasure of serving with him on the House Banking and Currency Committee for many years prior to his retirement last year. He was known to us all as a diligent and wise legislator, a kind friend and a southern gentleman.

My colleagues, I am sure, join me in the hope that he found much happiness in his retirement to his beloved Georgia during the past year. Paul Brown served his district and his State and his Nation well for almost two decades.

I wish to extend my deepest sympathy to his lovely wife and daughter at this time of bereavement.

Mrs. DWYER. Mr. Speaker, the death of our former colleague, the Honorable Paul Brown, of Georgia, has brought grief to all who knew him. Prior to his retirement last year, I was privileged to serve with him for 2 years on the Committee on Banking and Currency. There, as in all our other contacts, he was unfailingly kind, courteous, and helpful.

Paul Brown brought great dignity and ability as well as the wisdom of long experience to our committee's deliberations. He was thorough and practical and constructive—qualities which, throughout his two decades of service in the Congress, enabled him to contribute greatly to his district, his State, and his Nation.

I am grateful for our association, brief though it was, and I join our colleagues in expressing my deepest sympathy to his wife and daughter.

Mr. FISHER. Mr. Speaker, I share the high respect that has been so ably and widely expressed for the late and lamented Paul Brown. I always thought of him as being one of the most respected and honorable men I have ever served with in the House of Representatives. He was a great patriot, a loyal friend, and a valuable servant of the people.

To the family, I extend my deepest sympathy in their bereavement.

Mr. WALTER. Mr. Speaker, one of the saddest moments in my life here in Congress, I believe, came last year when my colleague, Representative Paul Brown, announced his retirement.

It was a sad moment because Paul Brown and I came to Washington together some 29 years ago and we became very close friends.

Members of Paul's family, who also were close to me during these years, kept me posted on his activities since his retirement.

His death this past weekend at his home in Elberton, Ga., removed from our midst a great public servant. And, also, it removed from my circle one of my truly great friends.

Never have I met a finer gentleman than Paul Brown. He was devoted to his family, his friends, his State, and his country.

Time will mark Paul Brown as a great legislator. His work on the House Committee on Banking and Currency was brilliant.

Many of us who served with Paul Brown have benefited from his advice. He always was ready to aid other Congressmen in answering questions for constituents concerning banking laws of our country.

Aside from the great contributions he made as a legislator, Paul Brown made many more contributions as a friend of everyone.

I join with these friends in expressing my deepest sympathy to his wife and daughter on the loss of their husband and father.

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. HALEY. Mr. Speaker, will the gentleman withhold his point of order just a moment?

The SPEAKER pro tempore. Will the gentleman reserve his point of order for a moment?

Mr. GROSS. Yes.

The SPEAKER pro tempore. The Chair will say there are two matters of concurring in Senate amendments to be disposed of. The gentleman from Minnesota and the gentleman from Massachusetts want to address the House for 1 minute. Then the Chair will declare a recess.

With that information the Chair awaits the gentleman's pleasure.

Mr. GROSS. Mr. Speaker, if we are going to continue in business I think we ought to have a quorum. Therefore, I renew my point of no quorum.

RECESS

The SPEAKER pro tempore. The Chair declares the House to be in recess, subject to the call of the Chair. The bells will be rung 15 minutes before the expiration of the recess.

Accordingly (at 1 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 5 o'clock p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8099. An act to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, so as to remove the limitation on the maximum capital of the General Supply Fund.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8921. An act to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House, a bill of the Senate of the following title:

S. 1728. An act to amend section 510 of the Merchant Marine Act, 1936, to provide for the trade-in of obsolete vessels in connection with the construction of new vessels, either at the time of executing the construction contract or at the time of delivery of the new vessel.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6775) entitled "An act to amend the Shipping Act of 1916, as amended, to provide for the operation of steamship conferences."

CIVIL FUNCTIONS APPROPRIATION BILL, 1962—FOREIGN ASSISTANCE APPROPRIATION ACT, 1962

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight to file a conference report on the bill H.R. 9076, making appropriations for civil functions administered by the Department of the Army, and so forth.

I also ask unanimous consent, Mr. Speaker, that the Committee on Appropriations have until midnight to file a conference report on the Foreign Assistance Appropriation Act for 1962.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, is the gentleman making two unanimous consent requests?

The SPEAKER pro tempore. The first request was for unanimous consent to file a report on the public works bill.

Mr. HOFFMAN of Michigan. That is the bill I wanted to ask a question about. I wanted to ask the gentleman, if that report is filed at midnight, will it be acted upon before 10 o'clock or 11 o'clock in the morning?

Mr. CANNON. The reports that will be filed at midnight will be acted on tomorrow.

Mr. HOFFMAN of Michigan. Any time after 12 o'clock tonight or tomorrow morning?

Mr. CANNON. If they are filed tonight, they will be acted on tomorrow.

Mr. HOFFMAN of Michigan. What time tomorrow?

Mr. CANNON. As early as possible, shortly after the House meets, if we are recognized by the Speaker and the action is authorized by the majority leader.

Mr. HOFFMAN of Michigan. But not before 10 o'clock tomorrow morning?

Mr. CANNON. That depends on the decision of the majority leader and the Speaker.

Mr. HOFFMAN of Michigan. Mr. Speaker, I object, if we cannot be sure that we are not going to act before 10 o'clock tomorrow morning.

Mr. BROWN. Mr. Speaker, if the gentleman will withhold his reservation of objection for just a minute, I wonder of the majority leader can give us any advice as to when the House will meet tomorrow.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, if the House does not decide otherwise, we will not meet before 12 o'clock tomorrow; but if the business of the day will justify it, we plan to ask unanimous consent to meet at 10 o'clock in the morning.

Mr. BROWN. What we are trying to find out is what time the gentleman is going to ask the House to meet tomorrow.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object—and we will have many reservations here, I am afraid—can the gentleman tell us what we may anticipate by way of business tomorrow that warrants our coming in at 10 o'clock?

Mr. ALBERT. The gentleman from Missouri [Mr. CANNON] has just asked unanimous consent to file by midnight tonight reports on the public works appropriation bill and on the foreign aid appropriation bill.

Mr. GROSS. I did not understand what the second request of the gentleman from Missouri was. Was it about the foreign aid appropriations bill?

The SPEAKER pro tempore. There were in fact three unanimous-consent requests. The gentleman from Oklahoma has asked unanimous consent that when the House adjourns today it meet at 10 o'clock tomorrow. Is there objection?

Mr. CANNON. Reserving the right to object, Mr. Speaker, the Committee on Appropriations has the right to file these reports without consulting anybody. My only reason in presenting the request at this time is so that the House may be aware of our plan to present these conference reports at as early a date as possible. Whether the gentleman agrees or disagrees, we have a right to file it. I do this merely for the accommodation of the Members of the House.

Mr. GROSS. About this coming in at 10 o'clock in the morning, there is not very much thought that the deficiency appropriation bill will be ready tomorow?

Mr. ALBERT. There is very much hope that it might be.

Mr. GROSS. That the deficiency appropriation bill will be passed by the other body and ready to be acted on by the House tomorrow?

Mr. ALBERT. Hope springs eternal.

Mr. GROSS. That may be, but as to this business of coming in at 10 o'clock, why does not the gentleman make it 11, so that we might have a little time to look at the public works and the foreign assistance conference reports. If we are coming in at 10, that does not leave us much time even to read the reports. I do not know what is in the reports. Will not the gentleman make it 11 o'clock tomorrow morning?

Mr. ALBERT. Would not the gentleman agree that it would be for the benefit of the Members of the House that the request of the gentleman be agreed to so that the reports can be printed and the Members might have these reports available? The gentleman knows that these reports can be filed and brought up under an agreement about which the gentleman has raised some question, without having them printed.

Mr. GROSS. If the gentleman will withhold his request until a little later, for my part I accede to it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The second request of the gentleman from Missouri was that the conferees have until midnight tonight to file a conference report on the foreign assistance appropriation bill. Is there objection?

Mr. HOFFMAN of Michigan. Reserving the right to object, Mr. Speaker, all I am trying to do is to protect some of us against a session tonight and considering that report at 12 o'clock or 1 o'clock a.m.

The SPEAKER pro tempore. The Chair assures the gentleman there is no such intention.

Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ALBERT. If we could get permission to meet at 10 o'clock in the morning, I could assure the gentleman that those bills would not be taken up before that time, and I renew my request on that basis.

Mr. GROSS. Reserving the right to object, Mr. Speaker, will not the gentleman make it 11 o'clock tomorrow? We can dispose of those conference reports tomorrow without any trouble, and have an opportunity to read the reports as they are printed in the RECORD.

Mr. ARENDS. If the gentleman will yield, one other matter that must come before the House tomorrow is the District tax bill conference report. That makes three things in a row, one right after the other. So there is work to be done if we are to get out of here. I would hope that we could meet at 10 o'clock and give these things consideration.

Mr. BROWN. Mr. Speaker, if the gentleman will yield, I wonder if the gentleman from Oklahoma could tell us the order in which these three conference reports will be called up.

Mr. ALBERT. I would not want to say about the others, but it is my opinion that the public works conference report will be the first one called.

Mr. BROWN. Can the gentleman give us any information as to when the supplemental appropriation bill will be called up?

Mr. ALBERT. I cannot at this time because it has not been acted on yet in the other body.

The SPEAKER pro tempore. The gentleman from Oklahoma has submitted a unanimous consent request. Is there objection?

Mr. GROSS. Mr. Speaker, further reserving the right to object, I do not know when we are going to have an opportunity to read these conference reports. I am glad to see these reports printed in the RECORD, but when will we have an opportunity to read them? I do not know when we will have the opportunity to read them if we have to come in at 10 o'clock in the morning.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. TABER. I would suggest to the majority leader that he accede to the request that the hour of meeting be set at 11 o'clock tomorrow morning instead of 10 o'clock. You might just as well give the Members time enough to look the reports over.

Mr. ALBERT. Mr. Speaker, for the time being I withdraw the request.

SPECIAL PERMISSION TO ADDRESS THE HOUSE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that I may address the House for 30 minutes immediately following the disposition of the conference report on the supplemental appropriation bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

POINT OF ORDER

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Will the gentleman from Michigan withhold the point of order for a moment?

Mr. HOFFMAN of Michigan. Yes, Mr. Speaker, I withdraw the point of order but just temporarily.

DISTRICT OF COLUMBIA SALES TAX INCREASE

Mr. McMILLAN submitted a conference report and statement on the bill (H.R. 258) to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes.

PLACING IN TRUST STATUS CERTAIN LANDS ON CROW CREEK INDIAN RESERVATION, S. DAK.

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3572) to place in trust status certain lands on the Crow Creek Indian Reservation in South Dakota, with an amendment of the Senate thereto, and consider the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, after line 5, insert:

"SEC. 2. It is the policy of Congress that the value of all Federal property heretofore or hereafter given to an Indian tribe, band, or group, including the property granted by this Act, shall be considered by the Indian Claims Commission for setoff purposes in accordance with the provisions of section 2 of the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1050). In order to incorporate that policy in the Indian Claims Commission Act, the third paragraph of section 2 of said Act is amended by deleting the words 'the Commission may also inquire into and consider all money or property given to or funds expended gratuitously for the benefit of the claimant' and by inserting in lieu thereof the words 'the Commission shall also inquire into and consider all money or property given to or funds expended gratuitously for the benefit of the claimant prior to the Commission's award'."

Amend the title so as to read: "An Act to place in trust status certain lands on the Crow Creek Indian Reservation in South Dakota, and for other purposes".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, will the gentleman from Florida explain the amendment which the Senate offered and also the amendment which the gentleman from Florida proposes to offer.

Mr. HALEY. Mr. Speaker, the amendment to the Senate amendment to H.R. 3572 which is being proposed is identical with provisions which the House has already adopted in two other cases this year; namely, in a bill making a grant to eight Indian pueblos in New Mexico (S. 203) and in another bill making a grant to the Jicarilla Apache tribe in the same State (S. 2241).

In effect, what the proposed amendment does is to direct the Indian Claims Commission to determine the extent, if any, to which the value of the lands being transferred to the Crow Creek Indians in South Dakota shall be set off against any judgment which these Indians may procure against the United States in proceedings before the Commission. It confirms what, I am told, is the Indian Claims Commission's interpretation of existing provisions of law, the meaning of which, however, has been and is a matter of some dispute.

The House and the Senate were not in disagreement that a provision on this point was proper. The only matter of disagreement was whether H.R. 3572 was a proper vehicle for enacting a provision along these lines as general law. The Senate thought it was, but House Members thought the contrary. If the amendment to the amendment is adopted, as I hope it will be, we will be declaring the law only with respect to this individual case, and the subject as a whole will be left for further discussion next year.

I am informed that the gentleman from South Dakota [Mr. REIFEL], concurs in the amendment to the amendment which is being proposed.

Mr. SAYLOR. In other words, the amendment the gentleman is offering is to make sure that the position of the House is protected.

Mr. HALEY. That is correct.

Mr. SAYLOR. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALEY: In lieu of the language of the Senate amendment insert the following:

"SEC. 2. The Indian Claims Commission is directed to determine in accordance with the

provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission."

The amendment was agreed to.

A motion to reconsider was laid on the table.

The title of the bill was amended to read: "An act to place in trust status certain lands on the Crow Creek Indian Reservation in South Dakota, and for other purposes."

Mr. HOFFMAN of Michigan. Mr. Speaker, I renew my point of order that a quorum is not present.

The SPEAKER pro tempore. Will the gentleman withhold it to permit the Chair to recognize the gentleman from Massachusetts for a 1-minute speech?

Mr. HOFFMAN of Michigan. Yes, if the Chair wants to get through with incidentals.

The SPEAKER pro tempore. It is purely incidentals that we have in mind.

Without objection, the gentleman from Massachusetts [Mr. BOLAND] is recognized for 1 minute.

There was no objection.

DR. JAMES NAISMITH, INVENTOR OF BASKETBALL, TO BE HONORED BY COMMEMORATIVE STAMP ON NOVEMBER 6, 1961

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, November 6, 1961, marks the 100th anniversary of the birth of Dr. James Naismith, the originator of the game of basketball.

Dr. Naismith was born in Almonte, Ontario, Canada, graduated from McGill University, entered Presbytertian Theological Seminary and arrived at the Training School of the Young Men's Christian Association College in Springfield, Mass., in the fall of 1890. The next year he originated the game of basketball, drew up the rules and the first game was played in December of 1891.

Mr. Speaker, from that day to this this great American game has grown into the world's most popular sport. It is played in all areas of the earth with more than 20 million active participants and viewed and enjoyed by over 100 million people.

Mr. Speaker, I am pleased to announce that the Post Office Department will issue a commemorative stamp honoring Dr. Naismith and the game of basketball on November 6, 1961. This date marks the 100th anniversary of his birth.

BASKETBALL FOUNDED AT SPRINGFIELD COLLEGE

Mr. Speaker, it was particularly fortuitous that James Naismith decided to come to the YMCA College in Springfield, Mass., some 70 years ago.

For the mission of Springfield College since its founding in 1885 has been education for service to youth and communities throughout the world. The first academic courses prepared students for YMCA leadership and churchwork. Young Men's Christian Association organizations throughout the world have felt the impact and leadership of the thousands that have been trained and educated at Springfield College—one of the finest institutions of its kind in the Nation and the world.

Through the years the scope of the curriculum has been broadened to meet the growing demands for professionally trained personnel for all our youth and community service agencies. Today its educational program is designed to:

Supply physical educators, recreation leaders, YMCA and YWCA secretaries, boys' and girls' clubs and Boy and Girl Scout executives, church workers, industrial relations counselors, vocational guidance and personnel advisers, teachers, school administrators, rehabilitation and social welfare workers, camp directors and leaders of many other group and community organizations.

Enable men and women to qualify for admission to graduate schools for advanced training in such professions as medicine, dentistry, ecology, teaching, counseling, rehabilitation, and social service.

Offer a sound academic background for young men and women who, regardless of the vocation they select, may provide lay leadership so urgently needed in community organizations.

Mr. Speaker, with the added emphasis and interest being shown in the field of juvenile delinquency—an interest that recognizes that this is a problem national in scope and must be met on a national basis—I am confident that Springfield College will play an important role in trying to resolve this serious and difficult problem.

BASKETBALL HALL OF FAME

Mr. Speaker, Springfield College was an ideal setting for a man with the character, personality, and devotion to youth that Dr. Naismith possessed. He loved humanity. He was a very popular instructor at the School for Christian Workers, later to be named Springfield College. His first game of basketball was played at the corner of State and Sherman Streets in Springfield, in mid-December, 1891, in a building that remains standing today. The new game was immediately popular. By 1893, the Springfield Republican described in its columns a basketball game played by the young women at Smith College in nearby Northampton.

The first national honors to Dr. James Naismith for developing the game of basketball came with the 1936 Olympics, when the National Association of Basketball Coaches sponsored a drive to raise funds to send Dr. and Mrs. Naismith to Berlin. There, the honors heaped upon Dr. Naismith gave evidence of the worldwide spread and the importance of basketball as an international game. The coaches began pondering ways and means for a permanent memorial to the game and its founder. World War II put a stop to all planning.

In 1948, during the presidency of Herbert W. Read, the first Basketball Hall of Fame Committee was appointed with William S. Chandler as chairman. The next year the committee was reorganized and enlarged and made permanent under the chairmanship of John W. Bunn. Funds were voted to carry on its activity and an office was set up at Springfield College where the college administration furnished the necessary facilities.

Mr. Speaker, the choice of Springfield as the location for the hall of fame was unanimous, because no uncertainty exists as to when and where the game of basketball began. The successful carrying out of this project will require the combined efforts of all the many interested individuals, groups, and institutions working together harmoniously and industriously. The efforts must be real and considerable, comparable to the greatness of the game and worthy to enshrine the immortal efforts of its inventor, Dr. James Naismith.

The Basketball Hall of Fame in Springfield on the Springfield College campus will house a museum, library, auditorium, memorial room, amphitheater, and a large bronze statue of Dr. Naismith in the center of the foreground. The hall of fame will be operated under the direction of an executive committee selected from the members of the National Association of Basketball Coaches, and from other responsible groups and individuals vitally interested in basketball.

Mr. Speaker, I ask unanimous consent permission to have printed herewith articles entitled "Basketball Was Born Here," by Joseph D. Bates, Jr., originally printed in the Sporting Sportsman, published by the A. G. Spalding & Bros., Inc. of Chicopee, Mass.; and "Basketball—A Game the World Plays," written by Dr. James Naismith, and published in the January 1939 issue of "The Rotarian."

[From the winter 1956 Spalding Sportsman]

BASKETBALL WAS BORN HERE

(The story of Dr. James Naismith and his new game, played for the first time in December 1891 at Springfield College, Springfield, Mass.)

DADDY OF THE CAGE GAME

(By Joseph D. Bates, Jr.)

On a crisp afternoon in early December of 1891, the faculty athletic staff of Springfield College, in Springfield, Mass., filed into the study of the dean of the Physical Education Department. This rather ordinary meeting proved extraordinary because it sparked the inception of the world's most popular team game—a game now played by more than 18 million people all over the world, and enjoyed by a hundred million more.

Dean Luther Gulick tapped his pencil on his blotter in thoughtful annoyance.

"We're wrong," he said. "We're dead wrong to train our students on the horse, the buck, the bars and the rings, and all this other gymnastic equipment. Frankly, gentlemen, it bores them to death after a successful fall of football. We need a new game to exercise our students—a competitive game like football or lacrosse, but it must be a game that can be played indoors. It must be," he added, "a game requiring skill and sportsmanship, providing exercise for the whole body, and yet it must be one

which can be played without extreme roughness, or damage to players and equipment."

Dr. Gulick went on to describe the antagonism of the gymnasium class to the humdrum marching, calisthenics, and apparatus work. He pointed his pencil at James Naismith, a member of the Springfield College faculty because of his consuming interest in physical education, and later to become both a doctor of divinity and of medicine.

"Naismith," he said, "I want you to take the class and see what you can do with it. Now would be a good time to work out that new game you've been talking about."

"I tried and I studied every game that seemed to offer any hope," Dr. Naismith later said, "but kept the idea of lacrosse always in mind. It occurred to me that a very different game was needed to fill Dr. Gulick's requirements."

Those requirements briefly were that the proposed game should be easy to learn, yet scientific enough to be interesting. It must be playable indoors or on any kind of ground, and by a large number of men all at once. It should provide plenty of exercise, yet without the roughness of football or soccer. After all, the new game usually was to be played indoors, and Dr. Gulick didn't want his students' bones broken by collisions between men and equipment.

"I recalled from my boyhood in the lumbering regions of Canada," Mr. Naismith remembered, "that when we played the game called 'duck on a rock,' a hurled ball might send the 'duck' farther, but that a tossed ball was far more accurate. The ball, I decided, must be soft enough not to harm the players, yet it must be large enough to be seen, and not to be concealed. Like 'duck on a rock' the goal should be one that could not be rushed, and that the ball could not be slammed through. This called for a goal with a horizontal opening, high enough so that the ball would have to be tossed into it, rather than being thrown."

Naismith's favorite game of lacrosse suggested the original positions of the players. But now, a set of rules had to be drawn up. For example, since tackling was dangerous indoors, players could not be allowed to run with the ball. It had to be tossed from one player to another, or into some sort of a goal. It could not be held against the body, and could not be batted with the fist. Holding, pushing and tripping must be eliminated. A referee would be appointed to judge the play, and the game would be divided into two 15-minute halves, with a 5-minute rest between. While any number of men could play it, nine on a side at first seemed the ideal number.

Dr. Naismith wrote the rules in pencil and his secretary copied them and tacked them on the bulletin board. Then the doctor, with an ordinary soccer ball in his hands, went looking for a few of his students to try out his invention. He assembled his class of 18 and appointed Eugene Libby and Duncan Patton as captains of two teams of nine men each. The place was the gymnasium in the School for Christian Workers (later called Springfield College) at the corner of State and Sherman Streets, in Springfield—a building which still stands. The time was mid-December 1891.

Somewhat dubious about "Naismith's new game," the players nevertheless cooperated with their popular instructor, and listened attentively as he outlined the method of play. They wore the then-usual gym costume of black, full-sleeve woolen jerseys and long, grey trousers. Most of them also sported the luxuriant handlebar mustaches which were so popular in the gas-lit era.

The good doctor had dispatched the school janitor to find two 15-inch by 15-inch boxes to be used as goals. These were to be fastened to the railing of the balcony at opposite ends of the gym. Fortunately for the name of the game, the janitor turned up with two half-bushel peach baskets instead. A man was stationed at both goals in the balcony to pick the ball from the basket and to put it back into play.

The new game of basketball proved to be a success from the minute the first ball was tossed into the air. Word got around that something new was going on in Springfield, and spectators began crowding the balconies. After a few experiments, the first set of rules were printed and, according to Duncan Patton, the first game played as a public contest took place at 5:15 p.m. on March 11, 1892, with the secretaries beating the instructors by a score of 5 baskets to 1.

While the rules have been changed and expanded from year to year the principles of basketball today are very nearly as they first were planned by Dr. Naismith in 1892. Among other things originally unforeseen, there has been a tremendous change in the average height of players. The small, fast players have been replaced by towering 6½-footers, who can hand the ball into the basket more easily due to their abnormal reach. The tendency toward tall players is still growing and may suggest further revision of the rules so that they will be equally fair to everybody, regardless of height.

In 1893, the Springfield Republican described a basketball game played at Smith College. No male spectators were allowed because the girls wore bloomers. Regardless of what the encounter revealed, or didn't reveal, this indicates that the sweet young things were as quick to appreciate the merits of the game as were the more stalwart members of the opposite sex.

Ever since its beginning, basketball has enjoyed peak popularity among active people everywhere. It is a game that develops agility, accuracy, alertness, and sportsmanship in its players—along with many other desirable qualities. If a gymnasium is not handy, a barrel hoop over the garage door will do—or even peach baskets tied to the tops of poles in any convenient field.

Naturally, the peach basket and the soccer ball soon gave way to specialized equipment. Faded photos of team play in the early days show woven basket-like receptacles, and metal hoops from which cord netting bags were hung. In this latter contraption, you pulled a string to invert the bag, thus bouncing out the ball. Later on, in 1906, the netting was opened at the bottom to let the ball fall through.

In developing basketball equipment, Dr. Naismith was supported enthusiastically by A. G. Spalding & Bros., who pioneered most of the improvements, especially in basketballs. The first balls were made from panels of leather stitched together, with a rubber bladder inside. Then a cloth lining was added to the leather to support it and to make the ball more uniform. A great improvement eliminated the stem type of valve, which was replaced by a hidden self-sealing valve that allowed the ball to be inflated by air forced through a hollow needle. Later, handstitching gave the ball better balance and shape.

In 1937, Spalding's Milton B. Reach patented the "Last-Bilt" ball, which is the culmination of present basic improvements. In this, the parts are molded over a last, thus eliminating all stitching and providing a ball of true shape, completely uniform in size and weight. Although the "Last-Bilt" ball excels in durability and shape retention, additional improvements are still being made.

Dr. Naismith lived to see his game become more popular than football and baseball combined—the favorite team game in the world today. In 1934, it became a major league affair when played in New York's Madison Square Garden. In 1936, the Olympic Committee decided to include basketball as a regular event. The National Basketball Association of Coaches raised a fund to send the good doctor and his wife to Berlin for the event, and he had the pleasure of cheering his American team to victory.

Among other high spots in the history of the game, an all-Negro team called the Harlem Globetrotters toured America in battered jalopies in 1927 and went on to spread the gospel in more than 28 foreign countries in the following 25 years. Combining basketball brilliance with tomfoolery, they became an outstanding attraction unequaled in the history of sport, chalking up a total of 4,241 victories, with only 260 defeats and only 1 tie.

James Naismith died on November 26, 1939—exactly 48 years, almost to the day, from the time he first conceived the game of basketball in Springfield. Soon, overlooking the tree-bordered lake at Springfield College, a beautiful Basketball Hall of Fame will be erected to honor the inventor and all of the famous players who have carried his game to every corner of the world.

In the book he wrote about the origin and development of basketball, Dr. Naismith concludes with these words, which seem to sum up his desires for his game:

"Let us all be able to lose gracefully and to win courteously; to accept criticism as well as praise; and last of all, to appreciate the attitude of the other fellow at all times."

[From the Rotarian, January 1939]

BASKETBALL—A GAME THE WORLD PLAYS

(By James Naismith)

In 1936, at the Olympics in Berlin, Germany, I saw the basketball teams of 21 nations line up, each behind the flag of its own country, and I had the privilege of speaking a few words of greeting, and of congratulating them on the part they were about to have in promoting international good will.

As I talked to those superb athletes from all quarters of the globe, I realized that the game I had invented back at the Springfield, Mass., YMCA College almost 45 years before had had a fine part in the development of better international understanding. I was more convinced of the good effects of the game when the accident of the draw paired China and Japan for a first-day game—with the memories of Manchukuo still vivid. And a Chinese refereed the final game of the series, between the United States and Canada. If added evidence were needed, it could have been found in the dinner attended by 19 alumni of the Springfield College, men of many nationalities and all from the coaching staffs of the basketball teams at the Olympic games.

It was indeed fortunate for the game that it was devised at the YMCA College, for this insured its early and widespread adoption. The prospective leaders of youth, in school at Springfield, found the game interesting, and they took it with them as they spread to their tasks as YMCA secretaries throughout the United States, or became missionaries in other lands. Bob Gailey, who had been a center on the Princeton University football team, took the new game with him to Tientsin, China, in 1894, and Charles Siler, a University of Kansas graduate of 1916, revived the game there. Duncan Patton took the game to India, also in 1894; Emil Thies to France in 1895; Ishakawa to Japan in 1900. C. Harek, another "Y" man, introduced the game into Persia (now Iran) in 1901. American soldiers played it in China during the Boxer rebellion, and in the Philippines when the 20th Kansas Regiment was there under Fred Funston. For many years a Far East tournament brought together the best basketball players of China, Japan, and the Philippines.

Invention of the game of basketball was not an accident. It was developed to meet a need.

After my first year at the YMCA College, I was put on the staff, for I had had gymnasium experience at McGill University, Montreal, Quebec, Canada. One of my duties at Springfield was with a class of 18 prospective "Y" secretaries. No problems arose so long as we could get out of doors for exercise, but when winter came, my worries began. Those boys simply would not play drop the handkerchief.

Dr. Luther Gulick, head of the school, put the problem squarely up to me, and kept bringing the matter up in faculty meeting, until I realized I really had to do something about it. Dr. Gulick had reminded me on one occasion that there is nothing new under the sun—what appears new is just a new combination of older things. So I began to recall my boyhood games and to study the problem in that light.

In our outdoor games we had been running with a football. Stopping the runner involved tackling, and that would be too dangerous on a gymnasium floor. I decided the ball must be thrown.

But a small ball thrown or passed might be hurled with dangerous force, so I used a larger ball, choosing at first a soccer ball, since one was at hand. Very early, manufacturers provided specially designed balls for our game.

I recalled, also, from my boyhood in Canada that when we played the game called duck on a rock, a hurled ball might send the "duck" farther, but the tossed ball was far more accurate. My new game, I decided, must have the ball tossed at the goal. Now, a goal on the floor would be too easy to guard, so I decided on a box above the floor. The janitor couldn't find a box, but he offered a couple of peach baskets, which were nailed to the gymnasium railing. That rail was 10 feet from the floor, and so strong is tradition that it is almost heresy to suggest change, even in these days of players of 6 feet 6 inches and more.

The Canadian game of lacrosse suggested the positions, and so for several years the newspaper accounts carried the lineups with players in these positions: home, right forward, left forward, center, right center, left center, goal, right back, left back.

"Just another game." was the first exclamation when the 18 secretaries-to-be came for their exercise. I divided the squad and started the game. It took.

The school paper described the game in January 1892, and the New York Times in April 1892, had a story about the new game that was being played in gymnasiums that spring. "Y" secretaries in other cities wrote for more information about the game. In that way C. O. Bemis learned of it, and started it at Geneva College, Beaver Falls, Pa. In the same way, H. F. Kanlenberg, who had left Springfield in 1890, introduced it at the University of Iowa early in 1892. I interested the young men in the game when I was at medical school in Denver. Colo., between 1894 and 1898, and, of course, I introduced the game at Kansas when I came to that institution in the fall of 1898. Thus the game spread.

One of my classmates at Springfield in 1890 was Alonzo Stagg, later to become the famous football coach at the University of Chicago, and now at the College of the Pacific. About the time I was finishing my medical course at Gross School, now the medical school of the University of Colorado, Stagg met Francis Huntington Snow, of the University of Kansas. Chancellor Snow was looking for a combination man—one who could direct the physical-education work and at the same time conduct the daily chapel exercises. Stagg recalled that I had prepared for the ministry at McGill University and had turned to the YMCA only because I thought the opportunities for helping young men lay more through exercise than through preaching; and so he recommended me. I have been at the University of Kansas ever since.

Strangely enough, though I qualified and was ordained as a Presbyterian minister, and have an M.D. degree, I have never held a pastorate, nor have I put out a physician's shingle. The nearest to preaching came in YMCA service with the 20th Kansas on the Mexican border and in 2 years of service with the "Y" in France. And the preaching was rather indirect, at that. For example, we found that too many of the boys from our camp were going into a nearby town and getting into all kinds of devilment. We set up a boxing ring near the camp entrance, and would start a lively match about the time the boys began starting on leave. They stopped to watch; then begged for a chance to participate; and the next thing they knew it was time to be back in quarters. Prizefights may sound like strange preaching, but they did the work.

Exercise came naturally to me, for I had grown up in the lumber camps near my native Almonte, Ontario, Canada. The two and a half miles to high school through snow and subzero weather offered no child's play. As I recall, I was much like the other boys, getting into fisticuffs occasionally and taking part in all the games. It took eight battles to get the better of one lad. When it seemed I was gone with a rough crowd in high school, I quit, but I had lots of time to think as I drove the lead team on my uncle's woodlot. My parents had died when I was 8 and I decided I must go to college. I even aspired to become a preacher. Therefore, I completed my high school work and entered McGill. In return for summer work on the farm, my uncle made possible my attendance at McGill, and I dug into my studies with vim.

One evening a couple of upperclassmen came to my room to admonish me to take more exercise, and to urge that I attend the gymnasium classes. I laughed them off until they had gone, but decided there might be something to their advice. I went to gym class the next night, seized a pair of Indian clubs, and took a place in front of the instructor. Later I learned that he reserved the front rank for his more proficient pupils. Death of a gym instructor a short time later opened a place for me on the staff, and provided for the ministerial year in the seminary.

It was while playing football at McGill that I received one of my strongest urges to make athletics become an avenue of preaching. One day in practice something went wrong, and the guard next to me let loose a stream of profanity. Suddenly he stopped and exclaimed: "Excuse me, Jim. I'm sorry."

I hadn't said a thing; in fact, I had hardly noticed his swearing, for I had heard some pretty fancy profanity in the Canadian lumber camps. However, the incident set me thinking, and I talked to the YMCA secretary about it. He told me of the Springfield College, and I was all for moving to Springfield right then. Another faculty member persuaded me to complete my course.

For about 47 years now I have watched my game expand in appeal to the young men and women of the world. The 13 simple rules have been expanded into a whole book, going into minute detail, but with one exception these large books retain all the principles of the original rules. I don't know how many languages are now used for the rules books, but I have, supplementing my file of American and Canadian rules, books printed for use in Germany, France, Uruguay, Paraguay, Arabia, Spain, Portugal, Madagascar, China, and Japan.

I have watched the shifting of the rules from year to year as need was found for more explicit directions. In late years I have noted the adoption of the 10-second rule, requiring play to move promptly into the forward court, and, more recently, the abolition of the center jump, except at the start of each half. Some of the changes have been improvements; some I question.

One of the reasons I am sorry to see the center jump relegated to a subordinate place is that it takes from the game one of the large elements of suspense—something desirable in any sport. Which, do you think, appeals to the spectator the more: the actual dropping of the ball through the basket, or the suspense—the seconds when one wonders if the ball is going in? Fred Pralle, who won national recognition at the University of Kansas last season, had an uncany way of throwing from far down the sidelines, a perfect shot, but one taking many fractions of a second in the making. Even more breathtaking was another Kansan, Paul Rogers, of a few years ago. He likewise shot from far down the sidelines. It would look like a good shot, then appear to be going wide. Just as the spectators had decided the ball would miss, it would strike the backboard and rebound squarely for a score.

In the same way, there is suspense in the center jump, and some pretty plays have been built about the uncertainty there. Though the taller center seemed to have the advantage, it was not always true; often the shorter man was the better on the jump. Moreover, one of my technical studies of the game showed that in at least half the cases the team that failed to get the jump would recover the ball within three or four plays and score. Mere possession of the ball through the tipoff earns few points—the ball has to be tossed into the basket. For that reason I have always maintained that the team with the ball is not to be blamed for stalling. It is the business of the players on the defense to go in there and get the ball. If they don't, it is they who are stalling.

Basketball coaches have become more and more proficient, some developing the "man to man" defense and others the "zone" system. The more I watch the game, the more I realize that, while easy to understand and simple to demonstrate, it is nevertheless a challenge to skill. It is only through thorough grounding in the fundamentals and constant practice that championships are won. This challenge to perfection in execution of the plays is, to my mind, one of the attractions of the game for the pure pleasure it brings to the players.

Just how many persons engage in the game of basketball, no one knows, but the number must be large. I am told that 90 percent of the high schools in America have basketball teams. Churches, clubs, neighborhood gangs, have their squads of five—a number adopted within a few years. The original nine was half the class, but was too many for most gym floors. The tiniest hamlets now have their teams, and in many rural schoolyards is seen a simple basket on a pole, with the boys playing on the bare earth. I have no doubts about the estimate of 18 million players every winter.

Basketball is so generally played in gymnasiums in the United States that one hardly realizes that it is played out of doors in Germany and Japan and other countries. In Japan wooden platforms are often erected, but in Germany the outdoor courts are paved with a combination of salt, sand, and sawdust which, when wet, is not unlike the sea beach when the tide is out. That final Olympic basketball game I mentioned earlier was played on such a court in a pouring rain, despite the fact that a great gymnasium stood empty near at hand.

Basketball, finally, is a popular spectators' game. How many millions the world over gather to cheer their favorite teams is beyond a guess. But this much is certain: In the United States for several years basketball has attracted more customers than either football or baseball, amateur and professional combined. Collectors of statistics say

that some 90 million admissions were paid to see the youth of the Nation perform on basketball courts last year. And with constantly increasing seating capacity being made available, the years ahead will probably witness even a higher total. When one notes in the public prints that crowds of 18,000 fans gather in Madison Square Garden in New York City for important contests, he will admit the game of basketball has made quite an advance in interest since the day when a small group of young men first tossed a ball into a couple of peach baskets nailed to a gymnasium railing.

A NEW GAME OF BALL: A SUBSTITUTE FOR FOOTBALL WITHOUT ITS ROUGH FEATURES

At the opening of the athletic grounds of the Young Men's Christian Association on Saturday a new athletic game—basketball—was introduced. The game has been started as a substitute for football, with an attempt to eliminate the roughest features of that sport.

The game is played with an ordinary association football, and the object of each team is to get the ball into its opponent's goal. The field is 150 feet long by about 60 feet wide, and at each end is a post with a basket on top just large enough to conveniently hold the ball. The top of the basket is about 9 feet above the ground, and a ladder is necessary to take the ball out after a goal has been made.

When a player gets the ball he is not allowed to run with it, but must stand and pass it to some other member of his own team within 15 seconds after he touches it. The time for a match is about 40 minutes, played in "halves" of 15 minutes each, with a rest of 5 or 10 minutes between.

On Saturday afternoon a match was played between the 23d Street Branch of the Young Men's Christian Association and a team composed of members of the Students' Club. The students won by a score of 1 to 0. Next Saturday there will be two matches of basketball at the association's grounds—one between the Students' Club and the 86th Street Branch of the Young Men's Christian Association, and the other between the 23d Street Branch and the Harlem Branch of the Young Men's Christian Association.

Mr. BOLAND. Mr. Speaker, I now yield to the gentleman from Kansas [Mr. ELLSWORTH].

Mr. ELLSWORTH. Mr. Speaker, because Dr. James Naismith spent virtually all his adult life at the University of Kansas, in Lawrence—my own town—I rise to join in paying tribute to him this afternoon and to express satisfaction that the postal authorities are planning to issue a commemorative stamp in his honor.

Dr. Naismith brought the game of basketball to the University of Kansas in 1898 when he arrived to become head of the department of physical education. He lived in Lawrence until his death in 1939, and had the great pleasure of seeing basketball—his own invention—thrive and spread all over the world. He attended the 1936 Olympic games, when basketball was first played at the Olympics. Dr. Forrest C. "Phog" Allen, perhaps the world's greatest and most successful basketball coach, built and coached his most famous teams at the University of Kansas, and was of course closely associated with Dr. Naismith. Dr. Allen was coach of the U.S. basketball squad at the 1952 Olympics, and his college team of that year placed many members on the Olympic squad.

Curiously enough, Dr. James Naismith always took the position that basketball could not possibly be coached, or taught. He held it was simply a form of recreation for an idle afternoon, and no one was more astounded at the development of the game than Dr. Naismith.

Indeed, Dr. Naismith was not employed by the University of Kansas because of his coaching reputation, but rather because he could pray. Traditionally, in the late years of the 1800's, the head football coach at the university lead the student body in prayer at chapel; but in 1898 the head football coach, the legendary Fielding H. Yost, either could not or would not pray. Chancellor Snow of the university, called his friend Amos Alonzo Stagg at Chicago and asked for a recommendation for someone to head up the department of physical education—someone who could also pray. Stagg knew just the man—Dr. James Naismith, a medical doctor, an ordained Presbyterian minister, and at that time manager of the physical education department of the YMCA in Denver, Colo. Dr. Naismith was called, and came in 1898 to the University of Kansas where he remained active until his retirement in 1937.

He started a program of basketball playing immediately, and the results are well known indeed.

Mr. Speaker, Dr. James Naismith was a great and friendly man. His contribution to the health, strength, and happiness of millions of young people all over the world through his invention and development of the game of basketball was unique.

It is a splendid thing for the Government of the United States of America, through issuance of the proposed Naismith commemorative stamp, to give recognition to that contribution.

Mr. AVERY. Mr. Speaker, I desire to be associated with the remarks of the gentleman from Massachusetts.

Mr. Speaker, I was delighted to learn that the Post Office Department was going to issue a commemorative stamp in honor of Dr. James Naismith. Dr. Naismith was the founder or creator of the great American sport, basketball. Even though the doctor was in Springfield, Mass., when the game was actually devised, he spent most of his adult life at the University of Kansas as director of physical education. It was during these years that the game actually moved from the peachbasket stage into the small auditoriums. I think it was in a small college in Missouri where Dr. Naismith first met Dr. Forrest C. (Phog) Allen. Dr. Allen first realized the great potential of the game, and actually was one of the persons that guided it into the great American sport that it is today.

Basketball is strictly an American game. In fact, it is the only major sport that has not had some degree of origin in some other country. For that reason especially, I think it is most appropriate to pay this simple tribute to its founder.

I would like to make a personal comment, too. When a freshman at the university too many years ago, it was my honor to have a class under Dr. Naismith. As I recall now it was listed as "health and hygiene." He was near retirement, but in a large class of impatient freshman boys there immediately developed a high respect and deep affection for this great man. He was kindly, understanding, and devoutly religious. His every concern was to urge physical habits upon young Americans that would develop strong bodies and minds. He has left a great imprint on all sport-minded Americans and certainly a very strong influence on the University of Kansas.

HOUR OF MEETING SEPTEMBER 26 AT 11 A.M.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

BERLIN

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may revise and extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, as we consider the grave crisis in Berlin and the policy of the United States in meeting the stepped-up Communist pressures there, I would like to call the attention of Members of Congress to a thoughtful and significant column published today in many newspapers throughout the country. The column, written by the distinguished commentator on public affairs, Roscoe Drummond, describes the high regard in which President Kennedy is held by our principal allies because of his handling of the Berlin situation, and calls this esteem "a valuable asset at this uncertain moment."

Mr. Drummond is a Republican. President Kennedy is a Democrat. Yet, Mr. Drummond remarks that "Mr. Kennedy's conduct of nearly every aspect of the Berlin problem has won praise and confidence for the White House." The phrases Mr. Drummond reports he most often heard in Europe in discussing the President's handling of the Berlin situation were "calm," "resolute," "restrained in words," "firm in action."

At a time when some extremist Republicans seem bent on putting partisanship above the national interest in their discussion of the President's conduct in the Berlin situation, I think this statement by a prominent Republican observer worthy of special attention and I include Mr. Drummond's column of September 25, 1961, at this point in the RECORD:

KENNEDY'S IMAGE VALUABLE ASSET IN EUROPE

(By Roscoe Drummond)

As Secretary Rusk and Foreign Minister Gromyko begin their tenuous meetings and as the worst of the Berlin crisis draws nearer,

it is fortunate that President Kennedy's image has emerged so favorably with our principal allies.

It is a valuable asset at this uncertain moment.

In the several countries of Western Europe which I have visited during the past month, I found that respect for American leadership is notably high.

Mr. Kennedy has earned it largely by his handling of the Berlin crisis.

The crisis which the West faces with the Soviets today is more acute and far more difficult to manage than that which Stalin forced on us when in 1948 he sought to drive the Western Powers from Berlin by trying to starve its people. The reasons that crisis was less acute and less difficult to surmount were that the United States had the atomic monopoly and Western Europe was so weak it was willing to do anything the U.S. proposed.

Today the Soviet Union is militarily powerful and the nations of Western Europe have recovered sufficient strength so that American leadership can prevail only as it inspires trust and confidence among our allies.

President Kennedy's leadership must, almost simultaneously, be directed to three different, though related, objectives.

How to prevent Khrushchev from driving the Western Powers from West Berlin and still avoid war.

How to negotiate with the Soviets over Berlin without making fatal concessions.

How to rally all the NATO allies to resist Soviet and East German encroachments on West Berlin—if the worst comes.

As Khrushchev steps up the Berlin crisis, there is no doubt that American leadership will be put to its severest test since the 1948 blockade.

This is where President Kennedy's almost uniformly high standing in the Western European countries will be valuable.

I raised this question of how Mr. Kennedy stands today and the general attitude toward him with all kinds of people from high officials and editors to porters and taxi drivers wherever I went in Western Europe. The answers varied in emphasis, but added up to the following:

The President is widely respected in official quarters as one who has now firmly got his hands on the reins of Government.

The public attitude toward Mr. Kennedy is notably friendly, his image is favorable by every test, and he is instinctively viewed as one who is "on the job."

The fears which were widely generated in Europe by the President's handling of Laos and Cuba have now been substantially quieted if not entirely dissolved.

Mr. Kennedy's conduct of nearly every aspect of the Berlin problem has won praise and confidence for the White House. The phrases which I heard most often in discussing his handling of Berlin were "calm," "resolute," "restrained in words," "firm in action."

The specific points at which U.S. foreign policy has particularly impressed European leaders recently are:

1. The way the administration developed a thoroughly defensible position on the test-ban negotiations and in the end put the Soviets on the defensive in their rejection of the treaty.

2. The wise decision by Mr. Kennedy in not rushing into nuclear testing despite the stalemate at Geneva, thus forcing Moscow to take the responsibility for resuming the tests.

3. The substance and mood of Mr. Kennedy's address to the Nation on Berlin which many in Europe felt to be one of the best utterances of an American President in many years.

President Kennedy's greatest test will come when the West gets down to serious negotiations over Berlin. Britain, France, and the United States will enter these negotiations substantially united, but the tendency in Europe will be to want to concede more than the American people and the American Government will want to concede. To hold the balance will take all the prestige and persuasiveness which Mr. Kennedy has at his command. Fortunately he has a good deal of both right now.

NEW YORK HERALD TRIBUNE COLUMNIST WARNS REPUBLICANS "PLAYING INTO KHRUSHCHEV'S HANDS"

Mr. Speaker, as a Democratic Member of the 86th Congress, not once did I vote against President Eisenhower on a foreign policy issue. The President of the United States, Republican or Democrat, is charged under our Constitution with responsibility for the conduct of foreign policy and I believe it the duty of a Member of Congress, whether of the President's party or not, to put the national interest and not party interest first in the life or death area of foreign affairs.

Yet in recent days and weeks we have seen some prominent Republicans showing none of the sense of responsibility that Democrats have traditionally shown with a Republican in the White House and with grave foreign policy problems confronting the Nation. Even a columnist in the Republican New York Herald Tribune said yesterday, referring to some of the most recent extremist Republican oratory, "One can imagine the joyous Khrushchev reading all these opposition speeches that portray Kennedy as weak willed. That's been Mr. Khrushchev's line, too."

The Republicans who are trying "to undermine confidence in Kennedy," warned Rowland Evans, Jr., in the Herald Tribune of September 24, 1961, are "playing into Mr. Khrushchev's hands."

"Partisan debate," he concludes, "is a fundamental right in a democracy. But it is also a luxury, not to be overindulged, when the Nation confronts a genuine crisis."

Mr. Speaker, obviously such a crisis exists in Berlin, a crisis in which the American people, our President, and all of us, Republicans and Democrats alike, need to be both rock firm in defense of freedom against Communist threat and restrained in utterances that would deliberately or otherwise lead us into all-out nuclear war.

Without ever sacrificing the right to voice our differences of opinion, Members of Congress should not be so anxious to score partisan political points that they make Berlin and other grave trouble spots in the world political footballs by irresponsible and extreme statements that in effect parrot the Khrushchev line.

I am hopeful that, as Congress adjourns, all of us realize that though we may have a responsibility to our political party, our responsibility to our country is greater still. Before we are Democrats or Republicans, we are Americans.

Mr. Speaker, I include Mr. Evans' excellent column at this point in the RECORD:

J.F.K.—REPUBLICAN TARGET

(By Rowland Evans, Jr.)

The Republicans seem to be trying hard to break down confidence in President Kennedy, planting little seeds of doubt here and there, dropping in Senate speeches that he lacks the will to use nuclear weapons and encouraging suspicions about his advisers.

If Richard Nixon had been elected President, perhaps the Democrats would be doing what they could to undermine him. But that has nothing whatever to do with it. Nixon was not elected, Kennedy was, and we are now confronted with a concrete situation.

The distinguished lady from Maine, Senator MARGARET CHASE SMITH, made a speech in the Senate on Thursday, billed as her most important since the McCarthy days.

It had this theme: That Kennedy lacks the will and resolve to use nuclear weapons to defend Western rights in Berlin. By reinforcing our conventional war capability, sadly depleted during the last 8 years, the President, she said, has implied his reluctance to use atomic weapons and thus has "played into (Soviet) hands."

If this is playing into Mr. Khrushchev's hands, then it seems fair to say that the Americans who are now assiduously encouraging suspicions about Kennedy's resolve are also playing into Mr. Khrushchev's hands. One can imagine the joyous Khrushchev reading all these opposition speeches that portray Kennedy as weak willed. That's been Mr. Khrushchev's line, too. It's what his Ambassador said here in Washington several months ago. It's the word that the Russians have been peddling all over Europe, the doctrine that when the chips are really down, the United States will run out on its obligations and abandon its commitments. It fits neatly into the Khrushchev image of the banana-spined Western democracies, preoccupied with their tail fins and deodorants and Hollywood cancans.

The strangest thing about the Republican effort to undermine confidence in Kennedy is that Mr. Eisenhower seems to be willing to lend his influence to it.

How quickly the mind forgets the past. Mr. Eisenhower personally intervened with Chiang Kai-shek in 1955 in a fruitless effort to talk him out of vetoing Outer Mongolia for membership in the United Nations. But last week, Mr. Eisenhower professed concern over "quasi-official pronouncements implying basic changes respecting Communist China and Outer Mongolia." He did not, in the report I saw, document these changes. Perhaps he had in mind the possibility that the United States would recognize Outer Mongolia. This idea was debated in the administration and then dropped.

The allusion by Mr. Eisenhower now to basic changes is another insidious little seed of doubt * * * Kennedy is preparing a sell-out.

In his first term, according to Robert Donovan's book "Eisenhower: The Inside Story," Mr. Eisenhower "felt that it was unfortunate that a climate had developed in which, so it seemed to him, it was looked upon almost as un-American even to debate the merits of recognition" of Red China. Now, apparently, it is no longer unfortunate.

Any democracy which has a free press and strong divisions of opinion operates at a certain disadvantage in moments of crisis like the present, when the other side opposes a granite front of conformity and purpose. Mr. Eisenhower said that in such a time as this, "silence is not necessarily golden or even prudent." But it is not prudent, and it could be disastrous, if the opposition becomes a Greek chorus, in a way that is calculated to undermine the President and restrict his freedom to negotiate just as the negotiation gets underway.

Kennedy took a shellacking in Cuba. He talked tougher on Laos than he has been willing to act. But to conclude that his handling of these Republican hangovers is evidence of lack of will in West Berlin is wholly inaccurate and dangerous. We are

not a parliamentary democracy that can throw out a government at will, even if the votes were available (which they are not). The President is going to be President until 1964.

Partisan debate is a fundamental right in a democracy. But it is also a luxury, not to be overindulged when the Nation confronts a genuine crisis.

ELECTION TO STANDING COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution, and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 477

Resolved, That J. T. RUTHERFORD, of Texas, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Armed Services.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION TO STANDING COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 478

Resolved, That HARLAN HAGEN, of California, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE

The SPEAKER pro tempore laid before the House the following resignation from a committee:

SEPTEMBER 25, 1961.

The Honorable SAM RAYBURN,
Speaker of the House, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the House Committee on Banking and Currency, respectmittee on Banking and Currency.

Respectfully submitted.

J. T. RUTHERFORD.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

THE IMPERATIVE NEED FOR NEGOTIATIONS

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Oregon [Mrs. GREEN] is recognized for 20 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, in his magnificent speech today at the United Nations, President Kennedy again stated that we shall never negotiate out of fear and never fear to negotiate.

In the mail every day are letters and telegrams from constituents who are deeply troubled over Berlin, and understandably so. Each week several write as though a nuclear holocaust is inevitable. They see no possible areas for negotiation. They infer that to negotiate is to surrender. This assumption should be challenged.

The American people need to be more adequately informed as to the complexity of the German problem. If they are not so informed they may come to believe that to negotiate is dishonorable and that war is our only patriotic alternative. You have probably all read Walter Lippmann's column of September 14 in which he warned that nuclear war through Russia or United States miscalculation is an ever-present possibility and "that there is a limit to President Kennedy's ability to lead public opinion, and he is in sight of that limit."

Mr. Speaker, I submit that we of the House have a responsibility to help in this situation. We all know that the Western Powers expect to enter into negotiations with the Soviet Union on Berlin and German issues sometime before the end of the year. The foreign ministers of the Western Powers discussed this issue in Paris in early August; they are presently discussing this issue in Washington.

The American people need to realize that negotiations can benefit both sides. The situation in Berlin has been precarious for many years; the situation in central Europe has been fraught with danger. The West could benefit from broadscale negotiations which would reduce tensions in that area. As early as May 1960 Walter Lippmann warned Americans that the position of West Berlin is "strategically, economically, and juridically weak" and that the "West ought to work for a new statute. It ought to work for a new statute that will give West Berlin permanent international status backed by all the guarantees that can be devised." Other observers have pointed out that political freedoms in the Russian satellites might be increased if the West would support demilitarization in central Europe.

It is obvious of course that neither the West nor the East can obtain all they want through negotiations. No one ever can. But the alternative to negotiations is nuclear war. Americans are courageous; Gallup tells us that a large majority of Americans are apparently willing to die for Berlin. But our courage is not in question; the question is what would we win through a nuclear war? President Kennedy pointed out in his August 30 press conference:

I do not see that there could be any solution which would serve the world on Berlin by force.

James Reston reported in the July 26 New York Times:

Even the authors of the new Kennedy defense program agree that neither the freedom of Berlin nor the unity of Germany can be achieved by military means.

Walter Lippmann warned in the September 14 Washington Post:

Always until now, war and the threat of war, whether aggressive or defensive were usable instruments for the national purpose. They were usable because wars could still be won or lost. * * * But from a full nuclear war, which might well mean a hundred million dead, the devastation of the great urban centers, and the contamination of the earth, the water, and the air, there would be no such recovery. The damage done would be mutual, there would be no victor, and for all practical purposes the ruin would be irreparable. American nuclear power can reduce Soviet society to smouldering ruins and leave the wretched survivors shocked, starving, and diseased. The Soviet Union can, it is cooly estimated, kill between 30 and 70 million Americans. Such a war would not be followed by reconstruction. It would be followed by a savage struggle for existence as the survivors crawled out of their shelters, and the American Republic would be replaced by a stringent military dictatorship trying to keep some kind of order among the desperate survivors. * * * In a few hours Khrushchev can lose the Soviet state and the achievements and promises of the Communist economy; Kennedy can lose the Constitution and the free enterprise system and the American way of life, and along with them all the frontiers, old and new.

Today President Kennedy told the nations of the world that in the United Nations rests the only true alternative to war and "war appeals no longer as a rational alternative."

In his challenge to the Soviet Union for a peace race—not an arms race—he spoke for the American people.

I trust that the people of my State who have written in such disparaging terms will have new hope, new faith, and above all a firm realization that it is imperative that we try—not just die.

Let us support the President in his challenge to the Russians for a peace race—and finally let us give support to the United Nations as we never have before.

A GENERAL ASSEMBLY SESSION IN BERLIN?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. MOORHEAD] is recognized for 20 minutes.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, is there any hope for meaningful negotiation with the Russians over Berlin?

Any good negotiator knows that it is necessary to start from a position of strength. Khrushchev has attempted to establish his position of strength by sealing off East Berlin and resuming nuclear testing. To cap this, he said recently:

The American people will not fight for Berlin.

Before we negotiate we must have clearly established our position of strength.

The first problem is that of actual strength and the second is that of moral strength.

In a recent speech, as reported in the New York Times, Paul H. Nitze, Assistant Secretary of Defense for International Security Affairs, said:

Thus, one of the first tasks to which this administration addressed itself was the strengthening of our nuclear deterrent capabilities both for the immediate future and the longer range future.

To achieve this the United States took a series of measures. First, we moved to improve our missile deterrent by emphasizing

hidden, moving, or invulnerable delivery systems. We accelerated the program for building of the Polaris submarine force. We expanded the development of the solid-fuel Minuteman. We are developing improved air-to-ground missiles, such as the Skybolt.

Second, to protect our existing bomber forces for their nuclear deterrent role, we have increased our ground and airborne alert capacities and are working to install bomb alarm detectors and signals at key warning and communications points and all SAC (Strategic Air Command) bases.

Third, we are constructing and improving our continental defense and warning system, such as BMEWS (ballistic missile early warning system) and the satellite-borne Midas system to add precious additional minutes to our warning of an attack.

Fourth, we are examining with care the problem—organizational and technical—of command and control of nuclear weapons to assure that the decision to use such weapons can be responsibly exercised under the authority of the President and to minimize the risks of triggering war by accident or miscalculation.

Fifth, as an insurance policy to mitigate devastation of our population should there be a nuclear war, we are seriously undertaking a program of civilian defense.

Mere physical strength is nothing without the moral strength in ourselves, and the demonstration to our adversaries, that we are willing to use it. After the sealing off of East Berlin, the President ordered 1,500 troops to Berlin to prove our resolve. The Vice President went to Berlin and, quoting from that document which is enshrined at the highest place in the National Archives and in the hearts of Americans, pledged "our lives, our fortunes, and our sacred honor" to the people of West Berlin.

In part as a result of our display of strength, both physical and moral, the Russians have made some tentative proposals. This week Izvestia, the official newspaper of the Soviet Union proposed to settle the Berlin crisis by transferring the United Nations headquarters from New York to West Berlin. The same day, every Member of Congress found on his desk a release from the Soviet Embassy announcing a proposed cultural exchange program between leading Russian and American citizens. Possibly Izvestia's proposal was stimulated by a column by Mr. James Reston in the New York Times of September 8, entitled "An International City of Berlin." Under unanimous consent heretofore granted, I include this article in the RECORD following my remarks.

Let us examine Izvestia's suggestion that the United Nations headquarters be moved to West Berlin.

I believe that the presence of the United Nations in the United States, is, on balance, of great advantage to us. It is true that we must on occasion, put up with a shoe-slamming Khrushchev and a bearded Castro in our midst. On the other hand, we have the opportunity to demonstrate to all the world, free, Communist, and uncommitted, the wonders of the American way of life. The true balance is demonstrated by the violence with which the Communists insist that the U.N. be moved almost anywhere outside of the United States.

We should recognize that in making the offer of moving the U.N. to West Berlin the Russians are, in fact, demanding a high price for an apparent settlement of the Berlin crisis. The price is even higher when the small print of the offer is examined.

The offer is conditioned on the termination of the presence of Allied troops in Berlin. Thus we are asked to give up our legal rights and physical power in Berlin for a paper promise by the Russians.

The offer is conditioned upon the legal conversion of Berlin into a free city with all the adverse psychological effects that would have on our German allies who look upon Berlin as the symbol of the ultimate reunification of Germany.

The offer implies a difficult-to-reverse decision to place the United Nations 110 miles behind the Iron Curtain.

Finally, and most blatant of all, the offer is limited to West Berlin instead of the entire city. This is the worst example of "what's mine is mine and what's yours is negotiable."

We cannot accept such a one-sided proposal. On the other hand, as good negotiators we should examine this proposal, to see if it contains some seeds of a deal which we would find satisfactory.

What are the "seeds" in this Russian proposal? The revered columnist Walter Lippmann has pointed out that the free world can have either a reunified Germany or a West Germany allied with NATO. It cannot have both. If, as it appears, we have decided in favor of West Germany in NATO, then Berlin must, to some degree, be internationalized or it will continue to be a breeding place for war.

This internationalization need not be immediate, it can be gradual. It need not be de jure, it can be de facto.

This internationalization should not be merely for West Berlin but for the entire city.

How can the United States approach cautiously and carefully, without injury to the interest of itself and its allies, a form of internationalization of Berlin?

As a counteroffer to the Russian proposal of a wholesale, irreversible movement of the entire United Nations to Berlin, the United States could propose a temporary, limited, experimental test of the validity of the Russian proposal. This could be a U.S. proposal that a special or regular session of the General Assembly be held in Berlin.

In a penetrating article entitled "The Day United Nations Moved to Berlin," Mr. James Reston of the New York Times poses, in an amusing way, some of the questions that would be posed if the U.N. headquarters were moved to Berlin. If only a special session of the General Assembly were held in Berlin some of these questions need not be asked and others might, in practice be answered without an irrevocable movement of the U.N. to Berlin. Under unanimous consent heretofore granted, I include Mr. Reston's column of September 22 in the RECORD following my remarks.

No complicated legal maneuvers over the status of Berlin would be required. Russian and Allied troops would remain unchanged.

No decision need be made over whether all Berlin or merely West Berlin was being temporarily internationalized. Although the General Assembly itself would probably be held in West Berlin, the resolution would merely specify "Berlin."

The free world could test whether it was possible to have freedom of communication 110 miles inside of the Iron Curtain.

After one such session of the General Assembly in Berlin, it might be decided that the city would be sufficiently internationalized if future, possibly as much as every other year, sessions were held there. If further internationalizing of Berlin were required such subsidiary agencies of the U.N. as the International Refugee Agency or the International Labor Organization could be permanently headquartered in Berlin. Furthermore, we would be in a better position than we are today to determine whether we are willing to pay the price of moving the United Nations headquarters to Berlin as our part of the negotiation for peace.

If the experiment of holding a General Assembly in Berlin failed we would not have lost. The representatives of the peoples of the world would have had the opportunity to see, firsthand, the contrast between free and Communist Berlin. During the time that U.N. representatives were present it would be difficult for the Communists to block access to Berlin. The presence of the General Assembly would give new hope and new sense of purpose to the embattled people of West Berlin.

Even though the Russian proposals may offer no more than the merest ray of hope, we would be derelict if we failed to explore them. However, we should do so with the attitude of a hardheaded negotiator using the greatest ingenuity to obtain as much as possible at the least possible cost.

[From the New York Times, Sept. 8, 1961]

AN INTERNATIONAL CITY OF BERLIN?

(By James Reston)

WASHINGTON, September 7.—In the discussions of Berlin in the embassies here these days there is considerable talk about the possibility of internationalizing that city under the United Nations.

Various ideas along this line are being explored as an alternative to the present stalemate and crisis, but all of them envisage negotiation with the Russians for a new Berlin status and a United Nations presence in Berlin pending eventual unification of the two Germanys.

One suggestion, for example, is that both East and West Berlin should actually be administered by the international organization as a kind of trust territory, with the routes of access to it internationalized as well.

Another is that the U.N. would not actually govern the city but merely supervise the administration of a new freely elected Berlin government and replace Soviet and Western troops there with a United Nations force.

A third is that the United Nations should reinforce its presence in Berlin by moving some of its specialized agencies, such as the International Refugee Agency, to Berlin, and there is even some discussion of the possibility of moving the permanent headquarters of the U.N. from New York into Berlin.

KENNEDY INTERESTED

The U.S. Government has not taken a position on any of these ideas, but they are known to the President, they have been discussed at the highest levels of this administration, and more will undoubtedly be heard about them if Khrushchev ever stops jumping up and down.

For the time being nobody here wants to talk above a whisper about any new formula for Berlin. Adenauer is engaged in a West German election that is almost as silly as the New York campaign, and until he disposes of Willy Brandt he does not want to take on "Emperor Nik."

Of course, all this talk about turning Berlin over to the U.N., or vice versa, rests on the assumption that Khrushchev really is prepared to guarantee free access to a free city. If he is, the U.N. presence in one form or another is at least a method of testing his sincerity.

The U.N. has established its presence, with varying degrees of success, in Korea, Lebanon, the Gaza strip, and the Congo. If it can provide a military service in one area, presumably it can provide a civil service in another; so at least runs the argument in the embassies here in Washington.

Khrushchev himself has indicated a willingness to have the United Nations play an unstipulated part in the supervision of any new Berlin and German settlement, but he has not, of course, gone as far as backing a wholly internationalized Berlin.

He has always talked not about the whole of Berlin as a free city but only of West Berlin. As usual in these negotiations, he wants to hold on to what he's got and negotiate for what we've got. Nevertheless, responsible diplomats here think the U.N. may in the end be the instrument for a new approach to the problem.

The principle of allied policy is that the freedom of the people of West Berlin must be maintained. This means that they must have political freedom and economic freedom, which rests on uncontrolled access to the West. These things are now being maintained precariously by the presence of Western troops and money.

CONFLICTING ESTIMATES

The question is whether these freedoms could be maintained under a new international agreement in an internationalized city with internationalized corridors to the West. Some officials and diplomats here think they might; others think they could not, even if the U.N. itself were moved to the Brandenburg gate.

Oddly though, there is more talk here about the most controversial aspect of the idea than anything else. This is the transfer of the U.N. to the former German capital. The argument for this is that the Communists would scarcely try to capture the U.N. itself. The argument against it is that it would make the U.N. a hostage of the Communist world and by moving it behind the Iron Curtain symbolize the rising influence of Moscow.

Accordingly, the idea of internationalizing the city under some form of U.N. supervision is more likely to get serious support in Washington. The President is going to New York to address the U.N. He will emphasize there the importance of increasing the role of the U.N. in the settlement of international disputes. He will offer the U.N. the long-range prospect of moving toward the rule of law and propose a new disarmament plan based on this principle. Whether he will actually suggest using the U.N. as an instrument for reaching a new accommodation in Berlin remains to be seen.

The point is merely that, despite all the noise from Moscow and the apparent indifference to new ideas here, there is some discussion of new approaches in Washington, and the U.N. is very definitely a part of them.

[From the New York Times, Sept. 22, 1961]

THE DAY UNITED NATIONS MOVED TO BERLIN

(By James Reston)

WASHINGTON, September 21.—Now that Izvestia, that official and family organ of Nikita Khrushchev, has indicated its support for moving the United Nations from New York to Berlin, several interesting questions arise.

Would the Communists put a wall around the place to keep the refugees in East Germany from escaping out of paradise into the free city of Berlin? Or would U.N. troops, in keeping with their obligation to encourage "respect for human rights and fundamental freedoms for all" (art. 1, par. 3, of the charter) be obliged to keep the refugees out at gun point?

This is the kind of question that troubles a man even when he is busy sweeping under the rug all the chickens that have recently come home to roost, and there are other questions which no doubt Izvestia can answer.

What would happen to a new acting Secretary General of the United Nations in Berlin who tried to carry on Dag Hammarskjold's Congo policy, or asked the Soviet Union if it wouldn't mind paying its U.N. bills, or decided to drive his troika over into East Germany on a Sunday afternoon just to see how things were going?

One peculiarity of the charter is that it permits free speech and calls on its members to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.

Would it be OK for the United Nations in Berlin to talk about the self-determination, say, of the German people, East and West, or would the charter have to be changed on this issue?

The United Nations official radio is another awkward point. It broadcasts its debates and sometimes even talks about liberty in many languages, including German and Russian, Czech, Polish and Hungarian. Would the Communists let this kind of thing continue, or would they jam everything beyond the barbed-wire barricades?

THOSE HUMAN RIGHTS

Also, Mrs. Roosevelt or somebody is always coming around the United Nations and engaging the General Assembly in debate on such things as human rights. The universal declaration on this subject, in the second session of the General Assembly, proclaims that "everyone has the right to life, liberty, and security of person * * * to freedom of opinion and expression * * * to freedom of movement and residence within the borders of each state * * * to leave any country including his own," and that's not all. It even comes out for parents educating their own children any way they like.

Would this kind of deviationist talk be permitted at the U.N. in Berlin and broadcast from there into Budapest, Warsaw, Prague, Moscow and all those other centers of the new Communist culture?

Transportation is another problem. Berlin is 110 miles inside East Germany, isolated like a Goldwater Republican in Tammany Hall. Khrushchev has told us after he sets the East Germans free, they will have complete sovereign rights over who passes from the West into Berlin.

How would you like to be a capitalist warmonger in a situation like that? The question wouldn't be whether the United Nations recognized the East Germans but whether the East Germans recognized the United Nations. The East Germans control the electricity, and the communications, and the city transportation in Berlin. How could you have Berlin surrounded by East Germany without bringing the East Germans into the club? And how would you know when the lights were going out?

HALF-FREE HALF CITY

There would, of course, be some advantages in Berlin. A Nigerian soldier, guarding the barricades against the flight of women and children, could when he was off duty go out and get himself a beer in a restaurant by the Brandenburg gate without fear of getting the bum's rush. That would be progress, and yet the troubling disadvantages persist.

Would the U.N. be allowed to put up its own buildings in Berlin, or would it have to conform to the beauties of the Stalinallee or the neo-Woolworth Gothic of Socialist realism?

Would the comely international crew of female tour guides at the U.N. in New York be transferred too, or replaced by those intourist types east of the Elbe? We would want to know.

It may be, of course, that even this would be better than nuclear war, but the point should be debated and the questions should be answered. Maybe Khrushchev and the editor of Izvestia, Aleksei (don't you sigh) Adzhubei, would be willing to give satisfactory answers.

Maybe they would put the U.N. in the whole of Berlin and not turn it into a half-free half city. Maybe they would tear down the wall, and let freedom ring out across the melancholy empire to the east. Maybe they would provide international highways to the West, controlled by the U.N. itself, and U.N.-manned railroads, and airlanes free and high as the sky, and beer and vittles to comfort the weary peacemakers.

But the thing would have to be checked in advance, just in case.

THE SITUATION IN BERLIN

The SPEAKER pro tempore. Under previous order of the House the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 20 minutes.

Mr. KASTENMEIER. Mr. Speaker, there are a great number of people in the country who are confused about the issues of the cold war. The legal niceties of Berlin, the history of the cold war period, the military technicalities—all of this is so complicated that few have time to really understand some of most basic issues America and the world are facing.

I believe that the complexities of our present situation have, unfortunately, opened the way for those who believe that all problems can be solved simply. They say, "There is nothing to negotiate about; we have only to stand firm and let the Russians know that we will not budge."

It is very strange for me to hear this kind of talk. I have participated in local affairs and congressional politics long enough to know that simple slogans are usually inadequate. I have seen very few situations where doing nothing but standing firm is the best thing to do. Even in the struggles of the home, the school, the factory and the city: being firm and doing nothing else usually means that one ends up with less than could be gained by more thoughtful and creative approaches. I know very few businessmen who would be satisfied in their everyday work with a policy of mere firmness. And I know of very few labor leaders who would be satisfied with simply looking tough and remaining firm.

Not only is it strange to me that this completely passive policy is finding supporters; it is more surprising that such a

policy is finding support among some very militant people. It is usually just those groups who believe we must be more aggressive about winning the cold war who shout that our only policy must be mere firmness. It is almost as if we are asked to be firm about firmness itself.

I do not mean to be misunderstood; I think there is absolutely no question about the need for America to stand fast and retain her rights in West Berlin. There can be no question that we are going to let the free people of West Berlin be trampled by the Communists. Nor can we let the access routes to West Berlin be infringed upon. This must be clear. And I believe that the President has made it clear.

But to simply stand still and rest upon this position is far too passive. And I believe that it is very far from the best we can do. In my view, there are many things that can be gained if we take the challenge of Berlin seriously and if we give creative thought to going beyond mere firmness to a challenging policy of our own.

In the first instance, we have many simple guarantees which could be improved. Much of our position in Berlin rests upon the agreements—unsigned—made by military commanders winding up World War II. We would do well even if we were only to get into writing some of the things we believe should be protected and some of the specific guarantees on access.

But beyond this, there is a great gain which can be gotten in Berlin. The ultimate reason why we are protecting the people in Berlin is because we believe this is the way to protect the freedom of the West and the security of the West. But it is obvious that we can have neither freedom nor security if Berlin sets off a thermonuclear war that would be a war of extreme and horrendous destruction.

The problem is to attempt to set the stage so that Berlin will not set off war at this time—and so that it cannot set off war in the future. If this is accomplished we would do much to protect, preserve, and extend the freedom and security of the free world.

I believe that we can best approach this ultimate goal by seeing if the Russians are at all serious about the slogans they have tossed out for a nuclear free zone of disengagement in Europe. They have said that they would accept such a zone. I believe it is now up to us to see if they are serious and—if so—to take them up on this; and, if not, to expose their insincerity.

We in the West often forget that the idea of a nuclear free zone is originally an idea stemming from the West. Rapacki, the Polish Foreign Minister, stole this idea from the Foreign Minister of Belgium, Van Zuylan. It has also been proposed in one form or another by various leading British spokesmen, leading French thinkers, and leading Americans.

The basic notion is quite simple: both sides have much to gain in setting aside a zone of Europe which could not be set into immediate nuclear motion. A zone which—if war started—would not immediately involve nuclear weapons would be a great gain to the safety of both sides. It would mean that tension and sparks would not necessarily mean nuclear terror.

The Russians have said that they would be willing to pull back their nuclear weapons from East Germany, Poland, and Czechoslovakia if we were to pull ours from West Germany. I think we should try to see if we can get this bargain: We pull back nuclear weapons from one-half country in exchange for their pulling back from 2½ countries. And both gain by setting aside a zone of nonescalation which would preserve the security for both sides.

A bold initiative and bold challenge by the West would do much to set the Berlin question in proper perspective. There is reason to believe that the paranoid Russians suspect that we are about to give nuclear weapons to West Germany. This—as Walter Lippmann has pointed out—would be a move they could not accept. Because they may fear this, they may be willing to pull back and also to give guarantees on Berlin in exchange for the establishment of a denuclear zone. I do not know if they would give us this good a bargain, but I believe we would have nothing to lose by challenging them to live up to public professions that they would.

I would suggest, therefore, that standing pat on the status quo is very much a defeatist policy. I think we have much to gain and little to lose by exercising American intelligence and ingenuity to produce a variety of new challenges for the Soviets. I believe we should step beyond the dangerous drift of the status quo to a new creative approach to the problems of Berlin, Germany, and Europe. I think, to put it simply, that there is very much to gain by new and challenging negotiations.

THE BERLIN CRISIS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 20 minutes.

Mr. RYAN. Mr. Speaker, since August 7 when I last discussed the Berlin crisis on the floor of the House, events have moved rapidly. The Russians have erected the Chinese wall of the 20th century and resumed nuclear testing; the Congo is once again in the headlines; and the world has lost one of its greatest peacemakers. These events have increased the instability of the cold war and have made the Berlin crisis even more critical than it was in August.

Feeling of fear, frustration, and fatalism have increased. There is a widespread feeling that we have nothing to gain in negotiations with the Soviets over Berlin, that we must firmly stand on the status quo and that we can only lose at the conference table.

Such an attitude reflects a lack of imagination about possible roads to an enduring peace and growth of freedom in the world. The Berlin situation could be regarded not only as a crisis, but as an opportunity to increase our national security by an advantageous central European settlement, reduce tensions, and create a prototype for disarmament with effective international controls. It is often overlooked that we have long term as well as immediate interests at stake in Berlin. Certainly we are interested in maintaining Western access to that city, and we are vitally concerned that the people of West Berlin be allowed to live in freedom and prosperity. The necessary protection of these interests does not exclude an attempt to come closer to the attainment of long-range goals. These goals, which we should bear in mind at this time of crisis, are general and complete disarmament under effective international control, the reduction of the Communist threat to underdeveloped and other vulnerable areas around the world, the insulation of unstable areas from the struggle for strategic supremacy, the development of means for settling international disputes fairly, and a general strengthening of the institutions making for peace, conflict resolution, and respect for law. Is it possible to see gains toward any of these objectives resulting from negotiations over Berlin?

Let us project possible solutions to the current crisis. Let us suppose, for instance, that we agree to create a free city of Berlin, East and West. I discussed this possibility on August 7 and pointed out that West Berlin is a useful tinderbox to Khrushchev. If this crisis passes without a long-term solution, the Soviet Union will be prepared to return to the issue whenever it seems advantageous. Since I discussed this area of negotiation, East Berlin has been sealed off from West Berlin. The Soviets have, in effect, by unilateral action ended any semblance of four-power control. The Soviets have also deprived West Berlin of one of the main purposes of its existence. No longer is that beleaguered city a unique Western showcase; no longer is it a safe port in a Communist storm. Without these functions the city may die; the population of West Berlin may choose to live in safer territory. Already there are reports of West Berlin businessmen lessening their ties with their city and moving the base of their operations. To maintain the status quo in West Berlin as it exists now may spell the beginning of the end of that city.

The idea of a free city should be explored carefully and in depth. I do not suggest that we abandon our clear and firm obligation to maintain the freedom of the people of West Berlin and our access rights. I do suggest that there may be other arrangements under which we can maintain and, indeed, strengthen these objectives. Any change in the status of Berlin, as I have said before, would have to be incorporated into specific written agreements, filed with the United Nations, which would protect access rights and the freedom of the Berliners. But written agreements are not enough. A free city plan should include the use of an international police force under the United Nations to keep the peace in the area and enforce the agreement. The expe-

rience of the United Nations force in the Gaza strip will be useful in this regard.

Another proposal under which the freedom of the West Berliners and access rights might be maintained is an effective disarmament plan for central Europe. The development of modern weapons technology has produced one of the great paradoxes of our time. The United States is stronger militarily today than ever before in its history, yet our security has not increased commensurately. In fact, our security is threatened as never before, and the arms which we have created are a factor in the rise of tensions since 1945. With both sides capable of mutual suicide, a border incident in Berlin has the potential of escalating into the Armageddon. This could come about without either side deliberately using thermonuclear war as a means of obtaining victory.

We should not, of course, enter into any agreement out of fear. Every proposal must be examined with our obligations and our national security in mind. With effective safeguards a disarmament zone in central Europe might preserve freedom in Berlin, reduce tensions, increase our national security and serve as a prototype for effectively controlled general and complete disarmament.

On August 7 I outlined the history of central European disarmament proposals going back to the Eden plan of 1954. I do not think it necessary to repeat this background. However, I would like briefly to restate the hypothetical disarmament plan suggested on August 7 as an area for possible negotiation. This plan had four parts:

First. The evacuation of all foreign forces from an area comprising West Germany, East Germany, including Berlin, Poland, Czechoslovakia, and Hungary.

Second. The reduction of military forces of the above countries to internal security strength only.

Three. A United Nations and four-power guarantee of the borders of the above countries.

Fourth. An International Central European Disarmament Authority with the right of inspection and control agreed to by the countries involved and the four powers.

This proposal would lead to self-determination for the demilitarized countries. The central European nations would be able to choose their own governments and, not being burdened with defense, would be able to grow and prosper. Tensions would be reduced. Such an example might make agreements in other parts of the world more easily attainable.

Would the Soviet Union accept such a proposal? From the Soviet point of view such an agreement would be a guarantee against a German militaristic revival. It is conceivable that the Soviet Union might regard the liquidation of its eastern European commitments within a framework of controlled disarmament as an opportunity to build her economy, improve her standards of living, and answer the demands of her people for more consumer goods. We do not know what the Soviet attitude might be toward this proposal. If we have a plan for peace which is consistent with our ideals and furthers the interest of the free world, the possibility that the Soviet Union might not agree should not deter us from vigorously presenting the case.

The actual shape of a disarmament agreement for central Europe may vary within broad limits. But the content must be there. The plan we offer must go far beyond Berlin. This is an avenue not only to secure the short-range goals we seek, but also to build a meaningful settlement with some hope of continuance, so that we shall not experience a whole series of such crisis, each one more likely than the last to set off a war.

The Berlin crisis is a decisive moment; it tests not our willpower but our vision of a hopeful future and our capacity to anticipate change and capitalize upon it. It offers the opportunity to work for disarmament under effective international control, international legality, and the revival of faith in the future, a faith which the mid-20th century has shaken among men and women of the free world.

CONCRETE AND LONG-RANGE POLICY NEEDED FOR BERLIN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oregon [Mr. ULLMAN] is recognized for 30 minutes.

Mr. ULLMAN. Mr. Speaker, I am glad to have this opportunity to join with my colleagues who are stressing the need for creative alternatives to a situation in Berlin which, if allowed to deteriorate, can only lead to an unwanted war—unwanted by either side.

Make no mistake about it, we must be strong militarily, but we must also be strong in terms of new ideas. Our objective is not some makeshift arrangement that merely perpetuates a war of nerves and provides abrasive situations that can accidentally trip off a war. Rather, we need a concrete and long-range policy. We need to take the diplomatic offensive with confidence in the strength of our moral position. Once we make known our objectives, I have no doubt that the free world and many of the new nations will join with us in pursuing them.

By strength, determination and unity of purpose, we can demonstrate to Khrushchev that he can accomplish nothing with his tactics of bluff and bluster and that there is no alternative but to face up to the facts that we will not yield an inch in terms of a free Berlin, that we demand assurances and guarantees for the democratic institutions of this city. Both the world and Khrushchev must know that the stability of Berlin and the keeping of treaties is a Soviet responsibility.

In other words, we shall not be forced through a narrow opening of Khrushchev's choosing. From our position of strength, we should not be afraid to consider plans that open new doors, that lead to stabilization in Europe and which decrease the threat of war. For the real interests of the United States are not served by policies which leave no room for reason and more imaginative, creative diplomatic possibilities. We have shown the Russians that their threats cannot weaken us, but we have the responsibility to show them also that under certain conditions, we can live together without war, for in this age of thermonuclear weapons, there is no real alternative to peace.

CAN WE SOLVE BERLIN SITUATION WITHOUT APPEASEMENT?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. JOELSON] is recognized for 20 minutes.

Mr. JOELSON. Mr. Speaker, American foreign policy over the past years has often been justifiably criticized because we react to events rather than act in such a way as to shape events. In other words, we have too long let Soviet Russia call the tune by their taking the initiative.

With regard to the Berlin crisis, it would be folly to oppose any type of proposed solution whatever for the mere sake of opposition. It may well be that America can devise a solution that will ease the crisis while at the same time not result in a knuckling under or an appeasement. If we have learned anything from history, it is that dictators are insatiable and cannot be appeased. I certainly do not stand for appeasement. That is why I voted to spend $46 billion of the peoples' wealth for arms.

I am willing, however, to weigh any proposal for a solution of the Berlin problem on the scale of what I consider best for America. Honorable peace is, of course, always preferable to war. If those in charge of our foreign policy can devise a solution which is wise and will not damage our international position or our national honor, such a plan must be supported.

I hope I am not one of those contrary people who are intransigent and against everything. But believe me, I would need a great deal of convincing that we are at last coming up with a positive and imaginative action rather than the all too familiar frantic reaction before I would endorse it.

My attitude is "show me." I am willing to listen.

TAKE THE OFFENSIVE FOR PEACE IN BERLIN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Connecticut [Mr. KOWALSKI] is recognized for 20 minutes.

Mr. KOWALSKI. Mr. Speaker, I consider it a great privilege to join my distinguished colleagues in this demonstration on the floor of the House to support the President of the United States in his herculean efforts to find a peaceful solution to the Berlin crisis. My mail and my contacts with people convince me that millions of Americans have been waiting for their representatives to speak out boldly for peace. For, today as the "escalation" mounts toward inevitable

war, nothing is so important to this great Nation as the need to relax the emotional tensions of our people. We have been standing firm so long now with fingers frozen on nuclear triggers that our national nerves are frayed and jagged.

Under these difficult circumstances, most Americans are mentally numb. Those who still are capable of independent thinking know that the status quo is no solution for West Berlin. On the other hand, there is general feeling in the United States that in the Berlin crisis we are facing a grave test to our national honor, that a line has been drawn beyond which communism must not pass, that here we are locked in a death struggle for our way of life.

Our retaliatory forces have been placed on war alert; our draft has been doubled and tripled; men due to be released from military service are being held over for additional months; thousands of our Reserves have been called to active duty; the Government, the Military Establishment, and the people are being prepared for war. Once again a general has been assigned to the White House staff. Another general is rushed to West Berlin. Fifteen hundred American reinforcements press against the East Berlin wall. Young men stand up in their foxholes on the border and take a more careful aim into Czechoslovakia and East Germany.

On the other side of the Great Divide, the preparations for war are even more hectic. Soviet divisions move west through Poland. Soviet warplanes buzz commercial aircraft. East Berliners erect an inhuman wall, and East Germans have passed an aggressive new law providing for conscription of manpower and resources for war. Czechoslovakian and Polish troops due for release are being held in the service. Sugar is hoarded in Poland; while in East Germany, potatoes and other foods are being stashed away.

War and threats of war are nothing new to the satellite Slavs. For generations they have lived as they do today, in constant fear of the Germans. But on the border watch it is hard for me to believe that either the American soldier who aims his machinegun into Czechoslovakia, or the Czechoslovak who alines his gunsight on the American considers the other his enemy.

In the meantime, the world is subjected to an ever-increasing accumulation of dangerous nuclear fallout as the Soviets test ever-larger weapons of destruction. Our own scientists bore into the earth and conduct still other tests to produce, they say, lighter and more efficient nuclear warheads.

This is what is known as the Berlin crisis. How high will the buildup go before the blowup comes? How much time do we have before the rockets fly? No one can predict. One thing is certain, in the past, whenever a great nation mobilized, demobilization came only after a war. Yet, influential American leaders in great seriousness have declared that "there is nothing to negotiate." Frankly, I am tired of this nonsense. I am convinced that there is much to negotiate. I think it is high time we began to challenge the Soviets creatively, with imagination.

It is time we take the offensive for peace.

First, we must have the guts to think and act boldly. This world is not a monolithic world: it is a world in which ingenuity, intelligence, and courage allow many different approaches. We must not be afraid to try new approaches to peace. I cannot believe that in a crisis the only way one can survive in this world is by standing stifflegged and firm like a robot. Life is not like that.

Second, I would suggest that we ought not be satisfied in trying just to preserve our position in Europe. I think we ought to better it.

I mean by this that our fundamental objective is to preserve the security of the free world. When one sees our troops exchanging tear gas grenades with East German troops; and when one realizes that there are loaded weapons on both sides and itchy trigger fingers and growing tensions and growing irritations; and when one knows that behind these itchy men in the front line are atomic weapons—one realizes that our present situation is not secure at all.

I ask you: Is a policy which opens the way for mounting tension and the danger of nuclear accident a secure one? I am not satisfied that this is the best we can do.

I believe we must work out a new challenge to the Soviets that will go beyond the narrow position of legalities in Berlin—to a new initiative for European and world security.

Such a challenge must, of course, rest on two points: First, the free society of Berlin must be preserved; second, access to Berlin must be guaranteed. This much we must have. But I think that this is very little indeed.

I am not satisfied that this is all we can get. I believe we can do much to improve the whole European situation. I believe we can begin to move toward establishing freedom in the satellite countries. I believe that if we move aggressively we can put the Russians on the defensive. It is high time they had to meet our challenges.

I would do this by taking the Russians up on their slogans. They have suggested a nuclear-free Europe and have offered a disarmed Central Europe.

All right, let us see if this is what they mean.

They have said they would give us two and a half countries' worth of denuclearization for our one-half. They have offered to denuclearize East Germany, Poland, and Czechoslovakia in exchange for a denuclearized West Germany.

Let us see if they will. We have nothing to lose. If we stay as we are and war starts in Europe, it must become a nuclear war: we can fight no other kind of war with 21 divisions facing 175. But a nuclear war cannot be limited. It must break out into a world holocaust.

If we withdraw our nuclear weapons from West Germany, and the Soviets withdraw theirs from East Germany, Poland, and Czechoslovakia, leaving a denuclearized zone; if war comes and it becomes nuclear, there will be little lost—except the world—as in the first instance. We do not have to install nuclear weapons in Europe to destroy the Soviet Union. Neither do they, to destroy us for that matter. Each side now can reach the other with nuclear weapons from installations in its own country.

On the other hand much would be gained by a denuclearized Europe.

In the first place, we will have gained a major objective of our present military buildup. We are increasing our conventional forces now so that we can both "raise the threshold of total war" and also increase the time in which to decide whether a nuclear war is really necessary or worth the effort. Our basic thought in increasing our conventional force is to give us a bit more time to think, to show the enemy that we are going to fight, and to talk before we push the buttons.

But this objective can be gained by a denuclear policy just as easily—and better. If two and a half eastern European countries are denuclearized, there will be a large zone free of nuclear escalation in central Europe. Given this enforced nonnuclear zone, we will gain our basic military objectives of raising the threshold and increasing the breathing space before escalation to nuclear war.

A zone free of nuclear weapons would provide a huge cushion of space which would allow a moment of reason before the ultimate irrationality of total war.

It follows logically that denuclearizing central Europe would increase our security.

Moreover, by pulling the big atomic weapons out of the line of tension, both sides would decrease the chance of accidental war.

Finally, if we were to link a denuclear zone with a second stage of withdrawal of foreign forces from the zone, we might well begin the retreat of the Red army from eastern Europe and thus initiate the opportunity for real freedom in this area.

Such a policy would create a bold new challenge. It would have broader and better goals than our present rigid defense of the status quo. Within the context of such a challenge, the formalities of Berlin and East Germany could easily be negotiated. Within the context of such a challenge, Western policy could afford to be dramatic, exciting, and more secure.

Will the Russians accept such a policy? I think the mere fact that we would present such a policy would rock them back on their heels. Such an American challenge would force them to rethink and revise their entire approach in the world. They might not be able to meet this challenge—they did not meet our challenge of a solid and well-prepared nuclear testing treaty. But then again, they might.

They say they will. There are indications that they fear nuclear armament of Germany. They fear that we are about to give nuclear weapons to West Germany. This fear of West Germany

may be irrational, but it can be real. I have talked to Jews, Poles, and Frenchmen who have fought the Germans and I find irrational—but very real—fears of Germany. There is then a possibility that the Russians may be willing to take us up on our challenge.

If they accept this challenge, the whole question of European security would take on a new light. It would truly open a new frontier—a new beginning toward peace.

I see no future in standing rigidly like wooden soldiers glued to a board. I am tired of reacting too late with too little to Soviet harassments.

Let us move forward with a new imaginative approach.

Let us demand a new zone free of escalation in Europe.

Let us demand the first steps for a withdrawal of the Red army from Europe.

Let us move with new initiative to the freeing of eastern Europe.

Let us take the offensive for peace.

U.S. RESPONSIBILITY TO THE WORLD REGARDING COMMUNISM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 20 minutes.

Mr. DINGELL. Mr. Speaker, I join my colleagues in praising the distinguished gentlelady from Oregon [Mrs. GREEN] not only as an able and courageous legislator but also for her thoughtful remarks on a dangerous and pressing situation.

I wholeheartedly agree with her that we are in a position where we can and must negotiate with the Russians. Indeed we must courageously and vigorously pursue the course of negotiations even now.

In each negotiation which we have conducted in the past the Russians have behaved so as to give a clear inference of bad faith. They have stalled. They have, for example, tested nuclear weapons and obviously prepared to test nuclear weapons at the time the actual discussions were going on to halt nuclear testing. They have engaged in warlike acts when discussions were going on and supposedly there was a cease fire. They have disregarded their responsibility to respect the rights of once free peoples now imprisoned behind the Iron Curtain. They have breached either the letter or spirit on innumerable treaties and agreements, including the solemn agreements guaranteeing our rights and those of the people of West Berlin in that city.

The Poles, Lithuanians, Latvians, Czechs, Rumanians, Hungarians, Bulgarians, Albanians, and dozens of other minority groups who once existed as independent peoples in the free community of nations and which achieved in their own right great and high cultures dedicated to the freedom and dignity of the individual have been ground ruthlessly under the heel of the Communist oppressors. The Yalta and Potsdam agreements which clearly set forth that upon completion and conclusion of hostilities in World War II these peoples should have the right of freedom and self-determination have been ignored and trampled underfoot.

Despite these clear and regular breaches of Russia's international commitments and the general attitude of the Communist government on treaties, the United States has a responsibility not only to our people but also to the people of all the world and generations unborn to continue exploring new ways to arrive at a modus vivendi with the Communist dictators of Russia.

However, certain cautions among others must be observed on this, that first, the United States negotiates from a position of strength militarily and economically; second, the United States speaks always boldly on behalf of freedom and the rights of men to freedom and self-determination; third, that the United States constantly is alert to new methods to achieve an honorable modus vivendi with the Communist government of Russia; fourth, that the United States does not retreat or abandon territory or people to Communist takeover and domination by either direct action or by indirect result of our negotiations; fifth, that within the framework of the above the U.S. policy in our negotiations be directed to achieving a lasting peace with dignity and honor not only for our own people but for those of the whole world; sixth, that every reasonable effort be directed toward achieving a situation where a workable and effective program of disarmament can be achieved by reason of easing of world tension and by adequate policing and other safeguards; seventh, that the United Nations be strengthened to achieve a real, lasting organization to maintain world peace and easing of world tension; eighth, that maximum utilization of the World Court for solving of conflict and disagreement between nations be emphasized. Naturally any agreement with the Russians we find from history must be self-executing and self-policing.

Our people will support the administration and our great President Kennedy in his efforts to achieve world peace.

Indeed, history will support the stand of our President and of his administration to achieve a peace with honor, dignity, and freedom for all through negotiations.

Cessation of talking may very well mean the beginning of shooting with the horrors of nuclear war not far behind. If we ignore the grim warnings of history and fail to continue negotiating the price may be far too high. I say efforts by our President and by this administration to achieve peace should and indeed will receive the support of our people and of the world.

WHO IS REALLY WINNING THE COLD WAR?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. CLEM MILLER], is recognized for 20 minutes.

Mr. CLEM MILLER. Mr. Speaker, I would like to commend the gentlewoman from Oregon [Mrs. GREEN] and to address myself to the question of whether or not the Russians are winning the cold war. Is the Communist cause really walking away with everything? Acting as if this were so, some Americans are driven to espousing drastic measures in retaliation. Now, the United States has been disappointed in a number of its hopes in the last decade, and I think it is fair to say that Soviet policy can occasionally take the credit for such disappointments. But to say that the Soviets are running things their own way is to flatter them needlessly and contribute to unfounded fear of their omnipotence, as if we actually believed their story that history is on their side. They deserve no such credit, and we need not assume that the time has come to lay aside our highest traditions or to create a garrison state that would imprison us.

As a matter of fact, at this moment it looks as if the Soviet leadership is operating on the assumption in reverse; they seem to fear that everything is going down the drain, and that the time has come for special and drastic measures on their part. After courting world opinion for a decade and after Khrushchev made explicit pronouncements that testing of large nuclear weapons and poisoning of the atmosphere would never begin in the Soviet Union, and after this line was parroted by Communists everywhere, they have thrown all that away to assume for themselves the onus of resuming nuclear weapons testing in the atmosphere. And, after boasting to the uncommitted and Western world that communism, because of its manifest superiority, would be the voluntary choice of new nations and new generations, they have underlined the poverty of their system by allowing East Germany's Walter Ulbricht to build a wall of concrete block and barbed wire to keep people in. These two events ought to snap us out of any feeling of despair. It should make us take a new look at the facts.

What are the Russian objectives? They would like to see communism pervade the world. Short of that, they would like to see the military and the economic and the spiritual resources of the free world severely weakened. They want to call the shots for an enlarged and unified Communist bloc of nations. And they want to see the new nations who rebel against colonial and "imperialistic" powers look to them for leadership and advice.

We want to see the new nations choose freedom—for themselves, under procedures of self-determination. And we hope to see the threats of the Soviet Union reduced to a less dangerous level.

Are the Russians getting what they want?

They are not. Consider their relations with their own bloc. At the last all-party congress, Khrushchev made a virtue of necessity by saying that time had come to cease calling Russia the leader of the Communist bloc. This only creates trouble and confusion, he said;

there should be no head of the Communist bloc. Actually, there could be nothing farther from the way Khrushchev really thinks the Communist world ought to be run. But he could not escape the fact that for years he had been losing control of the Communist nations in a way that makes problems of allied unity in recent months seem trivial by comparison. The loss of control began with Yugoslavia, where repeated attempts to discipline Tito failed and Tito has ended up hosting a conference of "unalined" nations—many of whom are that. Whatever one may think of Yugoslavia, it is not a Soviet puppet.

This loss of control continued with Communist China where, in spite of technical and economic aid, the leadership's contempt for and insubordination to Khrushchev has been unconcealed. It has proceeded to Albania, where Russian diplomatic personnel were recently arrested and expelled. Among recent events of importance in the Communist world, the Chinese-Indian border dispute probably was contrary to Khrushchev's wishes. The same may be said for China's massive establishment of communes. The resumption of atmospheric nuclear testing, with its frightful overtones, is a clear instance that Khrushchev is not master in his own house, and that the pressures from a belligerent China, a schizophrenic East Germany, and probably the military leaders in the Kremlin, are taking their toll.

Khrushchev is unable to lessen these internal and external pressures with frank public debate. He is unable even to tell his people about them because he has no way to explain them consistent with the image of all-powerful leader. Thus, the Russian people did not read in their newspapers about his blowup of the Paris summit conference or his misbehavior at the United Nations. If the Russian tests could have been kept secret, they would have been. Even so, they were announced late and underplayed. In his recent policy and behavior, Khrushchev has shown the demeanor of a man who has both to pretend to absolute power and to hold together, by compromise, a disintegrating empire. In this, as in many of the accompanying symptoms of alternating reasonableness and rage, he is reenacting in a compressed time scale the experience of the fading imperialism he opposes. Imperialism is one of history's least attractive patterns, and we are quite fed up with it.

Now let us consider Khrushchev's relations with the developing nations. We have been dismayed by the experience of Cuba. This has made many feel that Khrushchev is having a magnificent success in Latin America. The fact is that Cuba fell into his lap. He was not responsible for it, and was even a little uncertain what to do with his new ally. He signed a treaty to buy Cuban sugar only if Cuba could not sell it to the United States. He has since failed to supply Cuba with food and materials to counteract its growing shortages, and judging from the recent overtures of Che Guevara to the OAS at Punta del Este, there is little prospect that this situation will be reversed. In fact, Kudryavtsev, the Russian Ambassador to Cuba, recently returned to Moscow after advising the Castro regime to improve its relations with the United States.

As for the rest of Latin America, it is certainly true that a vast revolution against economic domination is developing. Some of the leaders are Marxists. That does not mean that they are subject to the Communist bloc. Jagan of Guiana is a fair example of a Marxist who is quite possibly independent, and who may make more trouble for Khrushchev than otherwise. There is rising hope in Latin America. The administration is identifying itself with these hopes. The American dream is also the dream of South America—our egalitarian society has tremendous appeal for a people subjected to the Spanish tradition of the hidalgo. In the past, this image of a free society has been tarnished. Our former support for oppressors, for economic domination, for a sleazy sort of commercialism has been unfortunate. This is changing. Even that symbol of economic imperialism, the United Fruit Co., has readjusted its policies and its ownership patterns to favor local autonomy and facilitate the coming changes.

But then it will be said that Khrushchev is making fantastic gains in southeast Asia. The fact is that he makes gains only in vacuums we create for him. The problem of Laos, for instance, was created originally by American intervention to overthrow a constitutionally established and popularly supported government. It cannot be ascribed to Khrushchev. There, as elsewhere, Khrushchev does not take an inch we do not prepare for him by ill-advised support of ill-fated and unsupportable regimes which waste moneys and alienate their own subjects. As we depart from that policy, the Communist advance stops. It may be recalled how the Russians rushed into the Congo with aid and technicians when opposition to the popular Lumumba created such a vacuum; it should also be remembered how the Russians thereafter departed when that vacuum was again filled by the U.N. No wonder Khrushchev blusters at the United Nations. It was hardly a victory for a state which claims to be the world's most powerful and popular to have to leave with its tail between its legs.

But more important is Khrushchev's failure to win the adherence or even confidence of the uncommitted world by his policies. Think for a moment what the significance of the Cairo and Belgrade conferences is. It is in effect a monument to Khrushchev's failure to win the cold war. For these are the new nations which he meant to win, whom he hoped to have looking to him and the Soviet system for leadership and for a model. Many of them do look to him for money and technological assistance. Sukarno takes him for a multimillion-ruble ride in Indonesia; Nasser has taken the major part of the cost of the Aswan Dam from the Russians and then turned against the Communists; India has taken steel mills and technological-help credits; and so on down the list. This economic tightrope is probably a principal reason behind their equivocating at Belgrade in condemnation of Russian nuclear testing. But allegiance is not there. Do these nations meet in Moscow? Do they centralize their economies, form military alliances with the Soviet bloc, and turn against the United States? With the exception of Cuba, caught up in a pique of injured pride and a heady experiment with a new ideology, the answer is "No." Nor do they adhere to Peiping's doctrines, either in the forms of their economies or in their attitude toward war, in spite of the flood of technical aid and propaganda Red China has unleashed upon them.

Whatever course these countries are taking, and certainly there are disagreements and dissatisfactions, their way is not that of Russia. Furthermore, it is obvious to them as to us that Khrushchev is in no position to give advice. His own domestic economy is performing badly; his new lands program is failing, and his agricultural commissars have recently borne the brunt of his rage at their inefficiency. His industrial development has generally fallen behind to the point where he has to go before his people all over the Russian countryside and commiserate with them on the miserable housing conditions and the poor quality and supply of consumer goods, promising somehow to see that things improve.

And, if anyone wants a demonstration of the alleged superiority of a more highly developed form of communalization of city and country, and of a more centralized form of allocation of labor, capital and resources, he has only to turn to Red China, where people are now starving and the allocation of cloth for clothes is 2½ yards per person per year. Peking blames the weather, but in Hong Kong and Formosa, production is down only between 8 and 13 percent, while in Red China's Kwantung Province, where the weather is about the same, production is down 30 percent. The result of all this is that the neutrals are not looking to Khrushchev for advice or leadership. It may well be that the resumption of Russian nuclear testing was undertaken at the eve of the Belgrade Conference because of Khrushchev's awareness of this feeling and hence the crude attempt to frighten them into some kind of submission.

And this brings me to the final matter on which the Russians have been vastly overrated by some: their tactics. Looked at critically, Soviet tactics often appear incredibly unimaginative. The tactical blunders by which Russia has lost its chance for leadership of the underdeveloped world begin with the invasion of Hungary, if not with the suppression of the East German revolt in 1953. The aggressions of Communist China against Tibet and then India were other steps in this process. Indian opinion shifted at that time definitely westward. Khrushchev's personal misbehavior at the U.N. and at Paris was similarly alienating, and not only increased the suspicions of the uncommitted nations but provoked precisely the response within the United States most harmful to his interests—increased hostility, emotional

mobilization and determination. Khrushchev is a chronic destroyer of every good press he achieves, as after his trip through the United States when the earthy side of him won a degree of sympathy. And if we want a good example of a recent blunder of particular significance, look to the recent visit of Mikoyan to Japan. It could not have been handled more badly, alienating even the left wing which had been active in the demonstrations that prevented the visit of President Eisenhower.

Nor is Khrushchev's diplomatic corps any smoother. It is credited with knowing the languages of the countries in which it serves much better than our political appointees do; yet, in more than half, the Soviet ambassadors cannot speak the language of their assigned country, including those to Japan and Cuba. The cultural attachés are apparently no great proselytisers either, for Khrushchev has recently been allowed to administer annoying insults inadvertently to the Indians and Indonesians on his junkets. And the poor quality of many of the goods they ship as a result of their aid or trade agreements has alienated many recipients: spoiled wheat to Egypt, faulty jeeps to Indonesia, faulty steel cables and drills and motors to Argentina, a bakery built in Afghanistan which baked bread no one would eat, and so on. Russian technicians everywhere have a reputation for heavy-handedness that is notorious and widely unpopular. The rigidity of their conduct, and bureaucratic dependence on policy from Moscow even when it does not apply have made them suspect in many host nations. These are not the acts of master tacticians. They may appear small in the listing, but they are large in terms of local prestige. Time after time, the results have redounded to the credit of the West where we have been called in to repair the damage done and supply the necessary quality goods.

But the point is not to gloat over the Communists' failings. It should be no satisfaction to us that millions of poor and overworked Chinese peasants are starving. It is a matter of concern that these very inadequacies create dangerous tensions which could lead to explosion. We know these things. Nor is the point to suggest that any degree of complacency is warranted—because it obviously is not. Assuming the best, the cold war is going to last a long, long time. Nor am I suggesting that the Russians have not won prestige because of their achievements—notably their achievements in space.

The point here is that we and the rest of the free world are far from being pushed around, far from being isolated, and far from watching helplessly a vigorous communism on the march. In fact, we are already dealing from strength; not only military strength, but the strength of freedom, of patience, and of an increasing good will and helpfulness without strings attached. And can we but see this, we shall operate and negotiate not in fear or desperation but in determination, firmness, reason, and confidence. The meaning of such confidence will not be lost on a watching world.

BERLIN AND PRESTIGE IN EUROPE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. RHODES] is recognized for 20 minutes.

Mr. RHODES of Pennsylvania. Mr. Speaker, I wish to join with the distinguished gentlewoman from Oregon [Mrs. GREEN] and other colleagues in the House in this discussion on the question of Berlin. It is by far the most important issues facing the Nation and the world at this time.

Back in 1955 I had opportunity to visit the old German capital. The freedom, prosperity, and progress I saw in that city were in sharp contrast to the distressed social and economic conditions in East Berlin. The fear and lack of freedom was written on the faces of too many Germans living in the Communist sector of the city. At the time of my visit, the refugee camp in West Berlin received 600 East Germans daily who had left their homes in search of peace and freedom.

That such a city as Berlin exists deep within the Communist orbit must be a matter of considerable concern to the Soviet Union. Because Berlin is a symbol of our free way of life, it is naturally a danger point in the conflict which divides the East and West.

How to resolve this problem with its threat to peace and human survival is a challenge to the good sense and statesmanship of our world leaders, particularly those who represent the United States, the Soviet Union, and other nations. It is a challenge to the Members of Congress and the American people. It is a challenge that calls for public understanding so that we may prevent the nuclear disaster which would come with increased tensions, confusion, and fear.

It seems to me that only calm and flexible negotiation can bring about a responsible solution to the situation we face in Berlin. Nuclear war with its death, destruction, and desolation in victory or defeat would only aggravate the causes which breed totalitarian tyranny. Neither the cause of West nor East would be served by such a war.

I feel that it is up to Congress to counter what is becoming in this country a mood of fear and despair which is making us inflexible and unable to examine what are the true interests of the United States. This mood of fear and despair poses a serious threat to our national survival because it can very readily lead us into a tragic and horrible war which no one wants—a war which would destroy the freedom and democracy which we have enjoyed.

Because of the importance of considering various viewpoints, Mr. Speaker, I include herewith several articles on the subject of Berlin:

BERLIN—BACKGROUND AND FUTURE—THE NEED FOR A NEW APPROACH

(A memorandum respectfully submitted to the President and the Congress)

(By James P. Warburg)

Firmness in dealing with the recurrent Berlin crisis is essential. But firmness alone will not suffice.

Without a new, constructive American initiative, mere resistance to whatever moves the Kremlin may make will lead only to a continuing series of crises provoked at its convenience by Soviet leadership.

Any one of these crises, including the one we face now, can lead to catastrophic conflict. At best, a continuation of our past inflexible and unimaginative policy will lead to the slow attrition of an ultimately untenable position.

The United States must seize the initiative now, not wait and see what moves are made by the Kremlin.

The choice is not between resistance and retreat. A new, constructive American proposal would not be a sign of weakness. It would be a demonstration of resourcefulness and strength, providing the kind of leadership for which an anxious world is waiting.

BERLIN AND PRESTIGE IN EUROPE

(By Reinhold Niebuhr, professor emeritus, Union Theological Seminary)

Why is Khrushchev so stubborn about eliminating the "bone in our throat which is Berlin"? Why are we equally adamant in refusing any concessions which would compromise the status of Berlin as a window through which the Communist world can look into the political and physical advantages of the free world?

Obviously the prestige of both East and West is at stake in the Berlin question. The prestige of each side is so important because prestige, unlike the honor which motivated many of the wars of traditional monarchs, holds a central place among the components of political authority.

Prestige may be drawn from the capacity to wield force; but it cannot be identified with force. Force represents the capacity to compel compliance. Prestige is the capacity to win implicit or explicit consent for the relevant authority. The sources of prestige are many: the stability of an authority through the years, its reputation for loyalty to friends, its record of relative justice in the realm of its authority, and its capacity to preside over a successful communal process. A good part of the competition between communism and democracy is concerned with the prestige of each system as relevant to the desire of the nontechnical nations to enter the charmed circle of technical competence with its cornucopia of abundance. The sputniks enhanced the prestige of the Russians in Asia and Africa because they were symbols of the success of a nondemocratic nation in negotiating the steep ascent to modern technical competence.

While Khrushchev boldly proclaims the inevitability of the triumph of communism in the whole world, and while many of our enthusiasts are naively certain that we can win the cold war, if only this or that device is adopted, each side knows in its reflective moments that the contest between the two systems is more complicated than that.

Both sides are really aware, or should be, that the prestige advantages are with communism in Asia and Africa and with democracy on the European Continent. In Asia and Africa the spurious issue of anticolonialism and the Communist dogma that imperialism is the fruit of capitalism is almost enough to give the Communist the advantage. Moreover, the complicated relation of free enterprise to free institutions in the West is enough to confuse the minds of non-Europeans. They remember the injustices of early industrialism aggravated by the dogmas of classical economy. The Communist dogma obscures the achievement of various equilibriums of power, political and economic, by which we gradually achieved justice. Moreover, the capitalist strategy of accumulating capital for industrial expansion is quite unavailable to new nations—or to old ones—moving from an agrarian to an industrial economy.

The prestige factors are radically different in the West. Europe is the homeland and seedbed of free institutions. Its culture emphasizes the value and dignity of the individual more than primitive cultures do; or, for that matter, more than either the mysticism of the Orient or the humanism of the Chinese. In Europe, democracy has been made compatible with industrialism by a tortuous process. We live in the West in the securities of the welfare state, whether in Socialist Sweden or Tory Britain, or capitalistic America. Significantly, we define our cause as "democracy" while the adversary calls it capitalism. But by whatever name defined, the prestige of justice is with us.

In Western Europe, on the other hand, democratic justice has gained sufficient triumphs over early capitalistic injustices to make communism irrelevant in precisely that highly industrialized civilization for which Marx intended it. Only France with its rather static capitalism and Italy with its remnants of feudalism have had large Communist parties. Germany—not until recently a successful democracy, the birthplace of both the Marxist revolt and the Nazi aberration—has, on the other hand, become the most successful capitalistic democracy on the Continent. This is partly because two defeats accomplished what the democratic forces alone could not accomplish: The destruction of the feudal classes and the subordination of military to civil power. Germany is therefore a great threat to Communist prestige and to its pretension that it is a "wave of the future."

Berlin is an obvious showcase of the desirability and economic viability of free institutions in the context of European culture. The daily stream of 2,000 refugees revealed that while dogmatic collectivism may have its attractions in non-European cultures it does not attract highly developed industrial societies. Its collective farms are not attractive to the men of the soil in Western Europe who have long since mastered the art of the voluntary collective use of farm machinery so as to make efficiency compatible with the private ownership of the land—perhaps the most stubborn and cherished form of private ownership in the history of civilization. A goodly percentage of the East German refugees have been farmers, though craftsmen and professional classes, too, have furnished their quotas.

Our own prestige is quite as obviously involved. There may be questions about the relevance of our institutions in Laos or Cambodia; but the Berlin situation vividly reveals both how desirable and, in fact, how much desired are free institutions in Western Europe. Western Europe is, of course, not powerful enough to withstand Communist military pressure. Berlin is clearly the apex of the pyramid of prestige which is our stake in Western Europe. If we yield on Berlin, even Germany—as Adenauer hints—may be tempted to neutralism. The whole of Western Europe would lose heart. Significantly, De Gaulle, a not too loyal member of NATO, and preoccupied with Algerian problems, is as adamant as we are on Berlin.

The German threat is aggravated and made more vivid by that sorry remnant of the war, that lack of prescience on the part of the West, which left a non-Communist enclave essentially defenseless in a Communist sea. It is surprising, particularly since Berlin has become so focal, that few people have interested themselves in the grievous errors of judgment which have placed Berlin in such an exposed position. The errors were no doubt prompted by the traditional assumptions of military allies that their alliance would outlast the victory over their foes—assumptions which have been consistently refuted by history. In the case of the alliance with the Russians, there were sufficient indications of incompatibility even in the war to have refuted the assumptions. Probably only the fortunate or unfortunate involvement of leaders of both political parties (F.D.R. and Eisenhower) has prevented the matter from being subjected to close congressional scrutiny. In any case, raking over past mistakes, the seeds of our present embarrassments, will not extricate us from the embarrassments.

The administration is clearly right in its stubborn stand. But both we and the Russians, despite the intransigence of both sides, insist that the Berlin situation must not lead to a nuclear war; that the situation must be ultimately negotiated. The real question is whether there is any negotiable element in the situation. We are in a particularly embarrassing position because the rights on which we insist are rights derived from common conquest and common occupation of a vanquished nation. That vanquished nation has meanwhile become our ally in a contest with our former ally. The course of history has not invalidated these rights. But a resourceful politician, such as Khrushchev undoubtedly is, was bound to attempt to destroy our source of prestige by his strategic superiority.

Most of the suggested modus vivendi have proved to be inadequate. The Senate majority leader, MIKE MANSFIELD, suggests a free status for the whole of Berlin. But the insecurity of free cities is notoriously fragile. Danzig's fate is a convenient reminder. The alternative of a disarmed neutral Germany, after the manner of Austria, is obviously too dangerous for the West in view of Russia's geographic position and its capacity for political subversion. The idea of a unified Germany through free elections is obviously unacceptable to Russia. It would mean uniting Germany against Russia. It has not been a live option for some years despite our lip service to the formula.

The idea that we could have relaxed tensions by denying the Germans tactical nuclear weapons may have had some merit in the past. But in any case they do not have possession of tactical nuclear weapons except as we make them available to NATO. The inevitable use of tactical nuclear weapons in a European war has undoubtedly wiped out the distinction between conventional and nuclear weapons and given point to Khrushchev's warning that a war over Berlin will inevitably involve nuclear weapons. President Kennedy's and General Taylor's emphasis on the necessity of building our nonnuclear capabilities is nevertheless important. The President is right in insisting that the presence of our troops in Berlin was designed as a hostage of our commitment to the defense of the city.

The project—popular in liberal circles of Britain and also in our country—for spending billions to remove the whole city of Berlin safely into the Western portion of Germany is politically naive because it disregards the importance of prestige in international competition. The proposal stems from a type of liberalism which is ignorant of the relations of power to politics and of prestige to power.

The elimination of these alleged viable strategies does not of course give us a viable strategy in countering Khrushchev's calculated aggravation of the Berlin crisis. He has shrewdly sealed off East Berlin even before signing a peace treaty. He has violated the liberties of the East Germans more than our rights. Despite Mayor Willy Brandt's frantic appeal to the President to produce actions rather than words, the juridical position (in Eisenhower's phrase) which we have as one of the conquering powers hardly empowers us to be the guardian of East German liberties. In his recent notes Khrushchev has challenged our rights on the ground that we use them, not for the original purpose of jointly occupying Germany, but for the purpose of defending Germany against Communist tyranny.

Despite all embarrassments, derived from the fact that history has altered the political and moral positions which first gave rise to our agreements with the Russians, we must stand firm and not abandon Berlin. We must not initiate hostilities; but we can counter force calculated to push us out. This is undoubtedly a war of nerves. A nuclear catastrophe is always a possible consequence of miscalculation.

But surely we are entitled to weigh the improbability of Khrushchev starting a war for the sake of Berlin in the face of the fervent hopes of the Russian people for peace and of the probable embarrassments with his satellites in the event of war. Surely a politician as shrewd as Khrushchev will exploit the advantages of a dictatorship over a democracy in brinkmanship as far as he can. The fact that he raises all the fuss even before the party congress may suggest that he must deal with the core of Stalinist intransigence. He is probably also under the necessity of proving to the Chinese that he is not soft on capitalism. But meanwhile the progress of Communist economic and technical achievement in Russia and of its prestige in the non-European culture areas are bound to make him more cautious than his present words imply. If he is as shrewd as he seems to be, he can still exploit communism's prestige in Asia and Africa; and quietly, though not openly, acknowledge that its prospects in Europe are dim and would not improve by a nuclear holocaust.

We can meanwhile produce some negotiable items which are not related to the safety of Berlin. Two years ago De Gaulle suggested that we ought to acknowledge the permanence of the Oder-Neisse line. Since it cannot be changed without a war, and since its guarantee would make the Poles less dependent on Russia, we should have taken that suggestion more seriously. Even the Germans would not mind too much. They would mind more any tacit or explicit recognition of the East German regime, though that intransigent diplomat, John Foster Dulles, long ago suggested that we might recognize the East Germans as agents undermining the Russians. For such a tacit recognition would probably be regarded as undermining the inflexible dogma that Germany must be reunited.

In view of the fact that our European Allies and even some West Germans are not certain whether reunification is either desirable or feasible, we might well risk defying a dogma to which the Germans, on their part, must pay lipservice if for no other reason than to salve their uneasy conscience about the fate of their blood brothers under the Communist yoke.

The sacrifice of a dogma unrelated to political realities and possibilities would be a small price to pay for successful negotiations involving no loss of our prestige and giving Khrushchev a face-saving device. He must have such a device. That is a political necessity. Meanwhile we are entitled to speculate that the rigor with which he now seals off East Germany may in time abate as the Ulbricht regime faces the consequence of dealing with the rebellious spirits hitherto syphoned out via the Berlin escape route.

PENDING BANK MERGER APPLICATIONS BEFORE THE COMPTROLLER OF THE CURRENCY NEED CLOSE SCRUTINY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, it is my expectation that the new Comptroller of the Currency will bring a new viewpoint on mergers to the office of Comptroller of the Currency. In the meantime, however, it is important to know whether a large number of bank merger applications will be acted upon by the incumbent Comptroller in a last-minute "sweep up." It has been reported that there are some 30 or more national bank merger proposals now pending in the Comptroller's office.

In order that we may keep a close watch on steps taken regarding pending bank merger applications, last Friday, September 22, I requested from retiring Comptroller of the Currency Ray M. Gidney a list of all bank merger applications now pending. Similar requests were directed to William McC. Martin, Chairman of the Board of Governors, Federal Reserve System, and Erle Cocke, Sr., Chairman of the Federal Deposit Insurance Corporation, for bank merger applications pending before those two agencies.

Mr. Speaker, the merger movement has gotten out of control, and I think it imperative that Members of Congress keep a close watch on any pending merger applications.

The appointment of James J. Saxon to succeed Mr. Gidney on November 15 as Comptroller of the Currency, will bring a new, fresh approach to the problem of bank mergers. In sharp contrast to past performance by the Comptroller, and also the Federal Reserve and the Federal Deposit Insurance Corporation, it is anticipated that the new Comptroller of the Currency will make a full disclosure of all data concerning bank merger and consolidation approvals.

Mr. Speaker, the public interest is deeply involved in the actions on bank mergers on the part of our bank supervisory agencies. All three of these banking agencies—the Comptroller of the Currency, the Federal Reserve, and the Federal Deposit Insurance Corporation—exercise quasi-judicial functions in passing on bank merger applications. They are each supposed to follow the criteria set out in the Banking Act of 1960. As I have pointed out time and again, it is impossible at present to determine whether the banking agencies are following the mandate of Congress.

I am hopeful that the change in the Office of the Comptroller of the Currency will bring about a change in the overall approach to bank merger matters in the three banking agencies.

CIVIL FUNCTIONS APPROPRIATION ACT, 1962

Mr. CANNON submitted a conference report and statement on the bill (H.R. 9076) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mrs. MAY (at the request of Mr. ARENDS) for September 26 through September 29 on account of official business.

Mr. STEPHENS (at the request of Mr. FORRESTER) until Thursday, September 28, 1961, on account of his attendance at the funeral and burial of former Congressman Paul Brown.

To Messrs. ANFUSO, RODINO, DANIELS, FASCELL, DENT, SANTANGELO, MACDONALD, HALPERN, and LIBONATI (at the request of Mr. MCCORMACK) for an indefinite period on account of official business, Presidential appointees attending Italian Centennial in Italy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. ALBERT) for 20 minutes each today, to revise and extend their remarks, and include extraneous matter:

Mrs. GREEN of Oregon.
Mr. KASTENMEIER.
Mr. RYAN.
Mr. ULLMAN.
Mr. JOELSON.
Mr. KOWALSKI.
Mr. DINGELL.
Mr. CLEM MILLER.
Mr. MOORHEAD of Pennsylvania.
Mr. RHODES of Pennsylvania.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. O'KONSKI in three instances.

Mr. BURKE of Massachusetts and to include extraneous matter.

(The following Members (at the request of Mr. ALBERT) to revise and extend their remarks and include extraneous matter.)

Mr. ZABLOCKI.
Mr. LANKFORD.
Mr. FISHER.

Mr. SAYLOR and to include extraneous matter.

Mr. O'KONSKI in three instances and to include extraneous matter.

Mr. BOLAND.

Mr. MOORHEAD of Pennsylvania (at the request of Mr. ALBERT) to extend his remarks immediately following those of Mrs. GREEN of Oregon and to include extraneous matter.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 3019. An act to provide for the construction of a fireproof annex building for use of the Government Printing Office, and for other purposes;

H.R. 7391. An act to promote the conservation of migratory waterfowl by the acquisition of wet lands and other essential waterfowl habitat; and for other purposes;

H.R. 7890. An act to authorize the Postmaster General to dispose of certain land, and for other purposes; and

H.R. 9118. An act to establish a U.S. Arms Control and Disarmament Agency.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 468. An act to amend section 1073 of title 18, United States Code, the Fugitive Felon Act;

H.R. 1777. An act to amend title 18 of the United States Code to prohibit the transportation of fraudulent State tax stamps in interstate and foreign commerce, and for other purposes;

H.R. 2010. An act to amend title V of the Agricultural Act of 1949, as amended, and for other purposes;

H.R. 2640. An act for the relief of Yoko Takayashiki;

H.R. 2730. An act to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship;

H.R. 2732. An act to amend section 303(c) of the Career Compensation Act of 1949 to authorize the Secretaries concerned to prescribe a reasonable monetary allowance for the transportation of house trailers or mobile dwellings;

H.R. 3019. An act to provide for the construction of a fireproof annex building for use of the Government Printing Office, and for other purposes;

H.R. 3587. An act to provide outpatient and dental treatment for veterans of the Indian wars on the same basis as such treatment is furnished to veterans of the Spanish-American War, and to extend the time within which certain children eligible for benefits under the War Orphans Educational Assistance Act of 1956 may complete their education;

H.R. 4750. An act to amend section 6(a) of the Virgin Islands Corporation Act;

H.R. 4797. An act for the relief of certain aliens;

H.R. 6122. An act for the relief of Maria Luisa Reis (nee) Loys;

H.R. 6668. An act to amend title 10, United States Code, with respect to annuities based on retired or retainer pay, and for other purposes;

H.R. 6845. An act to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard;

H.R. 7391. An act to promote the conservation of migratory waterfowl by the acquisition of wet lands and other essential waterfowl habitat, and for other purposes;

H.R. 7890. An act to authorize the Postmaster General to dispose of certain land, and for other purposes;

H.R. 8383. An act to further amend section 201(i) of the Federal Civil Defense Act of 1950, as amended, and for other purposes;

H.R. 8558. An act to amend section 303(a) of title 23, United States Code, relating to

the organization of the Bureau of Public Roads, and for other purposes;

H.R. 8652. An act relating to the income tax treatment of certain losses sustained in converting from street railway to bus operations;

H.R. 8765. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H.R. 8958. An act to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla.;

H.R. 9096. An act to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes;

H.R. 9118. An act to establish a U.S. Arms Control and Disarmament Agency; and

H.J. Res. 542. Joint resolution relating to the admission of certain adopted children.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 26, 1961, at 11 o'clock a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JAMES C. DAVIS: Committee of conference. H.R. 8444. A bill to amend the act of August 12, 1955, relating to elections in the District of Columbia (Rept. No. 1266). Ordered to be printed.

Mr. McMILLAN: Committee of conference. H.R. 258. A bill to amend the District of Columbia State Tax Act so as to increase the rate of tax imposed on gross receipts from certain sales, and for other purposes (Rept. No. 1267). Ordered to be printed.

Mr. CANNON: Committee of conference. H.R. 9076. A bill making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes (Rept. No. 1268). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FULTON:

H.R. 9436. A bill to grant civil service employees retirement after 30 years service; to the Committee on Post Office and Civil Service.

H.R. 9437. A bill to amend the Internal Revenue Code of 1954 so as to permit charitable contributions, bequests, transfers, and gifts to the United Nations Children's Fund (UNICEF) to be deductible for income tax, estate tax, and gift tax purposes; to the Committee on Ways and Means.

H.R. 9438. A bill to amend the Internal Revenue Code of 1954 to provide a special deduction from gross income for a taxpayer supporting an aged dependent who has no retirement income of his own; to the Committee on Ways and Means.

By Mr. SCHERER:

H.R. 9439. A bill to amend the Subversive Activities Control Act of 1950 so as to provide that any Federal officer or employee who willfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities or national security, when summoned to appear before any Federal agency, shall be removed from his office or employment; to the Committee on Un-American Activities.

By Mr. KING of Utah:

H.R. 9440. A bill to establish an Office of Nutrition in the Department of Health, Education, and Welfare; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS:

H.R. 9441. A bill to exempt life insurance companies from the act of February 4, 1913, regulating loaning of money on securities in the District of Columbia; to the Committee on the District of Columbia.

H.R. 9442. A bill to amend the Internal Revenue Code of 1954 to provide that gifts made to the United States for use in reducing the public debt shall be deductible without limitation; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 9443. A bill to amend the act of July 14, 1960, to require persons operating motor vehicles in interstate commerce to have certain operator's or chauffeur's licenses or permits; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO (by request):

H.R. 9444. A bill for the relief of Ruchla Perla Koller and David Koller; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 9445. A bill for the relief of Miss Grace Smith, and others; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 9446. A bill for the relief of Gustek Niec and Feleks Niec; to the Committee on the Judiciary.

H.R. 9447. A bill for the relief of Kim Hang Yee; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 9448. A bill for the relief of William Yee; to the Committee on the Judiciary.

By Mr. INOUYE:

H.R. 9449. A bill for the relief of Gervacio V. Aranca; to the Committee on the Judiciary.

By Mr. JOHANSEN:

H.R. 9450. A bill for the relief of Staja Stojanovic and Milka Stojanovic, his wife; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 9451. A bill for the relief of Zbigniew Tadeusz Franciszek Kubiak; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Allotments for Servicemen's Dependents

EXTENSION OF REMARKS
OF
HON. ALVIN E. O'KONSKI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1961

Mr. O'KONSKI. Mr. Speaker, the following detailed explanation and information will be helpful in understanding and submitting the proper documents and application.

An allotment is a sum of money that is deducted in whole or in part from the serviceman's pay and is sent in the form of a check by the Government to the dependent of the serviceman. Since part or all of an allotment is deducted from the serviceman's pay, the Government requires that in accordance with existing rules and regulations the serviceman himself make the application for allotment through his immediate commanding officer.

There are two main types of allotments: One is known as a class E allotment. This allotment consists of a sum of money—amount to be specified by the serviceman—which is deducted from the serviceman's monthly pay and is sent home to any person the serviceman may specify. The total amount received by the person at home is deducted from the serviceman's pay, the Government does not contribute to a class E allotment. Since this is wholly from the serviceman's pay, anyone designated by the serviceman is eligible for the allotment.

The other type of an allotment is known as a class Q allotment. In this type of allotment a certain amount is deducted from the serviceman's pay, and a certain amount is contributed by the Government, according to the number of dependents the serviceman claims and according to his rank.

The following persons are eligible for a class Q allotment:

First. Wife of the serviceman, and the serviceman's children under 18 years of age are automatically eligible. However, when the serviceman makes his application for the allotment through his commanding officer, he should submit a certified copy of his marriage certificate, together with a certified copy of the birth certificates of each of his children under 18 years of age. The serviceman's wife can obtain these copies and send them to her husband to submit with his application for her class Q allotment.

Second. Parents are eligible if the following conditions are met: (a) The serviceman did contribute more than one-half of their income before he entered the service, (b) if new circumstances have arisen since entry into service making parents now dependent for at least one-half of their support. These circumstances include death or illness of the supporting member of the family;

(c) if the parents have other children over the age of 18 years, or other relatives living at home, then a notarized affidavit must be prepared by such persons stating why they cannot support, or contribute to the support of the parents; (d) the parents must prove that they are now dependent upon the serviceman for at least 50 percent of their income. The Government will send the parents forms to fill out to prove their dependency immediately upon receipt of an application for the allotment filed by the serviceman.

All papers should identify the serviceman by full name, rank, service serial number, and full military address—this is most important.

The following table gives you the portion the Government contributes and the portion the serviceman contributes in a class Q allotment; you will note that the serviceman's rank determines this:

Serviceman's rank	Amount deducted from pay of serviceman	Total amount paid to dependents and number of dependents		
		1	2	3 or more
Grades E–1, E–2, and E–3	$40	$91.30	$117.10	$136.90
Grades E–4 and E–5	60	137.10	137.10	156.90
Grades E–6, E–7, E–8, and E–9	80	157.10	157.10	176.90

Military enlisted personnel, grades and ranks

Pay grade	Army	Navy	Air Force	Marine Corps
E–1	Recruit	Seaman recruit	Airman, basic	Private.
E–2	Private	Seaman apprentice	Airman, 3d class	Private, 1st class.
E–3	Private, 1st class	Seaman	Airman, 2d class	Acting corporal; lance corporal.
E–4	Corporal	Petty officer, 3d class	Airman, 1st class	Acting sergeant.
	Specialist, 4th class			Corporal.
E–5	Staff sergeant			Staff sergeant.
	Specialist, 6th class			
	Sergeant	Petty officer, 2d class	Staff sergeant	Acting staff sergeant.
	Specialist, 5th class			Sergeant.
E–6	Platoon sergeant			Gunnery sergeant.
	Sergeant, 1st class			
	Specialist, 7th class			
	Sergeant, 1st class	Petty officer, 1st class	Technical sergeant	Acting gunnery sergeant.
E–7	Master sergeant	Chief petty officer	Master sergeant	Acting master sergeant.
E–8	——do	Senior chief petty officer	Senior master sergeant	1st sergeant.
	1st sergeant			Master sergeant.
	Specialist, 8th class			
E–9	Sergeant major	Master chief petty officer	Chief master sergeant	Sergeant major.
	Specialist, 9th class			Master gunnery sergeant.

Nuclear Bombs: Their Effects and What Can Be Done About Them

EXTENSION OF REMARKS
OF
HON. JAMES A. BURKE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Monday, September 25, 1961

Mr. BURKE of Massachusetts. Mr. Speaker, my office received a pamphlet today on the subject of "Nuclear Bombs: Their Effects and What Can Be Done About Them." This information has been compiled and written in plain language which can be easily understood by the average layman. The Honorable WILLIAM H. BATES, of Massachusetts, a member of the Joint Committee on Atomic Energy, is the author. My office has been besieged with requests for information concerning fallout and its effects and what can be done to protect the public in the event of a nuclear attack. The American people are ready to meet the challenge of any potential enemy in a courageous way. They will not be bullied or bluffed and they simply want to know what is the best way to meet any possible attack. I believe that Congressman BATES has made a great contribution by having this article printed. I feel it should be brought to the attention of the Members of Congress. Of course, all of us hope and pray that the day will never come when fallout shelters will be placed in use. We all hope that answers to the problems that might lead to a catastrophic war will be resolved and a solution for world peace will be realized in our time. President John F. Kennedy has broadened the program for civil defense. Local officials are enlarging their programs and I feel the apathy which has been so evident in the past is beginning to lessen. We do not want to alarm the American people but precautionary steps must be taken for the protection of our citizens. I include Congressman BATES' article.

NUCLEAR BOMBS: THEIR EFFECTS AND WHAT CAN BE DONE ABOUT THEM

(By Congressman WILLIAM H. BATES, Republican, of Massachusetts, member of Joint Committee on Atomic Energy)

The recent resumption of Soviet nuclear tests and the general concern about a thermonuclear war has developed great interest in questions of nuclear bombs and resulting fallout. The following questions and answers give an insight into some of these problems.

Why are we interested in fallout shelters?

Fallout in an atomic war as well as blast, heat, and initial radiation from the bomb could kill millions of people. Fallout shelters could save the lives of about 45 million people in the event there was an atomic attack on the United States. Any kind of material between you and the fallout—as well as distance—will cut down on the radiation reaching you. Specially designed shelters, called fallout shelters, are very effective in providing protection against atomic bomb attack.

In our joint committee hearings it was brought out that civil defense preparedness could reduce the fatalities in an assumed attack on the United States from about 25 percent of the population to about 3 percent. It was also brought out that more than 96 million people in the United States do not live in or near likely target areas and therefore not in the likely area of direct or near direct hits of atomic bombs. The people not in the area of direct hits could be expected to survive by using adequately supplied fallout shelters.

Dr. Edward Teller, father of the H-bomb was recently quoted as stating that 9 out of 10 persons in the United States could be saved by using adequate fallout shelters.

What is fallout?

It is the radioactive debris from a nuclear bomb which has been airborne and deposited on the earth. This debris could be in the form of solids such as dust which could be seen or individual atoms which could not be seen. It could fall in dry form or it could be brought to earth by rain or snow. The invisible rays, called radiation, given off by the fallout material cause injury to the body and if a large amount of such radiation is received it causes death.

Local or close-in fallout occurs almost immediately and continues for 10 to 20 hours after detonation. This is the most dangerous fallout. Intermediate fallout (which comes from the troposphere up to a height of approximately 50,000 feet) takes place during the first few weeks after the explosion. Delayed or distant fallout (which comes from both the troposphere and the stratosphere above it) is the slow dropping of radioactive particles from the air over a period of years. The latter may cover the entire earth although of course it would be greatly diluted and therefore of much less danger.

The main kinds of radiation from fallout that may affect man are beta particles and gamma rays (similar to X-rays). These kinds of radiation also exist naturally although their concentrations are so low compared to the radiation from local or intermediate fallout that they are not injurious to health.

Most of the radiation from fallout decays to a harmless state in the first few weeks. During the first 2 weeks or so fallout shelter protection is extremely important for survival.

After a few weeks the main danger comes mostly from the fallout isotopes, strontium, and cesium, which decay very slowly. Danger from these isotopes results primarily from eating or drinking food which has been contaminated by fallout. The danger from these long-lived isotopes is encountered after leaving the fallout shelters.

Why is fallout harmful?

The local fallout which occurs in the first 10 to 20 hours after detonation and the intermediate fallout during the first few weeks require that fallout shelters be made available. The radiation coming from the fallout is most intense and bombards the unprotected body in the same manner as sunlight enveloping the sunbather. Unlike sunlight, however, the gamma emitters are very penetrating and about 8 inches of concrete or its equivalent is considered a minimum for protective sheltering during the first 2 weeks after the bomb detonation.

The fallout danger after this 2-week period becomes more important from radioactive matter which may enter the body by eating or drinking anything contaminated with fallout. Strontium and cesium are the major hazardous isotopes in this category.

The ultimate harm done to the biological system it inhabits is made progressively worse because it concentrates in the bone structure where the radiation it gives off destroys the bloodmaking material in the bone marrow.

Future generations may inherit changes such as body deformities produced by absorption of certain amounts of ionizing radiations.

What are the allowed amounts of radioactivity taken internally?

Tolerance levels or maximum permissible amounts for biological system uptake have been specified for many of the radioactive isotopes. These are very small amounts usually stated in terms of millionths of a unit of radioactivity. The measurement of such small amounts of radioactivity requires special equipment.

We hear of the term "roentgen"—what does this mean?

A roentgen is a unit used to express the amount of radiation a person or object is exposed to. For example a fluoroscope used to X-ray a person's foot in a shoestore for proper fitting would radiate about 1.5 roentgen in the foot.

Whole body radiation exposure to the following doses produces the following results:

(a) Instantaneous doses of 5,000 or more roentgens produce immediate shock resulting in death within a few hours.

(b) Doses of 800 or more roentgens produce fever, nausea, and vomiting within a few hours resulting in death within 1 to 2 weeks.

(c) Doses of 450 to 700 roentgens also produce fever, vomiting and nausea within hours but only about half of the individuals so exposed would die.

Doses of less than 200 roentgens would produce only mild symptoms of nausea and vomiting but complete recovery can be expected.

What kinds of shelter materials are recommended?

Concrete, brick, sand, metal and earth are adequate materials for protection. Equivalent shielding effects among several materials are as follows: 8 inches of concrete (minimum required) equals 12 inches of earth equals 16 inches of books equals 30 inches of wood.

What size shelter would be needed?

An allowance of 10 square feet per person for a family shelter is adequate.

Could protection from fallout be provided by shelters?

Yes. Expert studies and tests conclude that shelters located in homes, under school playgrounds, parks, parking areas and in industrial plants would provide adequate protection from fallout. Fallout protection in most cellars or basements without adequate shelters would not provide enough shielding to protect people from the harmful radiation.

What would these shelters cost?

Shelters providing fallout protection could be constructed for about $100 per person sheltered. This would apply to the larger type shelters. Family shelters, because of the smaller size and the accommodations desired would cost somewhat more.

Could people live in these shelters for 2 or 3 weeks?

Yes. They would have living and sleeping accommodations, toilet facilities, water facilities, batteries for lights and radio, and a filtered air system. You should see your local civil defense agency for more details concerning the construction, equipping and use of these shelters.

What conditions would be encountered outside the fallout shelters after the 2-week period?

First of all, it should be pointed out that the period spent in the shelter could be 2 weeks more or less. Notification of when it would be safe to leave the shelter would be obtained by battery-powered radio.

When you are told that it is safe to leave the shelter the air outside would be safe to breathe. Most food supplies and water supplies would be safe to use.

For example the normal household water supply in your house would probably be safe to drink. Of course if the water comes from an open reservoir which has been heavily contaminated by fallout, special filtering may be required to make it safe to drink. You would obtain special instructions on this by radio.

Canned foods you may have had stored in your house would be safe to use. If the cans were not protected and were exposed to fallout the outside of the cans must first be washed or wiped before handling. The contents of course would not be harmed.

Fresh vegetables and fruits could also be used although the fallout should first be washed off and the fruits and vegetables peeled as a protective measure.

Of course, civil and military defense officials would monitor food and water supplies, roads, and buildings to obtain detailed information on how much fallout exists. Then they would inform the people what precautions are required.

We've heard of the terms "kiloton" and "megaton"—what do they mean?

A kiloton is a unit used to specify the size of a nuclear bomb. It is equal to the explosive power of 1,000 tons of TNT. For example, the Hiroshima bomb had a yield of 20,000 tons of TNT equivalent. A megaton is equivalent to 1 million tons of TNT.

What are the effects of a 10-megaton bomb on an average city?

Blast, heat, and immediate radiation are the effects of a bomb detonation.

A 10-megaton bomb would dig a crater 240 feet deep and 2,500 feet in diameter. Brick apartment houses would be destroyed out to a radius of 7 miles from the point of detonation. Wooden buildings would burn up to a radius of 25 miles from the point of detonation.

What are the effects of a 10-megaton bomb on man himself?

Blast injuries from flying debris would occur out to a radius of 7 miles from the detonation. Second degree burns (blistering) on the bare skin would occur out to a radius of 25 miles.

Thermal effects on humans resulting in casualties are produced from:

(a) Fires caused by direct combustion from the heat from the bomb.

(b) Skin burns.

(c) Temporary and permanent blindness from the intense light of the fireball.

What are the radiation effects of a 10-megaton bomb?

Initial nuclear radiation of 700 roentgens or more would result in death to unprotected persons and would cover a radius of 2 miles. Fallout, assuming a 15-knot wind (15 to 20 miles per hour) would deposit 450 roentgens 150 miles downwind, 25 miles across and over an area of 2,500 square miles. The deposition of 450 roentgens infers a radioactive fallout which would indicate by radiation detector measurement a 450-roentgen intensity.

What are the blast effects on humans from nuclear weapons?

The blast wave close in would hurl material fragments with great force including propelling humans around as in an intense tornado. Further away lung damage and rupture of the eardrums would result.

How much TNT or other chemical explosives were used in World War II?

The total amount of bombs and shells used by all combatants in World War II was the equivalent of less than 3 megatons. Khrushchev the other day talked of a 100-megaton bomb. This single bomb would be equivalent to 30 times all of the bombs and shells used during the 6 years of World War II.

A 20-megaton bomb has the explosive power of a freight train filled with TNT stretching from Boston to Mexico City.

Deferments, Release, or Transfer of Servicemen

EXTENSION OF REMARKS

OF

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1961

Mr. O'KONSKI. Mr. Speaker, this statement is designed to provide servicemen with a ready reference which may be used as a basis to advise those who have been affected by the Army's current expansion. Army regulations and directives include appropriate criteria and procedural instructions for processing all types of personnel requests and require that the serviceman himself initiate some action. Thus, this statement makes no attempt to state the specific criteria but gives only the category of action, to whom and how the serviceman must apply to receive consideration, and the general considerations involved. It is hoped that this information will assist in answering queries as to how they can proceed to resolve their individual problems in the subject areas covered.

The Army recognizes that the military buildup and tightening of early release, deferment, and other policies will impose some hardships and burdens on many individuals. The actions being taken may result in interruption of studies or careers, husbands and sons will be called away from their homes and families, and serious inconvenience will be caused to many. These hardships will of necessity occur particularly in the present situation when the security needs of the Nation must take precedence in this critical period.

SECTION I

1. Category: Compassionate reassignment.

2. Apply to unit commander who, if he approves, will forward through military

channels to the appropriate major commander for final decision. As an exception, military personnel who are assigned overseas but who are in the continental United States on leave may apply directly to the Adjutant General, Department of the Army, Washington, D.C.

3. Considerations:

A. The following general conditions must exist to obtain consideration of a request for compassionate transfer:

1. The problem must be very much more severe than difficulties being experienced by other servicemen.

2. It must involve a member of the serviceman's immediate family (wife, children, father, mother, sister, or brother).

3. Reassignment must be the only possible solution.

4. It must not be a chronic condition but must be capable of resolution or substantial alleviation within a year or less.

B. Applications must be fully documented with evidence which will clearly establish that all the conditions enumerated in A above exist.

C. Mental instability, immaturity, psychoneuroses, climatic allergies, retarded children, problems confronting in-laws, indebtedness, contemplated retirement, and purchase of homes are not normally a basis for reassignment.

SECTION II

1. Category: Deferment from entry on active duty of members of the National Guard and Army Reserve who have received active duty orders.

2. Apply to:

A. Members of National Guard units to unit commander who, if he approves will forward to State adjutant general for final decision.

B. Members of Army Reserve units to unit commander who, if he approves, will forward to corps or Army commander for final decision.

C. Individual reservists not members of units directly to corps commander for final decision.

3. Considerations:

A. The following may be considered as a basis to apply for deferment from entry on active duty:

1. A member pursuing graduate studies on a full-time basis in a field of primary interest to the Army.

2. A member whose entry on active duty will result in extreme personal or community hardship.

B. Reference 2 above. It must be remembered that the involuntary callup of National Guard and Army reservists will impose hardships on them, their families, and their communities. National Guard and Reserve units have been screened annually to remove from them those individuals who could not be expected to serve on active duty in case of national need. Under the circumstances, it is considered that no individual will qualify for deferment on a personal or community hardship basis unless it can be established that his call to active duty will create problems very much more severe than will be created by the call to active duty of any other member of the Reserve or National Guard.

SECTION III

1. Category: Deferment from oversea assignment.

2. Apply to unit commander who, if he approves, will forward through military channels as follows, for final decision:

A. Thirty days or less, installation commander.

B. Thirty-one to ninety days, Army or comparable major commander.

C. Over 90 days, the Adjutant General, Department of the Army.

3. Considerations:

A. The same general conditions must exist as prescribed for compassionate reassignment and the same documentation is required. See action I, paragraphs 3a and 3b.

B. The increased movement of military personnel overseas and the suspension of movement of dependents to Western Europe require that only the most meritorious cases be considered. Family separations, ordinary pregnancies, and financial difficulties are not in themselves a basis for deferment.

SECTION IV

1. Category: Movement of dependents overseas.

2. Apply to: The serviceman himself on receipt of PCS orders must apply to the oversea commander through military channels for authority for dependents to accompany him to or join with him in his oversea assignment.

3. Considerations:

A. Determination of whether movement of dependents will be authorized is based on:

1. Approval of the oversea commander.

2. Availability of quarters in the command.

3. Availability of transportation and other logistical support such as schools, commissaries, post exchanges, and medical facilities.

4. Operational requirements of the unit and the command.

B. After the oversea commander has authorized the movement of dependents, the transportation terminal commander of the respective Army area will contact the family, provide necessary assistance, and issue movement orders. Under no circumstances should movement to the port commence until a firm port call is received.

C. Government-sponsored movement of dependents to Western Europe, except to Berlin, will be suspended on October 9, 1961. Dependents of affected personnel will be moved to designated locations within the United States at Government expense.

SECTION V

1. Category: Early separation from active duty, all components—Regular Army, Reserve, National Guard—on active duty.

2. Apply to:

A. Officers:

1. Regular Army to unit commander who forwards through military channels to Department of the Army for final decision.

2. Other than Regular Army to unit commander who forwards through military channels to major commander, or Department of the Army as appropriate, for final decision.

B. Enlisted personnel: To unit commander, who, if he approves, forwards through military channels to the Army or major oversea commander for final decision, except requests for separation in the national health, safety, or interest, which must be forwarded to the Department of the Army.

3. Considerations:

Early releases from active duty for any reason have been suspended except for those in the best interests of the service. Best interests of the service include those actions in lieu of elimination or court-martial and those cases wherein undue personal or family hardship is established. In this connection, the circumstances must be established as being not only substantially more severe than those experienced by other personnel on active duty but also more severe than those which will be experienced by the individual who would have to be drafted or recalled to active duty from civilian life as his replacement.

SECTION VI

1. Category: Applications for direct commissions.

2. Apply to:

A. Enlisted personnel on active duty to unit commander who will forward through military channels to the Army commander or Department of the Army, as appropriate, for final action.

B. Members of Reserve and National Guard units not on active duty to unit commander who will forward through military channels to appropriate headquarters for final decision.

C. Individual reservists and persons with no military service to Army corps which will provide information, guidance, and necessary forms.

3. Consideration:

A. There are a wide variety of programs through which both Regular and Reserve commissions in the Army may be obtained. The criteria for each varies but in general, applicants must be citizens of the United States, between the ages of 18 and 27, have at least a high school education, and be mentally, morally, and physically qualified.

B. Because of the necessity for careful selection, processing of applications for commissions is time consuming and may be expected to require 3 to 6 months for final action. Thus individuals who have been alerted for active duty, either through the Selective Service System or as a member of the Reserve components cannot expect to apply and be commissioned before they enter on active duty. However, the fact that an applicant enters on active duty as an enlisted person will have no bearing on a pending application for commission. If appointed as an officer, the individual can be ordered to active duty directly from enlisted status.

SECTION VII

1. Category: Recall to active duty of Reserve and National Guard officers.

2. Apply to:

A. Enlisted personnel on active duty who hold Reserve commissions: To unit commander who will forward through

military channels to the Department of the Army for final decision.

B. Individuals not on active duty in any status directly to Army Corps for information, administrative processing, assistance, necessary forms, and forwarding to the Department of the Army for final decision.

3. Considerations:

The major need is for the younger company grade officers with limited need for certain field grade specialists. Competition for present vacancies is keen, as the emphasis is on quality rather than quantity. Processing of application will require 60 to 90 days.

SECTION VIII

1. Category: Change of length or date of commencement of active duty tour of commissioned ROTC graduates.

2. Apply to:

A. Students not yet commissioned to professor of military science at the university who will forward to Army commander for final decision.

B. Commissioned and on active duty to unit commander, who, if he approves, will forward through military channels to Department of the Army for final decision.

C. Commissioned, but not yet on active duty will be ordered to active duty as now scheduled unless earlier call is required. Apply directly to Army commander.

3. Considerations:

A. Prior to August 22, 1961, some ROTC graduates were granted 6 months' active duty training tours. Effective August 22 all ROTC graduates were to be ordered to extended active duty for 24 months and those already on 6 months' active duty training tours were extended for 1 year.

B. When individuals accept an ROTC contract, together with the assistance provided by the Army, they agree to serve on active duty for a minimum of 2 years. Thus, it is considered that changes can be justified only for personal or community hardship of an extreme nature.

SECTION X

1. Category: Transfer to the Standby Reserve.

2. Apply to:

A. Members of the National Guard to unit commander who, if he approves, will forward to State Adjutant General for final decision. Note: Since National Guard has only Ready Reserve units, if approved, individual will be discharged and automatically transferred to Army Reserve.

B. Members of Army Reserve units to unit commander who if he approves will forward to the corps commander for final decision.

C. Individual members of Ready Reserve not assigned to a unit directly to corps commander.

3. Considerations—General categories which may qualify:

A. Individuals who have completed service and/or Ready Reserve obligation.

1. All Ready Reserve obligations and all enlistments in Ready Reserve components which would have ordinarily expired between October 1, 1961, and June 30, 1962, are automatically extended 1 year. Those members of the 32d Infantry Division, 49th Armored Division, and supporting forces ordered to active duty in October 1961 by Department of the Army message dated September 19, 1961, whose obligations or enlistments expire prior to October 1, 1961, are also extended by 1 year.

2. Because of the various combinations of service which satisfy reserve obligations, individuals in doubt concerning their current status should communicate directly with the corps commander.

B. Those engaged in critical civilian occupations provided they do not possess critical military skills.

C. Those whose mobilization will result in extreme personal or community hardship. See section II, paragraph 3b, for definition.

Steady as You Go: The Growing Storm Ahead—A Report to the Second Congressional District by Congressman Daniel B. Brewster, of Maryland

EXTENSION OF REMARKS
OF
HON. RICHARD E. LANKFORD
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Monday, September 25, 1961

Mr. LANKFORD. Mr. Speaker, recently our distinguished colleague, the gentleman from Maryland, the Honorable DANIEL B. BREWSTER, a member of the House Armed Services Committee, clearly alerted his constituency to the perils of the hour.

Because the gentleman from Maryland [Mr. BREWSTER] has so ably expressed quiet confidence in the ability of our Nation to withstand this, our greatest challenge, I would like to include his entire remarks at this point in the RECORD:

REMARKS OF HON. DANIEL B. BREWSTER, OF MARYLAND

The 1st session of the 87th Congress draws to a close at a point in time where our Nation faces perhaps the greatest peril in its history. The tensions in our cold war struggle with the forces of international communism continue to mount. Each day brings new Soviet pressure at some point along our line of defense.

We have attempted to achieve world order under law. We have supported international organizations which provide the machinery for the peaceful settlement of disputes. The Soviet Union has deceitfully used these same organizations only to further its own selfish ends. It is a sad but obvious fact that military force is the only argument they understand. As a result—we have no further alternatives—we must increase both our nuclear and our conventional military strength.

We must be ready to engage in mutual mass destruction—or stand ready to extinguish brushfire wars, rapidly, before they lead to universal catastrophe.

The President of the United States, in his innaugural address, summarized—in one sentence—our national defense objective: "Only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed."

It cannot be overemphasized that the rapid growth of the Communist empire is a real and present threat to our very survival. The Communists now control one-third of the world's population and territory. The rulers of this vast empire have proclaimed without hesitation, vacillation, soft pedaling, or apology that their ultimate goal is world domination—and they have not attempted to conceal their dedication to this goal.

This gigantic cold war encompasses every field of human endeavor—moral, military, and economic. In a sense, we are engaged in a struggle for the minds of men everywhere. We believe in the inherent dignity of the human individual. The Communists believe that man was born to be subservient to the state.

One hundred and sixty-one years ago, Thomas Jefferson, one of the founders of our country said, "I have sworn upon the alter of God—eternal hostility against every form of tyranyn over the mind of man." Jefferson's pledge must be America's pledge.

Those of us who enjoy and believe in freedom must be willing to fight to maintain it. Our enemy must know that we and other peoples who believe in liberty as deeply as we do, will choose to die on our feet rather than live on our knees.

President Kennedy outlined our course for us in his speech on the Berlin crisis when he declared: "Any dangerous spot is tenable—if brave men will make it so."

The thousands who have risked death to come over the wall to freedom have faith in our cause. Others will follows—so long as we have faith in ourselves—and the determination and the courage to back that faith.

If we stand up now—if we weather this challenge—if we convince the Soviets of our steadfastness—peace with pride may be our reward. If we falter—the avalanche will begin.

Every word—every deed—every action we take—must be aimed at one objective—we must convince the Soviet Union that we will not yield one further inch to communism. We must answer every threat of force with calmness, but with a determined show of counterforce. We must convince Mr. Khrushchev and his cohorts that America is united and strong—but above everything else—we are ready to once again demonstrate the courage that made America great.

Reemployment Rights and Unemployment Compensation for Servicemen

EXTENSION OF REMARKS
OF
HON. ALVIN E. O'KONSKI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, September 25, 1961

Mr. O'KONSKI. Mr. Speaker, veterans may be entitled to reemployment in a position held prior to their service in the Armed Forces or to a job of like seniority, status, and pay under the following conditions:

First. Have left an other-than-temporary job to enter active service in the Armed Forces, provided that in any service entered into after June 24, 1948, he must have been separated not later than 4 years after entering such service, unless he was involuntarily retained.

Second. Service must been completed satisfactorily.

Third. Be qualified to perform the duties of his former job, unless service-

connected disability renders him incapable of performing such duties.

Application must be submitted to former employer within the following time limits:

First. Generally, a veteran must apply to former employer within 90 days after separation from active service, or within 90 days after release from hospitalization which has continued after discharge for not more than a year.

Second. Reservists completing short terms of training duty—less than 90 days—must apply to former employer within 30 days after release from such training duty.

Third. Reservists completing 3 to 6 months' active duty for training must apply to former employer within 60 days after release from such training or release from hospitalization which has continued after active duty for training for not more than 6 months.

Fourth. Enlistees or inductees rejected for military service must apply to former employer within 30 days after rejection.

Veterans failing to obtain proper restoration to their old jobs should contact, first, in case of private employment, the Department of Labor, Bureau of Veterans' Reemployment Rights. Contact may be made through the nearest State employment office. Second, in regard to Federal employment, the nearest office of the U.S. Civil Service Commission, located in most first- and second-class post offices.

UNEMPLOYMENT COMPENSATION

Veterans with active service subsequent to January 31, 1955, may be eligible for unemployment compensation benefits provided by the Ex-Servicemen's Unemployment Compensation Act of 1958 if the following eligibility requirements are met:

First. At least 90 days of active service—less if discharged for a service-incurred disability.

Second. Separation under conditions other than dishonorable.

Third. Unemployment occurring after discharge.

Fourth. Any other conditions of eligibility prescribed by State of veterans residence.

A veteran is not eligible for unemployment compensation while—

First. Eligible for any other form of Federal or State unemployment compensation payments.

Second. Receiving payments from the Veterans' Administration in connection with education or training under the GI bill or the Vocational Rehabilitation Act.

Third. During the period following discharge in which eligible for mustering-out pay—30 days if entitled to $100 mustering-out pay, 60 days if $200, and 90 days if $300.

The amount of compensation payable varies and is based on the pay and allowances applicable to a member's military grade at time of discharge. The maximum weekly amounts range from $26 to $45 and the maximum periods range from 16 to 30 weeks in a benefit year.

Veterans must comply with the requirements of the State unemployment compensation laws to be eligible for unemployment pay benefits. Application should be made to the nearest local office of the State employment service in the State where the veteran is residing at the time.

Congressman John F. Shelley Delivers General Pulaski Address

EXTENSION OF REMARKS
OF

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1961

Mr. ZABLOCKI. Mr. Speaker, under leave to extend my remarks, I wish to place in the RECORD, and commend to the attention of the membership of this body, an address delivered by the gentleman from California, Congressman JOHN F. SHELLEY, on the occasion of ceremonies honoring the great Gen. Casimir Pulaski, held in San Francisco, Calif.

The address of the gentleman from California, Congressman JOHN F. SHELLEY, follows:

CONGRESSMAN JOHN F. SHELLEY, OF CALIFORNIA, DELIVERS GENERAL PULASKI ADDRESS

Mr. Chairman, distinguished guests, friends, I am deeply honored at your invitation to come and share with you these ceremonies honoring the great Gen. Casimir Pulaski, fighter for the freedom of Poland, and martyr to the cause of American liberty and independence.

You are performing a great and most important service in honoring the memory of this gallant patriot.

Any people, or any nation, failing to look back in gratitude and respect to its outstanding figures, will slowly but surely lose sight of the purposes and ideals which brought it into being.

It is altogether fitting and proper that in these ominous days, when tyranny sits astride vast continents on either side of the United States, we should turn our eyes again to the lives of the freedom fighters of the past.

By pondering their example, studying their motivation, we shall discover how a brave people may not only find the secret of survival, but the secret also of victory, in the face of apparently hopeless odds.

Today the God-fearing people of valliant Poland are subjected to the rule of Communist tyranny. And today, the shadow of that rule leaps across the world every time the ranting, fist-banging dictator, Khrushchev, disapproves of the policies of the free world as expressed in the United Nations.

Tyranny cannot tolerate free expression by free men. Particularly is this true of Communist tyranny. And nowhere in the world is Communist ruthlessness more evident than in the nations which have fallen into its grip.

Today the world sees a collossal and monstrous mockery. Communist spokesmen cry out in protest against what they call imperialism.

They denounce what they call colonialism.

But in all modern history, has any power been as relentlessly and as ruthlessly imperialistic?

Has the world ever seen more land grabbing tactics than the Soviet Union and Communist China practice against their weaker neighbors?

Who are today's most ruthless imperialists?

Who are today's most brutal colonizers?

Look at the map of Europe. See there what the imperialistic Soviet has done to Poland, to Czechoslovakia, to Hungary, to the nations of the Baltic and the Balkans.

By every vicious and unprincipled device of penetration the Communists destroyed the capacity of their neighbor nations to govern themselves.

By treachery, subversion, deceit, by naked force, the Communists have seized power over every land and people within their reach.

Let those people attempt to cast off their shackles and the Red army mercilessly crushes the uprising of free men, unarmed, but gallantly and heroically struggling for their freedom.

At the very time while the Communist diplomats and propagandists cry colonialism and attempt to point the finger of guilt at the nations of the Western World, they intensify their grip on their own satellites, their own colonies.

We may have thought that tyranny walked the earth in the 18th century when Poland was so brutally mistreated, and when her gallant sons like Casimir Pulaski fought the tyranny of his day.

We may have thought that we had seen a ruthless colonialism when the power of Britain was unleashed against the struggling American colonists.

Our fight then was a fight to cast off the shackles of Britain; a fight to burst free from the confinement of colonial status. That glori$_0$us Revolution blazed up like a flame in the night to catch the eye and kindle the hearts of all those who despise tyranny and cherish freedom.

That was the issue and that the challenge which brought Count Pulaski to America and caused him to join the American forces in their life and death struggle for independence.

So great were the talents, the abilities, and the dedication that Pulaski brought to the American cause that he was made a general in our forces, and fought the good fight until he fell in battle—not in his native Poland—but here in the United States of America.

We know today that the fight of Pulaski in Poland, just as the battles of Pulaski in the United States, were fought against the same enemy, an overbearing, powerful tyranny. To the mind of General Pulaski the cause of human freedom was the highest cause in which a man could freely risk everything, including life itself.

Whether the victims of tyranny were his own people of Poland, or whether they were his admiring and cherished friends here in the United States, Pulaski's great heart leaped to the defense of the weak against the tyrannical strong; the oppressed against their oppressors.

But, did any tyranny he ever knew reach the depts of cruelty and of evil reached today by communism?

The world will not and must not ever forget the barbaric massacre of the flower of the Polish military at Katyn Forest.

The world will not and must not forget the cynical cruelty with which the Red army abandoned the Warsaw uprising to the merciless vengeance of the Nazis.

The deep and grievous wounds inflicted on Poland must not blind any of us to the truth of the fact that the atrocities were repeated in every part of the world, and upon every free people thrust or drawn into the Communist orbit.

Count Pulaski recognized here in the United States the same essential tyranny he had fought in Poland.

You and I, today, must recognize that the same tryanny which seized Poland is not the Polish enemy alone but the enemy of free

men, whoever, whatever, and wherever they may be.

In a struggle of this kind—the long and wearying struggle of free people to remain free, and of subjugated people to regain their lost freedom—a resort to arms is the last and most desperate tactic to be used.

Instead, what faces us—you and me and millions like us throughout the world—is a struggle of the heart, of the mind, and of the will.

Tyranny today occasionally wears an affable smile; it walks like a tourist through supermarkets; it speaks to us from our finest hotels; it uses every possible technique of deceit to lull us to sleep.

Communism speaks the language of deception from the multiple tongues of its agents. Khrushchev baas like a lamb, pleading that he doesn't want war. He wants coexistence and the peaceful competition of trade.

The other side of the Communist coin, Mao Tse-tung, startles the world by his apparent readiness to accept nuclear warfare with all of its horrors in order to rivet the iron collar of communism on the neck of humanity.

But what Khrushchev is talking about is not peaceful trade competition as we know it.

He is simply attempting again to disarm the West, materially and spiritually, while he directs the economy of the entire Communist empire in channels that will prove ruinous to the merchants of the free world.

Khrushchev loundly argues for disarmament and for an end to the testing of nuclear weapons, but at the very time he argues for such disarmanent, he refuses to sign or accept enforceable guarantees of inspection.

He is perfectly agreeable to having the free world actually disarm in exchange for a Soviet promise that they will do the same thing.

When the free world insists that such disarmament should be enforced by inspection teams, Khrushchev rebels at the suggestion.

Modern history is littered with the broken promises and the treaties solemnly signed and cynically violated by the Communists.

We must never, under any circumstances, permit ourselves to be either deceived or disarmed by the tactics of Mr. Khrushchev, or his successors.

The blunt fact is that communism is atheism. There is no law in that system above the wish of the tyrant.

Wherever the protection of the moral law is taken away from the individual he stands helpless and lonely before the massive power of the tyrant.

For example, if there is no God, as the Communists preach, and if the moral law against murder has no validity, what is to prevent the tyranny from starving the Russian Kulaks, or massacring the Polish officers in the deep recesses of Katyn Forest?

If the moral law has no meaning, what is to prevent the Communist tyrants from using individuals and whole peoples in any way they may please?

If the moral law has no validity, and is not binding on the Communists, why should they not sign thousands of agreements? Why should they not give their solemn word to any agreements which they fully intend to violate and break at their own convenience?

Here is the system that has made a mockery and a caricature of the conception of charity. For the Communists parade up and down the Continents of the world, seeking out human misery and falsely claiming that they will extend the hand of charity and help to the victims of economic distress.

But, wherever they have gone they have made distress even deeper. They have made misery even more hopeless. They have rendered every patriotic impulse toward freedom a crime of treason, punishable by death, in the Communist system.

This knowledge is a grievous burden which free men everywhere must bear with patience and courage.

There is no quick answer to this. There is no single answer to it.

People like you and me must live with this evil thing * * * must be ever vigilant if we are to save not only ourselves, but our children and our grandchildren from this monstrous tyranny.

It is true that in these blessed United States of America, founded upon the blood and heroism of gallant and courageous men like Casimir Pulaski, we do not have the absolutely perfect society.

But what we have, thank God, under our Constitution, is the ability of free men to govern themselves.

We have the power, with our political freedom, to move against the things that may be wrong with our society. And with each succeeding year we move ever closer to achieving the American dream.

With each succeeding year we open wide the horizons of social justice. We expand the area of civil rights. We attempt to make life better for everyone, every woman, every child in our country.

Out of our abundance we attempt, at least, to lift the burdens under which others are struggling. We attempt to share what we have with those who have not.

We do not claim to be perfect. We do not claim to be in agreement with each other. That is not the way of a free society.

You and I in this blessed land are completely free to disagree with each other about the direction of our public affairs. We do not think there is room in this country for a governing class to impose its will upon the rest of us.

The sacrifices of Pulaski and of others like him were to fashion on this Continent an independent nation where men have all the privileges, but also all the difficulties, the dangers, and even the disappointments characteristic of a free society.

The Communist system believes, with its pride and arrogance, that it has the final answer, and the only answer to human government.

We have the humility of free, honest men. We know what the answer should be, and we hope and work and pray that through the individual effort of all of us we can by degrees improve ourselves and improve our society.

We proclaim the American way to the rest of the world, not because we have achieved perfection, but rather because we know that within the American way, there are the mechanics, the instruments, and the techniques of achieving the pursuit of happiness.

In this land we have no natural enemies as the Communists do. We do not attempt to arouse class against class in a constant fratricidal war.

Where the Communists raise the clenched fist of hostility, we attempt to extend the open hand of friendship.

Every tradition we have, and the spirit that moves through all of our laws, is one of profound respect for the individual human person.

In the Communist system, you and your children, as I and mine, are of no significance. We are simply units of energy, deprived of a will of our own, deprived of conceiving our own goals in life.

We would be completely the intellectual, economic, psychological slaves of the state.

Is that to be the end of the Nation founded upon the vision and courage and sacrifice of a Pulaski, a Washington, a Lafayette, a Steuben?

Here in the United States, we have proclaimed the dignity and the rights of every man. To that end, we work from generation to generation, making progress slowly, perhaps, but steadily, constantly, certain that one day we shall achieve our goal.

We have drawn from every land under heaven good and decent people who have brought here the finest traditions and highest culture of lands of their national origin.

All have contributed to the happiness, the welfare, the moral tone of our country, and all have helped keep ours what she has always been: The land of promise.

For every renowned figure like Pulaski, there have come thousands upon thousands of others unknown to fame.

But here they have established their homes and reared their families.

Here they have taught their children the lessons of God-fearing and decent people. Here they have built into every community that sense of self-respect and fairplay and respect for others which make this country what she is today.

Our ideals are to help, not to hurt other peoples and other nations. The turning wheel of history has made us the arsenal of the free world.

Let this never be an arsenal simply of material weapons alone; of tanks and bombs and bayonets alone.

May we help make sure the arsenal of freedom is in the highest and noblest sense of the term: A place where the wavering and the doubtful and the exhausted may come for that spiritual renewal that will help them maintain their own will to resist tyranny in all its lying and treacherous promises.

We are engaged in a warfare of the spirit and the mind and the stakes in that war are total mastery over the bodies and souls of men.

We must not fail.

We shall not fail.

The sacrifices we are called upon to make for the cause are small indeed compared to what Pulaski offered and what Pulaski gave to the cause of American freedom and American independence.

I am honored indeed, to share this observance with you and to pay my respects to that great Polish-American patriot, Casimir Pulaski.

Let us hope that in years to come, many years after you and I have passed on, our children will still assemble here under the free and open American sky to look back with gratitude and respect to that great and noble man, and from his life to draw inspiration for their own.

The Servicemen's Survivor Benefits

EXTENSION OF REMARKS

OF

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1961

Mr. O'KONSKI. Mr. Speaker the benefits accruing survivors of servicemen have been widely changed during the past 6 years. It is important that servicemen know this. It is important that the survivors of servicemen know this.

For instance, the $10,000 automatic insurance policy on every serviceman is no longer in existence. The servicemen going into service at this time are no longer covered by insurance. Examine your private insurance situation closely.

Instead of the insurance program, a plan of dependency and indemnity compensation has been adopted. This plan is said to provide better protection to a serviceman's dependents than the old

insurance plan. But remember you are no longer insured as servicemen were in the Korean war and World War II.

The benefits due survivors of servicemen under the present law who are dependent on servicemen are as follows:

SIX-MONTH DEATH GRATUITY

The new law fixes $800 as the minimum lump-sum payment in the event of death while a member of the Armed Forces is on active duty, active duty for training, or inactive duty training.

The 6-month death gratuity is paid by the service concerned as soon as possible after the serviceman's death. This goes to a spouse, a child or children, or—if designated—to parents, brothers, or sisters. The amount is computed as follows:

Total monthly pay—including special incentive, hazard, and basic pay but not allowances—times 6 equals death gratuity.

Example: A man in pay grade E–5, with more than 4 and less than 6 years' service, dies on active duty. He is drawing no special incentive or hazard pay. His designated survivor receives six times his monthly basic pay of $183.30—a total of $1,099.80.

The new law also provides that the maximum death gratuity shall not be more than $3,000, regardless of the monthly pay of the deceased.

DEPENDENCY AND INDEMNITY COMPENSATION

Dependency and indemnity compensation will be paid by the Veterans' Administration to widows, orphan children, and dependent parents of those who die as a result of military service.

Eligibility: Widows, orphan children, and dependent parents of those who die of service-connected causes, either while in service or after separation, may be eligible for indemnity compensation.

Application: Application forms for indemnity compensation will automatically be sent by VA to the survivors, now on the rolls, of servicemen and veterans if it appears they are entitled to the benefit.

Applications filed either with the Veterans' Administration or the Social Security Administration will constitute applications for benefits from both agencies. Documents such as proofs of death, marriage, birth, and dissolution of marriages filed with either agency will be made available to the other agency.

According to marital status and family situation, compensation may be paid in any one, or in any combination, of three ways.

Compensation for widow: Payable monthly by Veterans' Administration to a serviceman's widow as long as she remains unremarried. The amount of compensation is related to the pay of the rank held by the serviceman at the time of his death, under the following formula: $112 plus 12 percent of member's monthly basic pay—rounded to next highest dollar—equals monthly compensation to widow.

Example: A man in pay grade E–6, with more than 8 and less than 10 years' service, dies. His monthly basic pay was $220.30. The compensation paid his widow is $112 plus $27—12 percent of his basic pay, rounded to the next highest dollar—a total of $139 per month.

The minimum payment of this type under the new law is $122 per month, in the case of the widow of a serviceman who was in pay grade E–1. No maximum limit is set, except by application of the $122-plus-12-percent formula.

If a widow is left with dependent children under age 18, additional income will be provided by social security benefits. Read about this under "Social security" below.

Compensation for children: This may be paid by the Veterans' Administration for the support of a deceased serviceman's children in the event their mother dies or is divorced from the serviceman or if she remarries after his death.

The act provides the following monthly rates of payment in such cases:

For one child, $70; for two children, $100; for three children, $130; each additional child, $25.

All of these payments are in addition to the benefits for which children under age 18 may be eligible under social security.

Payment of compensation for support of a child normally stops when the child becomes 18, but may be continued to age 21 if the child is in school, or for so long as a child is incapable of self-support by reason of physical or mental disabilities.

Children over 18 are entitled to indemnity compensation under conditions as follows: Helpless child, where there is a widow, $70 monthly; helpless child where there is no widow, $25 monthly added to the rate payable for a child under 18; child attending school where there is a widow, $35 monthly, until age 21; child attending school where there is no widow, rate payable for a child under 18, until age 21.

These payments may not be made unless any payments of servicemen's indemnity for the child are surrendered. The election must be signed by the person to whom death compensation payments are being made as legal guardian or custodian of the child, or by the child, if he or she has attained majority.

Compensation for parents: The new law increases the amount of income a parent may receive and remain eligible for the new form of compensation from the Veterans' Administration. The amount of compensation a parent or parents may receive is provided on a sliding scale according to other income.

Example: A parent whose other income is less than $750 yearly may receive $75 compensation each month. If over $1,750 no compensation is payable.

If the combined other income of both parents is less than $1,000 a year, they may receive as much as $100 a month in compensation. When their combined other yearly income is more than $2,050 and less than $2,400, they may receive a monthly compensation payment of $20. If over $2,400, no compensation is payable and so forth.

SOCIAL SECURITY

Members of the Armed Forces and their dependents will be eligible for the benefits provided by the old-age and survivors insurance program of the social security system on a permanent basis. Service personnel will contribute 3 percent through payroll deductions up to $4,800 of their pay.

This provision of the new law ends the temporary, partial coverage heretofore extended without cost to service personnel.

Social security will provide a monthly income for a widow with children. Children under age 18. A widow at age 62. Dependent parents. The serviceman himself at age 62.

The amount of social security benefits paid to survivors depends upon the "average monthly wage" earned by the serviceman.

Example: A man in pay grade E–5, with more than 6 and less than 8 years' service, dies. He has been making a contribution to social security for only 6 months, before which as a member of the Armed Forces he received the gratuitous coverage that was based on an earning rate of $160 per month. He is survived by a widow and two children. The widow will receive a monthly payment of $136 until the older child reaches age 18, when the payment drops to $108.80. It remains at this level until the younger child is 18, at which time payment stops. Upon reaching the age of 62, the widow will begin to receive payments of $54.40 per month for the rest of her life if she does not remarry.

The social security benefits for service members and their families are separate from, and in addition to, military retirement pay or any form of compensation benefits paid by the Veterans' Administration.

A special incentive to make the Armed Forces a career is provided by the new to be counted for time spent in service law, which allows social security credit that is also utilized for length-of-service retired pay. Previously, such time was "dead time" insofar as social security was concerned except for members retired for physical disability receiving pay based upon a percentage of disability.

Social security provides continuing protection, in civilian life as well as during service in the Armed Forces. Suppose, for example, a man enters service at age 20, after having worked under social security as a civilian for 2 years. Assume he retires at age 50, on a 30-year retirement. He then takes a civilian job covered by social security and works until he is 62 years old. The old-age benefit he draws can be based on both his years in service and his years as a civilian worker, if he desires.

Here's another example: Under Public Law 880, 84th Congress, a former member of the Armed Forces who becomes totally disabled may begin drawing social security disability benefits at any age if he qualifies under the law and if he is not drawing retirement pay or VA compensation because of his disability. Suppose, for instance, a man is separated from active duty after 10 years of service. Six months later he is in an automobile accident which leaves him paralyzed. If he is totally disabled he can begin collecting social security disability benefits.

HOW YOUR CONGRESSMAN CAN HELP YOU

After reading this information, you should work always through regular channels. You should contact your Congressman only if regular channels fail, or in case of emergency when time is extremely important, or when information you desire cannot be obtained through regular military channels. Address your correspondence to: Congressman ALVIN E. O'KONSKI, 1502 New House Office Building, Washington, D.C.

NOTE

Public Law 51 of the 82d Congress, states:

No member of the Armed Forces shall be restricted or prevented from communicating directly or indirectly with any Member or Members of Congress concerning any subject unless such communication is in violation of law, or in violation of regulations necessary to the security and safety of the United States.

Put General Walker Back to Work

EXTENSION OF REMARKS
OF
HON. O. C. FISHER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, September 25, 1961

Mr. FISHER. Mr. Speaker, many of us have followed with increasing interest the developments in the so-called Walker case. I have read the official report made by Lt. Gen. Frederic J. Brown, acting inspector general, of certain allegations made by the Overseas Weekly, which occasioned the summary removal of Walker from command of the 24th Division in Europe prior to the time any investigation was made of the truth or falsity of the charges.

This precipitate action was most unusual, and in the light of the report by General Brown appears to have been unjustified. Despite the threat of war and the shortage of able and experienced combat leaders comparable to Walker, he has been benched for 6 months. General Walker should be put back to work.

GENERAL BROWN FOUND OVERSEAS WEEKLY CHARGES TO BE FALSE

In at least 10 specific instances General Brown concluded that allegations by Overseas Weekly were false and unfounded.

The Weekly, which caused the investigation claimed that General Walker had set up a problue program for use by his division, and that it was a part of a plan to promote the John Birch Society's ideas, and was in fact a part of the society's program.

General Brown's official conclusion regarding this charge: "That the problue program was not based upon any program of the John Birch Society."

Now one would think that in view of this positive finding, General Walker's critics would shift their attacks. But certain irresponsible critics are still trying to make some mileage out of the Overseas Weekly's allegation which General Brown found to be false and unfounded.

These critics seem to base their attacks upon the false assumption that there is something sinister about being zealous in the fight against the evils of communism. In my book, there is no such thing as being overzealous in the exposure of every facet of the Communist conspiracy. And our troops need this zeal applied to them as much or more than do others.

Instead of criticizing General Walker for his zeal in this regard, he should be praised to the high heavens by every patriotic American.

GENERAL WALKER, A BRILLIANT MILITARY LEADER

After all, who in America is better able to lead us and to inspire us in this life-and-death struggle against the Communist menace than is Gen. Edwin A. Walker? He is peculiarly well equipped for that role.

Let these swivel-chaired critics compare their record as Americans and their willingness to fight and die for its survival with that of General Walker.

The general served with great courage and distinction in the following campaigns: Aleutian Islands, Naples-Foggia, Rome, Arno, south France, central Europe, Rhineland, and he was in the hardest and bloodiest fighting that took place in Korea.

He is one of the most decorated officers of his rank in the Army today. Among those decorations have been the Silver Star, the Bronze Star with Oak Leaf Cluster, and Combat Infantryman's Badge, the Senior Paratrooper Badge, the French Croix de Guerre, the Norwegian Order of St. Olav, and the Order of the British Empire, to mention some of them.

WHAT ABOUT PROBLUE PROGRAM?

What, after all, was wrong with the problue program? Except by innuendo no one has dared condemn it. The reason being that it teaches good, old-fashioned American patriotism, and it alerts and educates the troops who are subjected to it to the evil designs of communism.

Mr. Daniel Lowery, senior vice commander of the New York Council of the Veterans of Foreign Wars and chairman of its Americanism Committee, after studying the problue program, referred to it as being "like a liberty bell, awakening in our soldiers the things that have lain dormant in Americans for too long. It was set up like a well ordered assembly line, to turn out apostles of and for America. It was dynamic Americanism."

Let us examine for a moment one of the findings of General Brown. In his report he makes this conclusion regarding General Walker:

Major General Walker is a sincere, deeply religious, patriotic soldier, dedicated to the Nation and the Army. He is not only violently anti-Communist, but has been for years, working at it with a passion, studying, lecturing, and reading all literature available on the subject. He is not only convinced that the hour is late but also that it requires drastic and immediate action on everyone's parts in or out of the Army.

Now what is wrong with that? Is General Walker not to be praised rather than censured for his courage, his wisdom, and his initiative in warning his troops of the dangers and objectives of communism, and in instilling patriotism into their hearts and minds? I think so.

HANSON BALDWIN WRITES ABOUT WALKER FROM EUROPE

Hanson Baldwin, one of America's leading journalists, recently reported on the Walker case after an exhaustive on-the-ground investigation in Europe.

General Walker—

He wrote—

who had an outstanding combat record in World War II and in Korea, is described by those who know him as a dedicated, sincere, deeply patriotic officer, with fervent and intense anti-Communist beliefs. His superiors agree that the 24th Division under his command was the best, or one of the best, in Europe.

Mr. Baldwin went on to explain:

He was relieved of his command last April and given an oral admonition because of the methods and material used in an intensely anti-Communist and aggressive troop information program he sponsored.

At the direction of the Pentagon, prior plans to transfer General Walker to a corps command in Texas with promotion to lieutenant general were canceled.

Since April, General Walker has been filling a colonel's billet as an assistant operations officer on the staff of Gen. Bruce C. Clarke, commander in chief, U.S. Army, Europe.

ARMY SHOCKED BY TREATMENT ACCORDED WALKER

But the Army has been shocked—

Continued Baldwin in his report from Germany—

first, by what it feels is the summary treatment given to a man who is generally regarded as an outstanding leader and soldier.

General Walker at the time of his downfall was a much decorated veteran. He was characterized here as a "soldier's soldier," a division commander who had won the hearts of his men.

When General Walker was relieved from his division, the morale sagged temporarily, and many officers and men were disgruntled.

WALKER CASE MISHANDLED

Mr. Speaker, the Walker case has been mishandled in many respects. I have already mentioned the unprecedented summary action, on orders from the Pentagon, which relieved Walker of his command before charges by the disreputable Overseas Weekly were even investigated. In a sense he was convicted before he was tried. Was that any way to treat one of America's most respected and most decorated combat leaders?

Another strange thing happened. An inspector general's report is ordinarily considered privileged, and has been likened to the minutes of a grand jury; if it leads to a court-martial, the material adduced in the report may be presented as testimony under oath in court. But not so in the Walker case.

No court-martial was ordered. There was only a mild admonition, given orally by General Clarke. Yet, we witness this apparently unprecedented release of the report, even before it had ever been seen by General Walker. And it was done without according General Walker the privilege of being present and at the

same time giving his side or his version of the findings that were represented by Mr. McNamara as being critical of General Walker and his conduct.

CRITICISMS OF WALKER RELATE ONLY TO MINOR MATTERS

As I have said, I have read the Brown report. I have studied it. And I have found nothing in it against General Walker that contains any substance. Much of the criticism by Overseas Weekly regarding references to prominent Americans were denied or explained in a way that made them sound quite different from the Weekly's version. Based upon hearsay, the alleged utterances were in the main either blown up or taken out of context from speeches made by General Walker, while not in uniform, to Americans stationed in Europe. The record reveals that there were many contradictions by witnesses who tried to remember what was said weeks or months beforehand.

GENERAL WALKER DID NOT TAKE FIFTH AMENDMENT

General Walker's critics have tried to make it appear to the public that during General Brown's investigation Walker took the Army's fifth amendment—that is, refused to answer some question because it might incriminate him. Such a claim is extremely unfair and very misleading.

This relates to article 31 of the Uniform Code of Military Justice. The fact that an officer who avails himself of that provision does not necessarily mean that he is afraid of self-incrimination. And I am certain that was not the case in this instance. Article 31 includes rights regarding being "material to the issue" and also whether the officer being questioned considers the question degrading.

Knowing General Walker as I do, I feel certain he had good reasons for not answering, if as contended he declined to answer one of the thousands of questions propounded during the monthlong inquiry. The public was not told what the question was and the public has not been permitted to know why it was not answered.

ANY INFRACTIONS WERE OF MINOR IMPORTANCE

At the most, according to the Brown report, General Walker may have been guilty of some technical infractions of Army regulations in one or two instances. Show me a commanding general of any division who has never made a few technical errors in violation of voluminous regulations and I will show you a most remarkable man.

The report referred to a column attributed to General Walker in the division's newspaper last October, in which troops were urged to vote, and the column went on to suggest that a voting index of Members of Congress, prepared by the Americans for Constitutional Action, was available if any were interested in seeing it.

From a technical standpoint, that suggestion may not have been in conformity with Army regulations. But in any event it was done in a spirit of helpfulness. Walker did not advocate the election or the defeat of any candidate. No candidate's name was mentioned and no political party was mentioned. It was obviously a part of the general's purpose—a most commendable one—to arouse the troops to inform themselves and take part in American elections. There was certainly nothing sinister or mischievous about this. It was done aboveboard, in the best of faith, prompted by an admittedly laudible motive.

Perhaps an admonishment was in order. I do not know. But Walker was admonished, and in my opinion that should have been the last of that because it deals with a relatively insignificant matter.

In treating these side issues, all of relatively minor importance, let us keep our minds on General Walker's real mission in Europe. Does any one question his success in building up the spirit, the morale, and the battle readiness of the 24th Division? Let us not be diverted from this magnificent performance. Let us not throw the baby out with the wash.

OVERSEAS WEEKLY SHOULD BE BANNED

Mr. Speaker, the case against General Walker should be viewed and appraised in the background of the Overseas Weekly—that discredited and salacious tabloid which spearheaded the attack against General Walker.

That paper has been under fire for years by Army officials. On July 28, 1953, Lt. Gen. Charles Bolte, commanding general of the Army in Europe, banned the Overseas Weekly from the newsstands of the Army's newspaper Stars and Stripes.

The Bolte action was reversed, but only after Mrs. Marion von Ropach, its publisher, promised to clean it up.

It is too bad that this scandal sheet has not been permanently banned from all newsstands of our military bases in Europe. It should have been outlawed long ago.

There is ample authority for banning it. A guidance sheet sent to local commanders in 1957 says:

> Materials which are morally acceptable for sale and circulation are those which generally create a favorable climate, encourage a realization of moral, spiritual, and religious values; tend generally toward favorable treatment of marriage, a strong home life, patriotism, decency, honesty, integrity, and other virtues essential to the well-being of individuals and the Nation.

I cannot believe that anyone who has seen very many issues of the Overseas Weekly will seriously contend that it measures up to the criteria contained in that guidance sheet.

Termed the "Oversexed Weekly," this tabloid features sex, crime, prostitution, debauchery, and in the past has carried nearly nude photographs on its front pages with regularity. This scandal sheet circulates among some 50,000 servicemen in Europe.

Hanson Baldwin referred to the Weekly as follows:

> Recent surveys by the Army of many issues of the Overseas Weekly resulted in the classification of about 150 columns of news as unsavory courts-martial, 46 individual stories as featuring ridicule of military leadership, 22 on the antiofficer, pro-enlisted-man theme, and a total of more than 200 stories dealing with prostitution, rape, or other violence, some of them adjudged to be excessively descriptive or lurid.
>
> Most, but not all of the many senior officers this correspondent has talked to, agree with Secretary McNamara's description of the paper * * * as "personally repulsive."

It was only after General Walker, for obviously good reasons, barred one Siegfried Naujocks, a writer for Overseas Weekly, from barracks of the 24th Division at Augsburg and around Munich, that the false charges were brought against General Walker.

A recent development further exposes the editorial policies of that paper. A book just published by the editor of the Weekly, John Dornberg, called "Schizophrenic Germany," is most insulting and uncomplimentary to the present anti-Communist Government of West Germany and to the German people. It describes the split soul of the Germans, and alleges that they have not recovered from their Nazi and anti-Semitic past.

A review of that book in a German-language newspaper, a copy of which I have in my possession, says of it:

> The purpose is to discredit the German people as well as the Federal Republic; this can even be gleaned from the text of the advertisement of Dornbergs book. It is ponderously headed "Will There Be a Fourth Reich in Germany?"; in addition, the ad is heavily embellished with swastikas.

In referring to the Walker case, precipitated by the charges made by Overseas Weekly, the review of Dornberg's book in the German newspaper contains this:

> For the German public, the affair is not without interest, for Dornberg's anti-German book sheds light on the attack launched by him in Overseas Weekly against the anti-Communist American General Walker; and the attack against Walker presents us with clues as to what Dornberg may have had in mind when he manufactured his book, (the tenor of) which is directed against the anti-Communist Bonn Government.

Mr. Speaker, I have recited many reasons which I believe to be valid why the Overseas Weekly should be banned from our military bases in Europe.

In addition, the Department of Defense should look into the propriety of a contract which I understand is now in force between Overseas Weekly and Stars and Stripes, whereby the latter distributes the Weekly at a reported consideration in excess of $100,000 annually.

While the Stars and Stripes is not an official Government publication, it does have an American colonel at its head, I understand. He is in uniform and I assume receives the same salary and other benefits as other military officers receive.

There is every reason in the world why the Department of Defense should launch an investigation of Overseas Weekly, if indeed any investigation is needed. And immediate steps should be taken to bring about the cancellation of the contract I have just referred to, and the Weekly should be banned from our military newsstands.

We owe that much to the Bonn Government, and above all we owe it to the thousands of young American troops

who are subjected to its unsavory contents.

GENERAL WALKER SHOULD BE PROMOTED AND REASSIGNED

Mr. Speaker, it is my earnest hope that the present administration will reconsider its treatment of General Walker. With war clouds hovering about us, combat leaders such as Walker are hard to come by. This is no time to equivocate over relatively minor things. This is a time to get deadly serious about our future and the future of the free world.

General Walker has been admonished. That is water over the dam. Now let us look to the future. He should be promptly promoted to the grade of lieutenant general and given an assignment in keeping with his proven talents as one of America's most eminent combat leaders. Such an action would do much toward restoring faith in our purpose and faith in a system that, when the chips are down, rewards those who deserve it.

Information You Should Know About the Soldiers' and Sailors' and Airmen's Civil Relief Act

EXTENSION OF REMARKS
OF
HON. ALVIN E. O'KONSKI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, September 25, 1961

Mr. O'KONSKI. Mr. Speaker, you have been ordered to report for active duty with the armed services. You owe money on your car, your home, and perhaps even on a personal loan. At the time you made these debts, you were earning considerably more than you will earn as a serviceman. Once in the service, you know your service pay may not take care of all these debts.

Congress realized that many people would, from time to time, be faced with this situation. Therefore, it decided to give you, in the interest of national defense, some protection. This protection is found in the Soldiers' and Sailors' Civil Relief Act, which as the name suggests, affords protection on civil matters only and does not cover criminal prosecution. It is one of a series of Federal laws concerning military service that may be found in the appendix to volume 50 of the United States Code (50 U.S.C. App. secs. 501–590). The act is still in effect and though titled Soldiers' and Sailors' Civil Relief Act, protects others, including members of the Air Force (50 U.S.C. App. secs. 464 and 466(c)).

This Relief Act does not, repeat, does not, wipe out any of your obligations. Rather, it temporarily suspends the right of your creditors to use a court to compel you to pay if, but only if, the court finds that your inability to pay is due to your military service. Your obligation to honor your debts still exists, and some day you must pay up. In short, the idea behind the Civil Relief Act is to suspend, in certain cases, court proceedings during your tour of duty in the military service, so that upon your return to civilian life you might have an opportunity to be heard and to take measures to protect your interests.

Caution: This Relief Act is highly technical. Remember, your benefits under it are limited. Do not assume that you know all the ins and outs of the act, after reading this pamphlet. It is intended only to give you a simplified bird's-eye view, so that you will have some idea of the protections the act affords. If, after reading this pamphlet, you believe some provisions of the act may be of immediate benefit to you, you should discuss their application to your problem with your civilian attorney or with a legal assistance officer of the armed services. If you desire the services of a legal assistance officer, go to the nearest military installation and ask for his help.

HOW A LAWSUIT IS PROCESSED

Before discussing the actual provisions of the act, it might be helpful for you to understand how lawsuits are generally conducted.

The person who brings the suit is known as the plaintiff. The person against whom the suit is brought is known as the defendant. The typical lawsuit is begun when the plaintiff, either himself or through an attorney, files a written document called a complaint with the proper court. In the complaint, he states why he has started the suit. After the complaint is filed, the plaintiff must give the defendant notice that the suit has been started. This is accomplished by means of a summons. A summons is a formal written notice to the defendant to the effect that a suit has been filed against him and that unless he contests the suit, judgment may be entered against him.

If the defendant desires to contest the suit, he will normally file a written document called an answer stating why the plaintiff should not win. After a trial, at which both sides may be heard, the court enters a judgment in favor of one of the parties. For example, in a lawsuit involving money, the judgment may either order the defendant to pay or may state that he owes nothing. If the defendant is ordered to pay, he should remember that, although he does not have any property or money at that time, the judgment may be collected years later.

If the defendant does not file an answer within the time specified in the summons, he is said to have defaulted. When the defendant has defaulted, the court may enter a judgment by default in favor of the plaintiff.

PART I: GENERAL PROVISIONS

Section A. Who is protected?

The Civil Relief Act applies only to "persons in the military service." Persons in the military service include:

First. All persons on extended active duty, whether inductees, regulars, members of the National Guard, Reserves, or volunteers, serving with the Army, Navy, Air Force, Coast Guard, and Marines.

Second. All officers of the Public Health Service detailed for duty with the military services, and

Third. All persons who are training or studying under the supervision of the United States preliminary to induction into military service.

In some instances, however, certain benefits are given to the dependents of persons in the military service and to those persons who have guaranteed obligations of servicemen.

Section B. When are you protected?

You are protected during the period of your active military duty and in most cases for short periods after separation. Active duty begins on the date you enter the service and ends on the date you are separated. Enlisted reservists and draftees have an additional benefit under the act in that they may ask for relief as soon as they receive orders to report for active duty.

Section C. Where do you get the protection?

The protection of the Civil Relief Act applies to all lawsuits in any court in the United States, from a justice of the peace court to the U.S. Supreme Court.

PART II: GENERAL RELIEF PROVISIONS APPLICABLE TO ALL LAWSUITS

Section A. Protection against default judgment.

(a) General: As has been previously mentioned, a lawsuit begins when the plaintiff files his complaint. If you, the defendant, do not file an answer to the plaintiff's complaint within a certain time after you have received notice that the complaint has been filed, the court may then enter its judgment against you. This judgment is known as a default judgment. However, one of the major benefits that you, being in the military service, derive from the Civil Relief Act is that a court may not enter a default judgment against you unless a certain definite procedure is followed. How this is done is explained below.

(b) Requiring military affidavit: Under the act, before a court can enter a default judgment against you, the plaintiff must make and file a statement under oath that you are not in the military service. If he is unable to make such a statement then he must file a sworn statement, first, that you are in the military service, or second, that he is unable to find out whether or not you are in the military service.

(c) Rights of the defendant in the service: If the plaintiff files a sworn statement stating you are not in the military service, a default judgment may then be entered against you. If the plaintiff's statement fails to state you are not in the military service, a default judgment may be entered by the court only after it has appointed an attorney to represent you and the attorney is heard in your behalf. An attorney so appointed to represent you has no power to waive any of your rights or bind you by his acts.

Further, in the event the court enters a default judgment, it can require the plaintiff to put up a security deposit. This security will protect you in the event the judgment is later set aside. That is, the security will be used, if necessary, to pay you for any damages you may have suffered as a result of a judg-

ment that was incorrectly entered against you.

(d) False affidavit: We have said the plaintiff must file a sworn statement as to your military status. Suppose he swears in that statement that you are not in the military service, knowing that you are—then what? The Relief Act makes such false swearing a crime and the guilty party can be sent to prison for as long as a year, fined not more than $1,000, or both.

(e) Setting aside a default judgment: If a default judgment is entered against you during your military service, or even 30 days thereafter, you may still have some protection. You may ask the court to reopen the case and to set aside the default judgment. The court will do so if you can show, first, that your application to open the case is being made within 90 days after your discharge from the service; second, that you were harmed or prejudiced by reason of your military service in presenting your side of the case to the court; and third, you have a valid, legal defense to the suit. Even though the plaintiff has been found guilty of false swearing as discussed in previous paragraphs, you must still meet all three of these requirements before your case may be reopened.

Caution: If you hear, either indirectly through a friend or directly through receipt of a summons, that a lawsuit has been filed against you, do not panic. Instead, see your civilian attorney or legal assistance officer. Let him advise you before you take any action.

By acting without such advice you may waive the protection the Relief Act gives you. Getting technical for a minute, your protection against default judgments, as discussed above, applies only when you fail to make "any appearance" in the lawsuit. What acts on your part constitute "any appearance" are too numerous to mention. Furthermore, an act that may not be considered "any appearance" in one court may be in another.

Always get the advice of an attorney. It may be to your advantage for the lawsuit to be tried immediately. But this decision should be made only after an attorney has reviewed the facts of your case.

Section B. Stays.

(a) General: As you have seen, the Relief Act gives you some relief from default judgments. That relief you have no matter what the plaintiff has asked the court to do—be it to allow the plaintiff to adopt your child, to grant a divorce, to award damages for injuries, and so forth. Because this relief applies generally to all lawsuits, those sections of the act are referred to as "general relief" provisions. There are still other important "general relief" provisions in the act. Those pertaining to stays of lawsuits will be discussed next.

A stay is an order of the court stopping or delaying court proceedings in the lawsuit until a later date.

(b) How military service affects stays: At any stage of a lawsuit you, a serviceman, may ask the court to stay the proceedings. This is true whether you are the plaintiff or the defendant. In addition, the court itself may order the proceedings delayed without being asked. If the court is not asked for a postponement by the person in the military service, then it is not required by the act to grant one. On the other hand, when a stay is requested by a serviceman, the act requires the court to grant it unless, in the opinion of the court, his ability to prosecute or defend the lawsuit is not materially affected by reason of his military service.

When you ask for a stay initially, you need only to show the court that you are in the service. If the other party to the lawsuit does not want it delayed, he must prove to the court that your military service does not materially affect your ability to prosecute or defend. You have no automatic right to a stay. The judge of the court will decide whether you should have one. If he does grant one, under the act, he may order it for as long as your military service plus 3 months.

Requesting a stay may be any appearance for the purposes of a default judgment mentioned above.

Section C. Statutes of limitations.

In most instances, a person who has a right to bring a lawsuit in any court or a proceeding before any Government administrative board or agency must do so within a certain time limit. The laws and regulations setting this time limit are known as statutes of limitations. These statutes start running from the instant the suit or proceeding could first have been filed. A statute of limitation is said to have run when the time limit for filing has passed.

Under the general relief provisions of the Civil Relief Act, these statutes stop running while you are in the military service. In order to determine whether a particular statute of limitation has run, exclude the period of time that you are in the military service.

For example, someone damages your car in Virginia on January 2, 1961. You enter the service on February 1, 1961, and remain in the service until January 31, 1963. Suppose Virginia's statute of limitation requires suit for damages to be filed with the proper court within 6 years from the date of the accident. Under the Civil Relief Act, the 2 years you are in the military service are not counted in the 6 years you have to file suit. Thus, you have until January 1969 to file suit.

Suppose in the above that you had damaged someone else's car. In this instance, the other party would also have until January 1969 to bring suit against you.

In both of the above examples, the accident occurred before you entered the service. Nevertheless, the same results would be reached if it had occurred after you had entered the service.

PART III: SPECIFIC RELIEF PROVISIONS APPLICABLE TO PARTICULAR LAWSUITS AND SITUATIONS

Section A. Interest in excess of 6 percent per year.

Let us assume that you entered into an obligation which requires you to pay more than 6 percent per year. Afterward you enter the military service. Under the Relief Act you may start paying, if you like, only 6 percent. However, you are advised to tell your creditors what you are going to do and cite the Relief Act as your authority. If the person whom you owe objects, he must ask the proper court to require you to pay more than 6 percent per year. However, before the court can do so, the party that you owe must show that your ability to pay interest in excess of 6 percent is not materially affected by reason of your military service.

As used in the Relief Act, interest includes service charges, renewal charges, fees, or any charges—except bona fide insurance—in respect of such obligations.

Caution: This relief applies only to obligations made before you entered military service, not to those made while in the service.

Section B. Installment contracts, mortgages, trust deeds, and so forth.

While a civilian, you entered into contracts to buy a home, a refrigerator, wristwatch, automobile, or perhaps even a horse. You paid so much down and agreed to pay the remainder in monthly installments. Under each contract, you agreed, for all practical purposes, that if you failed to make the payments on the dates the contracts called for, the seller could take the property back and sell it to the highest bidder.

Furthermore, you may have agreed, for example, that if at the time of the sale you still owed $1,500 and if the seller were to get only $1,000, you would still be liable to the seller for the $500 difference.

With the above contracts in force, you enter the military service, and because of your reduced income, you fail to make payments when due. Does the act provide you with any protection?

Yes, but not to the extent of being unfair to the seller. Remember, we are talking about contracts you made and paid on before you entered the service. Under these circumstances, the seller cannot repossess or foreclose on the property involved without first getting the permission of a court. If the seller were to take the property and sell it without a court's permission, he could be made to pay a fine and even be sent to jail. Before the court will give its permission, it looks into the reason behind your failure to make payments when due. If satisfied that it is because of your military service, the court will then do what it thinks is fair to you and to the seller. It may, for example, order you to return the property to the seller, and the seller to return to you the amount you have already paid. Or, it may decide to let you keep the property and make smaller payments than called for in your contract.

Caution: This protection does not apply to obligations entered into after you enter military service.

Section C. Leases and evictions.

(a) Leases: When you entered military service, you and your dependents were living in a rented house or apartment. You pay rent by the month. The lease still has a few months or even several years to run. You cannot and your dependents do not wish to remain in the house or apartment. Can you cancel the lease?

Yes, by giving your landlord 30 days' written notice and citing the act as your authority. The 30 days does not necessarily start running from the day notice is given. Rather, it starts running on the day the next monthly rent payment is due. For example, you pay rent on the first of each month. You give notice on the 20th of October. In this case, you owe rent for November. Your lease terminates on the last day of November.

The act has a special notice provision for leases requiring rent to be paid other than monthly. The right to terminate leases under the act includes not only property leased and occupied for dwelling purposes but also property leased and occupied for "professional, business, agricultural, or similar purposes."

Caution: The most common misconception of the act is that it gives you the right to terminate a lease made after you enter the service—it does not. This means that a lease made while you are in service should contain a clause providing for termination on 30 days' written notice if you receive transfer orders.

An example of such a clause, where you are renting from someone, follows:

It is expressly agreed that if the lessee herein should receive official orders relieving him from station at ——— or retiring or relieving him from active duty in the Army (Navy) (Air Force) or assigning him public quarters, he may terminate this lease upon written notice of his intention so to do, and such termination shall become effective 30 days after the date of the service of the notice upon the lessor, and if the date of such termination shall fall between days on which rent becomes due, there shall accrue on the first day of the rental period in which such termination shall take effect a proportionate part only of the rent which would be due but for such termination.

Where you are renting to someone, consider the following:

It is expressly agreed that if the lessor herein should receive official orders returning him to station at ——— or retiring or relieving him from active duty in the Army (Navy) (Air Force) he may terminate this lease upon written notice of his intention so to do, and such termination shall become effective 30 days after the date of the service of the notice upon the lessee, and if the date of such termination should fall between days on which rent becomes due, there shall accrue on the first day of the rental period in which such termination shall take effect a proportionate part only of the rent which would be due but for such termination.

(b) Evictions: Your dependents—wife, children, parents, and so forth—are living in a house or apartment for which the rent is $80 or less per month. The rent is not paid. Can they be evicted?

Yes, but only after a court has given permission. This is so whether your dependents began living there before or after you entered military service. If the landlord evicts them without first securing a court's permission, he could be fined, placed in jail, or both.

Once the landlord asks a court's permission to evict your dependents, the court first decides whether or not nonpayment of rent is due to your military service. If the court decides it is not, then the court may order your dependents evicted.

On the other hand, if failure to pay is attributed to your military service, the court will make the landlord wait for not longer than 3 months before they may be evicted. The idea is to provide a reasonable time during which another place for your dependents to live can be found. However, the payment of all rents due is not thereby excused.

The landlord is also prohibited by the act from holding your household goods as security for unpaid rent, unless permitted by the court.

PART IV: MISCELLANEOUS PROVISIONS

Section A. Insurance.

You are the owner of a commercial insurance policy insuring your life. On entering military service, you are no longer able to pay the premiums.

If you wish to keep the policy current, you may, under the act, request the Veterans' Administration to guarantee payment of the premiums. The maximum amount of life insurance on which payment of premiums will be guaranteed is $10,000. That amount may be in one or more policies.

Upon separation from military service, you have 2 years in which to pay all premiums and interest due.

Section B. Storage liens.

Suppose either before or during your military service, you place your "household goods, furniture, or personal effects" in storage. You fail to pay the storage charges when due.

Under these circumstances, the storage company cannot sell your property to cover its charges without a court order. If your failure to pay is due to your military service, the court may stay the proceedings or enter a judgment that the court thinks is fair to both parties.

Section C. Public lands, mining claims, and homestead entries.

Special provisions of the act relate to mining, homestead, and other claims on public lands. These claims will not be lost through absence resulting from your military service if you follow the provisions of the act.

PART V. TAXES (AND MOTOR VEHICLE REGISTRATION)

Section A. General.

The act exempts your service pay and personal property from taxation by States in which you may be stationed other than your home or domiciliary State and also provides that the payment of income tax may be deferred for up to 6 months after discharge if your ability to pay the tax is materially impaired by reason of your service.

Section B. Residence against domicile.

(a) General: Before you can determine what taxes are properly assessable to you and your dependents, you must understand the distinction between the terms "residence" and "domicile" and the protection afforded by the act.

Under this act, the sole right to tax your military pay and your personal property remains with your State of domicile when you are absent therefrom in compliance with military or naval orders.

(b) Residence: Residence is generally defined as a "factual place of abode" at a particular time. However, a great deal of confusion exists in defining this term because various State laws define the words "residence" or "resident," differently. The definition of "resident" in the tax laws of the various States differ from one another. Whenever a word is specifically defined in a particular law, that definition is, of course, controlling.

(c) Domicile: Domicile may be defined in legal terms as "that place where a man has his true, fixed, and permanent home and principal establishment and to which, whenever he is absent therefrom, he has the intention of returning."

To understand the problem of domicile, you must first understand that there are three kinds; namely, first, domicile of origin or birth; second, domicile by operation of law; third, domicile of choice. It is legally impossible not to have a domicile, and an old domicile is not lost until a new one is acquired.

Domicile of origin is the domicile automatically acquired by every child at birth and is identical with the domicile of the parents. The actual place of birth does not determine domicile of origin. For example, a child born to U.S. citizen parents while in the service stationed in Virginia does not necessarily become a domiciliary of Virginia. If, at that time, the father was domiciled in Colorado, the child also becomes a domiciliary of Colorado.

Like domicile of origin, domicile by operation of law exists independent of the subject's intention and actual residence. For example, a woman upon marriage generally loses her own domicile and, by operation of law, acquires that of her husband, regardless of her actual residence or intention.

Domicile of choice is the place which a person has voluntarily elected and chosen for himself to replace his previous domicile. To change your domicile there must be a simultaneous concurrence of these elements:

First, actual residence—bodily presence—in the new locality; second, an intention to remain there permanently or indefinitely; and third, an intent to abandon the old domicile.

Once the above elements have occurred simultaneously you have changed your domicile. However, proving the requisite intent, particularly if the change of domicile gives you a tax advantage, may be difficult. In this event, your word, though considered, will not necessarily satisfy taxing authorities. They may demand, and properly so, evidence of some overt acts on your part indicative of the requisite intent. In short, your actions speak louder than your words. Some of the clearest indications that you consider a State to be your domicile is by registering to vote and voting, licensing your motor vehicle, and paying income and personal property taxes, if any. Caution: Do not register to vote or vote in any election in a State that is not your State of domicile unless you intend to abandon your old domicile and establish that State as your new domicile.

Service personnel are tempted from time to time to change their domicile in order to avoid the income tax of a particular State. Before doing so, you

should remember that domicile not only exerts its influence in determining your liability for income and personal property taxes, but in other very important areas as well. The following is illustrative of these areas:

First, liability for State inheritance taxes; second, where your will would be probated; and who may act as executor thereof and as testamentary guardian of your minor children; third, the right to vote; fourth, bonuses for wartime service; fifth, the right to hold public office; sixth, the right to homestead, veterans claims, or tax exemptions; seventh, whether you or your children may attend a State college without paying higher fees required of nondomiciliary residents; eighth, where you may obtain a divorce.

In short, before attempting to change your domicile, take a good long look at the overall picture.

Section C. Income taxes.

As previously stated, the act, a Federal law, exempts your military pay from all State income taxes except those imposed by the State of your domicile while absent therefrom in compliance with military orders. Therefore, unless your present duty station is located in the State of your domicile, your military pay cannot be taxed by the State where stationed even though their laws provide otherwise.

The act does not exempt nonmilitary income derived from sources within a State where you may be serving. They can and do, for example, require you to pay an income tax on salaries from civilian employment therein, rents from real property located therein, and profits from the sale of such property, even though your domicile is elsewhere. Ordinarily you will file a resident income-tax return to your home State on all of your income and a nonresident return to the State where serving on nonmilitary income earned in that State. This could mean that you may pay taxes on your nonmilitary income to both your home State and the State where serving. Tax credits may reduce the overall tax burden, however.

Furthermore, the act does not exempt any civilian member of your household from taxes by the State in which he or she is temporarily residing. For example, if you are domiciled in Florida, ordered to duty in Virginia, and accompanied by your wife—civilian—who obtains employment there, your wife is liable to Virginia for income tax on her salary from Virginia employment. See your legal assistance officer or income tax adviser for rules governing apportionment.

Any tax on income—Federal, State, or local—may be deferred for a period extending not more than 6 months after separation from active service, without interest or penalty, if your ability to pay the income tax is materially impaired by reason of such service. You should make written request upon the taxing authorities for such deferment. Note that this does not excuse you from filing a return unless your home State law specifically exempts you from filing.

Section D. Personal property taxes.

As the "tax day" varies from State to State, your personal property could be present for tax purposes in several taxing jurisdictions the same year. To protect you, the act prohibits any State except that of your domicile from taxing your personal property.

It is emphasized that the Relief Act does not relieve your wife from paying the tax to the State where residing on her personal property. It is often difficult to determine whether certain personal property belongs to you or your wife.

Section E. Real property taxes.

Real property—such as a house—is subject to local taxes. The act gives you no exemption from this tax.

Section F. Motor vehicle registration.

The act allows you to retain your home State registration on your motor vehicle as long as you have paid the license fee or excise required by your home State. The vehicle title should be in your name alone as the act exempts only you.

PART VI: CONCLUSION

The specific nature of all of the relief available to you under the act is a matter about which you should consult an attorney. The act is designed to deal fairly with you and your creditors. While relief is very often available to you, you are expected and required to show good faith by doing what you can to discharge your obligations.

Casimir Pulaski Freedom Fighter

EXTENSION OF REMARKS
OF
HON. EDWARD P. BOLAND
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Monday, September 25, 1961

Mr. BOLAND. Mr. Speaker, October 11, the anniversary of the death of Casimir Pulaski, will always remind Americans of the part that great Polish patriot played in the struggle for American independence.

Pulaski was always a fighter for freedom. In his native Poland he fought constantly to obtain liberty for the oppressed Polish people. In the year 1771, he made an unsuccessful attempt to capture the King of Poland, which resulted in a sentence of outlawry being passed upon him. He made his escape to France where he met Benjamin Franklin. It was Franklin who persuaded Pulaski to aid the Colonies in their fight for independence.

Pulaski's love of liberty knew no national boundaries. He saw America's fight for liberty as his own. General Washington quickly perceived the Polish patriot's military and personal qualifications and Pulaski quickly achieved the rank of brigadier general in command of a cavalry division. He performed with distinction and bravery at the Battle of Brandywine in 1777. He participated in many of the great battles of the Revolutionary War. Eventually, with the consent of Congress he was granted the right to form his famous Pulaski's Legion. In 1779, he commanded both the French and American cavalry at Savannah and in an assault on October 9, he was mortally wounded. He died on the U.S. brig *Wasp* 2 days later.

On this anniversary date of the death of that great Polish patriot it is appropriate that we remember that it is through men like Pulaski that America has absorbed some of the heritage, culture, and aspirations of Poland. It is right that we pause and consider how much all Polish-Americans have contributed to the economic, cultural, and spiritual growth of America. It is also a propitious time to join with them in their concern for their native land which today is under the yoke of Communist tyranny.

The freedom and justice for which Pulaski fought so valiantly for, nearly 200 years ago, does not exist in his native land. This October 11 is an opportune time for all Americans to reiterate with all Polish-Americans their concern for the Polish people suffering under Communist rule by vowing that they will continue to work for conditions in the world which will allow the Polish people the right to choose the form of government under which they desire to live. Only under these circumstances can we be sure that the Polish people will once again be able to live in peace under the rule of law with all the free nations of the world.

Capital Comment

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 25, 1961

Mr. SAYLOR. Mr. Speaker, under unanimous consent, I include in the RECORD some very pertinent remarks made by the distinguished chairman of the House Interior and Insular Affairs Committee, the gentleman from Colorado [Mr. ASPINALL], on which I have the honor to serve.

The chairman, who has served with distinction as a member of the Interior and Insular Affairs Committee during the years he has been a Member of the Congress, is one of the best informed of its members on reclamation affairs. It would be well for those from the reclamation States to heed well what the distinguished and knowledgeable gentleman from Colorado has to say about reclamation. He says reclamation projects must be "clean as a hound's tooth," and I thoroughly agree. He also cites the results of a crash program wherein in at least nine cases investigations were hurried, or not fully completed and repayment contracts were not signed prior to construction and how these projects got into subsequent difficulties.

I think the gentleman has given us good reasons for not rushing into approval of these reclamation projects and not blindly following the recommendations of the Bureau of Reclamation. I

do not think we gave nearly enough attention to these Colorado River project transmission lines. We have accepted what the Bureau of Reclamation submitted as an analysis without nearly as thorough an examination as the problem deserved. We have got to realize that the Bureau of Reclamation is no longer the clean-cut scientific organization it once was. It now deals in ideology rather than engineering and economics, and we must recognize it as such.

Following are the remarks of Mr. ASPINALL:

Reclamation, as I have often emphasized, is one Federal program that is little understood by Members of the House from the eastern part of the United States—and yet it is these Members who actually hold the balance of power when it comes to a House vote on a reclamation project.

The reclamation program has a much easier time in the Senate because the 17 reclamation States start off with 34 votes out of 100—just 17 short of a majority. In the House, where representation is based on population, the reclamation States start off with 99 votes out of 437—or 120 short of a majority. Included in the 99 reclamation votes are 58 from the States of California, Texas, and Oklahoma. Thus in the 14 Rocky Mountain and Far Western States where the reclamation program is of primary concern—excluding only California—there are just 41 Members of the House, out of 437.

Aside from good plain sense, this is one of the reasons why it is so essential that reclamation projects be clean as a hound's tooth. If the reclamation States come to the Congress with a request for a Federal investment in projects it must be on a basis of sound economic and financial feasibility, and—prior to appropriation of funds for construction—a clear indication of the water users' willingness to repay that part of the Federal investment that is within their ability to pay.

That is why I have always insisted, for example, that repayment contracts be signed by the water users before construction begins on a reclamation project. It is only through a responsible policy of this kind that reclamation can be justified in the House of Representatives.

When such a policy is not followed reclamation is in trouble. We already have several examples of what can happen when projects are not thoroughly studied and repayment contracts with the water users not signed prior to construction.

The most notable example was the authorization of a number of projects in the Flood Control Acts of 1944 and 1946, and a subsequent "crash" program of construction. In at least nine cases investigations were hurried, or not fully completed, and repayment contracts were not signed prior to construction. All of these projects got into subsequent difficulty as a result of undue haste to get construction underway, and all have caused substantial losses of Uncle Sam's moneys. The Federal expenditures on these nine projects have come to $58,246,722 and while it is possible that some of this may be repaid eventually, most of it will not.

This is the sort of thing that gives reclamation generally a "black eye" and which makes it more difficult than good judgment would require to secure House approval of sound projects.

A Federal reclamation program, with proper investigation, planning, and construction, is a sound investment in national progress. At the same time, those of us from the reclamation States, who have the most direct interest in such a program, have the responsibility to insist that the reclamation program be carried forward on a basis of sound financial and economic feasibility.

Medicare Program for Servicemen's Dependents

EXTENSION OF REMARKS
OF
HON. ALVIN E. O'KONSKI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1961

Mr. O'KONSKI. Mr. Speaker, this statement concerns you and your dependents. It is an important document to be studied carefully and then passed on to your dependents and retained by them.

ELIGIBILITY FOR CARE FROM BOTH CIVILIAN AND UNIFORMED SERVICES SOURCES

Some dependents are eligible for both civilian medical care and care at uniformed services medical facilities. To be eligible for both, the dependent and the sponsor must meet the requirements indicated below.

Sponsor: Must be on active duty or on active duty for training pursuant to orders for an indefinite period or for more than 30 days.

Dependent: Must bear one of the following relationships to the sponsor:

Lawful wife.

Lawful husband, if dependent on service wife for over one-half of his support.

Unmarried legitimate child, adopted child, or stepchild, in one of the following categories:

Under 21 years of age.

Over 21, but incapable of self-support because of mental or physical incapacity that existed before the age of 21, and dependent on service member for over one-half of support.

Under 23, enrolled in a full-time course in an approved institution of higher learning, and dependent on service member for over one-half of support.

A dependent's eligibility for civilian medical care ends when the sponsor retires, dies, is discharged or released from active duty, is dropped from the rolls of his service for desertion, or is divorced from the dependent. Children of a divorced sponsor retain their eligibility until adopted. If the sponsor dies while on active duty or while in a retired status, his dependents are still eligible for care at Armed Forces and U.S. Public Health Service medical facilities when space and staff are available.

For the purpose of administering the medicare program, eligible dependents in the United States are divided into two classes: dependents residing apart from their sponsors and those residing with their sponsors. How does the revised medicare program affect each of these classes?

DEPENDENTS RESIDING APART FROM SPONSORS

Dependents eligible for civilian medical care who reside apart from their sponsors may continue to choose between civilian medical facilities and those of the Armed Forces or U.S. Public Health Service.

Each civilian physician and hospital, when providing care for dependents, will furnish the dependent with a claim form—DA Form 1863: Statement of Services Provided by Civilian Medical Sources—to be filled in. The claim form will note that the dependent patient resides apart from the sponsor. If the attending physician requires the services of other physicians, an anesthetist, a physical therapist, or a private-duty nurse while the dependent patient is in a civilian hospital, a DA Form 1863 must be completed for each of them. These claim forms, too, must indicate that the patient resides apart from sponsor.

When applying for civilian medical care, the dependent should first ask the physician if he will participate in the medicare program. If he will, the dependent is not expected to pay the physician, nurse, or hospital for care covered under the program except for charges shown on page 15. Under service regulations, the Government pays the physician for authorized care with the understanding that there will be no additional charge to the dependent or sponsor for that care. The physician signs such a statement on the claim form when he submits his claim for payment.

DEPENDENTS RESIDING WITH SPONSORS

Wives and dependent husbands and children of service members, who reside with their sponsors and who desire medical care at Government expense, must contact a uniformed service authority to determine whether the required care can be provided in a nearby uniformed service medical facility. If it cannot be provided, the dependent must obtain a "Medicare Permit" or the new "Nonavailability Statement"—DD Form 1251—from the appropriate service authority in order to have authorized care from civilian sources paid for by the Government.

Civilian medical services, to be payable by the Government, must meet the criteria of authorized care under the medicare program. DD Form 1251 does not establish requested care as authorized care, nor does it guarantee payment by the Government. It does serve as evidence that the dependent residing with the sponsor has cleared with the proper service authority and that the desired care is not available from a reasonably accessible uniformed service medical facility.

The issuance of DD Form 1251 places the dependent residing with the sponsor in essentially the same free-choice position as a dependent residing apart from the sponsor. However, DD Form 1251 is for immediate use only, in connection with a current illness or condition that may or may not be authorized under the medicare program. The Government's liability for medicare claims is determined from the diagnosis and from clinical information and/or certification furnished by the attending civilian physician.

A DD Form 1251 may be issued on a retroactive basis to cover civilian medical care already begun or completed, when it is determined that the patient could have obtained a DD Form 1251 by applying for it before the care began. A DD Form 1251 issued under these circumstances will bear a statement under

"Remarks" that it is retroactive to the effective date.

In some cases, authorized Government-paid medical care from civilian sources may be provided without a DD Form 1251. These are:

In an acute emergency requiring immediate treatment from civilian sources at the nearest available medical facility to preserve life or prevent undue suffering. Examples would be a serious injury in an accident or a sudden, severe illness. The attending physician must state on the claim form—DA Form 1863—or on an attachment to it, that the case is actually an acute emergency.

When the dependent is away from the area of the sponsor's household on a trip; the dependent, sponsor, accompanying parent, or acting guardian signing the claim form must make an entry certifying that the dependent is "on trip."

For maternity care required by an eligible dependent wife whose husband has died while on active duty, if she was pregnant at the time of his death.

ELIGIBILITY FOR CARE FROM UNIFORMED SERVICES FACILITIES ONLY

Dependents are eligible if they bear one of these relationships to a retired service member, to a service member who died while serving on active duty for a period of more than 30 days, or to a deceased retired service member:

Lawful wife.

Unremarried widow.

Lawful husband, if dependent on service wife for over one-half of his support.

Unmarried legitimate child, adopted child, or stepchild if such child has not passed his 21st birthday. See page 2 for exceptions covering those past 21 years of age.

Unremarried widower, if he was in fact dependent upon the member or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity.

Parent or parent-in-law, if dependent and if residing in a dwelling place provided or maintained by the service member or retired service member. A parent or parent-in-law of an active duty service member is also qualified for care at service facilities if he meets the above requirements.

CIVILIAN CARE PROVIDED

The Government will pay the major cost of the following civilian medical services for eligible dependents who meet the requirements outlined.

Hospitalization in semiprivate accommodations—two, three, or four beds—normally not exceeding 365 days for each admission; all necessary services and supplies furnished by the hospital during hospitalization; doctors' bills during such hospitalization for the treatment of: first, acute medical conditions; second, contagious diseases; third, surgical conditions.

Laboratory and X-ray tests and procedures during hospitalization.

Certain costs for necessary diagnostic tests and procedures before and after hospitalization when hospitalization is for a bodily injury or a surgical operation.

Complete obstetrical and maternity care, including inhospital care of the newborn infant. Infants delivered by civilian physicians in a home or an office may receive authorized care they need on an outpatient basis during a period not to exceed 10 days following the date of delivery.

Outpatient care for bodily injuries, including payments not to exceed $75 for necessary laboratory tests, pathological and radiological examinations.

Special-duty nursing service during hospitalization.

SURGICAL SERVICES

Treatment of surgical conditions only during hospitalization is authorized at Government expense. Surgical care for bodily injuries is authorized on an outpatient basis.

Surgical services desired or requested by a patient, which are not medically indicated, are not authorized for payment by the Government. The opinion of the physician in charge of the case will determine whether the services are medically indicated and therefore payable.

TREATMENT OF INJURIES ON AN OUTPATIENT BASIS

Government-paid treatment of bodily injuries of a patient not hospitalized, including diagnostic and therapeutic tests and procedures authorized by the attending physician, is authorized. Treatment of fractures, dislocations, lacerations, and other wounds that are legitimately cared for by dentists, including related diagnostic and therapeutic tests and procedures the attending dentist authorizes, may also be paid for.

The Government will pay a maximum of $75 for laboratory tests and pathological and radiological examinations, provided the attending physician or surgeon performs or authorizes them. Charges for the use of hospital outpatient facilities—for example, a cast-room—required in the treatment of the injury will also be paid for.

The $75 limit may be increased only in special and extraordinary cases if the physician who authorizes the tests and procedures that exceed $75 in cost submits a special report.

OUTPATIENT CARE IN CIVILIAN FACILITIES

Outpatient care as such is restricted to authorized obstetrical and maternity care, treatment of certain bodily injuries, pre- and post-hospitalization tests and procedures and X-ray therapy begun or prescribed during a period of authorized hospitalization. For all other outpatient care at Government expense, dependents must use uniformed services medical facilities.

DENTAL CARE

Dental treatment is provided to hospital inpatients who are hospitalized for other authorized care, only when required as a necessary part of the treatment of the basic medical or surgical condition for which hospitalized. Outpatient treatment of fractures, dislocations, lacerations, and other wounds that are legitimately cared for by dentists may also be paid for. Authorized dental care does not include the cost of artificial teeth, bridges, fillings, teeth straightening, or prolonged treatment of the gums.

At Armed Forces and U.S. Public Health Service medical facilities, dental care is provided as follows in the United States:

First. In an emergency, to relieve pain and undue suffering. Permanent fillings, bridges, and dentures are not authorized.

Second. If required for treatment of a medical or surgical condition.

Third. Dental care in areas designated "remote" on a facilities-available basis.

Outside the United States: Dental care on a facilities-available basis.

MEDICAL CARE AT MEDICAL FACILITIES OF THE UNIFORMED SERVICES

If medical staff, space, and facilities are available, the services will provide for all eligible dependents as follows:

Diagnosis.

Treatment of—

First. Acute medical conditions.

Second. Surgical conditions.

Third. Contagious diseases.

Fourth. Acute emergencies of any nature.

Immunization.

Maternity and infant care.

MEDICAL CARE OVERSEAS

As a general rule, dependents will get what care they need from service medical facilities when they are outside the United States. If Armed Forces or U.S. Public Health Service facilities are lacking or inadequate, civilian medical care may be arranged for at the expense of the U.S. Government. Dependents residing in oversea areas where service medical care cannot be provided may obtain full information from the appropriate oversea commander or from the nearest service installation on how to obtain medical care from professionally acceptable local civilian sources.

IDENTIFICATION

When applying for any kind of medical care—at a service or civilian facility, or to a civilian physician—dependents are required to present their Uniformed Services Identification and Privilege Card—DD Form 1173—as proof of their eligibility for medical care.

All eligible dependents except children under 10 years of age will receive a card. In some cases, such as a child living apart from his parents, a card may be issued even for a child under 10. In the case of a child under 10, the parent or guardian must furnish proper identification and certify as to the child's eligibility.

Dependents residing with their sponsors will receive their cards through their sponsors. The sponsor will fill out the necessary application form and submit it to his commanding officer. Sponsors residing apart from their dependents may send the completed application form to their dependents.

If the sponsor is unable, or declines, to fill out the application form, his dependent can obtain the necessary application form at any service installation, fill in as much information as possible,

and submit it to the sponsor's commanding officer for completion and verification.

Dependents of service members who died while on active duty or while in a retired status can obtain an application for the card from a nearby service facility by applying there in person or requesting it by mail. Information on how to fill out the form and what certificates must accompany it can be obtained at the same time.

The completed application form must be taken to any nearby uniformed service facility. If the necessary equipment to produce the card is not available there, the dependent will be told where to obtain the card. Dependents who cannot visit a service facility that can issue the card may request it by mail.

The card must be turned in, first, when it expires; second, when a new card is issued; third, when the sponsor dies, is discharged, retires, or is released form active duty; or fourth, when the dependency status is otherwise ended.

When a card is lost, the loss should be reported immediately, so it may be replaced and the services may be on the alert against its being used improperly by someone who finds it.

If a person uses a card to obtain medical care to which he is not entitled, a fine of up to $10,000 and imprisonment for up to 5 years may be imposed on the offender. A dependent who allows another person to use his card unlawfully may be subject to the same penalties.

Damage to, or indications of tampering with, the laminated card makes it invalid.

A WORD OF CAUTION ABOUT CIVILIAN MEDICAL CARE

Dependents residing with their sponsors, in addition to furnishing proper identification, must present a DD Form 1251 to the source of civilian care.

Eligible dependents seeking medical care from civilian sources should make sure the physician and hospital are participating in the medicare program before beginning treatment.

A physician participating in the program must be legally licensed and qualified to prescribe and administer all drugs and to perform all surgical procedures.

A hospital, to qualify under the medicare program, except in an emergency, must be engaged primarily in providing facilities for the surgical and medical diagnosis, treatment, and care of injured and sick persons by or under the supervision of two or more staff physicians or surgeons. It must also provide continuous 24-hour nursing service by registered graduate nurses.

WHAT DEPENDENTS MUST PAY FOR CIVILIAN MEDICAL CARE—BASIC CHARGE

A service dependent in a civilian hospital will pay $1.75 a day, or the first $25 of the hospital cost, whichever is greater.

ADDITIONAL CHARGES

Private hospital room: The above hospital charge plus, first, 25 percent of difference between cost of the private room and weighted average cost of a semiprivate room, when private room is more costly, if attending physician certifies that private room is needed. Second, difference between cost of the private room and weighted average cost of a semiprivate room, when private room is more costly, if private room is for dependent's convenience.

Private-duty nursing care: First $100 of cost and 25 percent of charges over $100 when attending physician certifies that this care is needed.

Maternity care: First $15 of physician's charge for delivery performed in a home or an office, if dependent is not hospitalized later incident to the same delivery.

Injuries on an outpatient basis: First $15 of physician's or dentist's charges for each cause or accident cared for. However, multiple injuries to the same person resulting from a single accident will be considered one injury requiring payment of maximum fee—$15.

Readmission to hospitals: First, except in obstetrical and maternity cases, patients readmitted to a civilian hospital within 14 days after discharge, due to an acute complication of the condition for which they were originally hospitalized, pay $1.75 per day if they can prove they paid at least $25 for the previous admission; second, all admissions of obstetrical and maternity cases during and directly related to the same pregnancy are considered as one admission.

SENATE

TUESDAY, SEPTEMBER 26, 1961

(Legislative day of Monday, September 25, 1961)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Hon. LEE METCALF, a Senator from the State of Montana.

Rev. W. Earl Ledden, bishop of the Methodist Church, retired, Wesley Theological Seminary, Washington, D.C., offered the following prayer:

Almighty God, who hast made and preserved us a nation, use now this Nation, we pray, to help establish Thy way among men. The earth is Thine and all the fullness thereof, the world and they that dwell therein. But we have turned, every one, to his own way—and made it a world of anarchy and dissension.

Forgive us, O Lord, and renew a right spirit within us. Make of this Nation, we pray, an instrument of Thy holy purpose for mankind.

We bless Thy name that in these days of mortal peril America has been privileged to lift a brave, clear voice in the council of the nations in defiance of terror and in devotion to the things that make for peace.

Grant that this voice—so widely heard—may find friendly response throughout the earth. May our own deeds make it manifest to all mankind that our sincere desire is the rejection of war as the brutal, senseless arbiter among the nations, and the establishment of the rule of reason and justice in good will.

So may the peoples and races of all mankind have reason to rejoice with us that Thou hast made and preserved us a nation.

In the name of the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 26, 1961.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE METCALF, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 25, 1961, was dispensed with.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished junior Senator from Virginia [Mr. ROBERTSON] may be given an official leave of absence from the Senate.

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

STOCK DISTRIBUTION TREATED AS RETURN OF CAPITAL

Mr. MANSFIELD. Mr. President, I move that the unfinished business be laid before the Senate and be made the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution.

The ACTING PRESIDENT pro tempore. The bill comes before the Senate automatically.

SUPPLEMENTAL APPROPRIATIONS, 1962

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 1091, House bill 9169, making supplemental appropri-