play to runners who report at a numbers bank in another State. The interstate carrying of slips or writings, indicating the amounts of bets and the numbers played, is essential to this type of operation. The proposed statute would prohibit the interstate carrying of such numbers slips.

The fear of a raid by Federal or local police has turned the attention of the numbers operators and the bookmakers to the problem of quick disposition of the records used in the conduct of the business. This would include the papers used to record the bets of the numbers played by the individual bettor. The operators are making our task more difficult through the use of flash paper for the quick disposition of the records. This paper is highly inflammable and will burst into flame if a cigarette is placed on it. In less time than it will take a law enforcement officer to cross the room, a bookmaker can turn his records into a pile of ashes of no use as evidence against him.

We wish to curtail the interstate transportation of this type of equipment. If we do so, the bookmaker and numbers operator is going to find another specialized type of equipment to frustrate our efforts. We thus are asking for this bill to curtail the interstate shipment of paraphernalia that is used, intended or designed for use in their activities. With this broad prohibition we hope to be able to keep step with the criminal element as it tries a different approach to the problem.

The last bill I will comment upon is H.R. 3021, which would amend chapter 95 of title 18, United States Code, to permit the compelling of testimony under certain conditions and the granting of immunity from prosecution in connection therewith. This proposal was first submitted to the Congress on May 25, 1959, by my predecessor. The bill was introduced as H.R. 7392 but did not pass. It was resubmitted to the Congress on January 18, 1961. In our examination of the program submitted by the previous administration, we found that the bill will perform a necessary function and I recommend its enactment.

The experience of the Department has shown that there are difficulties in obtaining proof of violation of the Taft-Hartley Act and the Hobbs Act because certain portions of those acts overlap. For example, an employer may have been the victim of labor extortion, which is prohibited by the Hobbs Act. However, because he has made payments to the labor racketeer, he may fear that the payments will be construed by prosecutive agencies or a grand jury as a payment to the labor leader in violation of the Taft-Hartley Act. Thus, the employer understandably is reluctant to testify about transactions that are not clear-cut violations of the Hobbs Act. In this gray area of activity our difficulties in obtaining proof are substantial.

This proposal will permit us to call the buinessman before the grand jury, compel him to testify as to the transactions. If he first refuses to answer the questions on the basis of his constitutional privilege, he could be given immunity against prosecution for any matter, thing, or transaction about which his testimony is compelled.

We will then be able to obtain the evidence we need against the person who is most culpable in the matter while relieving the fears of the person who has been wronged.

In addition, in Hobbs Act violations, we very often run into a situation where a person is a conduit for funds from an employer to a labor racketeer. The conduit, while not the most culpable person involved, is nevertheless able to and under the present law justified in refusing to answer any questions about the transaction on the basis of his constitutional privilege. If the present bill is enacted we will be able to require testimony from the least culpable of the conspirators and obtain the proof we need for conviction of the real offenders.

In summary this bill will enable the Department to prosecute with more effectiveness the persons engaged in labor racketeering which is tied into the rest of organized crime and has become such a blight upon the business community.

Mr. Chairman, in conclusion, I would like to read into the record the comments of Mr. J. Edgar Hoover, Director of the FBI, about the bills I have discussed. Mr. Hoover's statement is as follows:

"Your legislative program as to interstate crime currently pending in Congress should receive the wholehearted endorsement of law enforcement at Federal, State, and local levels. As we are all aware, the growing seriousness of the Nation's crime problem presents an increasing threat to the safety and welfare of the Nation. Today its severe effects are felt directly or indirectly in every home in America. In terms of dollars and cents alone crime imposes a tremendous burden upon us all. Our annual cost of crime now totals $22 billion—the equivalent of $128 for every man, woman, and child in these United States.

"One of the most deeply entrenched segments of crime is represented in the underworld activities of racketeers and professional hoodlums. I refer to the vice barons, those engaged in illegal gambling, commercialized prostitution, and illicit liquor operations as well as the narcotics peddlers and the strong-arm racketeers whose lucrative illicit profits are derived from every stratum of our society. Many of these racketeers utilize interstate facilities and operate with impunity, if not in open defiance.

"The ranks of law enforcement are closing against the challenge of hoodlum lawlessness. As an example, on a day-to-day basis the FBI exchanges information with other law enforcement agencies at the local, State, and Federal levels concerning the operations and activities of professional hoodlums. During the past 6 months the FBI has disseminated over 53,000 items of a criminal intelligence nature to other law enforcing authorities.

"In addition, the scientific facilities of our laboratory and the fingerprint services of our Identification Division have been fully available to all agencies which are joined in the fight against crime. In return the FBI received invaluable assistance throughout the year from other members of the law enforcement profession in all parts of the Nation.

"These important weapons, science and cooperation, are successfully meeting the hoodlum challenge of lawlessness every day in the areas where we are now empowered by law to use them. These can be made even more effective if the law enforcement profession is given authority to bring these facilities to bear on those present voids in the law which allow organized crime and racketeering to operate on an interstate basis.

"This new and vitally needed legislation, which you have proposed, will strengthen the Federal Government's hand and will provide it with additional effective weapons in stamping out the evil of organized crime. If enacted into law, these legislative proposals would certainly enable the Government to proceed more effectively and vigorously against the well-entrenched interstate racketeers who are beyond the reach of local law enforcement."

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 23, 1961

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Jeremiah 31: 3: *I have loved thee with an everlasting love; therefore with loving kindness have I drawn thee.*

Eternal and ever-blessed God, we thank Thee for the tenderness and tenacity of Thy love which we need so supremely and which alone can satisfy us.

We humbly acknowledge that day by day we plan and propose, we counsel and contrive, and often feel very self-confident and self-sufficient.

Help us to understand that our hope for success and security cannot rest upon our own skill and human ingenuity, but upon Thy divine guidance and hold upon us.

May our hearts go out in love and sympathy toward all whose faith is being assailed by doubt and whose whole life seems to be one of conflict and struggle, of labor and sorrow, and of heartache and anguish.

Grant that our love may be a world feeling and may Thy light and truth shine in all the dark and dismal places of the earth, bringing unto mankind the blessings of peace and joy.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 610) entitled "An act to strengthen the foreign and domestic commerce of the United States by providing for the establishment of a U.S. Travel Service within the Department of Commerce and a Travel Advisory Board," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. SMATHERS, Mr. BARTLETT, Mr. BUTLER, and Mr. COTTON to be the conferees on the part of the Senate.

HON. LOUISE G. REECE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentlewoman from Tennessee, Mrs. LOUISE G. REECE, be permitted to take the oath of office today. Her certificate of election has not arrived, but there is no contest, and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. REECE appeared at the bar of the House and took the oath of office.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

RESIGNATION OF MEMBER FROM A COMMITTEE

The SPEAKER laid before the House the following communication, which was read:

Hon. SAM RAYBURN,
Member of Congress,
Speaker of the House of Representatives,
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: It is with regret that I submit to you my resignation from the Committee on Public Works.

It was an honor and a privilege to serve on this committee, and I wish to commend the Members with whom I served who worked so hard to produce an outstanding record in the Congress.

Sincerely yours,
HERMAN T. SCHNEEBELI,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT OF MEMBERS TO A COMMITTEE

Mr. HALLECK. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 307

Resolved, That the following-named Members be, and they are hereby, elected members of the standing Committee of the House of Representatives on Public Works: JOHN C. KUNKEL, Pennsylvania; LOUISE G. REECE, Tennessee.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INVESTIGATION OF OIL IMPORT PROGRAM

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, today I have asked Subcommittee No. 4, of the House Small Business Committee, to make an investigation of the present import quota program for foreign crude oil. The Honorable TOM SNEED, chairman, has assured me that the subcommittee will make a thorough investigation and appraisal of this program as it affects small business in the oil exploration, production, and refining fields.

Congress has recognized that a vigorous, healthy petroleum industry in the United States is vital both to our domestic economy and our national defense and, in the Trade Agreement Extension Act of 1958, gave the administration both the power and the duty to limit foreign oil imports sufficiently to maintain a vigorous and competitive industry in this country.

Recent hearings held by the Department of the Interior suggest, however, that, instead of making full use of the powers which have been granted, the previous administration put into effect a program which may be weakening the domestic oil industry and fostering monopoly control. The program which has been devised is a most unusual kind, to say the least, and may indeed be the only one of its kind. If the testimony given by industry representatives at these hearings is correct, the import program now in effect amounts to a cash dole to independent refiners, by way of compensation for large-scale imports which serve the special advantage of the few big companies that own or control sources of foreign oil, as well as refineries and distribution systems in the United States.

Refineries in all parts of the United States are given quotas of foreign oil—and ration tickets good for the purchase of this cheap oil—though most of these refiners have never used foreign oil and cannot, as a practical matter, use foreign oil because of the freight cost from coastal points inland. It appears that cash markets for these ration tickets are in operation and inland refiners are selling their quotas to coastal refiners at prices ranging from between $1 to $1.25 per barrel. If the effect of this system is as it seems, namely to encourage independent refiners to trade a portion of their markets to the international oil companies in return for cash payments, then certainly the program is neither helping to maintain a vigorous competitive U.S. industry nor encouraging discovery and development of new sources of oil in the United States. Yet the Trade Agreement Extension Act of 1958 was intended to serve both purposes.

There is little doubt that the serious plight of the U.S. crude oil industry is a direct result of the big company imports of foreign oil. Since this program was put into effect, the number of oil wells in the United States has declined steadily, and today only one-half of the oil drilling rigs in this country are in operation. In Texas, the country's largest oil producing State, producing wells are operating only 8 days a month. The result has been a loss of tens of thousands of jobs and a serious weakening of an industry in which the United States has previously led the world.

It is a sign of the future that only 14 college freshmen enrolled in petroleum engineering courses this spring, at the University of Texas, a leading center of training in the petroleum sciences. As late as the fall of 1957, the University of Texas was giving training to 134 freshmen in petroleum engineering.

I am confident that the subcommittee, under Chairman STEED, will make a fair and careful study of the present quota system, to make sure that this is the best system that can be reasonably devised in view of both our domestic and foreign obligations, and not just a system which confers undue favoritism on the few great international oil companies.

CASTRO'S RANSOM DEMAND

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, Castro is a gangster of the lowest order. He is now adopting the tactics of the kidnap outlaws of the "Ma" Barker-"Machinegun" Kelly era. If he is successful with his present ransom demand, his success will set a precedent and model for every Communist gangster in Africa, Asia, and Latin America. We do not have enough bulldozers, tractors, or dollars in the United States to buy off every Communist thug and racketeer in the world.

With this ransom, Castro's prestige and military potential will be greatly strengthened. We should face reality and for once be practical and approach this shocking demand with commonsense. Castro can sell these tractors or exchange them for jet aircraft, missiles, and artillery. This deal might thus better enable him to bomb Miami, Mobile, and New Orleans. In the long run it could cost us thousands of lives on the beaches of Cuba and the lives of innocent civilians in the United States.

Our Government should forbid any equipment of any nature from leaving the shores of the United States to strengthen and support an avowed enemy. Our Government should go further and prevent with our Navy and Air Force any material from being shipped into Cuba from Russia, China, their satellites, or from misguided American sympathizers. Any arrangement with Castro will work to his advantage. This despicable Castro proposal could be a scheme to get more of his subversive agents into the United States.

At least I hope our State Department and Government will take no action to encourage and support this type of blackmail which strengthens our Communist enemies and will cost us more lives in the future.

MILLIONS FOR DEFENSE, NOT ONE CENT FOR TRIBUTE

Mr. BECKER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, submission to Fidel Castro's demand for 500 bulldozers in exchange for the Cuban freedom fighters he now is holding in prisons, would constitute an abject surrender to the crudest form of blackmail and an abandonment of principles this Nation has held sacred since its founding.

In Tel Aviv at this moment another mass murderer—Adolf Eichmann—is on trial for the most heinous crime of all time. He, too, offered to free Jews held in the barbarous Nazi prison camps if he were given trucks in exchange. The Allies, acting on principle, refused to bow to Eichmann's blackmail attempt, even though his price was considerably less than that being demanded today by the paranoiac dictator of Cuba.

It long has been an established criminal fact that blackmailers do not abandon their odious demands upon acquiesence to their initial terms. Those who received Eichmann's demands knew this, and the American people and their Government should know it about Castro.

If Castro's ransom demands are met, there will be additional and more costly exactions. That this will be the course of his actions already has been indicated in his statements of yesterday, in which he threatened to cancel the bulldozers-for-prisoners offer if this Nation continues to refer to it as an exchange. Castro prefers to call his blackmail an indemnification and said that if an exchange is called for, it should concern political prisoners.

He is offering, as an alternative to the bulldozer exchange, to free prisoners held in Cuba for such men as Francisco—the Hook—Molina and other of his followers here, in Nicaragua, Guatemala, and Spain.

Molina, whom Castro refers to as a political prisoner and a martyr, it should be remembered, now is awaiting sentencing in New York for the killing of a 9-year-old Venezuelan girl in a restaurant there during a political fight.

If Castro succeeds in getting his demands, Mr. Speaker, we can expect to be subjected to more such blackmail and to further immoral and unjust conditions.

That this Government does not officially endorse the Castro ransom demand or the so-called exchange of political prisoners would in no way lessen American responsibility. We would be in the disgraceful position of passively endorsing an action by private citizens which is contrary to all codes of justice and of giving our tacit blessing to international blackmail.

Further, the meeting of Castro's demands would negate the very purpose of the invasion in which his prisoners were captured—the liberation of the Cuban people. We would be doing so because of the obvious fact that the tractors thus paid in tribute would be used to strengthen the one Communist fortress in this hemisphere and further stifle the hopes for a free and independent Cuba.

Only the naive or the purposely blind could believe that those who now suffer in Cuban prisons because of their efforts to overthrow the tyrannical rule of Fidel Castro were not willing to die, if necessary, to free their native Cuba.

To meet at this time the hysterical demands for the tools this oppressive and rabid dictator requires to further inter-Cuban freedom would be a dishonor to those who already have sacrificed their lives in the cause of freedom 90 miles to the south of us and would make the admittedly awkward and inept invasion attempt sanctioned by the White House even more ridiculous in the eyes of the world.

Although the American people historically have aided the oppressed and sought free captive peoples everywhere, our countenancing of the Castro blackmail would have an opposite effect in that it would prolong the period during which all Cubans must remain the slaves of communism. Such an action also would give even greater credence to communistic claims that ours is an opportunistic country completely lacking in principle.

No one, Mr. Speaker, appears to have proposed an exchange of our surplus grain, which is costing American taxpayers millions of dollars annually in storage costs alone, for the Americans who have been held prisoner by the Chinese Reds for 10 years. And most of these prisoners, it should be remembered, are missionaries whose only crime against the government in which they are held seems to have been that they were there when the Communists took over that hapless land.

But wheat can only be used to relieve hunger. It cannot aid tyranny and is not the price Castro demands. He needs weapons of a type he is not receiving from his Communist masters, but which he can use to further fortify Cuba and thus strengthen the bonds with which he now holds the Cuban people.

Those who now would bow to Castro's rabid demands, Mr. Speaker, should keep in mind that many of the men who landed on Cuban beaches in the abortive invasion attempt of last month gave their lives that Cuba might be free. Our surrender now would sully the memory of those whose lives were spent in this vain battle of independence.

In four short months, this Nation's prestige abroad has been lower almost to the vanishing point. It is to be hoped that we will not further assail our national image by kowtowing to a pint-sized dictator.

In 1797, Charles Cotesworth Pinckney, who was our minister to the French Republic, made a statement which is familiar to all Americans. It was, "Millions for defense, but not one cent for tribute."

Actually, Mr. Pinckney's words were a bit stronger and were toned down because they were to be inscribed on his cenotaph in St. Michael's churchyard in Charleston, S.C. He said, "not one damned penny for tribute."

As strong as that was for the day and time, Mr. Speaker, I believe this Nation should be even stronger and more outspoken in its dealings with this, the most deranged criminal we have had to deal with in many years.

CASTRO THE BLACKMAILER

Mr. ALGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Speaker, will America, lulled in the sweet dream of peace, slumber too long, unaware of the true nature of the Communist conspiracy, until we awake to find our cause has been lost? The astounding news stories of this past weekend make me fearful that our desire to be humane, to be good, has blinded us to the real purpose of the Communists, destruction of the United States and domination of the world. How often must we recall this Red purpose, stressed by every Communist leader since Lenin, before our people recognize that they mean it? Yet, in the face of recent Communist aggression, in spite of the demonstration of Red bestiality as exemplified in Hungary, Tibet, and Cuba, we now have a national movement underway, approved, according to press statements, by the State Department, to submit to blackmail by Castro in order to help him build up his military and economic strength and further insure the success of a Communist satellite 90 miles from our coast.

Mr. Speaker, I yield to no man in caring for my fellowman. I, too, am imbued with humanitarian instincts, and I grieve deeply for those unfortunates now held prisoner by Castro. But, Mr. Speaker, we are at war—at war with a ruthless enemy who will show no mercy, will stop at nothing to accomplish the complete destruction of our country and its guarantees of freedom and individual liberty. These prisoners are the unfortunate victims of that war, just as millions of Jews were the victims of Hitler, and thousands of American boys were victims of the Nazi campaign to rule the world. We grieve for the prisoners of Castro, yes. We salute their bravery in their fight for freedom. But we betray them and ourselves if we now submit to coercion, to blackmail, in bringing about their release.

What effect will such a trade as proposed by Castro have on the peoples of other Latin-American countries? He will become a hero all over again to the misguided who refuse to recognize his real purpose and know only that he has been able to humble and humiliate this great Nation.

We cannot afford to give further aid and comfort to the enemy by helping to build up Castro. We dare not be blackmailed into bringing about a trade of heavy construction equipment for prisoners of war. Such a barter is morally wrong—trading human lives for pieces of machinery. Should we be so foolish as to enter into such a trade, it will not be many days until other twobit bandits and potential dictators will be seizing American tourists and holding them for ransom. Americans, who once were secure in the knowledge that wherever they traveled they were safe because of the strength of the United States and the guarantee that we would protect them, will become fair targets to a worldwide kidnapping ring.

Mr. Speaker, on October 20, 1960, the United States took action to prohibit shipment to Cuba "of all goods except certain nonsubsidized foodstuffs, medicine, and medical supplies which are permitted for humanitarian reasons." There has been no change in our relationship with Cuba to alter this decision made 7 months ago. The need for a complete embargo of shipments to Cuba is greater now than it was then because since that time, Castro has hurled defiance at the Western Hemisphere and has openly and completely set up a Communist state. To now give him, for

whatever reason, the heavy construction equipment he so badly needs, will enable him to strengthen his position in Cuba. It will not lead to peace, nor guarantee freedom for those it is intended to help. It will make more certain further demands by Castro, will endanger the lives and safety of all Americans traveling outside the borders of this country, could lead to the loss to communism of other Latin-American countries, and could well pave the way to war once this Communist stooge is able to complete the construction of jet airbases and missile sites for the convenience of Soviet-based military strength.

Hard as it will be for Americans to do, we must steel ourselves against the action now being proposed by some well-meaning citizens to raise by public subscription some $20 million ransom to pay to Castro. The Government must forbid the exportation of the heavy construction equipment Castro demands. We must serve notice that we do not deal with international gangsters on their terms and that we are ready, willing, and able to use the might of this Nation, if need be, to bring about the freedom of political prisoners held in defiance of international law and to protect our own citizens wherever they may be. If we can show unity of purpose in protecting ourselves and those who believe in freedom, we will be much more successful in dealing with Castro, the Soviet dictators, and any others who threaten the peace of the world and the liberty of mankind. To do less is to admit weakness and invite further aggression and the war we all hope may be avoided.

The President only recently stated that we will free Cuba. It may well be that in the end we will have to take such action through the sacrifice of American lives. If this be the case, how can we justify giving Castro the equipment he needs to strengthen his military might?

SOUTH VIETNAM AND LAOS

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, there is an ominous parallel between a recent statement made by Vice President JOHNSON and the speech of Dean Acheson as Secretary of State shortly before the Communist invasion of South Korea.

In this speech Acheson placed Korea beyond America's defensive perimeter. It was an invitation to trouble, and trouble came.

In Saigon the Vice President said he would not recommend that U.S. combat forces be stationed in South Vietnam. This, too, is an invitation to trouble.

Today nobody knows how far the United States will go, and the Vice President has added to the uncertainty.

U.S. combat forces are the most effective deterrent to aggression, and we should publicly offer such forces to South Vietnam without delay.

Another Laos is in the making. Supplies and training are not enough. Sooner or later, we will be forced to send combat forces to a war already in progress, or once more be identified with failure.

In South Vietnam and other similar trouble spots, we should first determine whether the local population really wishes to resist Communist takeover. If not, forget them. Do not waste resources on them.

If the will to resist does exist, we should offer to station U.S. combat forces.

It is a fact of history that no country where the U.S. Army has been stationed has ever been attacked.

If we had kept forces in Korea, that debacle might have been avoided. Marines effectively stabilized the situation in Lebanon. West Berlin would not be free today except for the presence of American troops.

The presence of U.S. forces under U.S. command has always proved to be the most effective deterrent to aggression.

We should adopt a firm policy, announce it to the world and stick by it. Today nobody knows how far we will go. This uncertainty has led to trouble in the past and will do so again.

Perhaps the people of Laos had no desire to resist the Communist takeover. In any case, we spent a lot of money there, we are identified in the eyes of the world with the resistance which failed, and Communist takeover of a large portion of that country has already been accomplished.

In Cuba, we used no combat forces, but we are identified with the invasion failure nonetheless. All this delights the Communists and disturbs the rest of the world. Our role in the Cuban invasion was incredibly inept and hardly calculated to quicken the spirit of freedom-loving people.

Now we are confronted with the problem in South Vietnam. Another Laos seems to be in the making. We seem to be following the same ill-fated road. Vice President LYNDON B. JOHNSON made it clear in Saigon last week that he will not recommend to President Kennedy that American combat forces be stationed there.

By announcing to the world that our combat forces will not be stationed in South Vietnam, we invite trouble. South Vietnam forces may be superior, but they cannot head off determined Communist forces indefinitely. Sooner or later, we will be forced to commit our own combat forces or be identified once more with failure.

If we commit our forces in advance of Communist action, the attack will probably never come. If we get into the fight in midstream, we may trigger a big war.

President Kennedy may be concerned lest his party be identified once more as the war party.

If so, he should realize that the uncertainty and weakness of present policy is far more apt to bring war than an open, strong, and consistent policy of containment. No patriotic American will ever criticize President Kennedy for commiting combat forces to protect freedom-loving people from aggression. Every patriot has the right and duty to criticize ineptitude and the too-little too-late policies which invite aggression.

SUBCOMMITTEE ON ELECTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections of the Committee on House Administration may be permitted to sit while the House is in session today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ONE-WAY STREET IN TRADE AND AID PROGRAMS

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. DENT], is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, under leave from the House, I have been permitted to speak for 30 minutes, and as usual—I am discussing a matter that is paramount in my opinion.

I have tried to call to the attention of the House that we are traveling down the one-way street in trade and aid programs. I have attempted to show that under our reciprocal trades agreements, we have allowed American industry and the American workingman to be victimized by foreign producers of consumer goods.

I have tried to explain that many of the items that are sold are not identified to the consumer with their country of origin.

When I made this statement I was challenged by certain authorities who said that this was a figment of my imagination.

On January 3, I introduced legislation concerning all foreign produced goods to be so advertised and so marketed in these United States.

I have presented today facts and information to the House Committee on Interstate and Foreign Commerce, which I will make part of my talk here today showing the brazen, bald-faced attempt by foreign producers through their American mouthpieces to undermine American industry and American production by disguising foreign products in such a manner that their state of origin is not known to the consumer.

I sincerely believe that the time has come for this Congress to stop living in the past—to awaken to the dangers inherent in our present status, and to read behind the headlines in the world's many disorders and disruptions such as Cuba, Laos, Vietnam, Belgian Congo, and the entire African Continent, as well as our neighbors to the south, the Latin American countries.

Unless we become realistic and practical in the operation of this Government and its economy, I can assure this Congress that the one-way street we are on will lead us into political oblivion.

The following is a true copy of all material and references to the above statements:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 19, 1961.

MY DEAR COLLEAGUE: On January 3, 1961, in the very beginning of this session I introduced H.R. 1149, copy of which is attached hereto.

Like many other American buyers, I was disturbed by the fact that I could purchase consumer goods in any of the public marketplaces not knowing the country of their origin.

Although we do have Federal regulations and some Federal law pertaining to this subject, it appears that in the phase of advertising either at the local point of sale or through the recognized advertising medium, newspapers, radio, television, and other media, there is no restrictive covenant to protect an unsuspecting purchaser who does not particularly want to buy a foreign-made product and even if he were inclined to buy same, he would at least like to know where it was made.

I call this to your attention because this day, May 19, I have received a letter that shows this practice of selling unmarked or unidentified foreign-origin products has gone beyond the local housewife consumer stage that invaded the area of primary procurement in the manufacturing process so essential to our well-being.

I quote from a letter without quoting the names of the companies involved for reasons you can understand:

"On another subject, I am attaching to this letter a copy of the most recent glaring example of what we are up against in the tool steel business in regard to imports. This new threat is described in the attached copy of a letter from the _____ Co. to one of our very good customers in the Detroit area. This is an offer from a Japanese firm to send material into this country at substantially lower prices, but I would like to call particular attention to paragraph 3 of page 2 of this letter. I call attention to the portion which reads as follows:

" 'The high-speed steel bars will not bear any markings except heat numbers, unless you desire your own marks or colors to be placed on the steel. If, for any reason, it is necessary for us to rebox the material here upon arrival in order to obscure the fact of Japanese origin, this can be arranged at a nominal charge.'

"This, John, is a barefaced statement of illegal intent to evade the law requiring marking or to change the marking once the material has arrived here. What other evidence do we need that we are in an all-out war for survival?

"Thanks again for your many courtesies and your helpfulness.

"Sincerely yours,

"JOE,
"*President.*"

Copies of the correspondence between the offering foreign importer and the American buyer are attached for your information.

I would appreciate an opportunity to appear before your committee if, in your wisdom, this legislation merits your consideration.

Sincerely yours,

JOHN H. DENT,
Chairman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no person shall disseminate, or cause to be disseminated, any advertisement—

(1) by the United States mails, or in commerce by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any article manufactured or otherwise produced in any foreign country, or

(2) by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any article manufactured or otherwise produced in any foreign country,

unless such advertisement contains words stated or printed in such manner to as give actual notice to prospective purchasers of the country of origin of such article.

(b) Whoever violates subsection (a) of this section shall be punished by a fine of not more than $1,000 or imprisoned for a term of not more than one year, or both.

MAY 5, 1961.

DEAR MR. ———: It was a pleasure to talk with you again on Thursday after a lapse of several years. This letter will attempt to acquaint you with our company and some of its objectives in the field of imported specialty steels.

Our company has been formed very recently and is supported by responsible people who are interested in building a sound organization for the attainment of long-range objectives in the specialty steel markets. While it is possible for us to obtain European specialty steels, we are placing our emphasis upon five excellent Japanese sources, with whom we have exclusive long-term contracts executed in Japan. The quality of their products is fully equal, and in some respects superior, to the domestic or European product. This is so primarily because their mills and equipment are much more modern, their laboratories are ultra-modern, even to the extent of being equipped with electron-beam microscopes, X-ray, reflectoscope, and spectrographic equipment.

The tool steel plant has the reputation for being the leader in its field in Japan. It is fully equipped with melting flexibility consisting of various sizes of electric arc furnaces; electric induction furnaces, and vacuum furnaces for the production of the higher alloys. Your orders will be produced to AISI standards for chemistry, tolerances in inches, finish, etc., or to your own proprietary specifications. You can incur no risks on quality. If the steel, when inspected by your personnel upon arrival at your plant, proves to contain any defective material, we will accept it for our account, subject to the mill's examination—identical to domestic mill procedure.

Your company is famous for the production of a superlative, high-precision product, and as such, you are familiar with the Japanese reputation for precision workmanship. This same concern for precision is carried over into their art for making high quality specialty steels.

Delivery to your plant should average approximately 105/120 days from the date of order placement. The high speed steel bars will not bear any markings except heat numbers, unless you desire your own marks or colors to be placed on the steel. If, for any reason, it is necessary for us to rebox the material here upon arrival in order to obscure the fact of Japanese origin, this can be arranged at a nominal charge.

We plan to carry stocks in the Detroit area and elsewhere, but whether or not an operation such as yours could depend upon local stocks in the variety of specific sizes, quantities, grades, and finishes you require would involve further discussion at your convenience.

Our prices are quoted to you on a "f.o.b. delivered" basis to your plant and include all charges, ocean freight, insurance, duty, and inland freight.

We are enclosing a chart showing some of the high-speed grades and prices for your study. You can readily appreciate that these substantial savings will range from approximately $800 to over $3,000 per ton in these grades on the high-speed base price alone. In your particular size requirements, the domestic high-speed size extras in hot-rolled and/or cold drawn are also high, on which you have a further saving of 20 percent.

These considerable savings could be utilized by your company in several ways, at no compromise with quality, namely:

1. Use a higher grade alloy to make a better blade at the same selling price.
2. Obtain more steel in a given grade from same total raw material cost as from present domestic sources.
3. Increase your overall gross profit with no change in selling prices.
4. Buy a cold-drawn or ground bar instead of hot-rolled and reduce present straddle-milling losses through less wastage, etc.
5. Offset competition from entering your field through patent expirations, etc.

From my limited experience with your operations, the above options immediately came to mind. You can undoubtedly think of many more.

The only real test is for you to submit an order for sufficient quantities in various sizes, grades, and finishes to give our product a realistic production run and try it in the field. Once this is behind you, we believe you and your customers will be more than satisfied. We should have your complete specifications, tolerances, and finish desired.

There is one other type of finish commonly employed in Japan, and that is a sand-blasted finish on hot-rolled annealed flats or rounds. This removes practically all scale, and there is no extra for this operation, if desired. This should be to your advantage in milling if you are now using hot-rolled material.

We have tried to convey as much information as possible; however, should you wish us to call at your plant for further details or discussion, we shall be glad to oblige.

For obvious reasons we wish you would treat all of the pricing information enclosed as intended only for you and your other company officials.

Very truly yours,

——— ———.

Pricing information

Grade	Domestic base	Our base (per pound)	Your savings on base		Plus your savings on domestic H.S. extras (percent)
			Per pound	Percent	
M-2	$1.345	$0.9415	$0.4035	30	20
M-15	2.665	1.8655	.7995	30	20
M-30	1.545	1.0815	.4635	30	20
M-34	1.83	1.2810	.5490	30	20
M-36	2.32	1.6240	.6960	30	20
T-2	2.005	1.4035	.6015	30	20
T-4	2.545	1.7815	.7635	30	20
T-5	2.915	2.0405	.8745	30	20
T-6	4.33	2.8145	1.5155	35	20
T-8	2.485	1.7395	.7455	30	20
T-15	2.77	1.9390	.8310	30	20

Congressman JOHN H. DENT, 21st District of Pennsylvania, today called upon the House Committee on Interstate and Foreign Commerce to give consideration to H.R. 1149, a bill introduced in January by the Congressman which would make it mandatory that all foreign made products be so advertised as to leave no doubt as to the country of origin.

The Congressman said "that many Americans innocently buy foreign made goods which are deliberately mislabled and misbranded with a definite plan in mind to fool the American consumer."

DENT quoted from a letter from an importer of Japanese steel which recognizes that it is to their advantage to hide the origin

of the product. The following was quoted from the letter:

"The high-speed steel bars will not bear any markings except heat numbers, unless you desire your own marks or colors to be placed on the steel. If, for any reason, it is necessary for us to rebox the material here upon arrival in order to obscure the fact of Japanese origin, this can be arranged at a nominal charge."

The Congressman labeled this "a barefaced statement of illegal intent to evade any existing law requiring markings or even worse, to create a condition of collusion between an American purchaser and a foreign exporter after the material had arrived by destroying all evidence of its Japanese origin.

"When my committee on imports starts its hearings, I fully intend to subpena the parties participating in such schemes and plots in order to expose how far this country has traveled on the 'one-way street of economic self-destruction'," concluded DENT.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. SELDEN and to include extraneous matter.

Mr. FRAZIER and to include extraneous matter.

Mr. SCHNEEBELI.

Mr. DENT (at the request of Mr. ALBERT) to revise and extend his remarks and to include extraneous matter in his special order of today.

(The following Member (at the request of Mr. GOODELL) and to include extraneous matter:)

Mr. SHORT and to include extraneous matter, notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $425.25.

(The following Member (at the request of Mr. WHITENER), and to include extraneous matter:)

Mr. FOGARTY.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on May 22, 1961, present to the President, for his approval, bills of the House of the following titles:

H.R. 5571. An act to provide for the addition or additions of certain lands to the Effigy Mounds National Monument in the State of Iowa, and for other purposes.

H.R. 6100. An act to amend title VI of the Merchant Marine Act, 1936, to authorize the payment of operating-differential subsidy for cruises.

ADJOURNMENT

Mr. WHITENER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 24, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

941. A letter from the Comptroller General of the United States, transmitting a report on review of the military assistance program for Taiwan, as administered by the Military Assistance Advisory Group (MAAG) in Taiwan; to the Committee on Government Operations.

942. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 31, 1961, submitting a report together with accompanying papers and illustrations, on a survey of Red River at Garland City, Ark. This investigation was made in response to an item in section 203 of Public Law 86-645, approved July 14, 1960, which calls for an immediate study to be made of emergency bank protection along Red River in the vicinity of Garland City (H. Doc. No. 167); to the Committee on Public Works and ordered to be printed with three illustrations.

943. A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1962 involving increases in limitations on administrative expenses in the amount of $245,000 for the Federal Home Loan Bank Board (H. Doc. 168); to the Committee on Appropriations and ordered to be printed.

944. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to amend the Commodity Exchange Act, as amended"; to the Committee on Agriculture.

945. A letter from the executive secretary, Public Utilities Commission of the District of Columbia, transmitting the 47th Annual Report of the Public Utilities Commission of the District of Columbia, pursuant to law approved March 4, 1913; to the Committee on the District of Columbia.

946. A letter from the Deputy Secretary of Defense, transmitting a combined statement of income and expenditures of the American National Red Cross for the fiscal year ended June 30, 1960, pursuant to 33 Stat. 599, as amended by 67 Stat. 173; to the Committee on Foreign Affairs.

947. A letter from the Secretary of Commerce, transmitting the quarterly report of the Maritime Administration of the Department on the activities and transactions of the Administration for the period January 1 through March 31, 1961, pursuant to the Merchant Ship Sales Act of 1946; to the Committee on Merchant Marine and Fisheries.

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. HALEY: Committee on Interior and Insular Affairs. H.R. 4109. A bill to terminate the existence of the Indian Claims Commission, and for other purposes; with amendment (Rept. No. 424). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEROUNIAN:

H.R. 7249. A bill to terminate the retailers excise tax on cosmetics and other toilet preparations; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 7250. A bill to amend section 4358 of title 39, United States Code, so as to provide rates of 1½ cents a pound for publications mailed for delivery within the county of publication, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOGARTY:

H.R. 7251. A bill granting the consent of Congress to interstate compacts for the development or operation of library facilities and services; to the Committee on the Judiciary.

By Mr. GOODELL:

H.R. 7252. A bill to prohibit discrimination in employment because of race, color, religion, or national origin; to the Committee on Education and Labor.

H.R. 7253. A bill to provide for the desegregation of public schools, with all deliberate speed, including nationwide first-step compliance by 1963, and for other purposes; to the Committee on Education and Labor.

H.R. 7254. A bill to amend part III of the Civil Rights Act of 1957; to the Committee on the Judiciary.

H.R. 7255. A bill to make the Commission on Civil Rights a permanent agency in the executive branch of the Government, to broaden the scope of the duties of the Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 7256. A bill to amend section 17 of the Federal Home Loan Bank Act and to amend section 5 of the Home Owners Act of 1933 to establish an International Home Loan Bank; to the Committee on Banking and Currency.

By Mr. PETERSON:

H.R. 7257. A bill to provide for the issuance of a special postage stamp in commemoration of 300 years of operation of hotels in America, and the 50th annual convention of the American Hotel Association; to the Committee on Post Office and Civil Service.

By Mr. UDALL:

H.R. 7258. A bill to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIS:

H.R. 7259. A bill to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Western District of Louisiana, Lafayette Division, holding court at Lafayette, La.; to the Committee on the Judiciary.

By Mr. CANNON:

H.J. Res. 432. Joint resolution designating the first day of July in each year as Tom Sawyer Day, U.S.A.; to the Committee on the Judiciary.

By Mr. MILLIKEN:

H. Con. Res. 315. Concurrent resolution expressing the sense of Congress on representation of China in the United Nations; to the Committee on Foreign Affairs.

By Mr. BOW:

H. Res. 308. Resolution to establish a House Committee on the Captive Nations; to the Committee on Rules.

By Mr. MILLER of New York:

H. Res. 309. Resolution to establish a House Committee on the Captive Nations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Oregon, memorializing the President and the Congress of the United States relative to House Joint Memorial No. 11 of the Legislative Assembly of Oregon, relating to the development of the domestic mining and minerals industry,

which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUCHINCLOSS:

H.R. 7260. A bill for the relief of Kazimierz Sadkowski Kwast; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 7261. A bill for the relief of Dr. and Mrs. Demetrios Flessas and two children; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 7262. A bill for the relief of Mr. Fernando Pereira Fernandes; to the Committee on the Judiciary.

By Mrs. PFOST:

H.R. 7263. A bill for the relief of Orsolina Cianfione Iallonardo; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 7264. A bill for the relief of M. C. Pitts; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

157. By Mr. CASEY: Petition of 100 citizens of Houston, Tex., for the impeachment of Chief Justice Earl Warren; to the Committee on the Judiciary.

158. By Mr. STRATTON: Resolution of the common council of the city of Oneonta, N.Y., opposing S. 1197, S. 1089 and H.R. 5937, legislation setting forth amended criteria to be used with respect to the rates where competition between carriers of different modes of transportation is involved; to the Committee on Interstate and Foreign Commerce.

SENATE

TUESDAY, MAY 23, 1961

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

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

Eternal God, whose mercy and patience, like the wideness of the sea, are never exhausted by Thy erring children.

In the midst of toiling days, as the fever and fret of these clamorous times take their toll of our spirits, we are grateful for quiet arbors where we can look out and up to the hills of our help and where sighs and sobs turn to songs of deliverance from panic and defeat.

In Thy light may we bring to the bar of judgment the motives which have betrayed our highest quests, the methods which have failed us and the values which have cheated us. Earthen vessels though we are, give us a part in making the crooked things straight and earth's deserts blossom as the rose.

We ask it in the name of the Master who makes all things new. Amen.

THE JOURNAL

On request of Mr. THURMOND, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 22, 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.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H.R. 7208) making appropriations for the legislative branch for the fiscal year ending June 30, 1962, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 7208) making appropriations for the legislative branch for the fiscal year ending June 30, 1962, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. THURMOND. 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 PRESIDENT pro tempore. Without objection, it is so ordered.

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

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

The Chief Clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

AMENDMENT OF COMMODITY EXCHANGE ACT

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Commodity Exchange Act, as amended (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON PROPERTY ACQUISITIONS BY OFFICE OF CIVIL AND DEFENSE MOBILIZATION

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, reporting, pursuant to law, on property acquisitions by that Office, for the quarter ended March 31, 1961; to the Committee on Armed Services.

REPORT OF PUBLIC UTILITIES COMMISSION OF DISTRICT OF COLUMBIA

A letter from the Executive Secretary, Public Utilities Commission of the District of Columbia, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the calendar year 1959 (with an accompanying report); to the Committee on the District of Columbia.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF STATE

A letter from the Acting Secretary, Department of State, transmitting, pursuant to law, a report on tort claims paid by that Department, during the calendar year 1960 (with an accompanying report); to the Committee on the Judiciary.

PETITION

The PRESIDENT pro tempore laid before the Senate a joint resolution of the Legislature of the State of Oregon, which was referred to the Committee on Interior and Insular Affairs, as follows:

HOUSE JOINT MEMORIAL 11

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

We, your memorialists, the 51st Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent that:

Whereas the development and utilization of Oregon's abundant mineral resources have always been and must continue to be bulwarks of this State's economy, providing not only a source of employment and income but also a sound base for revenue and a substantial market outlet for agricultural and manufactured products in mining areas; and

Whereas this basic and essential mining industry has for several years been confronted with adverse economic conditions so severe that many major mining enterprises in this State have been forced out of business and many others are being reduced to the status of marginal operations; and

Whereas the cause of this serious predicament of our mining industry can be traced to governmental policy that stimulates the development and exploitation of foreign mineral resources and permits relatively free access to this low-cost foreign production by U.S. markets; and

Whereas this policy, if continued, will not only threaten the economic survival of Oregon's mineral industries but will also impose a serious handicap on our Nation's capacity for providing from domestic sources the basic requirements for national defense; and

Whereas the executive department of the Federal Government and both major political parties, as well as the Conference of Western Governors, have officially recognized the necessity for maintaining a domestic mining industry that is sufficiently progressive and vigorous to assure a minerals mobilization base adequate for national preparedness and security; and

Whereas past efforts by the Federal Government to alleviate the depressed conditions that prevail in various segments of the domestic mining industry by means of short-range programs and temporary expedients, such as stockpiling and quota limitations, have proved ineffective and inadequate: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon, the Senate jointly concurring:

1. The 51st Legislative Assembly of the State of Oregon respectfully urges that the Federal Government in the national interest foster and encourage:

(a) The development of an economically sound and stable domestic mining and minerals industry.

(b) The orderly development of domestic mineral resources and reserves necessary to assure satisfaction of industrial and security needs.

(c) Mining, mineral and metallurgical research to promote the wise and efficient use of our mineral resources.

2. The 51st Legislative Assembly of the State of Oregon recommends that this policy be implemented by:

(a) More effective enforcement of the antidumping laws.

(b) The imposition of adequate duties on metal and mineral imports, to be applied only if the price of such metals and minerals falls below the level that is required to maintain a sound and healthy domestic mining industry.

3. The secretary of state shall send copies of this memorial to the President of the United States, the Presiding Officer of the U.S. Senate, the Speaker of the House of Representatives of the United States, and to each member of the Oregon congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency, with an amendment:

S.J. Res. 88. Joint resolution authorizing the issuance of a gold medal to Bob Hope (Rept. No. 285).

By Mr. ENGLE, from the Committee on Commerce, without amendment:

S. 1462. A bill to amend the act of September 2, 1960 (74 Stat. 734), in order to authorize the Secretary of Agriculture to establish minimum standards of quality for any variety of grapes and plums covered by such act, and for other purposes (Rept. No. 286).

COMMISSION ON NOXIOUS AND OBSCENE MATTERS AND MATERIALS—REPORT OF A COMMITTEE

Mr. MUNDT. Mr. President, by direction of the Committee on Government Operations, I report favorably, without amendment, the bill (S. 162) providing for a commission to be known as the Commission on Noxious and Obscene Matters and Materials, and I submit a report (No. 284) thereon.

Mr. President, this bill is cosponsored by my able colleagues, Senators SCOTT, PROUTY, KEFAUVER, BIBLE, KUCHEL, BUSH, KEATING, SCHOEPPEL, FONG, BRIDGES, YOUNG of North Dakota, BENNETT, COOPER, CASE of New Jersey, HOLLAND, HUMPHREY, THURMOND, RANDOLPH, SMATHERS, CARROLL, DWORSHAK, ALLOTT, and SPARKMAN.

Mr. President, I do not believe there is an informed citizen in this country today who does not recognize the problem which confronts us in the form of this traffic in obscenity.

I doubt whether a single Member of the Congress is unaware of this blight upon our moral structure, because many Americans are aroused and are demanding that action be taken to bring an end to these activities which are enriching these merchants of filth.

Mr. President, we have known for a considerable time that this is not a small change operation. Many months ago the former Postmaster General of the United States reported that the peddlers of pornographic and obscene literature were operating a racket which was bringing in half a billion dollars yearly.

And today we look at the report of our FBI Director, Mr. Hoover, telling us of the increased crime rate. We need not even look into the detailed reports to know this is true—we merely have to pick up any edition of a Washington newspaper detailing the acts of lawlessness in our own Capital City.

I recognize that a variety of causes can be given for the increases in crime. But I submit that we can readily find that one source of the troubles that have been unleashed upon us can be traced back to the degenerating effect the pornographic, obscene, and salacious materials being circulated thoughout this country have had on immature minds.

Mr. President, it is unfortunate that a U.S. Senator must take the floor and discuss these reprehensible, immoral activities by people who have no respect for decency. But it would be more unfortunate to ignore this threat to the very moral fiber of our people.

My colleagues who join with me in sponsorship of this bill do not pretend to be experts on how to solve this problem. But we are all agreed that a starting point has to be made so that we can proceed promptly and in the right direction toward ending these practices which constitute a danger to every American home and family.

It is our belief that this measure does offer that starting point by presenting us with the opportunity to bring together dedicated citizens who can closely scrutinize every possible step that can be taken consistent with our Constitution and to recommend a course of action that will firmly and fairly end this despicable racket.

Mr. President, I request that excerpts from the report of the Committee on Government Operations be made a part of the RECORD at this point.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the excerpts from the report will be printed in the RECORD.

The excerpts from the report are as follows:

PURPOSE

S. 162 provides that a commission will be established to explore methods of combating the traffic in obscene and noxious materials and to (1) seek means of improving coordination between various levels of Government to suppress such traffic; (2) endeavor, through the cooperation of various information and communication media, to inform the public about the problem and to further the objectives of the Commission; and (3) report its findings and recommendations as to what legislative, administrative, or other forms of action needs to be taken to combat the traffic in obscene and noxious materials.

BACKGROUND INFORMATION

S. 162 is identical to S. 3736, a bill introduced in the 86th Congress which was favorably reported by the Government Operations Committee of the Senate (S. Rept. 1749) and passed by the Senate.

This legislation has been introduced in an effort to bring about a workable and effective program to fight the traffic in obscene and noxious matters and materials. While considerable interest has been shown by Congress and by the general public in the serious problems involved in the distribution of pornographic literature, no single effective piece of legislation has been adopted which deals a crippling blow to this insidious industry.

Many religious, patriotic and service organizations and groups have been continually urging Congress to take action on this serious and menacing problem. The Congress has taken note of the widespread harm done to youth and others through the dissemination of lewd, obscene and noxious materials, and a number of bills have been introduced in Congress on the subject.

Twenty-three additional Senators have joined in the sponsorship of this bill. It is the belief of the sponsors that the best approach to the problems resulting from the distribution of obscene materials would be through the establishment of a Commission which could thoroughly examine all the facets of the problems and could then recommend steps to be taken both by legislative bodies and by private groups and citizens to meet the threat posed by the dissemination of obscene matters.

It is the belief of the sponsors that this small group of experts, drawn from a wide area of interests, could make recommendations and initiate action more effectively.

The Commission is to be made up of persons from several walks of life who have knowledge of the seriousness of the problem and the many legal problems connected with the suppression of the traffic in obscene materials.

The Commission will study the need for any new Federal regulations for controlling such traffic, as well as the general need for State laws or local ordnances for this purpose.

Efforts will be made by the Commission to alert the public, especially the parents and school-age children, about the seriousness of this pernicious traffic and give guidance to the public in suppressing the distribution of such lewd and obscene matters, or in bringing the purveyors of filth into court.

MEMBERSHIP OF THE COMMISSION

The following Government agencies will have representatives on the Commission: The Post Office Department, the Department of Justice (including the Federal Bureau of Investigation), and the Department of Health, Education, and Welfare. There will also be one Member from the House of Representatives and one Member of the Senate on the Commission.

Public members are selected from groups knowledgeable on this question both from a moral aspect and from a law enforcement aspect. These will include three clergymen, a secondary school official, a State attorney general, a county or city prosecutor, and a county or city law enforcement officer.

Representatives from the information and communications media will sit on the Commission. One member will come from the moving picture industry, one from the radio-television industry, and one from the publishing industry.

This group will represent all segments of the population concerned with the problems resulting from distribution of noxious and obscene matters and materials.

BILLS INTRODUCED

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

By Mr. DODD (for himself and Mr. WILEY):

S. 1939. A bill to protect the public health by regulating the manufacture, compounding, processing, and distribution of habit-forming barbiturate and amphetamine drugs; to the Committee on Labor and Public Welfare.

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

By Mr. CANNON:

S. 1940. A bill for the relief of Wing-Jing Wong; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 1941. A bill to authorize construction of community support facilities at Los Alamos County, N. Mex.; to the Joint Committee on Atomic Energy.

By Mr. COTTON (for himself and Mr. BRIDGES):

S. 1942. A bill for the relief of the State of New Hampshire; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 1943. A bill for the relief of Hajime Sumitani; to the Committee on the Judiciary.

By Mr. McNAMARA (for himself, Mr. DOUGLAS, Mr. MORSE, and Mr. RANDOLPH):

S. 1944. A bill to amend the Welfare and Pension Plans Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. McCARTHY (for himself, Mr. HUMPHREY, Mr. YOUNG of Ohio, and Mr. DOUGLAS):

S. 1945. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection for the employment opportunities of agricultural workers in the United States, and other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. CARROLL:

S. 1946. A bill to amend section 4(e) of the Natural Gas Act relative to hearings concerning the lawfulness of new rate schedules; to the Committee on Commerce.

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

By Mr. SCHOEPPEL:

S. 1947. A bill for the relief of Annemarie Herrmann; to the Committee on the Judiciary.

REGULATING THE MANUFACTURE AND DISTRIBUTION OF HABIT-FORMING BARBITURATE AND AMPHETAMINE DRUGS

Mr. DODD. Mr. President, I introduce, for appropriate reference, a bill to amend title 21, United States Code, to place under Federal regulation certain activities in connection with the manufacture, compounding, processing, and distribution of habit-forming barbiturates and amphetamine drugs.

In the entire field of juvenile crime, I do not think there is a more disturbing problem than the use of drugs by our young people. As chairman of the Subcommittee To Investigate Juvenile Delinquency, I have examined investigative reports that tell the frightening and revolting story of youths drawn to these drugs. The subcommittee's files reveal a record of robbery and violence, of sex crimes and complete abandonment of moral standards.

Unfortunately, these are not isolated incidents. The misuse of amphetamine and barbiturate drugs has grown to such an extent that it now must be considered a national problem.

Efforts by Federal authorities to curb the illicit drug trade present a study in frustration. It is obvious that the underworld has been diverting supplies from legitimate channels of distribution. The drugs are then redistributed to local pushers for sale to anyone looking for a "kick." Although the method of operation is well known, attempts to crack down on this aspect of the drug traffic have met little success.

The failure to eliminate this activity is due primarily to inadequate laws. The purpose of this bill is to remedy the existing situation by providing authorities with three tools essential to effective drug control. First, the recording and listing provisions will enable authorities to locate and close the primary sources of illicit distribution; second, the extension of Federal control to all areas of unauthorized drug traffic will enable officials to clamp down on previously immune activity; third, the increased penalties for sales to juveniles will emphasize the serious nature of the crime and make this trade less appealing.

The present difficulty arises because amphetamines and barbiturates are not classified as narcotics and therefore not subject to the stringent narcotic laws. The problem of regulation is made even more difficult by the lengths to which youths will go to obtain the drugs.

A prime example of this is the case of amphetamine inhalators which, prior to 1959, were available without prescription. The inhalator was designed to relieve nasal congestion and was commonly sold in drugstores throughout the country. It was soon discovered that the amphetamine core of the inhalator could be used to produce a "hopped-up" sensation. This was accomplished simply by removing the core, dissolving its active chemical ingredient in a water solution, and injecting it into a vein.

The effects of uncontrolled distribution were amply demonstrated in Kansas City, Mo. There, sales of the inhalator, mostly to youths, were averaging 1,000 a week above normal. The natural result was a marked increase in juvenile crime and arrests.

That the inhalator incident is simply one form of widespread drug misuse is readily supported by daily newspaper stories. Even more common are reports of crimes involving the misuse of benzedrine, dexedrine, and other so-called "pep pills," and various forms of barbiturates referred to by illegitimate users as "goof balls."

I should like to give just a sample from our files for the month of April relative to this problem.

A New York Post story of April 6, 1961, reported the uncovering of a youthful drug ring in New Jersey. The four youths said, and I quote from the article—

> In the last year they had consumed from 2,000 to 3,000 pills and about 2,000 bottles of cough medicine * * *. One officer said the combination of the pills and cough medicine was worse than marijuana. "On this stuff," he said, "sometimes they don't remember for 24 hours. They really go rammy."

Latest reports on this case indicate there may be as many as 50 youths involved with this one drug ring. In referring to this investigation, the police said:

> These kids are mixing barbiturates with pep pills. They combine this with as many as 4 to 6 grains of codeine at a clip. I don't know how they keep from killing themselves. That's enough to stop their hearts.

A New York Times article of April 7, 1961, reports that—

> State and local police at Woodbridge, N.J., broke up a criminal operation that had been supplying thousands of teenagers with illicit drugs.

State narcotic investigators estimated that about 10 pushers, mostly teenagers, had been peddling stimulants such as benzedrine at about $1 a tablet. These pushers reportedly worked establishments which catered to teenagers, especially dance halls where teenage dances were held.

Mr. President, it is difficult to believe that a society so conscious of public health and morality would allow this situation to continue. The measure I now propose would close a major gap in our present law and would be a decisive step toward the elimination of this ugly business.

Under existing controls the Food and Drug Administration has been issuing orders banning the sale of specific drugs without prescription. Now most amphetamine and barbiturate drugs are sold only by prescription. An order by the Food and Drug Administration, however, is basically a stopgap measure. It falls short of restrictive legislation in two areas:

First, the order is aimed primarily at legitimate retail outlets and does not provide effective sanctions against bootlegging and underworld distribution.

Second, in a criminal action the law enforcement officers are forced to proceed under criminal provisions of the Food, Drug, and Cosmetic Act and consequently face evidentiary problems which make conviction difficult.

These problems of proof occur because the crime, under existing law, is the unauthorized sale or distribution of drugs which have traveled in interstate commerce. But it is the unauthorized sale or distribution itself, whether interstate or intrastate, that is wrong, and that does the damage. This is clearly pinpointed in the bill.

From a realistic standpoint, it is this provision that puts teeth into the law. A violator caught in the act of an unlawful sale could not escape conviction because of a legal loophole; that is, the unauthorized sale or distribution of these drugs now would be a Federal crime whether or not the drug is proved to have traveled in channels of interstate commerce.

The bill contains two listing and recording provisions which would not be unduly burdensome and which would be of great assistance to authorities in tracing contraband drugs.

The first provision requires manufacturers, compounders, and processors of the drugs to list their names and places of business with the Secretary of Health, Education, and Welfare.

The second provision requires every person, including manufacturers, wholesalers, and retailers who sell, deliver, or otherwise dispose of the drugs, to keep a record of the kind and quantity involved including the name and address of the person to whom the drug is sold. An exception is made for duly licensed medical practitioners.

I want to emphasize at this point that these are not licensing provisions that subject the manufacturers' and distributors' right to engage in business to arbitrary Federal discretion. The sole purpose is to provide authorities with an effective means of locating and eliminating the primary sources of illicit distribution.

In addition, and of prime importance, is the provision that would amend the criminal sanctions by providing stiffer penalties for those offenders selling to minors. It increases the fine and imprisonment from $1,000 and 1 year to $2,000 and 2 years with more severe penalties for second offenders.

The provisions of this legislation will in no way hamper the legitimate, legal, medical use of these drugs, but its stiff penalties will discourage blackmarketing and under-the-counter sales. Increased penalties for sales to juveniles will make trafficking in these drugs undesirable as a sphere of activity for the underworld, thereby eliminating what is often the first step in the long downhill journey into drug addiction. For thousands of young people this could easily be the first ounce of prevention.

If the amphetamine or barbiturate habit is not out-and-out drug addiction, it is the other end of the same stick. Its prolonged use softens an already weak moral fiber and predisposes the young mind to seek out the more subtle "kicks" of the deadly "hard" narcotics. All too often this leads down the dead-end road to habituation.

It is the high cost of the drug habit—often approaching $100 a day—that generates crime waves. There are no rules or laws to the down-and-out addict trying to feed his habit. He has no restraint. He will rob and steal, often murder accidentally, in his frenzied attempts to obtain drugs. I say accidentally because the one thing the addict is afraid of most is the commission of a serious crime and the possibility of long-term incarceration. This means prolonged separation from the one thing he wants most—narcotics.

Passage of this legislation would be an effective way to remove from the easy access of juveniles drugs which, when abused, frequently entice them into the disasters of criminal drug addiction, a major part of our youth crime problem.

Let the introduction of this bill serve as notice to those distorted and degenerate characters who trade in human misery that the Federal Government is strengthening its efforts to clean up this whole rotten business.

It is with these very strong feelings—which I am certain are shared by many of my colleagues—that I commend this bill to the attention of the Senate.

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

The bill (S. 1939) to protect the public health by regulating the manufacture, compounding, processing, and distribution of habit-forming barbiturate and amphetamine drugs, introduced by Mr. DODD (for himself and Mr. WILEY), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

AMENDMENT OF WELFARE AND PENSION PLANS DISCLOSURE ACT OF 1958

Mr. MCNAMARA. Mr. President, on behalf of myself, and Senators DOUGLAS, MORSE, and RANDOLPH, I introduce, for appropriate reference, a bill to amend the Welfare and Pension Plans Disclosure Act of 1958.

The bill is designed to provide the Secretary of Labor with the investigating and enforcement powers needed to accomplish the purposes for which Congress passed the original act in 1958.

The amendments proposed here are substantially the same provisions as were passed by the Senate in 1958.

The attached letter from the President to the Vice President, the letter from Secretary Goldberg to the President, and the explanatory statement from the Department of Labor present the purposes of the bill in detail.

I ask unanimous consent that the letters and statement be printed in the RECORD, together with the bill.

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

The bill (S. 1944) to amend the Welfare and Pension Plans Disclosure Act of 1958, introduced by Mr. MCNAMARA (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare, 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 this Act may be cited as the "Welfare and Pension Plans Disclosure Act Amendments of 1961."

SEC. 2. The first line of section 3 of the Welfare and Pension Plans Disclosure Act is amended by striking out "(a)".

SEC. 3. Paragraph (1) of section 3 of such Act is amended by striking out the word "to" after the word "communicated".

SEC. 4. Paragraph (9) of section 3 of such Act is amended to read as follows:

"(9) The term 'State' includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343)."

SEC. 5. Section 3 of such Act is further amended by striking out paragraph (11) and adding the following new paragraphs 11, 12, and 13:

"(11) The term 'industry or activity affecting commerce' means any activity, business or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry 'affecting commerce' within the meaning of the Labor Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

"(12) The term 'Secretary' means the Secretary of Labor.

"(13) The term 'party in interest' means any administrator, officer, trustee, custodian, counsel, or employee of any employee welfare benefit plan or employee pension benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or officer or employee or agent of such employer, or an officer or agent or employee of an employee organization having members covered by such plan."

SEC. 6. Subsection (a) of section 4 of such Act is amended by striking out everything after the word "if", by inserting a "—" after the word "if", and adding the following new paragraphs:

"(1) such plan is established or maintained by any employer or employers engaged in commerce or in an industry or activity affecting commerce or by any employee organization or organizations representing employees engaged in commerce or in any industry or activity affecting commerce or by both; or

"(2) the income of such plan is claimed to be exempt from taxation under the provisions of the Internal Revenue Code of 1954 by reason of its nature or activities, or the costs of or contributions to such plan are claimed as allowable deductions in computing taxable income under such provisions."

SEC. 7. Paragraphs (3) and (4) of subsection (b) of section 4 of such Act are amended to read as follows:

"(3) such plan is administered by an organization which is exempt from taxation under the provisions of section 501(a) of the Internal Revenue Code of 1954 and is administered as a corollary to membership in a fraternal benefit society described in section 501(c)(8) of such Code or by organizations described in sections 501(c)(3) and 501(c)(4) of such Code; or

"(4) such plan covers not more than twenty-five participants."

SEC. 8. Subsection (a) of section 5 of such Act is amended by striking out the last sentence thereof and inserting in lieu of the following: "Such description and such report shall contain the information required by section 6 and 7 of this Act in such form and detail as the Secretary shall by regulations prescribe and copies thereof shall be executed, published, and filed in accordance with the provisions of this Act and the Secretary's regulations thereunder. No regulation shall be issued under the preceding sentence which relieves any administrator of the obligation to include in such description or report any information relative to his plan which is required by sections 6 or 7. Notwithstanding the foregoing, if the Secretary finds, on the record after giving interested persons an opportunity to be heard, that specific information on plans of certain kinds or on any class or classes of benefits described in section 3(a)(1) and (2) which are provided by such plans cannot, in the normal method of operation of such plans, be practicably ascertained or made available for publication in the manner or for the period prescribed in any provision of this Act, or that the information if published in such manner or for such period would be duplicative or uninformative, the Secretary may by regulations prescribe such other manner or such other period for the publication of such information as he may determine to be necessary and appropriate to carry out the purpose of this Act."

SEC. 9. Subsection (b) of section 6 of such Act is amended by adding at the end thereof the following new sentence: "Any change in the information required by this subsection shall be reported to the Secretary at the time the plan files with the Secretary the annual report required by section 7."

SEC. 10. Subsection (b) of section 7 of such Act is amended by striking out the word

"summary" immediately preceding the word "statement".

SEC. 11. Subparagraph (B) of paragraph (1) of subsection (f) of section 7 of such Act is amended by striking out the word "summary" immediately preceding the word "statement".

SEC. 12. Subparagraph (C) of paragraph (1) of subsection (f) of section 7 of such Act is amended by striking out "total fund" and inserting "total funds," by striking out "by reason of being an officer, trustee, or employee of such fund", and by striking out "listed at their aggregate cost or present value, whichever is lower" and inserting in lieu thereof "valued as provided in subparagraph (B)."

SEC. 13. Subparagraph (D) of paragraph (1) of subsection (f) of section 7 of such Act is amended by striking out the words "by reason of being an officer, trustee, or employee of such fund".

SEC. 14. Section 7 of such Act is amended by adding thereto the following new subsection (g):

"(g) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within ninety days after the end of each policy year, the information necessary to enable such administrator to comply with the requirements of this Act."

SEC. 15. Section 9 of such Act is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following new subsections:

"(d) The Secretary or his designated representative may investigate and gather data respecting matters subject to this Act, and may enter and inspect such places and such records (and make such transcriptions thereof), question such persons, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of this Act. The Secretary may report to interested persons or officials concerning the facts required to be shown in any description or report required by this Act and concerning the reasons for failure or refusal to file such a description or report or any other matters which he deems to be appropriate as a result of such an investigation.

"(e) For the purposes of any investigation provided for in this Act, the provisions of section 307 (relating to the attendance of witnesses and the production of books, records, and documents) of the Federal Power Act of June 10, 1920, as amended (16 U.S.C. 825f), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

"(f) Whenever it shall appear to the Secretary that any person is engaged in any violation of the provisions of this Act, he may in his discretion bring an action in the proper district court of the United States or United States court of any place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted.

"(g) The United States District Courts and the United States courts of any place subject to the jurisdiction of the United States shall have jurisdiction, for cause shown, to restrain violations of this Act."

SEC. 16. (a) Such Act is further amended by renumbering sections 10, 11, and 12 as sections 13, 14, and 15, respectively, and by adding the following new sections to the Act:

"REPORTS MADE PUBLIC INFORMATION

"SEC. 10. The contents of the descriptions and reports filed with the Secretary pursuant to this Act shall be public information, and the Secretary may publish any information and data which he obtains pursuant to the provisions of this Act. The Secretary may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based thereon as he may deem appropriate.

"RETENTION OF RECORDS

"SEC. 11. Every person required to file any description or report under this Act shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

"RELIANCE ON ADMINISTRATIVE INTERPRETATIONS AND FORMS

"SEC. 12. In any action or proceeding based on any act or omission in alleged violation of this Act, no person shall be subject to any liability or punishment for or on account of the failure of such person to (1) comply with any provision of this Act if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Secretary, or (2) publish and file any information required by any provision of this Act if he pleads and proves that he published and filed such information in good faith, on the description and annual report forms prepared by the Secretary and in conformity with the instructions of the Secretary issued under this Act regarding the filing of such forms. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this Act."

(b) The table of contents of the first section of such Act is amended by striking out the last three lines and inserting in lieu thereof the following:

"SEC. 10. Reports made public information.
"SEC. 11. Retention of records.
"SEC. 12. Reliance on administrative interpretations and forms.
"SEC. 13. Effect of other laws.
"SEC. 14. Separability of provisions.
"SEC. 15. Effective date."

CRIMES

SEC. 17. (a) Chapter 11 of title 18, United States Code, as amended, is amended by adding a new section captioned and reading as follows:

"§ 224. Offer, acceptance, or solicitation to influence operations of employee benefit plan.

"Whoever, being an administrator, officer, trustee, custodian, counsel, or employee of any employee welfare benefit plan or employee pension benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or officer or employee or agent of such employer, or an officer or agent or employee of an employee organization having members covered by such a plan, receives or agrees to receive any money or thing of value because of, or with intent to be influenced with respect to, any of his actions, decisions, or other duties relating to any question or matter concerning such plan, or any person who directly or indirectly gives or offers, or promises to give or offer, any payment or delivery of money or other thing of value prohibited by this section, shall be fined not more than $10,000 or imprisoned not more than three years, or both: *Provided*, That this section shall not prohibit the payment to or acceptance by any person of usual salary or compensation for necessary services performed in the regular course of his duties as such administrator, officer, trustee, custodian, counsel, agent, or employee of such plan, employer, or employee organization, or person providing benefit plan services to such plan.

"As used in this section, the term 'any employee welfare benefit plan or employee pension benefit plan' means any such plan subject to the provisions of the Welfare and Pension Plans Disclosure Act."

(b) The analysis of chapter 11, title 18, United States Code, immediately preceding section 201 thereof, is amended by adding at the end thereof the following new item:

"224. Offer, acceptance, or solicitation to influence operations of employee benefit plan."

(c) Chapter 31 of title 18, United States Code, as amended, is amended by adding a new section captioned and reading as follows:

"§ 664. Theft or embezzlement from employee benefit plan.

"Any person who embezzles, steals, or unlawfully and willfully abstracts or converts to his own use or to the use of another, any of the moneys, funds, securities, premiums, credits, property, or other assets of any employee welfare benefit plan or employee pension benefit plan, or of any fund connected therewith, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"As used in this section, the term 'any employee welfare benefit plan or employee pension benefit plan' means any such plan subject to the provisions of the Welfare and Pension Plans Disclosure Act."

(d) The analysis of chapter 31, title 18, United States Code, immediately preceding section 641 thereof, is amended by adding at the end thereof the following new item:

"664. Theft or embezzlement from employee benefit plan."

(e) Chapter 47 of title 18, United States Code, as amended, is amended by adding a new section captioned and reading as follows:

"§ 1027. False statements and concealment of facts in relation to documents required by the Welfare and Pension Plans Disclosure Act.

"Whoever, in any document required by the Welfare and Pension Plans Disclosure Act (as amended from time to time) to be published, or kept as part of the records of any employee welfare benefit plan or employee pension benefit plan, makes any false statement or representation of fact, knowing it to be false, or knowingly conceals, covers up, or fails to disclose any fact the disclosure of which is required by such Act or is necessary to verify, explain, clarify, or check for accuracy and completeness any report required by such Act to be published, shall be fined not more than $10,000, or imprisoned not more than five years, or both."

(f) The analysis of chapter 47, title 18, United States Code, immediately preceding section 1001, is amended by adding at the end thereof the following new item:

"§ 1027. False statements and concealment of facts in relation to documents required by the Welfare and Pension Plans Disclosure Act."

SEC. 18. The Welfare and Pension Plans Disclosure Act is further amended by substituting the term "Secretary" for the term "Secretary of Labor" wherever the latter term appears in such Act.

SEC. 19. The amendments made by this Act shall take effect January 1, 1962.

The letters and statement presented by Mr. McNamara are as follows:

THE WHITE HOUSE,
Washington, D.C., May 19, 1961.

Hon. LYNDON B. JOHNSON,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Since the enactment of the Welfare and Pension Plans Disclosure Act of 1958 we have had an opportunity to study its operation and effect. This has disclosed several serious deficiencies. I am transmitting herewith for appropriate consideration by the Congress a draft bill designed to correct these deficiencies.

The proposed legislation will give the Secretary of Labor the investigative and enforcement authority which he needs to implement the legislation and make it effective. In addition, it will authorize the Secretary of Labor to provide uniform interpretations and clarify existing ambiguities.

The Welfare and Pension Plans Disclosure Act is designed to prevent repetition of abuses and irregularities in the administration of employee benefit plans. I believe these amendments are necessary to carry out that purpose.

The enclosed letter from the Secretary of Labor and the explanatory statement attached to the proposal describe the measure in detail.

Sincerely,

JOHN F. KENNEDY.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1961.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed herewith is a draft of a bill to amend the Welfare and Pension Plans Disclosure Act of 1958 and a statement explaining its purpose and effect. The need for enactment of this legislation at the earliest possible date is clear.

You will recall that the Welfare and Pension Plans Disclosure Act was enacted in 1958 after investigations and hearings lasting several years had shown that disclosure legislation would be most desirable both as a remedy in cases where abuses already exist in particular employee benefit plans and as a preventative against possible future irregularities. The Senate in April 1958 adopted a broad welfare and pension plan reporting bill, S. 2888, 85th Congress, of which you were one of the sponsors. This measure would have authorized the Secretary of Labor to issue regulations, to make investigations, and to bring injunctions to enforce the bill's provisions. Willful violations carried a heavy penalty and embezzlement, kickbacks, and false entries in and destruction of books and records, would have been made felonies.

However, the House committee passed a much milder bill which was essentially agreed to by the conference committee. It was evident at the time to supporters of disclosure legislation, such as the proponents of S. 2888, that the measure was weak and unsatisfactory and would have to be reappraised in the future. Nearly 2½ years experience under the act have now amply demonstrated that it is not achieving either its disclosure or its reporting objectives in a satisfactory manner.

The draft bill is designed to remedy the act's deficiencies and to make certain necessary clarifications in its language. Its principal substantive provisions are as follows:

1. The bill would empower the Secretary of Labor to make authoritative interpretations, and good faith compliance therewith and protect administrators. Great confusion has resulted from the act's failure to authorize any Government agency to provide uniform interpretations.

2. The bill would give appropriate investigative and enforcement power to the Secretary of Labor, including the power to bring enforcement litigation. The failure of the act to furnish him with any such authority has left the Department of Labor virtually powerless to uncover abuses respecting reports called for by the statute. The act's reliance on the concept of self-policing, with individual employees or participants expected to achieve compliance through private litigation or by other means, has proved wholly unsuccessful and inadequate.

3. The bill would make embezzlement from the funds of a plan a felony. The same would be true with respect to kickbacks and payments to influence certain actions in connection with plan operations. This would remedy the act's failure to deal with these flagrant abuses.

4. The bill would also require supporting records to be kept and retained for 5 years.

5. By deleting the word "summary" in certain places, the bill would remedy the act's shortcoming which requires only "summary" statements of many important aspects of the plans' financial operations. This invites concealment of many abuses by simply filing sketchy or incomplete reports.

These and other changes, of a clarifying nature, are described in detail in the attached explanatory statement.

A provision requiring the bonding of persons handling funds and assets of these plans is being prepared and will be forwarded to the appropriate committee in the near future. As you know, the Labor-Management Reporting and Disclosure Act contains a provision in this area.

Yours sincerely,

——— ———,
Secretary of Labor.

STATEMENT IN EXPLANATION OF A BILL TO AMEND THE WELFARE AND PENSION PLANS DISCLOSURE ACT OF 1958

This bill is designed to put teeth into the Welfare and Pension Plans Disclosure Act of 1958 so that its reporting and disclosure purpose can be effectively achieved.

As enacted in 1958 this law fell far short of the measure developed by its original sponsors.

A series of congressional and other investigations in the 1950's had clearly shown that legislation at the Federal level was necessary to protect all those who have an interest in the honest management of the billions of dollars invested in private employee welfare and pension benefit plans in this country.

The original bill developed before enactment in 1958 called for broad and effective registration, reporting and disclosure of all types of such plans with adequate penalties and administrative and enforcement powers in the Secretary of Labor.

As finally enacted, all effective penalties and administrative and enforcement powers had been deleted.

Experience under the act since its enactment has amply proved that in its present form the law is a woefully inadequate instrument for fulfilling its purpose. Neither its reporting or disclosure objectives are being achieved.

For example, no agency of the Government has been authorized to provide uniform or authoritative interpretations of the act. Nor has any agency of the Govenment any investigative or enforcement authority, leaving the Government powerless for all practical purposes to uncover abuses or do anything about them. In this respect, the act's reliance upon suits by individual employees is completely unrealistic. Experience and commonsense demonstrate that most employees do not have the financial resources or expertise to bring the necessary private litigation to compel compliance with such a law. Furthermore, as employees, they are in a position to be intimidated and made subject to reprisal if they should venture to bring such a suit, thus effectively discouraging any such action. The failure of the act to provide any effective criminal penalties for dealing with the most flagrant abuses, such as embezzlement and kickbacks, has also contributed to the present act's serious weakness.

The present bill is thus designed to make the substantive changes which are essential if the law is to be at all effective, as well as to provide certain technical amendments which will be very helpful in establishing a workable disclosure system.

The substantive changes which the bill would make are as follows:

1. The word "summary" would be deleted from section 7(b) of the act in order to insure that abuses cannot be concealed by the simple expedient of making the financial report extremely sketchy or incomplete. A corresponding deletion would be made in section 7(f)(1)(B). The act presently provides that the annual reports shall contain, among other things, a summary statement of the plan's assets, liabilities, receipts, and disbursements. Such a provision makes it possible to conceal abuses with respect to a number of important aspects of the financial operations of those plans.

2. Protection would be extended to the beneficiaries of more plans by amending the coverage provisions of section 4 of the act to include all employee welfare and pension benefit plans claiming tax exemption instead of, as at present, only plans having an interstate character.

3. Under a new section 12, plan administrators and others affected by the act would be permitted to place full reliance upon the opinions and report forms of the administering agency, thereby correcting another defect in the present provisions of the act. This provision of the bill, patterned on section 10 of the Portal-to-Portal Act of 1947, would enable persons who have acted in good faith in compliance with and in reliance on interpretations of the Secretary of Labor, to plead such reliance as a defense when charged with violation of the act.

Likewise, if they can show that they published and filed the required description and annual reports on the forms prepared by the Secretary of Labor, in conformity with his instructions accompanying such forms, they have a defense if charged with failing to publish or file any information required by the act. The establishment of such a plea would protect the person from liability or punishment for the actions in question even though those actions were later determined not to have been in conformity with the act.

4. The enforcement deficiencies present in the act would be remedied by conferring appropriate investigatory power, including that of subpena, upon the Secretary of Labor. It would also authorize the Government to seek injunctions compelling compliance with and restraining violations of the act. Compliance presently rests solely on court proceedings brought by individual employees. These provisions are essential for an adequate enforcement program.

5. Further protection would be afforded by new criminal provisions to deal with the flagrant abuses of embezzlement and kickbacks. The embezzlement or unlawful conversion of money or any other assets of these plans would be made a Federal felony.

In addition, plan beneficiaries would be further protected by making certain conflicts of interest in connection with such plans a Federal crime. Under this provision administrators, officers, and employees of plans, persons who service such plans, and officers and employees of employers and unions whose employees or members are covered by these plans, would be prohibited from receiving monetary or other inducements in the nature of bribes, to influence

their actions or decisions respecting important operations of the plan. The giving of any such inducement would likewise be prohibited.

6. Along the lines of the Labor-Management Reporting and Disclosure Act of 1959, the bill would require plans to make and retain supporting books and records.

7. The Secretary of Labor would be given appropriate authority to make rules and regulations.

8. Benefits under many plans are provided by insurance companies or service or other organizations. Much of the information required by the plan administrator is therefore in the possession of a carrier or other organization and must be obtained from it by the administrator. The bill would require any such organization to certify the necessary information to the plan administrator within 90 days after the end of the policy year, so that the administrator may meet the act's reporting requirements.

9. Experience gained since the enactment of the statute has shown that certain technical amendments are also necessary, as follows:

(a) A provision is added to section 5(a) to relieve administrators of plans which utilize an insurance carrier or service organization to provide benefits, from certain reporting difficulties under the present act. For example, information relating to benefits provided through insurance is generally available on the basis of the contract year, but section 7(b) appears to require information respecting benefit payments to be furnished on the basis of the plan's reporting year. In many instances these 2 years are not coincidental with the result that many insured plans, through no fault of their own, have difficulty meeting the act's reporting requirements.

(b) Paragraph (2) of section 7(d) in its present form has also proved burdensome, particularly to the Government. This provision requires every plan which section 7(d) covers to attach to its annual report a copy of the financial report of the carrier or service organization. Since some organizations service as many as several hundred plans, it is evident that the files of the Labor Department will be encumbered with a multitude of unneeded copies of the same report of the same organization or carrier.

(c) The two defects outlined above would be remedied by the proposed amendment to section 5(a) included in the bill. This section deals with the duty of plan administrators to disclose and report information. New language would be added to the section to take care of situations where specific information required by the statute cannot, in the normal method of the plan's operations, be practicably ascertained or made available for public inspection in the manner or for the period prescribed by any provision of the act. It also would take care of situations where the information if published would be duplicative or uninformative. The amendment would thus authorize the Secretary of Labor, where he finds after hearing that such a situation exists, to prescribe by regulations such other method or such other period for the publication of the particular information as may be appropriate to carry out the act's purposes.

(d) An amendment to subparagraph (C) of section 7(f)(1) of the act would conform the basis for valuation of securities thereunder to that specified under subparagraph (B).

(e) Section 6(b) of the act requires that all amendments to a plan's organization or procedures must be incorporated in the description published by the administrator. It fails, however, to prescribe any time limit for doing this. The bill would require that any change in the information required to be reported to the Secretary must be reported when the plan files its next annual report.

(f) The bill would broaden the term "party in interest" used in subparagraphs (C) and (D) of section 7(f)(1), by eliminating certain language from these subparagraphs and adding a broad definition of the term to section 3. The persons included within the term would correspond to those to whom the new conflict-of-interest provision applies which is included in section 17(a) of the present bill.

PROPOSED AMENDMENT TO TITLE V OF THE AGRICULTURAL ACT OF 1949, AS AMENDED

Mr. McCARTHY. Mr. President, on behalf of myself and Senators HUMPHREY, YOUNG of Ohio, and DOUGLAS, I introduce, for appropriate reference, a bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection for the employment opportunities of agricultural workers in the United States, and for other purposes.

The Mexican farm labor program—Public Law 78—was established as a temporary measure in 1951 at the time of the Korean conflict. Under the law the U.S. Government has entered into agreements with the Republic of Mexico to regulate the conditions under which the Mexican agricultural workers can be employed in the United States. The contract provides a number of benefits for Mexican nationals: Payment of transportation costs, free housing which must meet minimum standards, a guarantee of work opportunities for at least three-fourths of the workdays in the contract period, insurance to cover major occupational hazards, and wage guarantees. The Mexican Government has set a minimum of 50 cents per hour for Mexican nationals employed under contract for work in this country.

It is important to recall that Public Law 78 is an enabling act. It is a voluntary program. It does not impose any obligations on any farmer, unless he chooses to use the program, and in general it does not carry any penalties except denial of the use of the service.

On the other hand, it is reasonable and just that the good offices of the U.S. Government should not be used as an employment agency which would either exploit foreign workmen or would undercut wages, working conditions, and employment opportunities of domestic workers. There is general agreement that the conditions of the Mexican nationals have considerably improved under the program.

The question now being raised is whether the growth and size of the program has had an adverse effect on domestic workers.

Public Law 78 has been extended on four occasions by the Congress, the most recent being at the close of the last session of Congress. At that time agreement was reached on the floor of the Senate for a 6-month extension, to December 31, 1961, with the understanding that at this session public hearings would be held and a careful review made of the program.

As Members of the Senate know, on May 11 the House of Representatives approved a 2-year extension of Public Law 78—H.R. 2010—by a vote of 231–157, after amendments backed by the administration and incorporated in the Coad bill—H.R. 6032—had been defeated.

The bill which I am introducing today was drafted to implement the administration's recommendations with respect to modification and extension of the Mexican farm labor program. Its provisions are essentially the same as those of the Coad bill, previously introduced in the House.

The purpose of the amendments proposed in the bill is to provide more specific guidelines for the Department of Labor in carrying out the original intent of Congress. Section 503 of Public Law 78, as adopted in 1951, states:

> No worker recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

Over the past 10 years the Department of Labor has issued a number of regulations to implement this directive of the Congress. Yet there has been extensive testimony from many sources that the Mexican farm labor program has had an adverse effect on wages and working conditions of domestic workers. In 1959 a special group of consultants was appointed by Secretary Mitchell to study the program. The members were former U.S. Senator Edward Thye, Dr. Rufus B. von Kleinsmid, chancellor of the University of Southern California, Glenn E. Garrett, chairman of the Texas Council of Migrant Labor, and Msgr. George Higgins, director of the social action department of the National Catholic Welfare Conference. The consultants agreed that adverse effect on domestic workers had taken place, and they recommended against extension of the program unless Public Law 78 were substantially amended so as to prevent adverse effect, insure utilization of the domestic work force, and limit the use of Mexicans to unskilled seasonal jobs. In the last session, Secretary of Labor Mitchell opposed extension of the program unless it were amended.

The new administration is also firmly opposed to extension of Public Law 78 unless it is accompanied by substantial reforms. Secretary of Labor Goldberg stated recently:

> Evidence accumulated by the Department of Labor proves beyond doubt that the mass importation of Mexican labor has had, and is having, an adverse effect on the wages, working conditions, and employment opportunities of U.S. farmworkers.

Assistant Secretary of Labor Jerry R. Holleman pointed out the difficulties in implementing the existing law in his testimony before the Subcommittee on Equipment, Supplies and Manpower of

the House Committee on Agriculture, March 17, 1961. He stated:

In spite of the diligent efforts of the Department of Labor and its affiliated State employment security agencies to give meaning and effect to these provisions, evidence has been accumulating which shows that the Mexican labor program has adversely affected the position of domestic agricultural workers. Studies of the Department of Labor demonstrate that wages in the majority of areas where foreign workers are employed have not kept pace with the rise of farm wage rates nationally. The reasons for this are inherent in the present provisions of the law. There is no indication of what specific standards are to be used to overcome the automatic adverse effect of the pressures of an inexhaustible supply of labor on the operations of a free labor market. All too often we have found ourselves in litigation challenging the validity of the Department's policies and criteria to prevent such adverse effect. Even today a suit challenging the validity of a policy which would require the payment of wages which would produce earnings as low as 50 cents an hour is pending in the courts.

Mr. President, I do not believe that it is necessary to impute motives to or to place the blame on any one group for the adverse effects resulting from this program. I do not suggest that the Department of Labor has been derelict in its duty or that the growers using Mexican nationals are unprincipled and indifferent to human needs. Nor do I believe that the Congress in 1951 could have foreseen all the consequences of this program. But I believe that we have a responsibility, after 10 years of experience with it, to review the program most carefully and to provide the necessary guidelines to improve it.

In making this decision, I believe that there are a number of facts which we must keep in mind.

First. The Mexican farm labor program expanded rapidly. In 1952, fewer than 200,000 Mexican nationals entered the United States, but from 1956 through 1959 the number was over 400,000 annually. In 1960, the number declined to 315,000 but this appears to represent increased automation, particularly in the harvest of cotton, rather than decreased proportionate reliance on Mexican nationals—see table I.

Second. The expansion of the Mexican farm labor program has taken place during a period of declining employment of hired farmworkers—see table II. Rural unemployment and underemployment have increased, and the underemployment of rural people has been estimated as the equivalent of 1,400,000 fully unemployed workers. Table III—from House Report 274, page 3—shows the seasonal composition of the farm labor force in 1960 on a monthly basis, including the number of Mexican nationals.

Third. The impact of the Mexican farm labor program is not spread evenly. About 54 percent of the U.S. farms use no hired labor, and the farms using Mexican nationals constitute about 2 percent of the U.S. farms. However, the farms using Mexican nationals are heavily concentrated, with about 12 percent of the farms in California, Arizona, and New Mexico making use of such workers. Of all the farms using Mexicans, about 70 percent are in two States: Texas and California. Mexican nationals are employed in some 1,000 crop areas in 1960 in several States, but in a majority of these States their number was not significant—see table IV.

The bill which I am introducing would extend the Mexican farm labor program for 2 years, until December 31, 1963. It incorporates the administration's recommendations for providing the Department of Labor with more and clearer standards designed to prevent the program from having adverse effect upon the wages, working conditions, and employment opportunities of domestic farmworkers. The provisions are similar to those proposed in the past, with the addition of a new section to establish a wage formula. I ask unanimous consent that a memo from the Department of Labor explaining the reasons and effects of this section be printed at this point in the RECORD.

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

THE WAGE AMENDMENT

Section 505 of the proposed amendment would require employers who wish to employ foreign Mexican workers and are offering less than average wages to—

1. Bring their wages, in yearly steps of not more than 10 cents an hour, up to the State or national farm wage average, whichever average is lower.

(Employers would in no case be required by the amendment to raise their wage offers by more than 10 cents per hour in any one year or to raise their wage offers to more than the lesser of the state average farm wage or the national average. Where the wage offer thus determined is less than the wage already prevailing in the area for the activity, the prevailing wage must, of course, be offered and paid.)

The reasons for the amendment are as follows:

1. It is necessary in order to fulfill the congressional intent, expressed when Public Law 78 was first enacted, that Mexicans not be used where their employment would adversely affect the wages of U.S. farmworkers. Despite vigorous efforts of the Department of Labor, it is now clear that adverse effects have been substantial in many areas.

2. Farm wages in activities and areas using braceros have lagged materially behind farm wages generally. In some cases wages have actually declined in the face of labor shortages met by use of braceros. In many areas the wage offered has remained at 50 cents per hour, unchanged for almost 10 years. In this respect, the Mexican labor programs seems clearly to have adversely affected wages of U.S. workers. It seems also to have created unfair competition for farmers in the great majority of areas where farm wages have risen more normally in response to labor stringencies, often to $1 per hour or more.

3. The only visible solution to these adverse effects, if Public Law 78 is to be continued, is to assure that Mexican labor availability is made dependent upon upward wage adjustments of the type that would occur if foreign workers were not used.

4. The rate at which such adjustments in wage levels are required should be decided by the Congress rather than by the Executive.

5. The formula proposed would simply cause wages in these activities to keep pace with farm wages generally. No employer willing to offer average wages would be deprived of needed braceros by this amendment.

The effect of the amendment. In the States where the wages offered by farmers using Mexican labor have continued to advance as would be expected in a normal labor market, the effects of the amendment will be negligible. Thus in States like California and Wisconsin, where the prevailing wage rates for employers authorized to use Mexicans are already above the national average farm wage rate of 97 cents per hour in many areas, this amendment would require no revision upward of the wage level.

The amendment's effects will be felt most in those States and areas in which wages have been most severely affected by the Mexican program. Thus in areas where wages in the activities employing Mexicans have failed to increase during the last 8 or 10 years, a significant increase would be necessary in order to "catch up" with the average State wage. In order to avoid wage increases so sharp as to be unnecessarily disruptive in such States, the amendment specifically limits the amount of wage increase required in any 1 year to 10 cents per hour.

A table presenting in more detail the effect of the amendment on wages in each of the States employing Mexicans at an hourly wage rate is attached (table V).

Mr. McCARTHY. Mr. President, I ask unanimous consent that the statistical tables referred to in my statement be printed in the RECORD and that the bill be printed at the conclusion of my remarks.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

(See exhibit 1.)

The tables ordered to be printed in the RECORD are as follows:

TABLE I.—*Total number of foreign workers contracted or admitted to the United States for temporary agricultural employment, by year, 1951–60*

Calendar year	Total	Mexican	British West Indies [1]	Canadian	Japanese [1]	Filipinos [1]	Calendar year	Total	Mexican	British West Indies [1]	Canadian	Japanese [1]	Filipinos [1]
1951	203,640	192,000	9,040	2,600			1956	459,850	445,197	7,563	6,700	390	
1952	210,210	197,100	7,910	5,200			1957	452,205	436,049	8,171	7,300	652	33
1953	215,321	201,380	7,741	6,200			1958	447,513	432,857	7,441	6,900	315	0
1954	320,737	309,033	4,704	7,000			1959	455,420	437,643	8,772	8,600	400	5
1955	411,966	398,650	6,616	6,700			1960	334,729	315,846	9,820	8,200	863	0

[1] Due to carryover of workers from year to year, the number admitted is usually less than peak employment.
Employment of Filipinos remained relatively constant throughout the year.

Source: Administrative reports, Bureau of Employment Security; figures for Canadians, Japanese, and Filipinos are approximations.

TABLE II.—*Average number of workers employed on farms, United States, 1951–60*

[Thousands]

Year	Total	Farm operators and unpaid family workers	Hired workers	Year	Total	Farm operators and unpaid family workers	Hired workers	Year	Total	Farm operators and unpaid family workers	Hired workers
1951	9,546	7,310	2,236	1955	8,364	6,347	2,017	1958	7,525	5,570	1,955
1952	9,149	7,005	2,144	1956	7,820	5,899	1,921	1959	7,384	5,459	1,925
1953	8,864	6,775	2,089	1957	7,577	5,682	1,895	1960	7,118	5,249	1,869
1954	8,639	6,579	2,060								

Source: U.S. Department of Agriculture, Statistical Reporting Service, Farm Labor.

TABLE III.—*Seasonal composition of farm labor force in 1960*

[Thousands of workers]

Month	Total farm labor force [1]	Farmers and family labor [1]	All hired workers [1]	Seasonal workers				Month	Total farm labor force [1]	Farmers and family labor [1]	All hired workers [1]	Seasonal workers			
				Total [2]	Local [2]	Domestic migrants [2]	Mexican nationals [2]					Total [2]	Local [2]	Domestic migrants [2]	Mexican nationals [2]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
January	5,006	4,139	867	343	233	42	65	July	8,416	5,569	2,847	1,200	784	293	118
February	5,305	4,321	984	328	218	38	60	August	8,344	5,694	2,650	1,112	716	263	128
March	5,994	4,763	1,231	309	205	34	60	September	9,120	6,283	2,837	1,282	848	251	168
April	7,151	5,507	1,644	417	284	52	70	October	8,283	5,965	2,318	1,316	823	256	227
May	7,725	5,758	1,967	766	543	114	97	November	6,593	5,075	1,518	743	463	119	152
June	8,271	5,627	2,644	1,225	867	222	128	December	5,206	4,285	921	405	260	58	75

[1] From Farm Labor, published monthly by U.S. Department of Agriculture.
[2] From Farm Labor Market Developments, published monthly by U.S. Department of Labor. Entries in col. (5) include a few foreign workers not shown in cols. (6), (7), and (8).

TABLE IV.—*Employment of Mexican nationals—Selected data*

	Number of farms using Mexican workers, 1959		Peak employment of Mexican workers, 1959 [1]	Domestic-worker employment on date of peak employment of Mexican workers, 1960	
	Number of farms	As percent of all farms		Total	In areas and activities in which Mexicans were employed [1]
Total, United States	48,788	1.3	234,171	1,136,720	
Total, all States using Mexicans	48,788	2.1			
Texas	22,310	9.8	103,680	205,794	178,814
California	12,176	12.3	73,430	159,150	124,850
Arkansas	2,641	2.8	31,296	67,360	58,214
Arizona	923	12.8	14,312	24,763	17,475
New Mexico	1,888	11.9	11,257	3,684	1,004
Michigan	3,921	3.5	11,151	66,546	17,426
Colorado	2,060	6.2	6,539	14,230	8,359
Montana	749	2.6	2,563	8,606	2,793
Nebraska	562	.6	2,310	5,429	2,282
Georgia	102	.1	1,264	57,837	10,302
Wyoming	536	5.5	1,213	4,328	2,623
Wisconsin	213	.2	1,004	9,759	5,222
Tennessee	65	(2)	659	37,347	6,391
Indiana	46	(2)	612	6,852	1,208
Missouri	206	.1	469	29,220	29,220
Utah	211	1.2	426	6,849	3,949
Oregon	15	(2)	349	20,410	1,395
Illinois	3	(2)	234	11,205	817
South Dakota	76	.1	229	508	288
Kentucky	9	(2)	179	20,272	1,621
Iowa	10	(2)	126	19,462	144
Nevada	27	1.1	121	605	174
Minnesota	21	(2)	97	4,888	2,212
Washington	(3)	(2)	60	37,919	1,840
North Dakota	13	(2)	56	9,427	302
Kansas	5	(2)	22	41,478	1,503

[1] Since peaks occur at different dates, items in this column are not additive.
[2] Less than 0.05 percent.
[3] No Mexican nationals employed in 1959.
Source: U.S. Department of Labor, Bureau of Employment Security.

TABLE V.—*Proposed wage standards for Mexican labor program indicators of impact*

State [2]	Average hourly rate without room and board, USDA, 1960	Hourly wage rates paid U.S. workers in activities in which Mexicans are employed			State [2]	Average hourly rate without room and board, USDA, 1960	Hourly wage rates paid U.S. workers in activities in which Mexicans are employed		
		Under present law [1]		Under proposed amendment, lowest rate for employers authorized to use Mexicans in 1963 [3]			Under present law [1]		Under proposed amendment, lowest rate for employers authorized to use Mexicans in 1963 [3]
		Lowest rate for employers authorized to use Mexicans	Most common rate for employers authorized to use Mexicans				Lowest rate for employers authorized to use Mexicans	Most common rate for employers authorized to use Mexicans	
(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Arizona	$0.97	$0.70	$0.70	$0.90	Minnesota	$1.10	$0.75	$0.75	$0.95
Arkansas	.73	.35	.50	.70	Missouri	.99	.50	.50	.70
California	1.23	.75	1.00	.95	Nebraska	1.10	.85	.85	[4] .97
Colorado	1.09	.65	.75	.85	Nevada	1.24	.75	.75	.95
Illinois	1.10	.75	.75	.95	New Mexico	.85	.60	.60	.80
Indiana	1.06	.75	.80	.95	Tennessee	.63	.50	.50	.63
Kansas	1.12	.85	.85	[4] .97	Texas	.78	.40	.50	.70
Kentucky	.82	.50	.50	.70	Utah	1.19	.75	.75	.95
Michigan	1.07	.75	.85 and 1.00	.95	Wisconsin	1.09	.80	1.00	[4] .97

[1] Based upon U.S. Department of Labor surveys to determine the prevailing wage.
[2] The States in which Mexican nationals are employed at hourly wage rates.
[3] Rates for 1963 are shown here because, with a 2-year extension of the program, that is the year in which Congress would be reviewing the program.
[4] 97 cents was the average hourly farm wage rate for the Nation in 1960. In 1963, the pertinent figure (the average for 1962) will, of course, be different, probably somewhat higher. Between 1959 and 1960, the average hourly farm wage rate rose 2 cents per hour.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the bill lie on the desk through Thursday next for additional sponsors.

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

The bill (S. 1945) to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection for the employment opportunities of agricultural workers in the United States, and other purposes, introduced by Mr. McCARTHY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

EXHIBIT 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(2) of the Agricultural Act of 1949, as amended, is amended to read as follows: "(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed $15 per worker; and".

SEC. 2. Section 503 of such Act is amended by changing the comma at the end of clause numbered "(2)" to a period, deleting the word "and" and clause numbered "(3)", and substituting the following in place thereof: "As an additional means of carrying out his responsibilities under this section, the Secretary may, in order to provide such active competition in the labor market as is necessary to assure that wages and working conditions of domestic workers are not adversely affected, limit the number of foreign workers who may be employed by any employer."

SEC. 3. Sections 504 through 509 of such Act are renumbered sections "506" through "511" respectively; the reference to "section 507" in section 508, renumbered as section "510", is changed to section "509"; and the following new sections "504" and "505" are inserted after section 503:

"SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

"(1) unless the employer has made reasonable efforts to attract domestic workers at terms and conditions of employment reasonably comparable to those offered to foreign workers and is furnishing such terms and conditions to domestic workers in his employ;

"(2) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship, or

"(3) for employment involving the operation of power driven machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.

"SEC. 505. (a) No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays to such workers wages equivalent to the average farm wage in the State in which the area of employment is located, or the national farm wage average, whichever is the lesser: *Provided,* That for the purposes of this paragraph a wage offer equivalent to 10 cents per hour above the highest wage rate prevailing during the last previous season in which workers recruited under this title were employed in the area and in the activity involved, shall be deemed to fulfill the requirements of this paragraph:

Provided further, That in no event shall such workers be permitted to be employed by any employer who is paying domestic workers less than he offers workers recruited under this title for the activity in the area.

"(b) The determination of the average farm wage in a State and the national farm wage average required in (a) above shall be made by the Secretary of Labor, after consultation with the Secretary of Agriculture. In making these determinations, the Secretary of Labor shall consider, among other relevant factors, the applicable average farm wage rate per hour for workers who do not receive board and room, or such other appropriate information and data as may be available."

SEC. 4. Paragraph (1) of section 507 of such Act, renumbered as section "509" is amended by changing the comma after the words "Internal Revenue Code, as amended" to a period and deleting the remainder of the paragraph.

SEC. 5. Section 509 of such Act, as amended, renumbered as section "511", is amended by striking "December 31, 1961" and inserting "December 31, 1963."

UNJUSTIFIED INCREASES IN NATURAL GAS PRICES

Mr. CARROLL. Mr. President, I introduce, for appropriate reference, a bill to amend section 4(e) of the Natural Gas Act. Under the terms of this bill, no rate increase for an interstate natural-gas pipeline company could become effective until it received the approval of the Federal Power Commission.

Many bills have sought to alleviate the hardships imposed upon consumers and distributing companies by the piling of rate increase upon rate increase in the gas industry. These bills have usually sought to prevent a second increase from becoming effective until an initial application has been approved. Other bills propose to lengthen the permissible period suspension from 5 to 12 or more months. I wholeheartedly support such proposed legislation. I do so even though I know these attempted solutions are merely compromises and at best palliatives.

Even though I support such bills, I am convinced that we would do better to face this issue head on. I urge a return to the fundamental and time-honored principles upon which effective rate regulation has in the past depended. The underlying theory of effective rate regulation has been the law's recognition of the fact that public utility rates are the result of hammering out the basic facts in a hard-fought adversary proceeding. Once a decision has become final, it should stand until it has been demonstrated that changed conditions have made it unfair.

Under the existing laws, the Federal Power Commission cannot suspend rate increases for more than 5 months. This has allowed natural gas pipelines to file enormously padded applications for increased rates, to put those rates into effect, and to collect great sums of money from the consumers. This money is then used by the pipeline company as though it were the pipeline's own equity capital. I do not think the fact that the pipelines have used unjustified rate increases as a source of equity capital can be seriously challenged. Nor can forcing consumers to supply capital for a utility be defended.

A report of the Federal Power Commission showed that between July 1, 1949, and March 1, 1960, in the cases disposed of by the Commission, pipeline companies had collected $522,073,400 annually in increased rates. But when the Commission was able to dispose of the cases, these companies were entitled to retain only $310,828,100. Thus, the natural gas consumers had, during each of the 11 years covered by the study, supplied the pipelines with $211,245,300. The pipelines were able to use this huge sum as equity capital. Even though the pipelines were eventually required to repay this capital with interest at 6 percent, their common stockholders received a significant windfall.

All of the pipelines have been complaining for years that the return of 11 to 12 percent for common stock equity capital is niggardly. But even if we assume that the return on equity capital be limited to 10 percent, the rate increase process enables the company to receive this $211 million of capital per year at 6 percent instead of 10 percent. Consequently, there is a saving of 4 percent in interest cost—all of which benefits the common stockholder, and the common stockholder only. The existing rate procedures have enabled the common stockholders of the pipeline companies to gain $8,440,000 a year at the expense of the consumers. During the 11 years covered by the study, perhaps $90 million has thus been taken from the consumer for the benefit of the common stockholder.

I think that every pipeline company is entitled to fair treatment, just as I think everyone else in business is entitled to fair treatment. But the consumers of natural gas are also entitled to fair treatment, and I think that it is time that we in the Congress see that the consumers do get fair treatment.

The pipeline companies apply for increases to which they know they are not entitled. Every Senator from a State in which natural gas is consumed can parallel the experience of the people of Colorado. But let me cite as an example of the lack of fundamental fairness in dealing with the consumer the cases of Colorado Interstate Gas Co. The Federal Power Commission challenged the fairness of this company's rates. As a result, there was a hard-fought battle which ultimately ended in a decision by the Supreme Court of the United States on March 28, 1955. By that decision the Commission was upheld upon every contested point. But even before that case could be decided, Colorado Interstate had applied, September 2, 1953, for an increase in rates amounting to $6,508,000 a year. The purported justification of this increase was a challenge to the very principles upon which the Supreme Court had just found the Commission to be right and the company to be wrong. This new rate proceeding was not decided until December 30, 1958. But in those 5 years that the rates were effective, the company collected $31,625,000

from its customers. On February 1, 1955, the company applied for another increase, amounting to $10,269,000 annually, and on July 1, 1957, for a still further increase amounting to $3,135,000 annually.

None of these applications were decided until December 30, 1958. By that time the representatives of the consumers had been exhausted, and a compromise settlement was reached.

While the settlement required the consumers to pay at least $20 million more than the examiner, after careful study of the record, had found to be fair, the cases were settled. But in the meantime, consumers had been forced to pay to the company a total in excess of $75 million on rates which had never received the sanction of the Commission, and which the astute businessmen who operate Colorado Interstate must have known they could never establish as fair and just.

Illustrations such as this—and they could be multiplied many times—strengthen my belief that the time for compromise is past. I think the time has come to return to the basic principle that the pipelines should not be permitted to collect a single cent from their customers until they have demonstrated that the proposed rate is lawful. Anything less than firm adherence to this principle is a compromise which permits consumers to be victimized by unjust exactions.

My bill proceeds upon that principle. It is right in theory, and it is right in fact.

I know that it will be argued that the regulatory lag may cause unjustified injury to the pipelines. I can conceive that there may come a time when some pipeline company may fairly be entitled to an increase in rates, and may ask only for that to which it is fairly entitled. If that time should come, the proposed bill would empower the Commission, after hearing all of the facts, to make the new rates retroactively effective to the filing of the application. In considering the question of ultimate fairness, we should keep in mind that the pipelines are wholesalers, dealing with distributing companies whose financial responsibility is equal to that of the pipelines.

The traditional justification for allowing rates to be placed in effect under suspension arises from the fact that the distributing companies are dealing with many customers, some of whom may die, some may move, some may terminate the service, and a few may prove to be persons from whom the increased rate, if it is allowed, will be uncollectible. But none of these considerations apply in the case of pipelines, and the power to make the rate retroactive should fully protect the pipelines from the loss of anything to which they are entitled.

But the bill goes further in protecting any legitimate interest of the pipelines. If they can make a showing that this power to make rates retroactive is not an adequate remedy, the Commission is authorized to put all or any part of the rate into effect. But, if a rate does go into effect, the Commission is granted plenary power to insure that the consumers who furnish the money are fully repaid. Under this power, the Commission could—and I think it should—require that the disputed rates be deposited in escrow until the matter has been decided. Certainly, no company should be permitted to commingle the consumers' money by investing it in the plant which belongs to the common stockholders. This is precisely what Colorado Interstate Co. did. This is precisely why, when the Commission's experienced examiner finally concluded that the company was not entitled to the $75 million it had collected from the consuming public, the company was able to force a settlement more advantageous to itself by claiming that the repayment of the consumers of what was rightfully theirs would destroy the company.

I believe the bill which I am introducing is sound. It involves no compromise with what ought to be. It can be supported as a full and complete recognition of any constitutional rights any pipeline may have. It will effectively protect the public from the abuses with which all of us from the consuming States have become all too familiar. I urge its passage at the earliest possible moment.

Mr. President, I ask unanimous consent to have printed in the RECORD a comparison of the text of the proposed Carroll bill with the text of the present section 4(e) of the Natural Gas Act.

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

COMPARISON OF TEXT OF PROPOSED CARROLL BILL WITH TEXT OF PRESENT SECTION 4(E) OF NATURAL GAS ACT

[Matter proposed to be omitted in black brackets, new matter in italic]

(e) Whenever any such new schedule is filed the Commission shall have authority, either upon complaint of any State, municipality, or State Commission, or upon its own initiative without complaint, at once, and if it so orders, without answer or formal pleading by the natural-gas company, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, charge, classification, or service; and, pending such hearing and the decision thereon, the Commission, upon filing with such schedules and delivering to the natural-gas company affected thereby a statement in writing [of] *fixing the time and place for such hearing and containing* its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, classification, or service, [but not for a longer period than five months beyond the time when it would otherwise go into effect: *Provided*, That the Commission shall not have authority to suspend the rate, charge, classification, or service for the sale of natural gas for industrial use only;] *for such time as is reasonably necessary for the completion of such hearing and the decision thereon.* [and after full hearings, either completed before or after the rate, charge, classification, or service goes into effect, the Commission may make such orders with reference thereto as would be proper in a proceeding initiated after it had become effective.] *If it shall finally be determined that such schedule is lawful, the Commission shall have the authority to make such schedule effective retroactively to the date of its filing.* [If the proceeding has not been concluded and an order made at the expiration of the suspension period, on motion of the natural-gas company making the filing, the proposed change of rate, charge, classification, or service shall go into effect. Where increased rates or charges are thus made effective, the Commission may, by order, require the natural-gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, to order such natural-gas company to refunds, with interest, the portion of such increased rates or charges by its decision found not justified.] *Upon motion of the natural-gas company making the filing, and upon a showing that such natural-gas company will suffer damage for which the retroactive effectiveness of such schedule will not constitute an adequate remedy, the Commission may, by order, to the extent necessary to prevent such irreparable damage, and upon such terms and with such security as in its discretion will assure to the ultimate consumers the repayment of any amounts they may have been required to pay on account of such rates to the extent that such rates shall be finally determined to have been in excess of just and reasonable rates, permit such schedule, in whole or in part, to become effective pending final determination of the lawfulness of such schedule.* At any hearing involving a rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the natural-gas company, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.

Mr. CARROLL. Mr. President, I ask unanimous consent that the bill lie on the desk for a week, so that Senators may read my comments and may read the purposes of the bill. This is one of the most important bills to come before the Congress. It involves almost every State of the Union.

In closing, we have learned from the report submitted to the Congress that over $600 million of the consumers' money has been tied up as a result of heavy backlogs of cases which have failed to be acted upon by the Federal Power Commission.

Mr. President, I ask unanimous consent that the bill lie on the desk for 1 week, in order that other Senators may read it and cosponsor it if they desire. I trust the bill will have the cosponsorship of every Senator on this important proposed legislation.

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

The bill (S. 1946) to amend section 4(e) of the Natural Gas Act relative to hearings concerning the lawfulness of new rate schedules, introduced by Mr. CARROLL, was received, read twice by its title, and referred to the Committee on Commerce.

HOUSING ACT OF 1961—AMENDMENTS

Mr. JAVITS (for himself and Mr. DOUGLAS) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 1922) to assist in the provision of housing for moderate and low income families, to promote orderly urban development, to extend and amend

laws relating to housing, urban renewal, and community facilities, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. JAVITS (for himself and Mr. BUSH) submitted amendments, intended to be proposed by them, jointly, to Senate bill 1922, supra, which were ordered to lie on the table and to be printed.

IMPLEMENTATION OF 23D AMENDMENT TO THE CONSTITUTION—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of May 16, 1961, the names of Mr. LONG of Missouri, Mr. MOSS, Mr. SMITH of Massachusetts, and Mr. PELL were added as additional cosponsors of the bill (S. 1883) to regulate the election in the District of Columbia of electors of President and Vice President, and for other purposes, introduced by Mr. BIBLE on May 16, 1961.

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

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

By Mr. WILEY:

Address delivered by him over radio station WGN, Chicago, relating to strengthening of U.S. policies to halt Communist aggression.

By Mr. ANDERSON:

Article entitled "Totting Up the Cost of Health Care," written by Senator NEUBERGER, published in the Washington Post of May 21, 1961; and article entitled "Study Backs Expanded Medical Aid," written by Lewis Hawkins, published in the Washington Post of May 22, 1961.

By Mr. BYRD of West Virginia:

Address delivered by him before the Second Annual Travel Clinic, sponsored by the Upper Monongahela Valley Association at Blackwater Lodge, Davis, W. Va., on May 12, 1961, regarding the glories of West Virginia.

By Mr. ENGLE:

Statement by Representative HAROLD T. JOHNSON, of California, before Mining Subcommittee of the House Interior Committee, regarding the production of more gold at home.

PROPOSED INCREASE IN WORKMEN'S COMPENSATION OF LONGSHOREMEN AND HARBOR WORKERS

Mr. LAUSCHE. Mr. President, intermittently I have been pointing out, on the floor of the Senate, the various bills which are coming before the Committee on Commerce, proposing increases in the subsidies granted to the private operators of our merchant marine, carrying cargoes and passengers.

I have been a Member of this body for 4 years; and petitions for increased subsidies have repeatedly come before the committee, of which I am a member.

Since the enactment of the Merchant Marine Act of 1936, the Federal Government has paid in subsidy, to aid the development of our Merchant Marine, $232 million in construction differential costs and $944 million in operating differential costs. These figures, in large part, represent the difference between wages paid American shipyard workers and operating seamen and wages paid to comparable workers in foreign countries.

Presently, there is pending before the Committee on Labor and Public Welfare Senate bill 733, which contemplates increasing the maximum weekly workmen's compensation benefits paid to ship repairmen and other harbor workers from a level of $54 a week to $70 a week, or a 30-percent increase which would, in part, have to be paid for by the taxpayers of the United States because of the subsidy features of the Merchant Marine Act which I have just mentioned.

The liberality of these increases, compared to what the States are paying, in my opinion is influenced by the fact that the taxpayers have to pay a part of it.

The following is a tabulation of the maximum weekly benefits paid under State workmen's compensation laws at the present time and I ask unanimous consent to have it printed in the RECORD at this point.

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

STATE WORKMEN'S COMPENSATION LAWS

Maximum weekly benefit for single employee for temporary total disability by States

State	Rate	Date of available information
Alabama [1]	$31.00	1957
Alaska [1]	100.00	1959
Arizona	(2)	
Arkansas [1]	35.00	1959
California [1]	65.00	1959
Colorado	40.25	1959
Connecticut [1]	(2)	
Delaware [1]	50.00	1959
Florida [1]	42.00	1959
Georgia [1]	30.00	1959
Hawaii [1]	75.00	1959
Idaho	28.00	1959
Illinois [1]	45.00	1959
Indiana [1]	65.00	1959
Iowa	32.00	1959
Kansas [1]	38.00	1959
Kentucky [1]	36.00	1960
Louisiana [1]	35.00	1958
Maine [1]	39.00	1961
Maryland [1]	40.00	1959
Massachusetts [1]	50.00	1961
Michigan [1]	33.00	1960
Minnesota [1]	45.00	1959
Mississippi [1]	35.00	1960
Missouri [1]	45.00	1959
Montana	28.00	1959
Nebraska	37.00	1959
Nevada	(2)	
New Hampshire [1]	40.00	1959
New Jersey [1]	40.00	1960
New Mexico [1]	38.00	1959
New York [1]	50.00	1960
North Carolina	35.00	1959
North Dakota	38.00	1960
Ohio [1]	49.00	1961
Oklahoma	35.00	1959
Oregon [1]	(2)	
Pennsylvania [1]	42.50	1960
Rhode Island [1]	36.00	1960
South Carolina [1]	35.00	1956
South Dakota	30.00	1957
Tennessee [1]	34.00	1959
Texas [1]	35.00	1959
Utah	37.00	1959
Vermont	36.00	1959
Virginia [1]	35.00	1960
Washington [1]	(2)	1957
West Virginia	35.00	1960
Wisconsin	(2)	
Wyoming	(2)	
Longshoremen's and Harbor Workers' Compensation Act.	54.00	1961

[1] Maritime.
[2] Not applicable.

Mr. LAUSCHE. Mr. President, a study of this listing discloses that the $70 a week maximum proposed by S. 733 will be practically 40 percent, and in many instances 100 percent, more than the amounts paid in the individual States.

I cannot see anything else but a chain reaction throughout the country demanding that the increase granted by the Congress shall likewise be granted by the States.

Perhaps the increase ought to be granted, but before it is, we ought to make certain what are the actual facts. Prior to the amendments of 1948, maximum weekly benefits for workers covered by the Longshoremen and Harbor Workers Act was $25 a week. In 1948, it was raised to $35. In 1956, it was raised from $35 to $54, an increase of approximately 50 percent.

Now, 5 years later, it is sought to be raised from $54 to $70, an increase of 30 percent.

It is my understanding that only perfunctory hearings are contemplated on this bill. It seems to be accepted that the grants ought to be made. I hope that, before we act upon this bill, it will be studied adequately, not only from the standpoint of the Federal Government, but from the standpoint of the effect it will have on the various States in the Union.

THE FAIR PLAY FOR CUBA COMMITTEE

Mr. DODD. Mr. President, I ask unanimous consent to speak for 4 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. DODD. Mr. President, the facts I am about to present to the Senate today are of particular concern to students in America's institutions of higher learning, for reasons which will quickly become apparent. They are of particular concern to the parents of these students, and to faculty members in these institutions. They are of particular concern to Senators from California, Colorado, my own State of Connecticut, Florida, Illinois, Indiana, Kansas, Massachusetts, Maryland, New Jersey, New York, Minnesota, Oregon, Pennsylvania, Virginia, Vermont, Washington.

I believe they are also of general concern to the people of the United States. Fitted together, they provide a priceless example of how gullible persons can be misled into serving as victims for a cheap Communist shakedown. I believe part of the responsibility for this situation lies with certain self-misguided liberal editors, who, in their blind fury, rush to the defense of anyone and everyone who receives a subpena from the Subcommittee on Internal Security. The victims in this case are 7,000 students who have given their support to something that calls itself the Fair Play for Cuba Committee.

Months ago, the subcommittee published testimony making clear that the so-called Fair Play for Cuba Committee was a fraud set up under the auspices of a concealed agent of Fidel Castro.

Nevertheless, according to testimony of Richard Gibson, the acting executive secretary, before the subcommittee last Tuesday, May 16, the Fair Play for Cuba Committee has chapters located at Antioch, University of California, City College of New York, Stanford, Columbia, University of Colorado, Brooklyn, Queens, Cornell, UCLA, Fisk, Los Angeles City College, University of Minnesota, Carleton College, University of Indiana, Yale, University of Virginia, Oberlin, Brandeis, Harvard, University of Washington, University of Michigan, Wayne, Brown, Massachusetts Institute of Technology, St. John's, Boston University, University of Ohio, Grinnell, Tufts, Bennington, Goddard, University of Kansas, Reed College. The committee also has what it calls adult chapters in Los Angeles, Calif.; San Francisco, Calif.; Tampa, Fla.; Detroit, Mich.; Chicago, Ill.; Philadelphia, Pa.; Baltimore, Md.; Palo Alto, Calif.; and New York City.

Other chapters are located in Washington, D.C., Newark, Boston, New Haven, Denver, Cleveland, Seattle, San Diego, Hartford, Lynn, Mass., Santa Clara, Calif., Brooklyn, Queens, Bergen County, N.J.

On Thursday, May 18, an excellent editorial entitled "For Exposure's Sake" appeared in the Washington Evening Star. I will read it to Senators:

It is said that a congressional investigating committee "has no right to expose for exposure's sake." Generally, this makes sense. For an investigating committee is supposed to be seeking facts for purposes of possible legislation. It is not supposed to use its authority to embarrass and humiliate an unoffending citizen.

There are exceptions, however, to all generalities. And this week's quizzing by the Senate Internal Security Subcommittee of a representative of the Fair Play for Cuba Committee is one of them.

The Senate group had before it one Richard Gibson, acting executive secretary of the committee. He told a remarkable story.

This Fair Play Committee claims to represent 7,000 people in the United States and Canada. It has 23 chapters and 37 student councils in the United States. Mr. Gibson, one of two people authorized to write checks on the committee's bank account, testified that he had never asked where the money came from. Why? So he couldn't be forced to reveal the names of contributors. His committee, he said, kept no membership list, using, instead, a general mailing list. Again, we suppose, to avoid having to disclose the names of members. Finally, Mr. Gibson said he didn't know that his committee's executive secretary, who is now in Cuba, was sentenced in Ohio in 1939 to serve up to 30 years in jail for armed robbery, auto theft, and kidnaping.

We assume that the Senate subcommittee, in eliciting this testimony, had some legislative purpose in mind. But it doesn't matter very much. The point is that the Fair Play for Cuba Committee, on the basis of Mr. Gibson's testimony, ought to be exposed for what it is. The dupes who belong to it and who contribute to it, assuming that they are dupes, ought to know what they have been conned into. And if this comes within the sweep of "exposure for exposure's sake," we are all for it.

To begin with, the Star correctly assumes that we had a legislative purpose in mind when we sought facts about the Cuba committee. On this floor, I have kept Senators continuously informed about the committee. Our legislative purpose was stated three times at the hearing last Tuesday. At page 211 of the hearing transcript, I am quoted as follows:

There has been evidence before this committee, sworn testimony, that advertisements were placed in the newspapers with funds supplied by Castro.

If your agency is not registered under the Foreign Agents Registration Act, this committee is interested, and we shall suggest to the Attorney General that he may be interested.

The following appears on page 225 of the transcript, quoting Subcommittee Counsel Sourwine:

There is evidence before this committee that the Fair Play for Cuba Committee is a foreign-sponsored propaganda organization. There is also evidence that it is supported and encouraged by the Communist Party, U.S.A. We want to know as much as we can about its activities for the purpose of determining the extent that it threatens the security of this country and what, if any, legislative action can be taken to meet that threat.

Mr. Sourwine commented further at page 281:

This committee has developed that the Fair Play for Cuba Committee has thousands of dollars in finances in deposits, and withdrawals of large amounts have been made subject only to the control of this witness and Mr. Taber; that American citizens, including college youth, are being asked to contribute to this organization.

It is a perfectly proper legislative purpose for the committee to consider whether there is a situation here which could be met by recommendations for legislation to govern such organizations so as to give assurance of a sounder or at least a tighter financial control in cases where the public is involved.

The founder of the committee, Robert Taber, is now in Cuba. He was sentenced in Ohio in 1939 to serve up to 30 years in jail for armed robbery, auto theft, and kidnaping.

He was a newswriter for the Columbia Broadcasting System. An article by him in Nation magazine in January of 1960 was the instrument which brought the Cuba committee into existence. Needless to say, it was a whitewash of Fidel Castro. It extolled the alleged social gains of the Cuba revolution and it pooh-poohed the clear facts about Moscow's dominating influence in Havana.

When we called him to the witness stand last year, Taber denied that the committee used funds supplied by Castro representatives. When we later developed proof that there was Castro money in this alleged fairplay operation, he was gone.

But he can still draw checks against the committee's account made up of funds contributed at least in part by gullible youngsters on America's campuses.

Our hearing developed the fact that he had taken at least $19,000 from the committee's account in one single withdrawal.

There is also more to be said about the man he left behind him, Richard Gibson.

For many years, Mr. President, we have heard a good deal about athletic bums, who hop from campus to campus, season after season. It is time we began hearing about Communist front bums, who do the same kind of hopping.

Richard Gibson is a Communist front bum. Our record shows that he was a freshman at Kenyon College 12 years ago. He vanished just before the end of the spring term, leaving behind him a tuition bill of $579, which has never been paid. Regardless of this, he got a John Hay Whitney fellowship a year later to study in Rome.

Five years later, a GI grant sent him to the University of Paris, the Sorbonne. Today, he is a graduate student at Columbia University, at the expense of his former employer, CBS.

Columbia is the operating base, from which he operates the fairplay racket. He went to Canada, in his role of Fidel's Typhoid Mary, to solidify a fraternal connection with Canadian undergraduates. He helped start the committee chapter on the Columbia campus and is president of the New York chapter. He has thrown the weight of his organization behind what he describes as a "very brilliant book by a Columbia University professor, C. Wright Mills." The book is entitled "Listen Yankee."

It excoriates the American position in Cuba and glorifies Moscow's Fidel. Needless to say, the Communist press is equally overjoyed at this "very brilliant book by a Columbia University professor."

Our hearing also developed that the Cuba committee has refused to register under the Alien Registration Act. The committee, in its own publications, has boasted about mass demonstrations it organized outside the United Nations and in Union Square.

How was it possible for this group of Red racketeers to solicit funds and to organize demonstrations after the initial facts about Taber's concealment of Castro's hand in his committee appeared in some newspapers?

I believe this can be laid at the door of the liberal publications that spent so much time furiously assaulting the Subcommittee on Internal Security that they overlooked the truth about this specious Fair Play for Cuba outfit.

There are many of these, Mr. President. The most flagrant of all is the eminently respectable Harper's magazine, for the falsehoods it circulated in collaboration with a certain Kenneth Tynan.

Tynan, dramatic critic for the London Observer and guest critic for the New Yorker magazine, another eminently respectable publication, signed the New York Times advertisement which was the kickoff for the Cuba committee's activity.

He was called into executive session by the subcommittee when he began looking into the shenanigans of this Fidel-financed group. Tynan wrote an article for the October 1960 issue of Harper's, which purported to tell what happened in this executive session.

His account of what happened in the session may be accurately described as a double-barreled lie. Harper's lent the

full weight of its prestige to this lie. According to him, here is what took place:

Had I received money for signing the [Fair Play for Cuba] ad?

No.

Was it paid for by Cuban gold?

No.

The record of the hearing shows that Kenneth Tynan was not asked either of these questions and consequently he gave neither of the answers. Obviously the Fair Play for Cuba Committee needed to have something like this said about it under respectable auspices, so Mr. Tynan took care of its needs. It was unfortunate for him that the committee ran across another witness, who swore that the ad was paid for with Cuban money.

But it is even more unfortunate, Mr. President, for the gulls who fell in behind Harper's, the Nation, and a whole string of liberal newspapers across the Nation. These were so determined to give the Subcommittee on Internal Security a black eye, that they gave the Fair Play for Cuba Committee a clean bill of health.

More than all others, Mr. President, they have an obligation to begin to tell the truth about what this Red shakedown racket really is.

LAWLESSNESS IN ALABAMA

Mr. KEFAUVER. Mr. President, the ugly passions which have distorted reason and law in some cities in Alabama have given birth to a violence resulting in most serious damage to our great Nation—not only here at home but throughout the world.

I call particular attention to the brutal attack upon John Seigenthaler, a fellow Tennessean and outstanding former newspaperman, who was sent by the President and the Attorney General to the area to seek facts about the protection of citizens who were exercising their constitutional rights in a peaceful manner.

Caught up suddenly in the violence, Mr. Seigenthaler courageously sought, as any honorable citizen would, to protect a young woman from attack and was struck down from behind by a coward's blow. Fortunately, Mr. Seigenthaler is recovering from his injuries and will be able to continue contributing his valuable talents to the important post that he holds as special assistant to the Attorney General.

I call attention to the tragic case of Mr. Seigenthaler because it represents all that is reprehensible about the unchecked lawlessness which has led to senseless injury of many other citizens who deserved protection from violence, regardless of issues argued by either side in the situation.

Mr. President, I suggest that some of the local officials of Alabama have been negligent of their obligations to control brutality brought about by hotheaded lawlessness. I submit that these officials, also by their failure to move quickly and effectively with the local enforcement facilities at their disposal, have turned their backs on their responsibilities.

Mr. President, much as we regret the need for using U.S. marshals to protect the rights of people and to prevent violence, it seems to me that the Attorney General had no alternative in this instance. He is to be commended for taking this necessary step.

Our Nation and our people will not be able to count, today, the depth of the damage that has been done the cause of freedom throughout the world by these days of shame that have occurred in Alabama.

I pray that those who have inflicted this damage, those who have condoned it, and those who have turned their backs upon it will seek forgiveness in their souls. I hope sincerely that strength and steadfastness will continue to support those who have deplored this tragedy and who have sought and are still seeking to establish law and order where a mob has run rampant and struck bloody blows at individual freedom.

TRIBUTE TO THE SECRETARY OF THE INTERIOR

Mr. MOSS. Mr. President, the strength and vigor with which Secretary of the Interior Stewart Udall is attacking his job as Secretary of the Interior is well characterized in the article which appeared recently in the Deseret News and Telegram, one of the West's most influential newspapers.

Easterners may look upon Mr. Udall at the moment as the stormy petrel of the Kennedy administration, but to the West the strong wind he is blowing up about our long-neglected natural resource development is as welcome as rain in August. His recent hike up into Utah's Rainbow Bridge country to see for himself this spectacular corner of Utah, his announced plans to expand and preserve it, his efforts to move along at a more rapid pace our crucial water development projects, his program to conserve our public lands, and his obvious intention to help us to make the most of every natural resource we have, have already earned him the respect and gratitude of the citizens of Utah. We are confident he will "make his mark."

I ask unanimous consent to place in the RECORD the article on Secretary Udall published by the Deseret News as a well-illustrated spread on May 13, and written by Louis Cassels of United Press International.

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

STEWART LEE UDALL: THE YOUNG CURMUDGEON—MAN IN A HURRY WHO LOVES HIS WORK

(By Louis Cassels)

WASHINGTON.—Stewart Lee Udall, the "young curmudgeon" of the Kennedy administration, has at least four notable accomplishments to his credit since he took office as Secretary of the Interior.

Serving in what is normally a rather obscure post, the 41-year-old ex-Congressman from Arizona has reaped more newspaper headlines than any other member of the Kennedy cabinet.

He has demonstrated an unusual ability to draw howls of rage from Republicans—and sometimes from his fellow Democrats—in Congress.

He has shocked this blase capital by saying out loud what is widely believed but seldom acknowledged—that "there are times when you have to be ruthless in politics."

Finally, along the way, he has attracted public attention to the urgent and often neglected problem of conserving America's natural resources, particularly its disappearing wilderness areas.

The Washington judgment on Udall is that he is likely to be the most controversial Secretary of Interior since the late Harold L. Ickes, the self-styled "old curmudgeon" of the Franklin D. Roosevelt Cabinet.

At times the 41-year-old Udall appears to be consciously emulating the "old curmudgeon." Ickes once created a national sensation by inviting Negro soprano Marian Anderson to sing from the steps of the Lincoln Memorial after she had been barred from giving a concert in the DAR's Constitution Hall. Udall has stirred up a similar storm by serving notice on the Washington Redskins pro football team that it will have to hire some Negro players if it expects to use the new stadium being built on Government land here.

Ickes' truculent spirit pervades the very room in which Udall works. The Interior Department Building was erected while Ickes was feuding with Postmaster General James A. Farley. Ickes gave the architects explicit orders to make his office bigger than Farley's. As a result, every Secretary of the Interior since Ickes has worked in a mammoth, paneled room which is almost as big as a basketball court.

Udall submitted, more or less restively, to an interview in this cavernous chamber. He is chronically late for appointments, and in an effort to keep up with his schedule, he sometimes tries to carry on conversations with visitors while sneaking in a few quick glances at correspondence or reports lying on his desk.

Udall is not given to small talk or levity, especially when he is in a hurry, which apparently he nearly always is. He may break into a hearty guffaw over a political joke, but his face is usually fixed in a fairly grim expression. He has dark, crewcut hair, a hawk nose, and the athletic build (5 feet, 11 inches, 180 pounds) of a prizefighter.

But if you steer him onto his favorite subject—the outdoors—he begins to sound more like a poet. He grew up in the wide open spaces of Arizona, and he has retained an almost mystical passion for nature in its unspoiled state.

His greatest concern is that Americans will do too little, too late, to preserve their fast-dwindling heritage of majestic streams and forests.

"This is the most urgent problem in the whole field of natural resources," he said with conviction. "The glory of America has always been its green face * * * its spaciousness. The whole character of the American people has been shaped by living on a virgin continent where men could test themselves against the wilderness.

"But our land is changing before our eyes. The bulldozers are eating away the last remaining wild areas in the East, and even in the West rapid population growth is exerting pressure on the open spaces."

Udall considers it disgraceful that only 92,000 acres of land were added to the national parks system under Presidents Truman and Eisenhower. He wants President Kennedy to go into the history books as the greatest conservationist since Woodrow Wilson, who added 5.5 million acres to the park system. He is particularly anxious to acquire more parklands in the East, where most of the Nation's people live. The vast majority of present parks are in the West, far from centers of population.

As a starter, he is pressing for congressional action on long stalled legislation to

preserve 3 of the 8 or 10 U.S. shorelines which have not yet been taken over by the commercial resort developers. The proposed national seashores are located at Cape Code, Mass., Padre Island, Tex., and Oregon Dunes, Oreg.

Another project dear to his heart is development of the Delaware River Basin to create a vast manmade lake in the Catskill Mountains, within 2 hours' driving time of New York and Philadelphia.

"We have got to move fast" on these projects, he said earnestly. "It will never get any cheaper. In many areas, land prices are doubling every 10 years."

Udall's Department is possibly the least understood in the Government, partly because its name—Interior—means nothing to the average citizen. It might more accurately be described as "The Department of Natural Resources."

Its major functions include managing about 500 million acres of land, mostly in the West, which are still in the public domain; providing irrigation for nearly 8 million acres of reclaimed land, also in the West; building and operating hydroelectric systems which now generate 6 million kilowatts of power; fostering the economic health of mineral extraction industries, including such chronic invalids as coal, lead, and zinc; promoting mine safety; protecting fish and wildlife; conducting geological surveys; operating a railroad in Alaska; and looking out for the welfare of 400,000 American Indians and Eskimos who are wards of the Federal Government.

Nearly one-fourth of the Nation's Indians live within the Arizona Congressional District which Udall formerly represented, and he is a militant champion of their interests. He thinks it is a national scandal that the living standards on many Indian reservations are as low as those of any nation in Asia or Africa, and that it is past time for the United States to launch a sort of domestic point 4 program for economic development of Indian reservations.

Udall's forebears were rugged Mormon pioneers who settled in Arizona before the Civil War.

He was born January 31, 1920, in St. Johns, Ariz., a town founded by his grandfather. There are almost as many Udalls as Indians in Arizona, and most of them are prominent in the business and political life of the State. His father was Levi S. Udall, chief justice of the Arizona Supreme Court.

Washington is getting another Udall—Stewart's brother, Morris, who won the Arizona election last week to replace the Interior Secretary in the House.

Udall's love for the outdoors goes back to his boyhood, when "you could stand on the front steps of my home and shoot ducks."

After graduating from high school, he went to Pennsylvania to put in the 2 years of volunteer service as a missionary which is performed by many young men in the Mormon Church.

When the United States entered World War II, he signed up for bombardier training in the Air Force, but washed out of cadet school, and became an enlisted gunner. As a technical sergeant, he made 50 missions over Western Europe in B-24 Liberators.

After the war, he went to the University of Arizona, where he played guard on a basketball team which was good enough to make the National Invitational Tournament in Madison Square Garden.

He still likes basketball. During a recent mine inspection tour of West Virginia, he spotted a group of kids playing basketball on a crude homemade court. He ordered his driver to stop, leaped out of the car, and sank three baskets in a row.

He graduated from the university in 1948 with a law degree and a wife, a blonde coed named Ermalee Webb, whom he married during his senior year. After a few years of private law practice with a family firm, he was elected to Congress in 1954.

He was known in Congress as an able member of the "Western liberal bloc." He served on the House Interior Committee, where he got a thorough grounding in the problems of the Department he now heads, and also on the Labor Committee, where he had the opportunity of working closely with Senator John F. Kennedy on passage of a moderate union reform bill.

His relationship with Mr. Kennedy was cemented during the 1960 campaign for the Democratic presidential nomination, when Udall swung to Kennedy the 17 Arizona convention votes which were supposed to be in Lyndon B. Johnson's bag.

Udall clearly enjoys the power and responsibility of his new job, but he does not seem to be greatly interested in the status symbols and personal perquisites of Cabinet office. His private life has undergone little change since his days of Congress, and he still is more at home driving his own station wagon than sitting in the back seat of a chauffeur-driven limousine.

He lives with his wife, six children, two dogs and a badly outnumbered cat in a modest house in suburban Virginia. The whole family is outdoors-minded. Udall sometimes packs the entire menage, including dogs and cat, into the family station wagon for a drive across the continent to the open spaces of Arizona.

He keeps in trim for this and other challenges by doing a lot of hiking and playing paddle ball in the congressional gymnasium several times a week. He does not smoke.

Like President Kennedy and nearly everyone else in the New Frontier, he is an omnivorous reader, and especially likes the poetry of Robert Frost.

After a recent visit to Capitol Hill to testify on a pending park bill, Udall strode down a corridor, his right hand clutching the yellow memo pad on which he jots down ideas and things to do as they occur to him, and a pack of harried Interior Department underlings at his heels. He looked like a young man in a hurry, and the spectacle caused an old Washington hand to muse aloud:

"That fellow is either going to make a mark for himself—or get a bloody nose." He might, like honest Harold Ickes, do both.

STRAIGHTFORWARD SCHOOL AID

Mr. HUMPHREY. Mr. President, yesterday there appeared in the New York Times an editorial entitled "Straightforward School Aid." I wish to associate myself with the views expressed in the editorial. It relates to the action taken yesterday by the Senate, when it rejected the Bush amendment; and the editorial also refers to the importance of the passage of this school bill without the adoption of amendments which would bog it down or would limit the possibility of its enactment.

I ask unanimous consent that the editorial be printed at this point in the RECORD, in connection with my remarks.

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

STRAIGHTFORWARD SCHOOL AID

In a determined effort to pass a straightforward bill to aid the public elementary and secondary schools, the Senate's Democratic leadership yesterday opposed segregation or antisegregation amendments of any kind.

This move was essential. It dispelled lingering suspicions that administration spokesmen last week, in an effort to save the faces of southerners who wanted to reverse their earlier opposition to school aid, had actually encouraged the introduction of a rider prohibiting the Government from withholding funds from segregated schools.

Now the administration's stand is again clear, as it should have been throughout. The issue is Federal aid to the schools to help them build classrooms and pay teachers. Desegregation can and must be tackled separately under the rulings of the U.S. Supreme Court.

As for appeasing the South, the irony of such political counsel is evident to those who know that the Southern States need Federal aid most urgently. Since they are to be the principal beneficiaries, it ought not be too much to ask them to refrain from polluting the bill with their prejudices.

Whatever debate remains ought to be confined to perfecting the mechanics of the measure, including the distribution formula. We continue to believe that funds should be allocated according to the number of children actually attending public schools and not, as is now contemplated, according to the number of school-age children (private as well as public) in each State.

But aside from efforts to improve details of the bill, such amendments as Senator PRESCOTT BUSH's civil rights proposal and Senator BARRY GOLDWATER's attempt to reintroduce the parochial school controversy would, if successful, result not in amending the measure but in killing it. The Senate task now is to defeat these antiaid maneuvers and to pass a simple, basic bill to help the public schools.

The PRESIDING OFFICER (Mr. METCALF in the chair). Is there further morning business? If not, morning business is closed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MORSE. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Amendments of the Committee on the Judiciary be allowed to meet today while the Senate is in session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. HRUSKA. Mr. President, it has been the policy for the last week or so, since the debate on the Federal aid to education bill started, to refuse permission to all committees to hold meetings during the sessions of the Senate. It is with great regret I express objection at this time to the request of the Senator from Oregon.

The PRESIDING OFFICER. Objection is heard.

SCHOOL ASSISTANCE ACT OF 1961

Mr. MORSE. Mr. President, I move that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1021) to authorize a program of Federal financial assistance for education.

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

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

Mr. MORSE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time necessary for the call of the roll not be charged to either side.

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

The legislative clerk proceeded to call the roll.

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

Mr. HRUSKA. Mr. President, I have been requested to interpose an objection to the unanimous-consent request, so I hereby object.

The PRESIDING OFFICER. Objection is heard.

Mr. MORSE. Mr. President, I ask my friend if this means there will be a live quorum. I hope the Sergeant at Arms will be notified I may put him to work.

The PRESIDING OFFICER. The clerk will continue the call of the roll.

The legislative clerk resumed the call of the roll.

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

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

Mr. PROUTY. Mr. President, I yield myself 15 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MORSE. Mr. President, will the Senator from Vermont yield to me so that I may make two unanimous-consent requests?

Mr. PROUTY. I yield.

Mr. MORSE. I ask unanimous consent that the Senate Committee on Internal Security be permitted to sit during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, in keeping with the announcement previously made this morning, the Senator from Nebraska objects.

Mr. MORSE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs be permitted to sit during the session of the Senate today.

Mr. HRUSKA. Mr. President, I make the same objection, for the same reason.

SCHOOL ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (S. 1021) to authorize a program of Federal financial assistance for education.

Mr. PROUTY. Mr. President, through inadvertence yesterday I called up my amendment B instead of my amendment F. Therefore I should explain that amendment F is in conformity with the mimeographed statements that have been placed on the desks of Senators, and I ask unanimous consent at this time to substitute my amendment F for my amendment B.

The PRESIDING OFFICER. Is there objection?

Mr. BUTLER. Mr. President, I object.

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

The PRESIDING OFFICER. The amendment of the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. In lieu of the amendment proposed to be offered, 5-18-16—B, it is proposed to insert the following:

On page 2, line 7, strike out "and".

On page 2, line 8, before the period insert a comma and the following: "and in paying other costs of providing public elementary and secondary education".

On page 11, line 23, strike out "shall" and insert in lieu thereof "may".

On page 13, line 22, strike out "and".

On page 13, line 23, before the semicolon insert: "and (C) other costs of providing public elementary and secondary education".

On page 13, line 25, strike out "either of".

On page 14, line 11, strike out "and".

On page 14, line 16, before the period insert "and (C) the amounts to be used for other costs of providing public elementary and secondary education will be allocated so that preference is given to local education agencies which, in the judgment of the State education agency, have the greatest need for assistance in paying such costs".

On page 22, between lines 10 and 11, insert the following:

"(12) The term 'other costs of providing public elementary and secondary education' means any maintenance and operating cost of public elementary or secondary school education for which revenues derived from State or local sources may be expended in such State."

Mr. BUTLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUTLER. What is the parliamentary situation? Has the Senator withdrawn his amendment?

The PRESIDING OFFICER. The Senator from Vermont has offered a substitute for the amendment previously offered.

Mr. PROUTY. Mr. President, the amendment which I now offer and the amendment which I offered yesterday are similar in nature. The only difference is that the amendment which I offered unintentionally yesterday provided for an authorization of money for debt retirement and other capital expenditures. The present amendment would limit the expenditure of funds purely and simply to operation and maintenance expenses. That amendment is the one that I intended to offer yesterday. Since the Senator from Maryland has refused to allow me to substitute the amendent, I have offered it now.

Mr. BUTLER. I say to the Senator from Vermont that I have no regret.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. PROUTY. Mr. President, the main provision in S. 1021 as presently drafted restricts the use of Federal funds to public school teachers' salaries and construction of public school facilities.

I heartily agree with the Council of Chief State School Officers that this leaves less freedom of choice than is desirable.

In November 1960, in annual meeting assembled, the Council voted by a three-to-one margin in favor of including teachers' salaries in Federal aid legislation, but voted 100 percent in favor of including current expenses. A part of the text of the Council's resolution reads as follows.

Mr. MORSE. Mr. President, will the Senator yield so that we might be clear as to exactly the amendment now being considered?

Mr. PROUTY. I yield.

Mr. MORSE. The Senator has amended his original amendment so that at the present time we are now considering the Prouty amendment which is identified on our desks as amendment B?

Mr. PROUTY. Amendment F.

Mr. MORSE. Amendment F.

The PRESIDING OFFICER. The Senator has offered a modification of amendment B.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. The Senator from Vermont has offered the amendment identified on our desks as amendment F as a substitute for his previously offered amendment identified as amendment B. Is that the parliamentary situation?

The PRESIDING OFFICER. The Senator is correct.

Mr. PROUTY. I wish to emphasize that point.

I repeat, the Council of Chief State School Officers in November 1960, adopted a resolution a part of which reads as follows:

The State should be free to choose the proportions in which they will use the Federal grants for school construction, capital debt requirement, or current expenses in the maintenance and operation of schools.

During the hearings held by the Senate Education Subcommittee, State officials made it unmistakably clear that they need more freedom than is permitted by the administration bill. Not only did Dr. Edgar Fuller speak for these officials, he presented to the subcommittee telegrams he had received from all regions of the country asking Congress to give the States flexibility in spending grant money.

The committee reported measure does not allow expenditures for textbooks, transportation, utility costs, and other areas important to the local people who have to run our schools and to the students themselves.

Permitting States to use Federal funds only for school construction and teachers' salaries is not giving them full freedom of choice by any means.

Let us listen for a moment to what the people back home say they want in an education bill. I shall begin with the State of Alabama. In a telegram dated March 7, which may be found on page

304 of the printed hearings, Frank Stewart, Alabama's State superintendent of education, objected to the provision in the administration bill which would force States to spend 10 percent of their allotted funds on pilot and experimental projects regardless of their overall problems. He asked that this mandatory provision be made permissive.

When the Arizona State superintendent of public instruction learned that I planned to offer an amendment which would give the States the liberty to spend Federal grants for not only school construction and teachers' salaries but other current expenses, he wired me stating:

Proposal as explained would be in the interest of Arizona. Current expenses should be included.

A. W. Ford, Arkansas commissioner of education, believes very strongly that States should be given more freedom of choice and be allowed to expend Federal moneys for current expenses. On page 11 of the Senate hearings he is quoted as saying:

I concur wholeheartedly in this recommendation and recommend that S. 1021 make provision for these expenditures at the option of the State boards of education.

Colorado also made its voice heard on the need for flexibility in the school aid bill. On page 405 of the hearings, Craig P. Minear of the State Teachers Association is quoted as saying:

Let me emphasize that legislation providing Federal assistance for school construction only would be of little help in Colorado. * * * The only Federal legislation which would give help to Colorado would be legislation which would allow our State to decide how much should be spent on buildings and how much on teachers' salaries or other school costs.

William J. Sanders, Connecticut commissioner of education, has indicated full support for the freedom-of-choice amendment I am proposing. In a telegram to me dated May 15, he said:

Proposed amendment removing restriction of Federal funds to salaries and construction would be much better for Connecticut.

Delaware feels that its people know more about Delaware problems than the Federal Government does and the reaction of the State to my amendment is one of complete support. In a wire to me dated May 15, George R. Miller, Delaware superintendent of the department of public instruction, stated:

I agree that greater freedom of choice in the use of Federal funds to public schools would be a benefit to the State of Delaware.

The State of Florida, which has long adhered to the principle of States rights, did not deviate from its traditional pattern on this education bill. Thomas D. Bailey, as appears on page 312 of the Senate hearings, brings sharply to focus the lack of flexibility in the administration bill. He said:

Section 110 ignores maintenance, transportation, textbooks, and other essential areas of expenditure necessary for overall improvement of education.

The State superintendent of schools for the State of Georgia, Claude Purcell, called to my attention the fact that the Georgia House of Representatives passed resolutions favoring increased Federal support, provided funds can be received and spent as State funds. In other words, Georgia, too, wants a greater freedom of choice.

Hawaii, the newly admitted 50th State, is not unmindful of the importance of having State and local educators decide in what areas moneys should be expended and for what needs. William F. Quinn, Governor of Hawaii, and Walter M. Gordon, superintendent of public instruction, cabled me as follows:

We believe in maximum flexibility in administering Federal aid to education and endorse your amendment.

The great State of Idaho wants to be recorded in favor of the freedom-of-choice amendment. D. F. Engelking, Idaho superintendent of public instruction, declared in a wire to me dated May 12:

The State of Idaho is very desirous of Federal aid for teachers' salaries and/or construction and/or other current expenses. We concur with your ideas. We appreciate the opportunity to express our views.

The State of Maine wants more liberty in handling Federal funds. It dislikes the provision in the administration school aid bill which requires States to spend 10 percent of their allotment for special projects. Warren G. Hill, commissioner of education for the State of Maine, urges that the provision relating to special projects be permissive rather than mandatory.

My amendment would, of course, give the States the discretion they seek.

Minnesota is far removed from Maine, but shares a similar view with respect to the mandatory provision which requires the States to spend 10 percent of their money on research and special projects. Dean Schweickard, Minnesota commissioner of education, had this to say about the inflexible 10 percent requirement:

Ten percent of State allotment to be spent on research at the local level is commendable, perhaps too high.

The Mississippi State superintendent of public education, J. M. Tubb, favors school aid legislation, but makes it very clear that he does not want the hands of the State tied by Federal requirements. In a telegram to me dated May 13, Mr. Tubb said:

Favor legislation that includes teachers' salaries and construction of public school facilities; however, would not object to it covering other items of school expense provided it is done without undue restrictions.

The chief school officer of the State of Missouri, Hubert Wheeler, indicated his support of education legislation but he, too, dislikes the mandatory provisions in the bill dealing with special projects. On page 315 of the Senate hearings he is quoted as saying:

Ten percent for special projects seems too great.

My neighboring State of New Hampshire favors the freedom-of-choice amendment which I am proposing. In a wire to me dated May 16 New Hampshire Commissioner of Education Charles F. Ritch, Jr., made this observation:

Agree with you wholeheartedly. General aid to States for education is better than categorical aid. I support the concept you propose in your amendment to the administration school aid bill.

The New Mexico superintendent of public instruction, Tom Wiley, endorses wholeheartedly my freedom-of-choice amendment. In a telegram to me dated May 12, he said:

Your proposed amendment would be to our interest. We are, also, concerned about deletion of funds earmarked for research and administration, both of which are important to States such as New Mexico. Your efforts are deeply appreciated.

New York, like other States in the north, south, east, and west, also wants freedom of action when it comes to solving educational problems with Federal help. New York deputy commissioner of education, E. B. Nyquist, indicated full support of my amendment. His message is as follows:

Our position on Federal aid is that the funds should be as general and as unrestricted as possible. Therefore, we would favor your proposal for amendment for increased freedom of choice for use of Federal funds in order to meet the different needs in the several States.

Oregon, the home State of my distinguished colleague on the Labor Committee and floor manager of the bill, has expressed support of my freedom-of-choice amendment. In a wire to me dated May 12 the Oregon superintendent of public instruction, Leon P. Minear, had this to say:

Agree wholeheartedly with your proposal to broaden school aid provisions.

Michael P. Walsh, commissioner of education for the State of Rhode Island, acknowledges the need for State flexibility and indicates approval of my amendment with the following caution:

If you feel this amendment would in no way interfere with the bill's progress, I would concur.

The State of South Dakota favors the freedom-of-choice amendment which I have proposed. M. F. Coddington, South Dakota State superintendent of education, said in a wire to me dated May 15:

Favor your amendment for the State to allocate Federal aid for capital outlay for operation and maintenance.

I have been in touch by telephone with John Holden, Vermont's commissioner of education, and he has assured me that Vermont wants no unnecessary restrictions and would like the privilege of determining where and how Federal funds should be expended for elementary and secondary education.

Apparently this view is shared by the Vermont Education Association, because I received a telegram from the association which remarks:

Vermont needs Federal support of education with the State itself determining how such funds should be expended.

The great State of West Virginia, which my able committee colleague represents, is not entirely satisfied with the

limited flexibility provided by the committee reported school aid bill. Rex M. Smith, West Virginia State superintendent of schools, is quoted in the hearings as saying:

Suggest that Federal grants be made for school construction, capital debt retirement or current expenses in the maintenance and operation of schools with States free to choose the proportions to be expended. * * * We subscribe to provision whereby Federal funds can be applied to most critical areas of education expenditure.

As I pointed out earlier, when all of the State commissioners of education and State superintendents met in convention assembled last November, they voted unanimously in favor of a school aid program which would permit States to use Federal grants not only for school construction and teachers' salaries, but for other costs involved in the maintenance and operation of schools.

The telegrams and statements which I have read are an indication that an overwhelming majority of State officials still want a freedom of choice provision in the education measure which will allow them to spend funds on the problems they deem most important.

We have had on the statute books now for several years Public Law 874, which provides for the distribution of funds to schools in federally impacted areas. There has been almost no instance of complaint about Federal control. Why not? Because local school authorities are not restricted by the law in regard to school operating costs for which they can spend Federal money. They are free to use the money for heat, light, textbooks, library books, clerical help, educational supplies, school health services and many other items. People at the grassroots level are more likely to welcome Federal assistance when they are not bound and gagged by regulation.

I have reviewed the hearings very carefully and there is not one scintilla of evidence that would justify denying to States under this school aid bill a freedom of choice which local communities have under the very successful Public Law 874, the defense impacted areas statute.

Mr. President, I do not think there is one Senator here today who knows of any abuse of discretion exercised at the local level in carrying out Public Law 874. I say we ought to give the people back home the same freedom of action under a general aid bill that they enjoy under the special aid program.

Dr. Edgar Puller, executive secretary, Council of Chief State School Officers, pointed out the serious difficulties you can run into when you have an inflexible statute.

He made a strong case for a broader freedom-of-choice provision in the bill when he said:

If you have the Federal funds used only for teachers' salaries and construction you may have a situation something like the following illustration. * * * If a State were to allocate to all its districts, for instance, 75 percent of the Federal funds for teachers' salaries and 25 percent of the Federal funds for construction of schools, and a school district had bonded itself to the legal limit and had just built its school plant completely for the next 5, 10, or 15 years, then there may be no way under this bill as it is now written for this school district to use the 25 percent which the State allocates for construction even though the district is very poor.

Yes; this is a classic example of what may happen in a poor community that has overtaxed itself to pay for construction and other school needs. Its teachers' salary level may be in fairly good shape. Its new building may be constructed but the town might be bonded up to its neck and have a hard time paying for bus service, textbooks, school health services and the like. Are we going to say to this little community, "We're sorry. You need help all right but we're not giving that type of help this year."

I do not think that the Potomac River is the fountainhead of all wisdom, and and when State after State indicates its strong desire to get funds without absolutely unnecessary restrictions, we ought to heed that desire.

Mr. President, it is vitally important that we allow the States to use the Federal grant money for maintenance and operating costs. In many instances if Federal funds are not so used the major burden of education will fall on the regressive local real estate tax which is frequently devastating to marginal farmers with small incomes and older people with homes not much else.

The research and policy committee of the Committee for Economic Development etched sharply the need for additional money not only for classrooms and teachers' salaries, but also, and I quote, "to cover other necessary expenses."

According to the Department of Health, Education, and Welfare, the average retail list price of books in 1958 was $5.28, 43 percent more than the average price in the period 1947–1949. Since the base period 1947–1949, the retail price of books on science, technology, law, business and art increased 60 percent or more. Even books of fiction rose 32 percent.

Josph J. Schwab of the University of Chicago has charged that science books in the Nation's schools are obsolete in content.

We all know that Connecticut has one of the most advanced educational systems in the country, yet in April of this year, William J. Sanders, the Connecticut State commission of education remarked, as appears in the April 10, 1961, Publishers Weekly:

In Connecticut we have some high schools without libraries. The majority of elementary schools do not have libraries. I would like to see less enthusiasm for educational gadgets and more money in school budgets for books.

In an article entitled "How Good Are Our Teaching Materials?" the National Citizens Commission for the Public Schools pointed out that in one Southern State junior and senior high school students are required to buy all their own books. In a Midwestern State, the commission said:

All students must purchase their own unless the school district votes to furnish them.

In still another Midwestern State the commission said, there are school districts where students must purchase all textbooks. There are some States that rent textbooks to students. What conclusion did the National Citizens Commission for the Public Schools reach with respect to this whole situation? I think it is summed up very eloquently in these words:

How shortsighted it would be to save pennies on instructional materials and thereby devalue the dollars we are spending as a whole.

I would like to call the attention of the Senate to a statement made by the senior Senator from Oregon which appears on page 8063 of the CONGRESSIONAL RECORD, because I think it is very pertinent to the cause I am advancing today. The Senator from Oregon said:

I take the view that if we pass a bill limited to school construction, by imposing that very condition we shall, in a sense, be interfering with the educational process of the States.

I repeat, Mr. President, that the Senator from Oregon pointed out that by limiting the items for which the grants may be expended by the States, we are "interfering with the educational process of the States."

The distinguished Senator went on to say:

I believe the States should determine what they wish to use the money for.

Mr. President, I could not have stated the issue before us half as well. The bill now says, in its main provision, you can spend the money only for construction and teachers' salaries. I am asking the Senate to allow the States to spend their Federal grants for any aspect of elementary and secondary school education. To do less is to impose conditions; to do less is to interfere with the educational process of the States.

Mr. President, it has been suggested by some that statistics could be conjured up which would create an impression that teachers might get less money under the bill if my amendment is approved. Mr. President, a good teacher wants good health services in the school; a good teacher wants decent instructional materials; and a good teacher is not going to be angry if we give her a history book that goes up to 1961 in text instead of 1945.

My respect for the American teacher is too great for me to believe that they will take issue with my amendment. In fact, I am sure they will give it their enthusiastic endorsement.

We all know that the way the bill is written now States could spend everything for construction and nothing for teachers' salaries or, conversely, everything for teachers' salaries and nothing for construction. My amendment does not change that discretionary feature of the bill one whit. It simply builds on it by allowing States to spend that portion of the money they deem advisable for maintenance and operating costs.

I would point out to the Senate that the bill now has a mandatory provision which requires the States—and that is Federal control—to spend 10 percent of

the allotted funds for special experimental projects. My amendment makes this provision permissive rather than mandatory, so that the States could use this 10 percent for teachers' salaries or other purposes if they deem it advisable. So, in one sense, my amendment adds money for teachers' salaries.

In summary, then, all the statistical magicians are simply talking through their hats.

Federal aid to the States to pay for the maintenance and operating costs of public schools is nothing new. We have been giving such aid for years to defense impacted areas under Public Law 874, as I pointed out previously. School districts in these Federal aid affected areas now use Federal money for bus transportation, utility costs, salaries of secretarial and custodial personnel, library and textbooks and many other purposes. Congress recognized that aid to the defense impacted areas for construction alone was not enough and that assistance should also be given for maintenance and operating costs. I think the same principle holds true with respect to a general aid bill such as we are considering today. We must give the States the freedom to use Federal funds as if they were State funds or else we will be passing a bill that has an element of Federal control.

Mr. President, I would like to give a breakdown of overall school financing which will give a picture of what the school budget looks like.

During the 1956 school year, the United States spent $10.9 billion on elementary and secondary education. Of this amount, more than half, $5.5 billion went for instruction. Out of the $11 billion school financing costs $2.6 billion went for capital outlay and interest, leaving a balance of $2.9 billion for other maintenance and operating costs.

If each State followed the pattern I have just outlined then roughly 50 percent of the grants we are approving will go for teachers' salaries. We, of course, know that some States will use a higher percentage of their funds and others will use a lower percentage for instructional purposes.

I have demonstrated, Mr. President, first, that the Chief State School Officers at their convention last November unanimously endorsed a Federal aid program which will permit the expenditure of funds for current expenses.

I have also demonstrated, Mr. President, that the overwhelming majority of State school officials still want a freedom of choice provision in the school aid bill which will allow them to spend money how and where they feel it should be spent on elementary and secondary education.

In addition, I have pointed out that the defense impacted area program under Public Law 874 gives local school authorities complete discretion with respect to the current expense items for which Federal funds may be used, and that there has been no abuse of this discretion.

I have pointed out further that there was not one scintilla of evidence brought forth in the hearings which would suggest that it would be unwise to allow States to use these moneys we are giving them for textbooks, transportation, fuel and other current expense items. On the contrary, I have shown that there is plenty of testimony which supports a broad freedom of choice provision.

My amendment does two simple things. First, it modifies the restrictive and mandatory provision in the bill which requires States to spend 10 percent of their allotted funds on experimental and pilot projects. My amendment makes this provision permissive rather than mandatory.

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

Mr. PROUTY. I yield myself 5 additional minutes.

Second, my amendment adds to the items eligible for assistance—ordinary operating and maintenance costs of public elementary and secondary schools. The way the bill stands now one cannot buy textbooks, library books, school supplies, fuel, school buses, nor can one pay clerical help, librarians, stenographers, school nurses and custodial help.

I say the bill needs to be changed so that school administrators back home can operate without Federal direction. They do not want it and they do not need it.

It seems to me the issue is clear. The States ought to determine how the money to be provided under the bill should be spent. Those who oppose the amendment take the position that if the Federal Government sends money to the States, it will tell the States how to spend it. My amendment follows extremely closely the language which the late great Senator Taft placed in the education bill in 1948 to guarantee State freedom and State rights. On page 3356 of the CONGRESSIONAL RECORD of March 24, 1948, may be found the following language of Senator Taft which would have permitted the use of Federal money:

> For any current expenditure for elementary or secondary school purposes for which educational revenues derived from State or local sources may legally and constitutionally be expended in such States.

The Ohio Senator, who did so much to protect the rights of the States and local communities, had this to say about his proposal. I commend this language particularly to the distinguished Senator from Maryland [Mr. BUTLER]:

> If we are going to maintain a system of local autonomy, if the Federal Government is not going to use this money to change the educational system which is desired by the people of any State, then it seems to me that we must adopt a provision of this kind.

Senator Taft knew very well that whenever a bill provides category aid, what always happens is that Congress at a later date will take the position that the local government is not spending enough money in this category or that category. He clearly understood that the real necessity is to give the States the right to spend the money for any and all primary and secondary school items.

There is only one issue in this debate, and that issue is: Who is to determine how the money should be spent? I say the States should make the determination. Those who would oppose me, or at least some of them, say that the Federal Government should assume control—lock, stock, and barrel. I am very much opposed to that concept.

Mr. President, my amendment strengthens the bill. It is an amendment which preserves the rights of the States to supervise the control of their own educational activities within their respective State borders.

I reserve the remainder of my time.

Mr. BUTLER. Mr. President, will the Senator from Nebraska yield 5 minutes to me?

Mr. HRUSKA. I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. BUTLER. Mr. President, I have listened very attentively to the remarks of the Senator from Vermont, the author of the pending amendment. If I believed the amendment which he has proposed would accomplish what he has said it will accomplish, I would support the amendment. Indeed, I would be very reluctant to go against the judgment of the man whom all of us revered and loved—the late Robert A. Taft, of Ohio.

Mr. President, I do not happen to believe that the amendment would accomplish what the Senator from Vermont thinks it will accomplish. I believe that if this amendment were once enacted into law, it would put the Federal Government into the middle of the school system of the Nation, even down to the point of replacing a pane of glass in a schoolhouse window whenever a child threw a ball through one of the windows.

It is true that at the moment, and for the time being, under the amendment the State control would be preserved. But let us not forget that the money proposed to be expended will be Federal money, and the one who pays out the money in connection with any enterprise sooner or later will control that enterprise.

If this amendment were adopted, not only would every schoolteacher come to the Congress and petition the Congress whenever a salary increase was desired, but like action would be taken by every playground instructor, every janitor, every maintenance worker, and all the school policemen who stand at the street corners and help the schoolchildren cross the streets, on their way to and from school. All these groups would come to the Congress and would beg to be placed on the gravy wagon also, and soon the Congress would have the entire educational system of the country in its grip. In that event, those who now are sending to the Senator from Vermont telegrams in which they beg that this proposed change be made would then be coming to the Congress, with hats in hand, begging for their jobs, because this amendment would make their jobs unnecessary. I believe that sincerely.

I do not wish by my vote to help socialize and federalize our great country and its school systems. I do not wish to see the schools of the country put into the hands of a vast Federal bureaucracy, even down to the point of repairing the roof of a country schoolhouse.

I ask Senators to think several times before they vote to add this amendment to the bill, because the amendment would be the entering wedge for total and complete Federal control.

Mr. KEATING. Mr. President, will the distinguished Senator from Maryland yield for a question?

Mr. BUTLER. I am very happy to yield.

Mr. KEATING. Does not the Senator from Maryland believe that an argument completely contrary to the one he has been making could perhaps be made? I recognize his opposition to any bill which would result in general Federal aid to education. I respect his position, although I do not share it.

I may, however, find myself voting—in the final analysis—in the same way that the Senator from Maryland intends to vote, because at this time the provisions of this bill are certainly unsatisfactory to me. I supported the Cooper-Javits amendment, which was rejected. I am not sure that the bill, in its final form, will be one which I can support.

But if a Federal aid to education bill is to be enacted, could not it well be argued that the Prouty amendment, rather than detracting from States rights, actually would be reinforcing States rights, in that it would permit the use of the funds by the States in any way they might see fit to use them?

Mr. BUTLER. That was the premise on which I opened my brief remarks; namely, that if I thought the Prouty amendment would do what the Senator from Vermont thinks it will do, I would vote for it—for the same reason as the one the Senator from New York has pointed out.

However, I believe this amendment would lead to a system under which the Federal Government would do everything in connection with the schools, even down to repairing the roof of a country schoolhouse, and also paying the teachers, the janitors, the playground supervisors, repairing the school buildings, purchasing the books—doing everything in connection with the schools which is now done by the local school district.

Furthermore, Mr. President, once the Federal Government commenced to control the school system, how would it be possible to do away with such control by the Federal Government? I do not care who might be the administrator; in any event, once the administrator obtained such power, he would use it.

In addition, as I have already stated, those who now are sending to the Senator from Vermont telegrams in which they beg for the adoption of his amendment would then be begging him to help them keep their jobs, which they would then be in danger of losing.

Let me say, Mr. President, that I do not mean to have my remarks interpreted in any way as constituting the slightest criticism of the Senator who is the author of the amendment. However, I feel that the amendment would constitute the entering wedge for Federal control, whereas today—at least on the surface of things—the States do have some control of their educational systems. All the funds proposed to be spent in connection with the proposed program will be Federal funds; and in that event it would be extremely easy for the administrator, who would control the money, to prescribe what would be done in the educational system.

Mr. PROUTY. Mr. President, will the Senator from Maryland yield?

Mr. BUTLER. Certainly.

Mr. PROUTY. I fully understand that the Senator from Maryland meant no personal criticism of me.

Mr. BUTLER. Certainly I did not intend to do so; and if any of my remarks could be understood as constituting a personal criticism of the Senator from Vermont, I humbly apologize, for that definitely was not my intention.

Mr. PROUTY. It is not necessary for the Senator from Maryland to apologize, for I know he did not intend his remarks to be understood as constituting a personal criticism.

Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. Mr. President, let me say that I know how the Senator from Maryland feels about this matter. I, myself, feel very strongly about it.

I do not want the Federal Government to take over the school systems of the various States; and that is why I have offered this amendment. Certainly no one of us can state what action some future Congress might take in the field of education or in any other field. But I am convinced that this amendment will give the States greater control than the control they now have in the absence of the amendment.

Mr. BUTLER. But does not the Senator from Vermont admit that there is some validity to the point that all the money used in connection with the bill will be Federal money? That points up the argument I have made, namely, that when the Federal Government provides all the money, the Federal Government will eventually run the entire educational system.

Mr. PROUTY. I think a similar point could be made in connection with Public Law 874. The money used in connection with it is Federal money. But certainly there has been no Federal control; and I am sure the Senator from Maryland would not wish to deny those funds to his State.

Mr. BUTLER. Does not the Senator from Vermont believe that if the bill were enacted in its present form, there would be no more lobbying at the State level for increases in teachers' salaries or increases in the salaries of other school personnel; instead, all that would be done here in Washington? Does not the Senator from Vermont believe that would be the case?

Mr. PROUTY. I believe that if my amendment is included in the bill there will be less likelihood that that will happen than there will be if the amendment is not adopted.

Mr. BUTLER. The Senator says "less likelihood," but the fact is that it is easier to deal with the Congress of the United States than it is with 50 State legislatures. If the bill passes, does not the Senator know that teachers will come to Washington and lobby for increases in teachers' salaries? If the amendment is adopted, does not the Senator know, by like token, that if a certain schoolhouse needs repair, and the local board does not want to spend the money for that purpose, but for some other purpose, Congress will be lobbied to provide funds for repairs to that schoolhouse?

Mr. PROUTY. The fact that the money is to be spent by the States in the local communities seems to me to give assurance that that will not be done, for the time being——

Mr. BUTLER. I notice that the Senator is very careful when he says "for the time being."

Mr. PROUTY. We are talking about Federal aid to education. Who knows what will transpire in the years ahead? Neither he nor I can make predictions about the future.

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

Mr. PROUTY. I yield to the Senator from New York.

Mr. KEATING. In other words, is it not the position of the distinguished Senator from Vermont, that, actually, the adoption of the amendment would reinforce State rights? In other words, when we give Federal aid only for construction and/or teachers' salaries, we are imposing or encouraging some Federal restraints?

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

Mr. PROUTY. Mr. President, I yield myself 2 minutes more.

Mr. KEATING. And if a wide-open grant is made to the States, the supervision of the funds is left to the States. Is that not correct?

Mr. PROUTY. What the Senater has said is absolutely correct. It is the purpose of the amendment to do everything possible to preserve the rights of the States. We are not taking anything away from the States; we are giving them greater authority than we want to give the Federal Government in supervision of the expenditure of the funds.

While I am on my feet, I may point out that this amendment relates only to public schools. I understand an amendment will be offered later to deal with the private school question, but this amendment does not.

Mr. President, I reserve the remainder of my time.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, in connection with the amendment of the Senator from Vermont, expressions of approval from various members of State

educational offices, many superintendents of schools, commissioners of education of various States, and so forth have been cited.

I wish to call the attention of the Senate to the fact that all the persons and officials who have been cited by the Senator from Vermont in this connection are not policymaking officers. They are administrative officers. They are the spenders. Of course, it would be natural that anyone charged with paying the bills would welcome money from any source—that is in the nature of the beast—and would welcome increases of those funds on any score whatsoever.

I should like to call to the attention of the Senate the fact that when the National School Boards Association met in Philadelphia recently; in fact, earlier this month it took a position which is at loggerheads with the opposition taken by the Senator from Vermont.

I should like to call to the attention of the Senate the fact that it is the school boards who represent the people. It is the members of the school boards who must go before the electorate of their independent school districts and say, "I am better qualified to serve in the office of a member of the school board than my opponent." It is they who speak for the policymaking bodies that pertain to the school systems.

I read from a press report on the meeting to which I have referred which states that the school board group voted overwhelmingly to:

1. Oppose Federal aid to education because it would be naive to think that it will not mean Government control.

2. Oppose any broadening of the National Defense Education Act, which, among other things, provides Government scholarships.

Another point covered by the recommendation of the group is:

Insure that choice of textbooks in the Nation's schools remain a local and State matter.

I submit this is a much more cogent argument in the premises than that which is made by the school administrators.

It has been said here that certainly it cannot be contended that there is any Federal control under Public Law 874, which advances Federal funds to federally impacted areas for the purpose of maintenance and operation of the schools.

The situations are not parallel. Under Public Law 874, the Federal funds are paid directly to the independent school districts by the Office of Education in Washington, D.C. There is direct contact with them. Not so in the case of the amendment offered by the Senator from Vermont. Under the amendment before the Senate now, as I understand it, Federal money would be paid to a single State agency, and by that single State agency would be parceled out under a system of priority determined by the State agency, after it receives approval by the Commissioner of Education or whoever administers the law here.

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

Mr. HRUSKA. I am happy to yield.

Mr. HOLLAND. I understand there are one or more States in which, by State law and interpretation of the State courts, public funds can be used for transporting of students going to religious and private schools.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HRUSKA. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. HOLLAND. I understand also, under State laws and by interpretation of the State courts, there are States in which public school moneys raised in those States may be expended to supply schoolbooks to students at religious and private schools.

There are included in the amendment the words:

The term "other costs of providing public elementary and secondary education" means any maintenance and operating cost of public elementary or secondary school education for which revenues derived from State or local sources may be expended in such State.

I ask the Senator if those words do not mean very clearly that under the proposed law, if this amendment were adopted, Federal funds could be used in the States which I have mentioned for the purposes which I have mentioned, which are not for what are generally regarded as public school purposes?

Mr. HRUSKA. I do not think there is any question about it whatsoever. The funds would be available for those purposes. As I understand the amendment, there would be only one prohibition, that the money would not be used for payment of debt service. As I understand the amendment, the funds could be used for the purposes to which the Senator has referred.

Mr. HOLLAND. It seems to the Senator from Florida that is an inescapable conclusion. The Senator from Florida appreciates the fact that his friend from Nebraska has come to the same conclusion.

Mr. HRUSKA. I thank the Senator from Florida.

Mr. President, with reference to control and management by the Federal authorities in the event the amendment is approved, of course there would be eventually, if not now, an exercise of control over the program the money would support. That has always been the history in these matters.

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

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

I wish to refer to the hearings held in March of this year on the bill, and to read from the statement made by the Senator from Illinois [Mr. DIRKSEN], in which he quotes from a speech by former Representative Graham Barden, as shown at page 558 of the transcript of hearings. This is a quotation from the speech of Representative Barden in July of 1957:

You will hear it said there has not been any Federal control or interference through Public Law 815 of federally impacted areas. I tell you there have been some of the most horrible instances of interference and wrongdoing under that bill that you can imagine, and I challenge anyone to deny that statement.

Mr. President, I ask unanimous consent that the first three paragraphs on page 559 of the hearings, being an excerpt from the speech of former Representative Barden, be printed in the RECORD at this point.

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

That is the picture, and you will hear it said there has not been any Federal control or interference through Public Law 815, the Federal impacted area bill. I tell you there has been some of the most horrible illustrations of interference and wrongdoing under that bill that you can imagine, and I challenge anyone to deny that statement.

It has not been 2 years since the U.S. Commissioner of Education flatly and determinedly, and I will almost say intentionally and willfully misinterpreted the language we had written into that law which was intended to take care of some military installations so they could move the children out if there were not enough to warrant the operation of a separate school. And what happened? He issued an order closing the Quantico High School of approximately 150 pupils, and he persisted in closing that school even though it would have required children to travel from 13 to 26 miles to schools that had no hope of having room for them for more than 1 year. I called him before the committee. He still persisted in interpreting the word "suitable" to mean adequate; and the entire committee just said, "You are wrong, and you know you are wrong." We had to pass a Federal law, and you gentlemen voted for it virtually unanimously, to make that Commissioner of Education do what? To follow the intention of Congress and drop that order he had issued to close the Quantico school. The Senate passed the bill, and the President signed it.

Now we find before us a bill with 10 or 15 pages of discretionary power. You first say what the States must do; they must file their plans, and then from there on the Commissioner has the right to do this and the right to do that, and so it goes.

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

Mr. HRUSKA. I am happy to yield.

Mr. MORSE. There is no question about the fact that the Senator has quoted the remarks of former Representative Barden, but there is not a scintilla of evidence to back up the quotation. Let Mr. Barden come forward with any evidence to back up the quotation.

Mr. HRUSKA. On the contrary, Mr. Barden went into detail. I did not think it would be appropriate at this time to go into detail, and I do not wish to use my time to read the details, but he did outline the situation in Quantico, Va., where the Quantico High School was actually closed because the Federal authorities said it was not a "suitable" high school.

Mr. MORSE. That was under the Constitution of the United States, and involved the segregation problem and a violation of the Supreme Court decision of 1954. That has nothing to do with Federal Government interference with education under Public Law 815 or Public Law 874.

Mr. HRUSKA. The excerpt from Representative Barden's speech will speak for itself. There was an interpretation by the Commissioner that the word "suitable" meant "adequate." Therefore, since the school was considered inadequate, it was closed.

As to other examples, there was the testimony of Prof. Claude J. Bartlett, assistant professor of psychology at George Peabody College for Teachers in Nashville, Tenn., as shown on page 548 of the transcript of hearings on the bill before the Senate. The professor described the fate of two guidance and counseling institutes set up under title V of the National Defense Education Act. Professor Bartlett participated in both, and was the director of one.

In one institute, the standards of admission for students were lowered as a result of pressure from the Federal Government. The result was the acceptance of many persons who were of questionable ability.

Based on the experiences in its first institute, changes in the operations of the second institute were deemed desirable. Nevertheless the Office of Education refused to permit changes in the plan of operation even though the changes did not affect the cost of the institute as specified in the contract. Thus, the Federal Government dictated curriculum and administration of the institute as well as financial arrangements.

The professor also said:

The Office of Education insisted that all of the students of the second institute be recruited before authorization for establishing it had even been completed.

The PRESIDING OFFICER. The time of the Senator from Nebraska has again expired.

Mr. HRUSKA. Mr. President, I yield myself 2 additional minutes.

I continue to quote:

As a result of these difficulties, the college chose to cancel the contract for the institute rather than submit to bureaucratic whims.

There are other examples of the same or similar experiences. As soon as funds are allocated to any State agency for any purpose by a Federal agency, management, and eventually control follow. The same will happen in this instance if the amendment of the Senator from Vermont is made a part of the bill and of the law, because ultimately there will be control over even textbooks and supplies and the personnel whose salaries will be paid.

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

Mr. HRUSKA. I am happy to yield.

Mr. PROUTY. Is the Senator not expressing an opinion or making a prediction which cannot be justified? I do not think the Senator can say categorically that will happen. Certainly, so long as I have a vote which amounts to anything, it will not happen.

Mr. HRUSKA. Precisely.

Mr. PROUTY. That is true. The Senator from Nebraska and a great many other Senators no doubt feel the same.

Mr. HRUSKA. After all, the only lamp by which we can be guided is the lamp of experience. I have made reference to the National Defense Education Act, which is not even 3 years old, and I have recited the details of one of the efforts to control or to exercise control. There are other specific examples.

The PRESIDING OFFICER. The time of the Senator from Nebraska has again expired.

Mr. HRUSKA. Mr. President, I yield myself 2 more minutes.

I do not know of any way to predict the meaning and effect of proposed legislation other than by reference to past incidents and past history with respect to similar legislation.

Several Senators addressed the Chair.

Mr. HRUSKA. Mr. President, I have agreed to yield 10 minutes to the Senator from Oregon, if he at this time wishes to offer an amendment.

Mr. MORSE. Yes; I should like to offer an amendment.

Mr. HRUSKA. Mr. President, I yield 10 minutes to the Senator from Oregon.

Mr. MORSE. I do not think I will need that much time.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The Senator from Oregon is recognized for 10 minutes.

Mr. MORSE. Mr. President, some concern has been expressed in regard to the amendment of the Senator from Vermont, and I have talked to the Senator about it. A question was raised only a few moments ago by the Senator from Florida [Mr. HOLLAND] when he talked about the practices in some States of using State funds, under educational policy, for private school and parochial school purposes.

Mr. President, I am in favor of the objective of the Prouty amendment, and I have told the Senator that for a number of days. There has developed, however, the confusing problem which I should like to have cleared up.

The Senator from Vermont has assured us of his purpose, and I have assured the Senator that I support the amendment because of the objective of the amendment. His purpose is to see to it that the funds go to States for maintenance and operating costs of public elementary and secondary schools, as well as for the other purposes authorized by the bill.

We have said from the very beginning of the debate, as well as for months in the committee, that we seek to give to the States complete authority over their educational processes without any Federal domination or control. I like the Prouty amendment, because it would be in keeping with that pledge on our part.

In the last hour on the floor of the Senate a considerable amount of doubt has arisen as to one part of the amendment. Some of the representatives of educational associations have come to me and to other Senators and have said they are very much concerned that it be made perfectly certain the money shall be used for public elementary and secondary school education only. The present Presiding Officer of the Senate, the distinguished Senator from North Dakota [Mr. BURDICK], raised the question with me only a few minutes ago. In order to avoid any doubt, I should like to offer an amendment to the Prouty amendment.

On page 2, lines 14 and 15, I propose to strike out the language "for which revenues derived from State or local sources may be expended in such State."

The amendment would then read:

The term "other costs of providing public elementary and secondary education" means any maintenance and operating cost of public elementary or secondary school education.

That would leave no room for doubt as to the objective for which the Senator from Vermont and the Senator from Oregon have stood shoulder to shoulder in the debate. The parliamentary situation is such that the yeas and nays have not been ordered on the substitute amendment, and it is the substitute amendment which is before the Senate. The Senator from Vermont can, if he cares to do so, modify his own amendment to conform to the suggestion made by the Senator from Oregon. I respectfully ask the Senator if he is willing to accept my amendment as a modification of the substitute amendment.

Mr. PROUTY. Mr. President, I am very happy to accept the Senator's amendment. It is almost identical to, if not identical with, one I drafted some time in the past myself.

Mr. METCALF. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. If the Senator will give me 1 more minute, I yield to the Senator from Montana.

Mr. METCALF. As I understand, the amendment as modified would provide that the money would be expended in exactly the same way as moneys are expended under Public Law 874, for public school purposes only.

Mr. MORSE. That is correct.

Mr. METCALF. It would be parallel to the situation we have had under Public Law 874 for the last 10 years.

Mr. MORSE. That is correct.

Mr. CLARK. Mr. President, will the Senator yield 5 minutes to me?

Mr. HRUSKA. I yield 5 minutes to the Senator from Pennsylvania.

Mr. CLARK. In my judgment, the amendment just accepted by the Senator from Vermont would eliminate one serious concern which I have had respecting the original amendment. I do not think we ought to have in the bill the slightest indication that aid for private and parochial schools would be granted. Personally I am strongly in favor of such assistance on a loan basis and will work with my friend from Oregon to bring from our committee in the very near future a bill which would make such a provision.

But in the interest of passing a clean Federal-aid-to-education bill I am delighted that we have removed the remaining doubt that the Prouty amendment might have permitted with respect to private or parochial schools and, to that extent, I support the modified amendment.

However, I am still opposed to the amendment, even if modified, but for very different reasons than those stated on the floor of the Senate by my good friend from Nebraska.

The point that concerns me is that as the bill left the committee, it was based

on voluminous testimony taken not only this year, but over a period of years, and it hit hard at the three major deficiencies in our system of public education at the local and the State levels. Those three major deficiencies are, first, an inadequate number of modern fireproof classrooms; second, inadequate teachers' salaries across the board throughout the country; third, the inadequacy of special programs to deal with special categories of students, ranging from those who are defective in terms of their ability to read or to assimilate knowledge, to those unusually gifted pupils for whom adequate provision to move ahead as fast as their brains will let them, have not been made.

The difficulty I find with the amendment is that it would dilute those three objectives which, in my judgment, represent the consensus of informed opinion in the field of education as to the three major deficiencies in our school system, and it would dilute those three objectives by making the special programs optional instead of mandatory to the extent of 10 percent.

I have had enough experience with school districts in Pennsylvania to know that many school districts will take the easy way out and not use any money for purposes of these important special programs.

Again, it would make money available for any kind of school expenditure which is permitted under the laws of the State in question, save alone the situation respecting private and parochial schools, which has now been taken care of.

What I fear, based upon my knowledge of the education system in my own State, is that the money would be frittered away for athletic programs, domestic science courses, and for all kinds of things that would not raise the level of education a bit, but would comply with the general legality and form of an educational system.

My friend from Nebraska said that he was afraid of Federal control if the Prouty amendment were adopted. I disagree with him thoroughly in that regard, because I believe the Prouty amendment would limit the area of Federal suggestion and would turn things wide open to the local school districts and to the States. I am not one who is afraid of Federal control of education, because we have Federal assistance to education. We have had Federal assistance to education ever since the Northwest Territory Act of 1787. We have had massive aid ever since the Morrill Act of 1865. I see no evidence in my Commonwealth of Federal control of education, either generally or in connection with the application of Public Laws 815 and 874. I am not afraid of Federal aid to education. I suspect that a good many of my colleagues are not either. There are a few who are seeing something under the rug that is not there, and, insofar as the bill, as it came from committee, put the greatest emphasis on the three needs which are serious in our educational system. I think we did a wise thing.

I regret that this amendment would dilute those three major objectives essential to the progress of our entire educational system. For that reason, with deep regret, I shall vote against the amendment.

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

Mr. HRUSKA. I yield 4 minutes to the Senator from Connecticut.

Mr. DODD. I find myself in very considerable agreement with the Senator from Pennsylvania, who has pretty well expressed my own views.

I am opposed to the pending amendment. It would transform the present aid to education bill from a program aimed at two particular emergencies, the shortage of classrooms and the shortage of teachers, into a general aid to education bill that would be used to finance everything from cutting grass in front of the school to replacing worn-out light bulbs.

I oppose this amendment on practical and philosophic grounds. The bill reported out by the committee is a very modest bill in comparison to the total educational need. Its impact upon my State would be an addition of about 3 percent to the total amount spent for education, and there is no State where the impact would be greater than about 12 percent.

Thus, if the bill is to be at all effective, and if these modest amounts are not to be merely melted into the general education fund where their impact will be negligible, the Federal money provided must be aimed at certain limited objectives. This money can be effectively used to finance the building of schools that might otherwise not be built. It can be effectively used in raising the salaries of teachers in the poorer school districts to a higher level. But to attempt to do more with this limited Federal aid would only dilute the program and spread it so thin as to destroy its purpose.

My second objection is on the ground of public philosophy. The committee bill, however inequitable some of its provisions may be, does not violate the principle that education is primarily a local responsibility. Rather, it acknowledges that temporary emergency conditions exist and that Federal help is required to meet specific problems that are presently beyond the means of local governments.

The classroom shortage, for instance, was brought about by an abnormally low school building program during 15 years of depression and war from 1930 to 1945, followed by an unusually high birth rate from 1945 on. Federal aid for school construction is aimed at restoring the balance and when it is restored, it is my hope that this part of the program will come to an end. But the pending amendment would use Federal funds to finance routine maintenance costs, the heating and lighting of schools, the upkeep of school grounds and all the other normal day-to-day expenses. These expenses are clearly the obligation of local and State authorities.

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

Mr. DODD. I am happy to yield.

Mr. LAUSCHE. I would like to direct the question also to other Senators who have participated in the discussion. What would prevent a local school board from using its normal appropriation of moneys to hire teachers and then to substitute reduction through the use of funds which it would get from the Federal Government, ultimately putting itself in the identical position that it occupied before it received Federal aid? What is there in the bill in that regard?

Mr. CLARK. I would like to answer that question, if the Senator from Connecticut will permit me to do so.

Mr. DODD. Certainly.

Mr. CLARK. We would have to rely for control on the State educational authority, which in my State would be effective. It might not be as effective elsewhere. However, so far as the Federal Government is concerned, if the Prouty amendment is adopted, there will be no control at all. Without the Prouty amendment, there would be maintained the three purposes, with certification that the money is being used for those purposes.

Mr. LAUSCHE. However, the certification could be made that the money was being spent for one of those three purposes, without the establishment of the fact that the Federal money had been used to supplement the moneys that have been expended before the Federal money was granted. The local moneys could be diverted to such operations as are contemplated by the Prouty amendment.

Mr. CLARK. Of course, there is the maintenance of effort clause in the bill, which would still be in the law.

Mr. DODD. Mr. President, will the Senator from Nebraska yield me 2 additional minutes?

Mr. HRUSKA. I yield 2 additional minutes to the Senator.

Mr. DODD. I wish to complete my statement.

Somewhere we must draw the line as to what local and State governments must do for themselves and what they can legitimately expect the Federal Government to help them to do. The pending amendment would transform the most basic and fundamental of local responsibilities into an obligation of the Federal Government. I cannot support this concept, and I therefore oppose the amendment.

I have been informed by the able Senator from Vermont [Mr. PROUTY] that he has received a wire from Connecticut's Commissioner of Education William J. Sanders, expressing support of the Prouty amendment. Commissioner Sanders is an extremely able and knowledgeable educator and I can well understand the desire of any commissioner to use these Federal funds as he thinks they ought to be used, without any restrictions. But I do not believe the Federal Government should finance purely local obligations and I think the majority of the people of Connecticut share this view. I hope this amendment will be defeated.

Mr. MORSE. Mr. President, will the Senator from Vermont yield me 2 minutes?

Mr. HRUSKA. What is the status of the time?

The PRESIDING OFFICER. The proponents have 21 minutes remaining; the opponents have 8 minutes remaining.

Mr. HRUSKA. I yield 5 minutes to the Senator from South Dakota.

Mr. MUNDT. Mr. President, first, I disagree with the Senator from Pennsylvania in his view on the value of domestic science training when he says that it is not the kind of training that raises the level of education. Either he has not had any contact with the kind of courses that are being conducted in domestic science in American high schools, or he has a different concept from that of the Senator from South Dakota as to one of the great purposes of education.

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

Mr. MUNDT. My concept is that education should increase the capabilities of the young people who go to school and to provide for better family life. I believe that domestic science training stands high on that agenda. I will not stand silent while it is being slandered on the Senate floor.

Mr. CLARK. Of course, I think that a girl can learn to cook out of a cookbook or by going to the A. & P. and doing a little practical work. The girls going to school ought to spend a great deal more time on other courses which are important.

Mr. MUNDT. Perhaps that is why so many people in Pennsylvania have ulcers, if they are living in homes where the wives have learned to cook only by attending an A. & P. school.

However, Mr. President, I rise primarily to oppose the Prouty amendment. As one who has supported in the past and hopes to support now a Federal aid to education program, I believe the amendment would change the entire concept of the type of proposed legislation we have before us. The amendment is called the freedom-of-choice amendment. It is hard to quarrel with that kind of name. One gets into a difficult semantic situation. However, it should more appropriately be labeled, it seems to me, if it were named a freedom from local responsibility amendment. That is what it would provide. It would transfer the whole responsibility of supporting education from the local level, where it should be, to the Federal level. It would permit school authorities to use the money for any purpose including the purchase of better floor-waxing machines, or better electric hair curlers, so that the girls in the school could get a better permanent. The whole purpose of aid to education would be changed if we were to accept the Prouty amendment. As originally presented very persuasively, it certainly had the favorable consideration of the Senator from South Dakota. It was a pump-priming operation, for the purpose of more or less setting an example and providing extra funds to make it possible to pay better salaries to teachers and to provide better school buildings and facilities which was precisely what would have been done had we enacted the legislation that was passed in the Senate a year ago and which I supported.

However, if we inject this new concept by asking the Federal Government to participate in meeting all of the expenses of local education, then it becomes simply a matter where finally the Federal Government could have almost total responsibility for public education. In short, as proposed originally, this year and in the bill we passed a year ago, the Federal aid to education proposal was to put a carrot in front of the horse, to get the school boards to spend extra money to improve teachers' salaries and to build better buildings.

With the Prouty amendment, the Federal Government could supply the whole load of hay to the horse. Ultimately, it would assume responsibility for the entire upkeep of the horse, including the hiring of people to bring water and oats to the horse and finally bed it down for the night.

Mr. President, by broadening the purposes of Federal aid to education as proposed by the Prouty amendment, we make a basic and fundamental change in the philosophy and concept which won approval for this legislation a year ago in the Senate and which has been inherent in the committee bill this year. I hope the Prouty amendment is defeated. If it should prevail it will make it very difficult—perhaps impossible—for some of us to continue support for a proposal which has been changed so substantially.

I do not like to see the concept changed, because to do so could get us into real difficulties. It is unwise and dangerous to approve this amendment, and certainly it would open the door to greater opportunities for Federal control. Just as soon as we insert a provision that the Federal Government shall help in the purchase of textbooks, for example, it will mean that ultimately the Federal Government can assist in selecting them or in excluding certain textbooks from the classroom. That would be the end of local control of education at the local level. Let us keep this a clean bill as reported by the committee.

Mr. MORSE. Mr. President, will the Senator from Vermont yield me 2 minutes?

Mr. PROUTY. I yield 2 minutes to the Senator from Oregon.

Mr. MORSE. I wish to supply for the RECORD information for the benefit of the Senator from Ohio [Mr. LAUSCHE] in regard to the question that he raised as to what would happen if a State stopped supporting its education in the way it is now supporting it. I refer the Senator to section 106(a) on page 6 of the bill.

We have a memorandum which we used in committee, which discusses this very problem raised by the Senator from Ohio. I will state the effect of the conclusion of the memorandum, and then shall ask unanimous consent to have the entire memorandum placed in the RECORD. I read:

In order to assure the maintenance of present State effort to meet its needs for school construction and improved public school teachers' salaries, the bill contains provisions to reduce the size of the grant otherwise allocable to any State that, in either of the last 2 fiscal years of the program, reduces its school effort (i.e., the ratio of the school expenditures per public school pupil in average daily attendance within the State to the average personal income per such pupil) below the average level of its effort during the 3 fiscal years immediately preceding the second and third years of the program, as the case may be.

I ask unanimous consent to have printed in the RECORD the entire memorandum.

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

SUMMARY OF PROVISIONS REGARDING EFFORT REQUIRED OF PARTICIPATING STATES, S. 1021

Title I, section 106 of S. 1021, requires both (a) maintenance of effort and (b) improvement of effort in order to qualify for grants under the bill without reduction of amounts initially allotted.

I. MAINTENANCE OF EFFORT

In order to assure the maintenance of present State effort to meet its needs for school construction and improved public school teachers' salaries, the bill contains provisions to reduce the size of the grant otherwise allocable to any State that, in either of the last 2 fiscal years of the program, reduces its school effort (i.e., the ratio of the school expenditures per public school pupil in average daily attendance within the State to the average personal income per such pupil) below the average level of its effort during the 3 fiscal years immediately preceding the second and third years of the program, as the case may be.

For example, a State with an average effort during the base year of 4.76 percent and an effort during the allocation year of 4.28 percent will have its allocation reduced by an amount which is the difference between the State's public school expenditures in such year and the expenditures it would have made had it extended an effort of 4.76 percent of its personal income. If 4.76 percent of the personal income per pupil yields $490 and the actual expenditures per pupil amount to $487, the reduction would be $490 minus $487, or $3 per pupil. If the State's unreduced allocation is $26 per pupil, the $3 reduction amounts to about 11 percent of the amount allotted.

II. IMPROVEMENT OF EFFORT

A State's allotment would also be reduced if it failed to increase its effort in the second and third fiscal years of the program by a fixed percentage (equal to the average annual increase in the national effort, over the 5-fiscal-year period beginning July 1, 1956, and ending June 30, 1961, inclusive) unless, in either such year, it exerts the same or greater effort as the Nation as a whole, or makes an expenditure per public school pupil which exceeds the national average expenditure per such pupil by 10 percent.

The reduction bears the same relation to the sum otherwise allocable to the State, (1) as the difference between the State's effort and the national effort bears to the national effort, or (2) if it would result in a smaller reduction, as the difference between the State's expenditure per public school pupil and 110 percent of the national expenditure per public school pupil, bears to 1 percent of the national expenditure per public school child.

For example, if a State's average effort during the base years is 3.60 percent and the national average annual increase in effort between 1957 and 1961 was 0.14 percent, the State would be required to increase to 3.60 percent plus 0.14 percent, or 3.74 percent, during the allocation year. If it

actually increased to only 3.68 percent, and if the national average effort for the allocation year is 4.07 percent, the State's allocation is reduced

$$\frac{(4.07\% - 3.68\%)}{4.07\%}$$

or 10 percent. However, if this State's expenditure per pupil is $460 and if 110 percent of the national average expenditure per pupil is $532, the reduction is

$$\frac{(\$532 - \$490)}{\$532}$$

or 8 percent. In this example, if the State's expenditure per pupil is $532 or more, it does not receive any reduction for failing to increase its effort.

If the total reduction for failing to maintain effort amounts to 10 percent and the reduction for failing to increase effort amounts to 11 percent, the total allocation otherwise due the State is reduced 21 percent (10 percent plus 11 percent=21 percent).

III. MAXIMUM REDUCTION

No State would have its allotment for any year reduced under these provisions by more than one-third. For example, if the sum of the reductions under maintenance and increase of effort totaled 40 percent, the State's reduction would be 33⅓ percent of its allotment.

Mr. MORSE. The Senator from Ohio may be assured that that section is in the bill to prevent an attempt on the part of a State to pass the burden of supporting its schools on the basis of its present effort to the taxpayers of the country as a whole. It is intended to help the Federal funds from becoming a substitute for State and local funds.

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

Mr. MORSE. Will the Senator from Vermont yield me 1 more minute?

Mr. PROUTY. I yield 1 additional minute to the Senator from Oregon.

Mr. MORSE. There is one other matter that I believe, as Senator in charge of the bill, it would be very unfair of me not to comment upon. It has not been commented upon by anyone else. The record ought to be clear even if a Senator would use the statement as a basis for not voting for the bill. I owe it to the Senate to give all the facts I have available.

Let us face up to it. There are States making present allocations to education. Section 106(a) of the bill makes it important that they continue at least to maintain that effort. If they do not maintain and increase their efforts at least as much as the national increase in effort, they are not going to get the same amount of money under the bill as they would if they did maintain and increase that effort. One of the things that I like about the Prouty amendment as modified is that it makes very clear that the Federal money will go to the States to be commingled with State funds and to be spent by the States in accordance with State policy in support of its public school system.

The basic Taft principle that we maintained in the Senate in 1947, in 1949, and last year, in 1959, is that the money will be turned over to the States.

Now, why not adopt the Prouty amendment? We know this is a question of bookkeeping. Suppose the Prouty amendment is not agreed to, and the problem which someone stated at my desk a few moments ago is raised. I was asked, "WAYNE, do you really support the idea of Federal aid to education to pay the salaries of janitors?" My answer was, "Of course. It is necessary to have janitors in the schoolhouse. They have to be paid." What difference does it make whether Federal funds are commingled with State educational funds, so that with respect to this particular item it will not be necessary to keep a separate set of books to provide for the payment of janitors from State funds and the payment of teachers from Federal funds; and the payment for microscopes and chemicals for the laboratory from State funds, but the payment for school construction from Federal funds?

Let us be realistic. Certainly the funds should be commingled. So long as the money will be spent for public schools, it should be possible to say to the State authorities, "You may keep one set of books. You do not have to go to the extra expense of maintaining a separate bookkeeping system."

The amendment offered by the Senator from Vermont provides economical management. But also it is a test of the good faith of the authors of the bill and the supporters of the bill in committee as to whether we meant it when we say we will write into the bill absolute guarantees that the States will have the control of their public school systems.

Mr. PROUTY. Mr. President, the distinguished Senator from Oregon has made an eloquent, logical, and persuasive statement. I hope Senators will give his remarks the attention they merit.

My purpose, from the start, has been to maintain maximum controls within the States themselves, with only the money to be provided by the Federal Government. My State of Vermont insists upon State control over its educational policies. Vermont intends to continue to insist upon that approach to education. I think that is the view of the overwhelming number of States throughout the Nation.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Vermont has 14 minutes remaining.

Mr. PROUTY. I yield 5 minutes to the distinguished junior Senator from New York.

Mr. KEATING. Mr. President, I recognize the argument of those who have indicated that this amendment, if adopted, will increase the area of Federal control beyond what is provided in the original bill. I do not agree with that argument. It strikes me that the amendment would tend to eliminate rather than to expand the possibilities of Federal control of education. The amendment follows pretty much what has been spoken of as the Taft formula, which was embodied in the substitute amendment offered by my colleague, the distinguished Senator from New York [Mr. JAVITS], and the distinguished Senator from Kentucky [Mr. COOPER].

The bill as now written provides for a degree of control, if we are to say that control exists in limiting the use of the funds. In other words, the bill as now written provides for a certain degree of control so far as the States are required to spend Federal funds for construction, teachers' salaries, and experimental and pilot projects alone.

The proposal of the Senator from Vermont would restore to the State educational authorities full control and full power to determine where Federal funds could best be used within their States. I believe the State education departments are better fitted to reach such decisions on their own with a view to the separate needs of the different States than is a Senate committee or, indeed, the entire Senate meeting in Washington.

Furthermore, Mr. President, Dr. Edgar Fuller, Executive Secretary of the Council of Chief State School Officers, made this very point himself on March 9 in testimony before the Education Subcommittee of the Senate Committee on Labor and Public Welfare. Dr. Fuller represents the State superintendents and State commissioners of education of the 50 States and the chief school officers of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, and American Samoa. They are the legal officers of the States and territories for public elementary and secondary education and will be responsible for administration on the State level of any Federal aid-to-education bill.

Dr. Fuller, their representative, has pointed out that these chief State school officers believe there should be a freedom of choice in the State as to how these funds should be allocated. As Dr. Fuller pointed out:

> If the school district should have a bill of $10,000 a year for interest on bonds for buildings that had been built to last them for the next 10 or 20 years, it seems to me entirely reasonable and in accord with the spirit of this bill to allow the States to have as an additional option the payment of interest on bonds that have made the building possible.

There can be no hard-and-fast answer to these problems that will apply across the country. Therefore, I believe we should leave this crucial authority, this right to decide exactly how Federal funds may be used, with the responsible State officials who are themselves overwhelmingly in support of this kind of amendment.

I believe the amendment of the Senator from Vermont should be supported.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. The time is under control.

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from Maryland.

Mr. BUTLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Maryland will state it.

Mr. BUTLER. Do I correctly understand that the Prouty substitute amendment is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUTLER. If there is a voice vote on the Prouty substitute amendment, may we then have a yea-and-nay vote on the Prouty amendment as amended?

The PRESIDING OFFICER. If the Prouty substitute amendment is agreed to.

Mr. BUTLER. Would it be in order now to ask for the yeas and nays on the Prouty amendment as amended?

The PRESIDING OFFICER. Does the Senator request the yeas and nays on the Prouty substitute?

Mr. BUTLER. It is not my desire to do that; but after the substitute has been agreed to, I will ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered on the Prouty amendment.

Mr. MORSE. On the Prouty amendment. If the Prouty substitute is agreed to by a voice vote, then we will have the yeas and nays on the Prouty amendment as amended.

Mr. BUTLER. It was my understanding that the yeas and nays had been ordered on the Prouty amendment B, and that the substitute for that is now pending.

The PRESIDING OFFICER. The Senator from Maryland is correct.

Mr. BUTLER. Have the yeas and nays been ordered on the pending substitute?

The PRESIDING OFFICER. No.

Mr. BUTLER. They have not been ordered?

The PRESIDING OFFICER. No.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

In further opposition to the Prouty amendment, I should like to make this comment. Its adoption will certainly result in important changes in the bill itself. I refer to page 21 of the bill, in which the definition of "elementary and secondary education" is contained.

(8) The terms "school facilities" and "public school facilities" means classrooms and related facilities (including furniture, instructional materials other than textbooks, equipment, machinery, and utilities necessary or appropriate for school purposes) for public schools, and interests in land (including site, grading, and improvement) on which such facilities are constructed.

That language will have to be changed, because these functions clearly will be within the meaning of expenditure of funds as indicated by the amendment. The same is true of the following:

Such terms shall include gymnasiums and similar facilities, except those intended primarily for exhibitions for which admission is to be charged to the general public.

So they will be included; and if it is said it is not a cost of maintenance, the simple expedient of leasing those facilities could be resorted to. The payments under the law will be the cost of operation, and the moneys will be available for all the purposes which are presently excluded in the bill.

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

Mr. HRUSKA. I yield.

Mr. PROUTY. Did I correctly understand the Senator to say that the funds provided by my amendment could be used for the construction of gymnasiums?

Mr. HRUSKA. No; but they could be used for the purpose of leasing gymnasiums, because the payments under the leasing agreement would be a part of the cost of operating the school system.

Mr. PROUTY. That is correct; I misunderstood the Senator.

Mr. HRUSKA. Many statements have been made to the effect that no control will be exercised by the Federal agencies in that respect. I ask unanimous consent that the testimony of Allen P. Burkhardt, superintendent of the Norfolk, Nebr., public schools at the time he testified on July 16, 1958, before the Subcommittee on Education of the Committee on Labor and Public Welfare, be printed at this point in the RECORD. This testimony is an excerpt from pages 63 and 64 of the hearings of that day.

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

UNITED STATES SENATE,
SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C.

I have always been opposed to Federal aid for schools or education in any form. I am opposed to general aid, and also opposed to the present bill which calls for aid for school construction purposes. It's my feeling that the communities of Nebraska and, for that matter, of the entire United States are better able to build their own school buildings than is Uncle Sam. There isn't a school district in the United States in as bad shape, financially, as the Federal Government. Furthermore, if we ever accept aid from Washington, we will have to expect to accept accompanying control. Contrary to what some people try to say, there is no such thing as Federal aid without Federal control.

A good example is in the field of vocational agriculture and home economics. We receive Federal aid through the State department of education in the amount of about 27 or 28 percent of the teachers' salaries in these two departments. In order to get this money we have to accept and adopt the course of study outlined and specified by the Federal Government, through the State department. We have to permit inspection trips by State employees who receive part of their money from the Federal Government. We have to hire teachers whose qualifications are approved by the same groups. We have to send our teachers to conferences designated by those authorities. If we have night classes, they have to be operated according to the rules of the Federal and State departments. In other words, we are perfectly able to work out our own course of study in all other fields, including science, mathematics, English, and other technical fields because we don't get any Federal aid—but, because we get Federal aid for agriculture and home economics, we have to accept courses of study worked out by other people. We, also, have to accept supervision from the outside in those fields, while in every other field we are trusted to do our own supervision. Other examples of control in these fields are these: We are told how long our periods of recitation have to be—that's not true in any other field; we are told how large the classrooms and the shops have to be, what type of equipment we have to have, even the type of floor in the rooms. We are told about how much money to spend per student. We are not allowed to use the teachers in those departments in any other fields, except home economics, or agriculture. If we do, we lose our aid money.

If all the above doesn't constitute control from Washington, then at least it's a reasonable facsimile thereof. The school lunch program, veterans' aid for college students, etc., are all examples of aid with control. There is no such thing as aid without control and, for that matter, there probably should be control with aid. My whole story is that we don't need the aid, and since we don't need it, why should we ask for it and then give up local control of the schools in the process.

ALLEN P. BURKHARDT,
Superintendent, Norfolk Public Schools,
Norfolk, Nebr.

Mr. HRUSKA. Mr. President, finally it has been suggested that this is a parallel case, again, with the expenditure of funds under Public Law 874. I most respectfully contend that it is not a parallel. Under the instant bill, payment will be made to a single State agency, which must enter into an agreement. The agreement will not be effective until it has been approved by the State Commissioner of Education. Under Public Law 874, that is not the case. There the Department of Education deals directly with the school district which is federally impacted. No such intermediary is provided in the pending bill.

So there is that difference, and there is no parallel between those two situations.

Mr. President, unless there are further requests for time, I am prepared to yield back the remainder of the time under my control.

Mr. PROUTY. I should like to say a further word.

Mr. President, the amendment I have proposed, as amended by the Senator from Oregon, will reserve to the States the right to control their educational systems.

I believe this bill is a States rights bill, insofar as education is concerned. That is why I offered the amendment. I believe the amendment should be adopted; and I hope very much that a majority of the Members of the Senate will vote for the amendment.

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

Mr. HRUSKA. Mr. President, I do likewise.

The PRESIDING OFFICER (Mr. METCALF in the chair). All remaining time on the amendment of the Senator from Vermont has been yielded back.

The question now is on agreeing to the motion of the Senator from Vermont that his amendment be amended.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Vermont, as amended. On this question, the yeas and nays have been ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

The question is on agreeing to the Prouty amendment, as amended. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALTONSTALL (when his name was called). On this vote I am paired with the senior Senator from Vermont [Mr. AIKEN]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. On this vote I have a pair with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Washington [Mr. MAGNUSON], and the Senator from Wyoming [Mr. MCGEE], are absent on official business.

I further announce that the Senator from Texas [Mr. BLAKLEY] is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Washington [Mr. MAGNUSON], and the Senator from Wyoming [Mr. MCGEE] would each vote "yea," and the Senator from Texas [Mr. BLAKLEY] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business and his pair has been previously announced by the Senator from Massachusetts [Mr. SALTONSTALL].

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kentucky [Mr. COOPER] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN] is absent because of illness and his pair has been previously announced by the Senator from Montana [Mr. MANSFIELD].

On this vote the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Colorado would vote "nay."

The result was announced—yeas 51, nays 39, as follows:

[No. 47]

YEAS—51

Anderson	Hartke	Monroney
Bartlett	Hayden	Morse
Beall	Hill	Moss
Bible	Humphrey	Muskie
Burdick	Jackson	Neuberger
Bush	Javits	Pastore
Byrd, W. Va.	Johnston	Pell
Cannon	Keating	Prouty
Carroll	Kerr	Proxmire
Case, N.J.	Kuchel	Randolph
Church	Lausche	Smith, Mass.
Engle	Long, Mo.	Sparkman
Fong	Long, Hawaii	Symington
Fulbright	Long, La.	Wiley
Gore	McCarthy	Williams, N.J.
Gruening	McNamara	Yarborough
Hart	Metcalf	Young, Ohio

NAYS—39

Bennett	Dworshak	Morton
Boggs	Eastland	Mundt
Bridges	Ellender	Robertson
Butler	Ervin	Russell
Byrd, Va.	Goldwater	Schoeppel
Capehart	Hickenlooper	Scott
Carlson	Hickey	Smathers
Case, S. Dak.	Holland	Smith, Maine
Clark	Hruska	Stennis
Cotton	Jordan	Talmadge
Curtis	Kefauver	Thurmond
Dodd	McClellan	Williams, Del.
Douglas	Miller	Young, N. Dak.

NOT VOTING—10

Aiken	Cooper	McGee
Allott	Dirksen	Saltonstall
Blakley	Magnuson	
Chavez	Mansfield	

So the Prouty amendment, as amended, was agreed to.

Mr. PROUTY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. METCALF in the chair). 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.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Florida [Mr. HOLLAND].

COMMEMORATION OF THE GOLDEN ANNIVERSARY OF NAVAL AVIATION

Mr. HOLLAND. Mr. President, I have conferred with the leadership on both sides, and the leadership is agreeable to the immediate consideration of Calendar No. 249, which I can explain in about half a minute.

The joint resolution (H.J. Res. 398) would permit the manufacture of a galvano, which I understand to be a very fine ornamental copper-plated artifact, for presentation at Pensacola on the celebration of the 50th anniversary of naval aviation, all at the expense of the citizens of Pensacola.

The measure has been unanimously approved by the House, and now comes from the Senate Committee on Banking and Currency with a unanimous recommendation. The work needs to be done prior to the celebration, which will take place June 6. I believe there is no objection.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 398) authorizing the manufacture and presentation of a galvano in commemoration of the golden anniversary of naval aviation.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the joint resolution, with the understanding that if there is objection to the request I shall be glad to withdraw it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

There being no objection, the Senate proceeded to consider the joint resolution, which was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

ALABAMA RACIAL AGITATION

Mr. THURMOND. Mr. President, the recent events in Alabama have brought sharp criticism of the white people of Alabama from many sources, including large segments of the national press and high-placed officials of the national administration. It is imperative that all involved in the situation in Alabama—members of both races—exercise restraint and refrain from further violence, whatever may be the extent of aggravation. Violence plays into the hands of the agitators, for the horrors created by the picture of an angry mob effectively shield from the public all the evil instigation which lies at the root of the trouble.

The criticism and derision directed at the people of Alabama by much of the national press and the administration officials ignore the obvious fact, however, that this is not a one-sided issue. The self-styled freedom riders set out deliberately to create trouble at all costs. Their avowed purpose, publicly expressed, was not to work toward the creation of better race relations, but to incite incidents. They, as were the law-breaking participants in the sit-ins, were encouraged by both a large part of the press and the administration. In fact, the bus-borne agitators consulted with the Interstate Commerce Commission and the Attorney General before they began the agitation trip. There can be no question that the purpose of the sponsoring organization, CORE, was to create trouble at all costs and it succeeded. It ill behooves those who conspired and cooperated in begetting the violence to exhibit such a self-righteous attitude when it occurs.

Even as the situation is beginning to subside, leaders of the agitating Congress on Racial Equality have announced that they are sending another group of bus riders to Alabama, with the obvious purpose of further attempting to incite riots and violence. Their purpose is not interstate transportation, but to keep alive the high tensions and passions which their predecessors have aroused. If the administration has any real desire to prevent further trouble, these people should be advised by the administration to stay at home, and the bus load in Alabama should be advised to go home.

Mr. President, a front-page editorial in the News and Courier of Charleston, S.C., on May 22, 1961, entitled "Intervention in Alabama," objectively analyzes the events in Alabama. It illustrates again that some of the most infamous crimes against mankind are committed in the name of freedom. I am in thorough accord with this editorial, which reads as follows:

INTERVENTION IN ALABAMA

Though it was unwilling to intervene effectively in Communist Cuba, the U.S. Government moved armed men into Alabama despite the protest of the Governor of that State. Outside demonstrators, using the familiar scheme of starting riots in or-

der to demand protection, furnished the pretext to invade State authority.

President Kennedy acted under an 1871 (reconstruction) statute empowering Federal intervention to quell disorder in a State.

The face of white mobs of Birmingham and Montgomery is ugly. That is the face of Alabama and the South being shown the world today. Mobs are ugly in any race or nation. What lies behind the mobs in Alabama is even uglier.

Back of the freedom riders is an organization called CORE (Congress of Racial Equality). In its high command are people with records of Red front affiliation. Whether any of them could be convicted in court is beside the point. The turmoil in Alabama is following the pattern that Communists all over the world pursue in setting up for the kill.

Once they seize power, Communists permit neither disorder nor protest. Those who don't like Red rule and 20th century slavery disappear in dungeons or unmarked graves.

We do not say that white and Negro demonstrators, including earnest college students of both races, are Communists or even conscious tools of communism. Like many others today, they confuse freedom, social justice, and democracy with subversion and revolution. Perhaps they are only muddle-headed idealists and fiery youths in search of excitement. But they are being used to tear out the vitals of the Republic.

If State and local authorities are suppressed—as happens with dispatch of U.S. marshals to Alabama—the whole country could be brought under central police control. This would simplify enormously the mission of revolutionists. Subversion and seizure at the top would be far simpler than taking America State by State.

Communist leaders know this. That is why they welcome, if indeed they did not engineer, such incidents as occurred at Birmingham and Montgomery.

Someday, as Lenin predicted, our country may fall like ripe fruit into the lap of communism. Russian soldiers need not tramp our streets. Occupying forces could wear the badge of the U.S. Government—as they do today in the State capital of Alabama.

Do we then despair for freedom? Not yet. A little time remains to waken the American people. While the alarms are ringing, southerners of both races must guard the homes and firesides. They must not succumb to hatred and violence. The deep reservoir of respect and affection still can save white and Negro skins.

Economic changes already are at work. They will bring gradually and peaceably many of the things that militant race leaders are trying to ram through by force. These things cannot prevail without an atmosphere of good will.

Meanwhile, our people should not fall into traps set with Red bait. Despite provocation, calm heads on both sides must hold the line. Southerners whose forebears rode our Reconstruction can endure hardship and humiliation. They also must maintain civilized decency and human kindness.

These people and these qualities will help to save the Republic if it can be saved. The goal is worth the gamble.

Mr. President, it is about time the administration started tempering its actions and enthusiasm with a little mature judgment.

I thank the distinguished majority leader for yielding to me.

COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. KUCHEL. Mr. President, I most respectfully invite the attention of Senators to a section from the Legislative Reorganization Act that reads as follows:

> No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit without special leave, while the Senate or the House, as the case many be, is in session.

In commenting on that part of the law of the land the volume "Senate Procedures" states as follows:

> No standing committee shall sit without special leave while the Senate is in session, which rule applies also to subcommittees of standing committees. Permission to sit while the Senate is in session includes all meetings, whether for hearings or the transaction of business.

Members of the minority, exercising their rights under the rules, in the past several days and weeks have interposed objections with the minority leader to the holding of committee meetings of the Senate while the Senate is in session. They were clearly within their rights in doing so, and the minority was clearly within its rights in objecting to any committee of the Senate holding hearings of any kind, with, of course, the single exception of the Committee on Appropriations. Such objection has been lodged from time to time on this side of the aisle.

The minority regrets to state that information has come to it which apparently indicates that some committees have purported to sit without right, and in violation of objections taken in accordance with the law of the Senate.

Mr. President, such an action by any committee is wrong. It is in violation of the law of this land, and it is against the rules of the Senate. The minority leader, and the acting minority leader, speaking for the minority leader, urge Senators scrupulously to follow the rules with respect to the meetings of committees during session of the Senate.

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

Mr. KUCHEL. I yield to my able friend the majority leader.

Mr. MANSFIELD. I am wholeheartedly in accord with what the distinguished acting minority leader has said. Last week on several occasions the minority leader, the able Senator from Illinois [Mr. DIRKSEN], raised objections to the sitting of committees during the session of the Senate, and stated that he would object to such procedure during the course of the consideration of the aid-to-education bill. In his objection I concur.

Frankly, I must admit that I do not know of any committees which have been meeting, but if any committees have been meeting, I wish they would heed the objection on the part of the minority leader and the acting minority leader, and also on the part of the majority leader, who concurs with the action of Senators on the other side of the aisle, so I hope the joint endeavor will be sufficient.

Mr. KUCHEL. I thank my able friend, the distinguished majority leader, for the comments he has made. There should be no such thing as a subcommittee of a committee of the Senate sitting while the Senate is in session in the absence of complete Senate approval; and that statement goes for all purposes. That is the rule. That is the law. And they must be observed.

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

Mr. KUCHEL. I yield to the Senator from Oregon.

Mr. MORSE. May I have the attention of the majority leader and the acting minority leader, in order that I may give a small amount of free legal advice? I think the committee chairman of any full committee or subcommittee who might be conducting a hearing while the Senate is in session without the approval of the Senate ought to know that committee funds cannot be paid out for the services of an official reporter or, for that matter, for any services at all, and Senators who participated in such a hearing, if a test were made, would have to pay such expense out of their own pockets.

Mr. KUCHEL. The Senator is, of course, correct in the point he makes.

Mr. President, the illegality cuts across any function which might be performed by a committee or a subcommittee attempting to meet in the absence of the approval of the Senate.

I yield to my able friend, the Senator from Nebraska.

Mr. HRUSKA. If there is illegality in the holding of committee sessions under those circumstances, would not a motion lie to expunge from the records of the committee any testimony taken at such an illegal hearing; and should not such a motion or request be complied with?

Mr. KUCHEL. In my judgment the Senator from Nebraska is correct. Since, in the absence of approval, there is no authority whatsoever for such a meeting to be held, no one subsequently could contend that a meeting of that committee was held.

Mr. HRUSKA. When the Senator from Nebraska says "expunged" he means physically and literally taken out of the record, and permanently removed.

Mr. KUCHEL. Vitiated and extirpated.

SUDETEN GERMAN DAY, 1961

Mr. SCHOEPPEL. Mr. President, the Sudeten German Day, 1961, which takes place on Whitsuntide, May 20–23, 1961, in Cologne in the German Federal Republic, is an expression of the will of the Sudeten German expellees to seek friendship and cooperation with the exiles of the Czech and Slovak peoples. The Sudeten Germans are awarding the Charles IV-Prize to the President of the Slovak League of America, Mr. Philip A. Hrobak. Two years ago, the receiver of this award was the Chancellor of the Federal Republic of Austria, the Honorable Dr. Julius Raab.

The 3.3 million Sudeten German people lived for many centuries in the Sudetenland, the border regions of Bohemia and Moravia, while the 7 million Czechs lived in the inner parts of these countries. These long centuries have been a time of cooperation and intermarriage between these two nations, and the time of Charles IV, Bohemian King and German Emperor, has been

one of the period of flower of this cooperation.

The unhappy events of World War II interrupted this cooperation. In 1945, the Communists deported the 3.3 million Sudeten Germans from their old homeland. Today, over 2 million Sudeten Germans live in West Germany. They have built up their existences in their temporary new homeland and reached considerable influence in the new democratic Federal Republic of Germany. They have their representatives in the Landtags and in the state governments, in the Federal Bundestag, and their President, Dr. Ing. Hans-Christoph Seebohm, was one of the cofounders of the new Germany and has been cabinet member of the German Federal Government for 12 years, as only Chancellor Adenauer and Vice Chancellor Erhard have been.

Since the start of their political activities, the Sudeten German expellees have been one of the main pillars of German democracy, of anticommunism and also of free enterprise. They came with bare hands to West Germany, yet did not embrace socialism, but built up their existences in private free economy, through hard work, in a truly pioneering spirit of free men.

Since the time they engaged in political work, the Sudeten German expellees have been friends of the United States and of the people of this country. They have—in their numerous contacts with U.S. statesmen and in their publications—recommended a clear sober policy of abolishment of both communism and war and were not seduced to lead a pretended phony anti-Communist fight as many of the leftwing former pro-Communist refugees have been.

The Sudeten Germans have sought not only the cooperation with America. They hope and work to achieve a close friendly cooperation with the representatives of the Czech and Slovak peoples and with all the nations of former Austria-Hungary and former Czechoslovakia. They have set up aims for a future arrangement in Europe, once again free, which could unite all nations of Central and Eastern Europe: First, the establishment of full political and economic freedom and of conditions as they had existed before the Nazi and Communist measures in Europe. Second, full self-determination right to any people, and, at the same time, cooperation in territorial confederations. The Sudeten Germans, moreover, believe that it is their duty, because they are in a position to do so, to help the Czech, Slovak, Polish, Hungarian, Ukrainian, and all other exiles in their struggle for freedom and self-determination of their presently subjugated nations.

Mr. President, I hope that the Sudeten German political work will be a success in the interest of all of us and I give my best wishes to the Sudeten Germans for their Sudeten German Day in Cologne.

I would like to include at this point an article, written by the President of the Sudeten German National Union, Dr. Hans-Christoph Seebohm, in the Sudeten German Bulletin of May 1961:

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

SUDETEN GERMAN DAYS 1961 IN COLOGNE

Continuing a 12-years tradition, the Sudeten German Association has again summoned Sudetenlanders from Germany and other parts of the free West to participate in this year's 4-day rally to be held during Pentecost in the Rhine city of Cologne.

Highlights of the program are lectures by German university professors on questions related to Germany and the expellees, concerts, folk dances and songs, awarding of the Sudeten German Kulturpreise (cultural prizes) and the Sudeten German Karl's Prize. Members of the German Federal Government and expellee leaders will address the convention on Cologne's fair grounds, climaxing the rally on Sunday, May 21.

Events will be brought to a close by a demonstration for Berlin in the form of a torchlight procession of Sudeten German youth, Berlin's Mayor Willy Brandt will be a guest speaker on the evening of the Berlin demonstration.

The motto under which this year's Sudeten German Days will be held is: Unity, Justice, Freedom.

OVERSEA MILITARY INSTALLATIONS

Mr. GORE. Mr. President, shortly after taking office in January, Secretary McNamara undertook a study of oversea installations with a view to closing or consolidating certain activities. With the changing nature of military requirements, this must be a continual process.

It appeared to me at that time that there were several types of installations which could be closed without damage to our security, but which would save much money for our Government. I thought this was particularly true of the many hotels and lodges operated abroad by the Armed Forces.

As a result of World War II and postwar activities, the armed services acquired, by confiscation or otherwise, a great many hotels, castles, and other facilities scattered around the world. While these may have served a useful purpose at one time, it appeared to me that their usefulness had been, in many instances, outlived and that they now constitute an unnecessary expense and manpower drain.

Ostensibly these hotels are for housing personnel on official duty in travel status, or on temporary duty in various locations where regular BOQ type accommodations may not be available, and where commercial hotel facilities are unsuitable.

With these thoughts in mind, I wrote to Secretary McNamara on February 4, 1961, suggesting that these hotels be included in the list of oversea installations being studied for possible closing or consolidation. I ask unanimous consent to have the letter printed in the RECORD at this point.

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

FEBRUARY 4, 1961.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that you are now engaged in a study of oversea bases and installations with a view to closing or consolidating certain installations.

Among the types of installations which, it appears to me, could be closed without interfering with the efficiency of the armed services are certain hotels and similar housing accommodations which no longer serve a necessary purpose.

There is, for example, as you know, a rather large commercial hotel operated by the Army in Tokyo. There is a commercial hotel operated by the Air Force in Madrid. One of the services, I believe the Army, operates a hotel in Nuremburg. There are, I am sure, others.

These hotels and similar installations may well have served a useful purpose at one time, but it appears to me that there are sufficient accommodations near these cities to house transients or TDY personnel. On the other hand, there are commercial hotels operated by business interests in these cities for the accommodation of tourists, including service personnel and their families.

I am sure you will find a great many installations of this type, the operation of which contributes to our imbalance of payments and gold drain and which do not add materially to the efficiency of our armed services units or personnel overseas.

Sincerely,

ALBERT GORE.

P.S.—The rates charged in the above are ridiculous.

Mr. GORE. On February 27, 1961, Secretary McNamara's Deputy, Mr. Gilpatric, wrote to me to say that, although the Pentagon had no information about these installations, the matter was being studied, and reports from the field had been requested.

These reports, when later received, revealed that there were about 57 facilities of the type I had in mind. Also, from the fiscal information furnished at that time, it would appear that some of these facilities were being operated at a profit. This fiscal information, it occurred to me, would not stand close scrutiny.

I ask unanimous consent to have the letter printed in the RECORD at this point.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., February 27, 1961.

Hon. ALBERT GORE,
U.S. Senate.

DEAR SENATOR GORE: Following our telephone conversation last Friday, I am writing to provide the information that we have been able to collect thus far in response to your letter about the operations of hotels and similar facilities by the military departments overseas.

Since the information that you requested in your letter is not available within the Pentagon, I directed an inquiry to all oversea commands. Replies disclose 57 facilities of the kind about which you inquired, operated by the Army and the Air Force; no such facilities are operated by the Navy. Cost figures were furnished for 30 of these 57 facilities and showed a total cost of operations of approximately $7,900,000 against an

estimated annual income of $9,100,000. Income is based on actual charges to occupants, most of which are quite nominal as you suggest, plus per diem deduction made during periods of such occupancy by personnel on temporary duty or in travel status.

It appears, therefore, from the information that we have been able to obtain to date that the net effect of continued operation of these installations is to reduce the imbalance of payments and the gold drain on the United States.

Your letter mentioned several locations such as Nuremburg, Germany, where the U.S. Army hotel is located. This facility is a 252-bed installation provided by the German Government at no cost. Gross operating costs for fiscal year 1960 amounted to $504,-216, including $67,000 O. & M. costs. Total receipts, including deductions for per diem, amounted to $611,695 thus indicating a favorable balance of $107,479. The facility was utilized for 63,500 guest days during the period and each guest averaged 2 days occupancy. At Madrid, Spain, where Air Force operates the Balboa Hotel similar conditions prevail. It is a 170-bed facility leased for $196,335 per annum. It was utilized 31,555 guest days and on the basis of charges and per diem deductions showed an excess of $11,986 above the lease rental. Guests averaged 4 days per occupant during the period. In the case of the Sanno Hotel at Tokyo, Japan, which you also mentioned, it was found to be a 297-room hotel leased by the Japanese Government for assignment to the Department of the Army. Compelte information relative to gross costs and receipts are not available. On the basis of available information, however, it appears O. & M. costs exceed receipts by an amount of $41,370 per annum. The current reports show the facility was occupied 44,543 guest days and each guest averaged 4 days per stay.

Secretary McNamara has already ordered a general review of all oversea facilities to parallel the review already initiated of bases and installations in the United States. In the course of this review, we shall determine which of these installations should be retained and which ones may be dispensed with. Among the matters under review is the question of the rate structure for military personnel using these accommodations (including those in leave status and who, therefore, do not forfeit per diem allowances during their stay).

Sincerely yours,

ROSWELL GILPATRIC,
Deputy.

Mr. GORE. On March 1, I again wrote to Secretary McNamara, pointing out some of the inadequacies of the information contained in the first reports obtained by the Department from oversea commands.

I ask unanimous consent to have the letter printed in the RECORD at this point.

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

MARCH 1, 1961.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: On February 4 I wrote to you concerning the operation of hotels and similar facilities by the military departments overseas. On February 27 I received a reply from your deputy, Mr. Gilpatric. This reply indicates that the review of these facilities and installations is likely to be conducted on a superficial basis with a view to defending their continued operation, rather than determining whether their operation should be continued because of their need.

For my own information, I would appreciate having whatever figures you choose to furnish me given on a uniform basis. Mr. Gilpatric's letter, for example, classifies two hotels by beds and a third by rooms. In one case, the purported total operating cost is given, while in another case only the "lease rental" is given. I do not assume that this "lease rental" includes all gross operating costs.

I note also from Mr. Gilpatric's letter that income is computed on the basis of the inclusion of per diem which is not allowed those who are occupying these hotels, but which would be allowed were these persons occupying non-Government facilities. Since this appears to be a rather large item of income, I would appreciate being furnished, in each instance, a breakdown of the occupants of these hotels showing the number entitled to per diem and those not so entitled, as well as a breakdown showing the number of officers and enlisted men, respectively, occupying these quarters.

In many instances—Madrid and Tokyo, for example—there are adequate quarters otherwise available for those on official business. The BOQ at the airbase just outside Madrid is, in fact, quite luxurious and suitable for any officer, including general officers. I would like to be furnished information on the availability of other quarters already operated by the Government within reasonable distance of these hotels. Incidentally, within reasonable distance, I would include the base near Madrid since schoolchildren are daily transported to school at this base from the housing area which was constructed, unaccountably and unbelievably, on the other side of Madrid.

Mr. Gilpatric's letter states that the Army and the Air Force operate 57 facilities. I would like to know whether the hotel and other facilities at Garmich and similar recreation areas are included. If not, I would appreciate having information on their operation as well.

Sincerely,

ALBERT GORE.

Mr. GORE. On May 15, I received a further letter from Mr. Gilpatric which indicated that progress was at last being made. By then it had been discovered that about 100 hotels are being operated around the world by the armed services. Some of these appeared to be serving a useful and legitimate purpose.

At least, however, we seem now to know that the armed services are operating such establishments and we have learned, I think, how many of these installations the services are operating and where they are located.

I am glad, too, to know that six of these installations are being closed, and that further study as to the need for the others is continuing.

I ask unanimous consent to have the letter printed in the RECORD at this point.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., May 15, 1691.

Hon. ALBERT GORE,
U.S. Senate.

DEAR SENATOR GORE: This is first to report that, on the basis of the facts we have now accumulated from the various oversea commands of the military departments, as to the hotels and hotel-type accommodations in foreign areas, we have directed, as an initial action measure, the orderly closing of the following hotels:

1. The Palast Hotel, Wiesbaden, Germany.
2. Hotel Powers, Paris, France.
3. Columbia House, Tempelhof Central Airport, Berlin, Germany.
4. Newhaven Court Hotel, United Kingdom.
5. The Hotel de Paris, Paris, France.
6. General John K. Cannon Hotel, Ramstein Air Base, Germany.

In addition, we are directing the military departments to adjust the rates charged personnel occupying hotel space on a leave basis, in order to provide the Government a more favorable return. Travelers on official business are subject to a flat 40-percent reduction of the per diem allowance established for the locality under the joint travel regulations, and, in addition, pay a $1 to $1.50 daily service charge when they occupy Government quarters. This service charge is apparently the rate to which you referred in your letter of February 4. I might point out that in a number of localities, official per diem rates are substantially higher for travelers who cannot be accommodated in Government quarters.

The survey to which I referred in my letter of February 27 has disclosed the existence of a total of 100 hotels, as against the 57 identified in the teletype survey reported in my first letter. In addition, we have been informed by the military departments that during the period 1949 to the present, they have closed a total of 499 hotels or hotel-type accommodations in foreign countries throughout the world. For all of the facilities now in operation we have collected information on occupancy rates, charges, per diem allowances, operating income and expenses, the extent to which the activities are financed from moneys generated by nonappropriated fund activities, and the purposes served by their operations.

A preliminary analysis has been made of the information reported on the particular facilities to which you referred in your letters. This analysis indicates that the Torrejon Guesthouse (BOQ), near Madrid, is not adequate to satisfy the demand for accommodations during 7 months of the year. In fact, that demand exceeds the combined capacity of the guesthouse and the Torrejon housing annex (Balboa Hotel), which you suggested closing. We propose to investigate the possibility of making the annex available for civilian occupancy during this slack period. The facilities in Nurnberg, as I reported in my letter of February 27, show a net profit to the Government, and are used primarily by enlisted military personnel and their dependents on leave and change-of-station travel. As to the Sanno Hotel in Tokyo, we have been requested informally by the Department of State to maintain this triservice facility, and we are inquiring about the basis of this request. The Garmisch-Berchtesgaden area, which contains several facilities for rest and recreation of service personnel, supported completely by nonappropriated funds, was covered by our survey. We have not yet reached a decision on the future of these facilities.

We intend to pursue vigorously further analysis of the factual information now accumulated, and we expect to have a further report by June 30. In the meantime, this material is available for inspection or study by you or your staff.

We have also requested the military departments to study the use of full-time military personnel engaged in the management and administration of all hotel-type accommodations for the purpose of either reducing the numbers required, or, where feasible, considering their replacement by nonmilitary personnel.

I am sure you appreciate the problems involved in balancing the need for adequate official travel and recreation facilities for military personnel in foreign countries, and for facilities that will minimize adverse effects on our balance of payments position, against the necessity for the lean and fit Defense Establishment that President Kennedy has called for.

I am sending copies of this letter to the chairmen of the Senate and House Armed Services Committees.

Sincerely,

ROSWELL GILPATRIC,
Deputy.

Mr. GORE. It is my hope that the Defense Department will pursue this matter further, and close or consolidate such activities, including hotels, as their study indicates to be in the public interest.

SCHOOL ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (S. 1021) to authorize a program of Federal financial assistance for education.

Mr. CLARK. Mr. President, I offer my amendment identified as "5-18-61—D" and ask that it be stated; and that I may then be permitted to yield to several Senators, including the Senator from Connecticut, the Senator from Massachusetts, and the Senator from Florida, without my losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 4 line 25, after "American Samoa," insert "the District of Columbia,".

On page 5, line 4, after "and (iii)" insert "the allotment ratio for the District of Columbia shall be .50, and (iv)".

On page 5, line 24, after "American Samoa," insert "the District of Columbia,".

On page 6, line 11, after "American Samoa," insert "the District of Columbia,".

ACTION IN THE ORGANIZATION OF AMERICAN STATES TO REEVALUATE THE ROLE OF THE GOVERNMENT OF CUBA IN INTER-AMERICAN AFFAIRS

Mr. DODD. Mr. President, the House of Representatives has approved a concurrent resolution (H. Con. Res. 226) expressing the sense of the Congress that such steps as may be necessary should be initiated in the Organization of American States to reevaluate the role of the Government of Cuba in inter-American affairs for the purpose of imposing sanctions under the Inter-American Treaty of Reciprocal Assistance.

This resolution lays the facts on the line with regard to Cuba, and expresses the sense of Congress that the present Government of Cuba constitutes a clear and present danger to the United States and to all the free nations of Latin America.

The concurrent resolution, Mr. President, specifically recites that "Cuba today has become a base and staging area for Communist subversive activities throughout the hemisphere" and that "the present Government of Cuba has signified its unquestioning acceptance of the Soviet line on international affairs."

I ask unanimous consent, Mr. President, that the full text of House Concurrent Resolution 226 may be printed in the RECORD at this point at the conclusion of my remarks.

Mr. President, I want to express my own very strong conviction that House Concurrent Resolution 226 should be brought to the floor of the Senate as quickly as possible so that my colleagues may have the same chance that was afforded Members of the other body to express their views with respect to the Cuban situation.

I am confident that an overwhelming majority of Senators will favor this resolution if they get a chance to vote on it; and I shall do everything I can to see that the resolution is speedily considered by the Committee on Foreign Relations, and that it is reported favorably to the Senate.

There being no objection, the concurrent resolution (H. Con. Res. 226) was ordered to be printed in the RECORD, as follows:

Whereas the Caracas Declaration of Solidarity of March 28, 1954, declares that the domination or control of the political institutions of any American State by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action in accordance with existing treaties; and

Whereas Cuba today has become a base and staging area for Communist subversive activity throughout the hemisphere; and

Whereas the present Government of Cuba offers a clear and present danger to the spread of political liberty, economic development, and social progress through all the Republics of the hemisphere; and

Whereas the Declaration of Havana of September 2, 1960, was an open attack on the Organization of American States clearly showing that the present Government of Cuba stands in defiance of every proclaimed principle of the inter-American system; and

Whereas the present Government of Cuba has signified its unquestioning acceptance of the Soviet line on international affairs; and

Whereas representatives of the present Government of Cuba continue to participate in the councils of the Organization of American States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that such steps as may be necessary should be initiated in the Organization of American States to reevaluate the role of the Government of Cuba in inter-American affairs for the purpose of imposing sanctions under the Inter-American Treaty of Reciprocal Assistance; and also to exclude representatives of the Government of Cuba from attendance at meetings of the Inter-American Defense Board.

SECRECY IN GOVERNMENT

Mr. CARROLL. Mr. President, on April 12 of this year, I introduced for myself and the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], and the Senator from Wisconsin [Mr. PROXMIRE], S. 1567, a bill to amend section 3 of the Administrative Procedure Act of 1946.

I said at that time that large sums of the American people's money are being spent by Government agencies. Such a trust should be open to constant access for review by the taxpayers and their elected representatives in the executive and legislative branches.

The junior Senator from Wisconsin [Mr. PROXMIRE] is the author of an article on this subject which was published in This Week magazine of the Washington Sunday Star on May 14, 1961.

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:

LET'S STOP SILLY SECRECY IN GOVERNMENT

(By Senator WILLIAM PROXMIRE, of Wisconsin)

WASHINGTON.—A few years ago a Federal agency decided to classify as secret the amount of peanut butter used by our Armed Forces. It was thought that an alert enemy might be able to determine the size of our forces from the amount of peanut butter consumed.

This was a fuzzy-headed try at censorship. Unfortunately, another Government agency in Washington was at the same time publishing reports which gave down to the last man the size of our Armed Forces. These reports weren't classified. Anyone could buy them.

The peanut butter situation was one of the more comic aspects in the continuing battle between the dictates of secrecy and the people's right to know. In recent years the balance in this tug of war has swung drastically to the side of secrecy.

We must reverse this situation before it is too late. For Government is everybody's business, and what you don't know about it will hurt you.

Today thousands of Government decisions are made in secret. You as a private citizen cannot find out what is going on. Time and time again we, your lawmakers, have also been denied access to important information which is essential in representing you responsibly and intelligently.

I have made a list of some of the more fantastic examples of needless secrecy. The list could run on for pages, but I've tried to condense it for brevity's sake:

A group of college students prepared a scrapbook of newspaper clippings, scientific magazine articles, and articles from foreign publications about atomic energy. The Pentagon got wind of this, and classified the whole scrapbook as top secret.

The secrecy stamp was placed on a report describing shark attacks on shipwrecked sailors, even though the shipwrecks occurred more than 20 years ago.

A scientific study on a modern adaptation of the bow and arrow was classified secret.

After congressional pressure, the Immigration and Naturalization Service declassified a report in the use of public funds to send border inspectors to rifle and pistol matches.

At one time, the State Department stored gifts received by Federal officials from foreign nations in a classified building. Under fire for this action, the State Department finally and reluctantly let reporters enter the building.

One result of this secrecy-happy approach has been the creation of a giant mountain of

classified documents. Each week our Government now classifies a stack of documents higher than the Empire State Building.

In the past 14 years we have accumulated more than three times as much secret material as was classified in the entire history of our Government from the Civil War to 1946, and this includes all of World War II and the Manhattan Project, which built the first atomic bomb.

What is being done to end this stifling growth of secrecy? For one thing, we in Congress are trying to limit the number of agencies with the right to classify papers.

As you might imagine, once a Federal official is given the right to wield a secrecy stamp, he doesn't like giving it up. But recently the authority to classify documents was withdrawn from some 30 Government agencies which included the Indian Arts and Crafts Board, the Migratory Bird Conservation Commission, and the Lincoln Sesquicentennial Commission.

Why do Government agencies desire to cloak their activities in secrecy, for reasons other than national defense, or to prevent invasion of personal privacy? Nearly always the cause stems from a desire to avoid public criticism of inefficiency and waste. Decisions considered and adopted without public scrutiny are much less subject to public criticism, even though they affect many citizens. But with a Federal budget topping $80 billion, every citizen has the right to know how his money is being spent.

With a very few limited exceptions your Government has no more right to deny you access to all the facts than a hired bookkeeper has to deny the owner of a business the right to see his books. This is your Government. You own it, you pay for it. You have a right to know about it. And, yes, you have a duty to find out about it.

THE FIGHT IN CONGRESS

Not all government secrecy conceals wasteful spending or graft. But the snap reflex of any official on the verge of exposure is to shroud his error by claiming a secrecy privilege. Time and time again investigators have pryed the screen aside and uncovered influence-peddling, embezzlement, and other violations of the public trust.

We in Congress have begun to meet the problem of unnecessary secrecy.

In the House of Representatives the Government Information Subcommittee, brilliantly led by Representative JOHN E. MOSS, of California, has handled nearly 200 cases of Federal abridgement of freedom of information. In over half the cases the subcommittee succeeded in freeing the information from the censors. The House committee has been at work 6 years. The Senate Subcommittee on Constitutional Rights also has been working on the problem. The vigilance of the two committees has prevented much unnecessary secrecy.

Two other nongovernment groups—the American Society of Newspaper Editors and Sigma Delta Chi, the national journalism fraternity—have waged long and courageous battles against unnecessary government secrecy.

But I fear that the cases of unwarranted secrecy which come to light are only the top of the iceberg. Beneath the surface, a vast amount of information continues to be withheld.

Perhaps the worst offender in silly secrecy is the Department of Defense. A classic example took place when the first Atlas communications satellite was launched. For some reason only 88 of the many hundreds of men working on the project were told its real purpose: to place in orbit a communications package which would broadcast a taped message from the President. Of course, all of the employees had been cleared for top-secret work.

To keep the secret from the others, the 88 men had to sneak around the missile site at night altering circuits and rebuilding parts of the missile, changing what had been done during the day by the people who didn't know what the real purpose of the missile was. You can guess at the confusion this caused, and how much money was wasted.

THE PENTAGON'S SECRET PHOTO

On another occasion the Defense Department refused to declassify photographs of the Titan missile for months after it had been stored outside a factory near Denver, viewed by local residents, seen on television and photographed from a helicopter. Finally—2 weeks before the 1958 congressional elections, pictures of the President viewing the missile appeared. The Pentagon claimed it had wanted to avoid premature "ballyhoo." Or, putting it another way, they wanted the ballyhoo, but at a time of their own choosing.

Let me underline one point: In the interests of national defense, it is absolutely necessary to classify information about weapons, codes, strategies, and a number of other subjects. But I think that many of our military men are infected with "secretitis." Their secrecy policies and procedures must be reexamined.

There is no simple way to lift the giant lid of secrecy over Washington. It is a constant struggle in which we all must fight. One thing that will help is new legislation. I am a sponsor, with Senator CARROLL, of Colorado, of S. 1567, which provides:

1. All Government records, rulings, reports and all other papers not specifically excluded for reasons of national defense or personal privacy be made public.

2. Except as justified by reasons of national defense, no order or rule of a Government agency shall be valid unless made public.

3. Any citizen may bring a suit in any Federal district court to compel such public inspection.

Enactment of such a law would go a long way toward ending the more flagrant examples of secrecy.

But it will take more than a new law to end foolish secrecy. More and more citizens must become increasingly aware of the dangers. You, the voter, should realize that every time a Federal official wields that secrecy stamp unnecessarily you and the people of your country are losing another bit of freedom.

Laws will help end the secrecy mumbo-jumbo. But in the long run the key figure in the fight for the right to know is the citizen who keeps a vigilant and inquiring eye on his Government.

ORDER OF BUSINESS

Mr. SALTONSTALL. Mr. President, is it my understanding that the Senator from Pennsylvania [Mr. CLARK] has the floor and that he has yielded to me.

The PRESIDING OFFICER. The Senator is correct.

Mr. SALTONSTALL. I am glad to yield briefly to the acting majority leader.

AWARD OF MEDAL TO DR. THOMAS ANTHONY DOOLEY III

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 230, House Joint Resolution 306.

The PRESIDING OFFICER. For the information of the Senate, the clerk will state the resolution by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 306) to authorize the President of the United States to award posthumously a medal to Dr. Thomas Anthony Dooley III.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HUMPHREY. Mr. President, this is a House joint resolution. A Senate joint resolution identical with the House joint resolution has been reported unanimously by the Committee on Banking and Currency by the Senator from Connecticut [Mr. BUSH]. It is Senate Joint Resolution 64, Calendar No. 229.

I now yield to the Senator from Connecticut for whatever comment he may wish to make.

Mr. BUSH. Mr. President, I shall be very brief. It would be redundant for me to take the time of the Senate today to go fully into the life and story of the great humanitarian service of Dr. Thomas Dooley.

Two years ago I introduced a joint resolution similar in nature to the one before us today, to provide for the awarding of the Congressional Medal to Dr. Dooley. The joint resolution was not acted on at that time, and Dr. Dooley's great work continued. Unfortunately, during the past year he died of cancer at the very peak of his career.

Senators almost unanimously have joined in support of a joint resolution which would give this recognition to Dr. Thomas Dooley. I take great pride in presenting the resolution to the Senate on behalf of the Committee on Banking and Currency.

The life story of Dr. Thomas Dooley is one of the most inspiring I have ever read. His book, entitled "Deliver Us From Evil," is one of the most thrilling books I have ever read. I hope that every young American will read about the life of Dr. Dooley. I daresay no citizen in this century has done more on his own, by his own effort and through his own sacrifice, to create a favorable image of the United States in distant lands among the poorest people of the world than has Dr. Thomas Dooley. I recommend that the Senate pass the joint resolution.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the names of the sponsors of Senate Joint Resolution 64 be printed in the RECORD at this point.

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

The names of the Senators sponsoring Senate Joint Resolution 64 are as follows: HUMPHREY, SYMINGTON, PELL, LONG of Missouri, CARROLL.

Mr. HUMPHREY. I also ask unanimous consent that an excerpt from the report of the committee, report No. 257, be printed in the RECORD at this point.

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

GENERAL STATEMENT

The resolution would authorize the President to award an appropriate gold medal, in

the name of Congress, to the late Dr. Thomas Anthony Dooley III, in recognition of his services to the people of Laos and to peoples in other newly developing countries.

Dr. Dooley is survived by his mother, Mrs. Thomas A. Dooley, and two brothers. It is the committee's understanding and intention that the medal will be presented to Dr. Dooley's mother.

The resolution would authorize and direct the Secretary of the Treasury to strike a gold medal with suitable emblems, devices, and inscriptions to be determined by him. An appropriation of $2,500 would be authorized for this purpose.

The Secretary of the Treasury would also be authorized to manufacture and sell bronze duplicates of the medal to the public under regulations to be prescribed by him. The cost of manufacturing the bronze duplicates, including labor, would be covered by the sales proceeds.

The proposal to honor Dr. Dooley by giving him a medal has received widespread and bipartisan support. Senate Joint Resolution 64 was introduced by Senator HUMPHREY on behalf of himself and a number of other Senators. Senator BRIDGES introduced S. 1377, in which Senator BUSH later joined. In the last Congress Senator BUSH introduced Senate Joint Resolution 148 for himself and 44 other Senators.

The State and Treasury Departments offer no objection to the bill. Letters from those Departments are printed below as a part of this report. A copy of a letter from Senator HUMPHREY is also printed below.

Attached is a biographical summary of the life of Dr. Dooley. The facts of Dr. Dooley's life explain the reasons for the award of the medal.

THOMAS A. DOOLEY III, M.D.—A BIOGRAPHICAL SUMMARY

Dr. Thomas A. Dooley was born in St. Louis, Mo., on January 17, 1927. He was one of four sons born to Mr. and Mrs. Thomas A. Dooley. He selected medicine as his career while in high school. He had a year of premedical training at the University of Notre Dame in 1943–44, then served for 2 years, 1944–46, as a Navy corpsman, or medical aide attached to the U.S. Marine Corps. He then studied for a year at the Sorbonne in Paris. He was graduated from the St. Louis University School of Medicine in 1953.

He rejoined the Navy for his internship as a lieutenant, junior grade, and was at first assigned to the naval hospital at Camp Pendleton, Calif., and from there was sent to Japan, where he received an assignment as medical officer aboard the attack transport U.S.S. *Montague*.

In May 1954 the *Montague* was one of four ships assigned to help in "passage of freedom," which comprised the evacuation agreed upon under terms of the Geneva Treaty after the French Indochina war was over.

This was the flight of those who wished to flee from Communist-held northern Vietnam to live in free South Vietnam. Dr. Dooley was assigned as a medical officer at an evacuee staging area set up at Haiphong. The main interest of this medical team was in preventing epidemics and the infestation of the ships being used in the evacuation.

More than 600,000 refugees were cared for at this camp. When Communist demands forced reduction of the medical mission, Dr. Dooley was the only Navy doctor left behind. Enormous as it was, the medical problem involving the refugees was not the only one with which he had to cope.

"I had to provide shelter and food, sanitation, and some human solace to a flood of humanity, undernourished, exhausted, bewildered, and pitifully frightened," he wrote later in a book about his experiences.

"My primary task was medical—to stamp out contagious diseases * * * but there was no ducking the huge problems of housekeeping and administration for the shifting camp population, normally between 10,000 and 15,000 persons."

For his extraordinary efforts in this operation, he was awarded the Legion of Merit, becoming the youngest officer in the history of the U.S. Medical Corps to receive it. President Ngo Dinh Diem, of Vietnam, also awarded him that nation's highest decoration, the National Order of Vietnam.

The assignment also brought a decision for young Dr. Dooley. After seeing the sick and dying in southeast Asia, observing the amount of preventable disease which could be halted or cured, he felt that his place henceforth was with these people; that he must do what he could do to alleviate some of the suffering among countless millions of underprivileged peoples of the world who have scant hope of any medical care in their lifetime.

Dr. Dooley returned to the United States in 1956 and became a civilian. His book, "Deliver Us From Evil," about the work at Haiphong, became a bestseller. With the proceeds, plus generous help from pharmaceutical companies, he rounded up as his staff three former Navy corpsmen who had worked with him at Haiphong, returned to southeast Asia and obtained permission from the new government of Laos to establish a small village hospital. It was located at Nam Tha, 5 miles from the border of Communist-held China.

Dr. Dooley turned the Nam Tha hospital over to the Laos Government in late 1957 and returned to the United States, planning to raise funds with which to start another such medical mission. He met with Dr. Peter D. Comanduras, a Washington specialist and medical professor who also had observed the medically underprivileged in other lands and had been working for the acceptance of an international program of direct physician-to-patient medical aid in areas where no facilities existed at all.

Together, these two physicians founded Medico (Medical International Cooperation Organization). This voluntary, nonpolitical, nonsectarian organization was at first under auspices of the International Rescue Committee, but in late 1959 became a separate entity, incorporated as Medico, Inc.

Dr. Dooley's second bestseller book "The Edge of Tomorrow," was published in May 1958. Proceeds from it, from other writings, and a lecture tour went toward the financing of oversea operations begun by Medico.

The young doctor returned to Laos to establish another hospital, this one in the remote village of Muong Sing and the first under Medico auspices.

Less than 2 years later, by the end of 1960, Medico had 17 projects in operation in 12 countries. These included seven hospitals in southeast Asia—in Laos, Cambodia, Vietnam, and Malaya—and Dr. Dooley had an important role in getting all of them underway. Medico established such projects only after the invitation of the host government, and in these instances it was Dr. Dooley who handled, for the most part, all of the necessary preliminary negotiations and the other details concerned with starting these projects.

In August 1959, Dr. Dooley learned that he had a highly malignant (melanoma) cancer of the chest wall and flew to New York to undergo major surgery for its removal at Memorial Hospital.

After a few weeks of convalescence, Dr. Dooley embarked on a nationwide lecture tour which raised nearly a million dollars for Medico. He then returned to his Muong Sing hospital and was soon working at his usual pace—which often kept him going 20 hours a day.

On two subsequent trips to the United States within the next 14 months he underwent checkups which showed no recurrence of cancer. On a trip in the spring of 1960 he gave 55 lectures in 30 cities in 34 days.

Then on November 30, 1960, Dr. Dooley entered a hospital in Hong Kong, suffering from what was described as "extreme fatigue and exhaustion." He also suffered severe pain in the lower spinal area but, wearing a brace—which he immediately characterized as his "Iron Maiden"—he left the hospital within a matter of days and attempted to resume his customary arduous schedule.

The pain, however, became progressively worse and he finally gave in to the persuasions of associates and relatives to come home for a new examination and any treatment which might be required.

He arrived on December 27, 1960, and entered a hospital. On January 10, 1961, the attending physician announced that extensive analytical examinations had proved without doubt that this was a recurrence of the previous primary cancer. On January 18, 1961, Dr. Dooley passed away, 1 day after his 34th birthday.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 306) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 64 is indefinitely postponed.

Mr. HUMPHREY. Mr. President, this action on the part of Congress by both Houses is to me a very rewarding experience, because for a long time many of us in Congress have wanted to honor this great American, who has exemplified compassion and mercy, and who has lived a life in the finest tradition of our democracy and in accordance with the finest ideals of his Christian faith.

NONSUBSIDIZED INTERCOASTAL STEAMSHIP LINES

Mr. SALTONSTALL. Mr. President, I yield, under the same conditions, to the Senator from Florida.

Mr. SMATHERS. Mr. President, all of us know the acute problems at present facing the nonsubsidized intercoastal steamship lines which travel from the mainland to Alaska, Puerto Rico, Hawaii, and other places.

As an example of the difficulties confronting these carriers, I would like to place in the RECORD remarks made recently to the Hawaii House of Representatives by Mr. Randolph Sevier, president of the Matson Navigation Co. These remarks, which show a common problem of this sometimes overlooked segment of the Nation's transportation industry, follow:

Most of us have a tendency to take for granted those things which we have enjoyed for most of our lives and on which our very existence depends. To some extent, this may be true of the attitude of many people toward the shipping service provided to Hawaii by Matson.

For nearly 80 years, through good times and bad, through a period of two World Wars and Korea, when greater profits could have been realized by diversion of its vessels to other trades, Matson has provided the principal transportation service between Hawaii and the mainland.

During this time, Matson has rendered frequent, dependable, and specialized steamship service, making it possible for Hawaii to mar-

ket its two principal products—sugar and pineapple—and to obtain from the mainland the goods it has needed to support its expanding population, its tourist industry, the vast Defense Establishment and its basic agricultural economy.

From time to time, Matson has introduced special facilities, both in its ships and ashore, for the purpose of meeting more efficiently and economically the special transportation requirements of the Hawaii trade.

In 1956, Matson organized the first research department at the top management level of any American-flag steamship company. This was done for the purpose of carefully analyzing the cause and effect of transportation cost increases, as well as methods of improving operations and reducing further cost increase. Analysis by our research department indicated that the greatest opportunity for service improvements and cost reductions lay in the cargo handling of general merchandise. This led Matson to pioneer its present containerized shipping service between San Francisco, Stockton, and Los Angeles port areas in California and Honolulu.

In this service, cargo may be loaded and sealed in a container at a shipper's warehouse on the mainland and the goods not touched until the container is unsealed and unloaded at the consignee's warehouse in Honolulu. Cargo handling costs, vessel port time, and damage and pilferage of cargo have been materially reduced, enabling Matson to render a premium service to the public at rates lower than those charged for carriage of cargo in conventional loose stowage. Matson's present investment in this container system, including ship conversion costs, shoreside facilities, and lease obligations, totals some $17,800,000.

Who has benefited to date from these costly technological improvements in Matson's freight service? Not any individual, or firm or group—but the vigorous total Hawaiian economy.

There is no other island community of comparable size and remoteness which enjoys such a regularity and frequency of service as Hawaii receives from Matson. As a result, in the postwar era the Matson freighter fleet has become Hawaii's floating warehouse. Goods in large volume go directly from mainland warehouses to shipside, and from the docks in Hawaii to store shelves, eliminating multiple handling, reducing inventories and minimizing the need for costly warehousing. What might have happened had it been necessary to build warehouses in Honolulu for this volume? In land-scarce Hawaii, the reduction of the need for warehouse space as well as the elimination of costly multiple-handling and other costs inherent in large-scale warehousing holds down the price to the ultimate consumer. If such frequent service should cease, so would these benefits.

Hawaii is the Nation's only island State, separated from the other States by 2,100 nautical miles of ocean. It is almost totally dependent upon commerce with the mainland to support its economy. This commerce moves, and for the foreseeable future must continue to move, by ocean shipping.

The statistics and expert opinion concerning the growth and condition of the Hawaiian economy, demonstrate, as a matter of experience and not of theory, that Matson's rates have not retarded the Hawaiian economy. It is manifesting greater vitality than almost any other section of the United States. It is dependent for its vigor and growth upon high quality ocean transportation service. It has the financial strength to support the transportation service which it requires.

Because labor costs are so great a portion of total costs, Matson has sought where possible to increase mechanization when such programs would result in savings. This is not always an easy course, for it brings in its wake sociological and financial problems of some magnitude.

In addition, Matson's management, together with other steamship operators, is seeking means whereby the recent pattern of successive increases in wages can equitably be ameliorated in fairness to labor, management and the public. Recently, representatives of the steamship industry, including myself, met with the Secretary of Commerce to discuss this important question. So long as Matson is confronted with annual increases in wage costs without offsetting reductions in other elements of costs, it is faced with the choice of making offsetting rate increases or going out of business. Matson simply does not have an excess of earnings with which to absorb these recurring cost increases.

SCHOOL ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (S. 1021) to authorize a program of Federal financial assistance for education.

Mr. SALTONSTALL. Mr. President, the issue before us is what is the most realistic and over the long run the most efficient way in which to educate our children. Indeed, this is the only question before the Senate. There is no monopoly in concern or action in this field; we all believe with intense sincerity that America must remain the best educated Nation in the world. We owe affirmative action to ourselves, our children, and the destiny of our democratic way of life.

What we must keep in mind in our search for the best course of action is that the availability of classrooms and high-paid teachers by themselves will not make our educational system successful. So in these deliberations we must attend to the business of providing adequate facilities and talent, but we must look beyond them.

Last year I sponsored S. 1016, providing for a 5-year program to finance $3 billion worth of school construction, and S. 1017, assisting American colleges and universities in building $2 billion worth of academic and housing facilities for the same period. I have always supported the National Defense Education Act and will support recommendations to strengthen and extend this act in the present Congress.

On June 24 of last year I wrote Senator HILL, chairman of the Senate Committee on Labor and Public Welfare, concerning S. 1017, and said in part:

> Throughout the world there is tremendous educational ferment. It becomes increasingly obvious that the education of a nation's people will carry huge importance in terms of the struggle between freedom with justice and Communist totalitarianism, and the future of mankind which the outcome of that struggle will so significantly influence. It is imperative that the Federal Government assume a sound and vigorous role to assist our educational institutions.

These thoughts essentially were stated by the President in his special education message to Congress on February 20, when he said:

> Our progress as a nation can be no swifter than our progress in education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity.

The committee report on S. 1021 says:

> The Federal Government should invest a larger portion of our national resources for public elementary and secondary education. * * * The committee further believes that in spite of the very substantial efforts which we have made as a nation on behalf of our schools, Americans want and need to do more.

While I am in accord with these general statements, I shall vote against the bill for the reasons I shall now briefly state.

The facts that there are presently shortages in teachers and classrooms, that the Federal Government should help to fill these needs, and that America must improve the overall quality of her educational system, do not mean that the Federal Government must automatically launch huge programs of Federal involvement. In considering the manner of Federal aid we must be careful to examine the facts of the situation to determine the precise nature of the need, and we must reexamine the essential qualities of the American educational system. We must decide if those essential characteristics are still valid today. If they are still valid we must act vigilantly to sustain them, and carefully measure the effect of proposed methods of Federal help on them accordingly.

President Kennedy emphasized in his message that "education must remain a matter of State and local control" and I strongly agree with him. Speaking of the importance of providing every American child an equal educational opportunity, the senior Senator from Connecticut [Mr. BUSH] summed up this philosophy very effectively. He said in a speech before the Senate on May 18:

> The responsibility for giving children this opportunity rests, first, upon the local community, and next upon the State. Only if these two units of government, acting together, cannot provide sufficient resources and the environment for a good educational system does it become in the national interest for the Federal Government to supplement their efforts.

I, too, am most concerned that the Federal Government should not get into primary and secondary school education in such a way as to bring control over local policy. The States and the localities simply have the greatest competence to do the job. They are close to the situation, they are intimately associated with the communities in question, they are familiar with the problems therein, they can give quick, sympathetic and tailormade supervision. A larger, necessarily impersonal bureaucracy located far away simply does not have such understanding and firsthand interest. In this case distance destroys efficiency. I believe not only that American citizens in a given community or State want to make the decisions concerning the education of their children. I am certain that they are the most competent to do so. This unique characteristic of our way of life is as important in the 1960's as it has been throughout the earlier history of the Nation.

Large-scale, permanent-type grant aid for a variety of uses including teachers' salaries cannot help, in my opinion, but introduce Federal Government control into our free primary and secondary educational system. The committee bill which we have before us proposes this kind of aid, and its safeguards against Federal involvement in local policy are, in effect, of little value. Congress cannot appropriate billions of dollars without at some time acting to guarantee that the funds will be efficiently and properly spent. Political independence is closely related to fiscal independence and we can see in a number of Federal programs that program control inevitably follows the flow of money.

It is important to examine the committee bill both in view of the controls it contains over the $2.5 billion it provides, and in view of its assurance that the Federal Government will not exercise any kind of control over the policy determination of any school system.

Section 106 of the committee bill allots funds for the second and third fiscal years of the program on the basis of effort exerted by the States for public school purposes. Here is a very definite kind of control. Here we have a tested and a worthwhile device to guarantee proper use of Federal funds and to stimulate helpful activity on the part of the States. Nonetheless, this is a stipulation which cannot help sooner or later having its effect on local decisions with regard to overall educational policy. It should be recognized as such.

Section 110 and 111 of the bill, dealing with applications made by the States to the Federal Government, also involve, and again desirably so, a measure of Federal control. The Commissioner of Education requires that the State give priority or preference to the areas most in need. He can disapprove an application if it falls short of this or certain other criteria. Here again the State must act in a certain way if it is to receive the financial assistance from Washington. We all agree with this kind of requirement on its own merits, yet the desirability of this regulation cannot overshadow the fact that it is regulation. The fact is that the Federal Government's aid will bring—most probably in increasing degree—Federal control over the recipient.

Section 103 of the act provides:

> In the administration of this title, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, program of instruction, or the administration or operation of any school or school system.

Such a disclaimer will be, in practice, virtually valueless. There is no mention, for instance, of the indirect control asserted if the Federal Government decides to withhold funds under the act for any reason. There is no mention of how such control as mentioned under section 103 is to be measured or how the section itself is to be enforced. As an example, I need merely to mention the data presented in the minority views in the committee report with regard to Federal controls contained in the National Defense Education Act. Such controls are inevitable. As I have said, considered on their own merits they are often desirable, but they exist and they grow.

Another aspect of control can be seen in the allocation formula adapted by the committee. This formula is different from the one recommended in the administration bill. The committee made changes in the allocation technique, upping some States' shares as much as 62 percent and lowering others as much as 38 percent. It appears that political considerations were not overlooked in this juggling. Even if this is not true, it is certainly very possible. In another 3 years, when the 1961 act would be considered for extension if it passes now, different criteria based on the political makeup and performance of the regions in question might dictate the mathematics of distribution. It is foolish to say that the Federal Government does not and will not have a strong influence on local educational policy in such a pliable spoils system.

When the Federal Government provides money—and a great deal of it—which can be used to increase teachers' salaries, the issue of bureaucratic control reaches its peak. This is largely a psychological matter rather than one involving obvious mechanical regulation, but it is nonetheless significant. It strikes me as virtually impossible that the Federal Government can stay out of local educational policy if the Federal Government provides the teachers who execute that policy with a substantial portion of their livelihood. Strictly as a matter of human nature, men and women will find it extremely difficult over the years to teach with complete freedom from Washington's influence when they realize that Washington's influence is paying their way.

As I have said, the considerations before us in the committee bill involve much more than just the abundance of teaching talent and teaching facilities. They involve the future security of an educational system which is free, responsive, efficient, and directed close to home. Also, because of the great importance of education to a free society, they involve such corollary issues as: the freedom of the individual, the free enterprise system, the prevention of a mushrooming Federal bureaucracy entering more and more areas of private life, and government by the people—the preservation of our society's very nature. These matters, because they cannot be evaluated in dollars and cents or other tangible measurements, have less appeal in politics but they must be considered now before the opportunity ebbs away.

The other side of the coin is equally important. That is, administering the educational system of his own children gives the American citizen an invaluable opportunity to keep himself in shape to help govern himself and his fellows. It has been said again and again that without well-informed, deeply concerned citizens who are willing and able to participate vigorously in the democracy they make up, this democracy cannot survive. Recently the American people have been called upon for sacrifice, have been asked to participate in the great decisions before us. Such activity cannot come in the abstract. In order for the people to govern they must have the opportunity, the tools to participate with; they must learn first hand, they must themselves be involved with the decisionmaking which will affect the nature of their society. Without such opportunity for self-government in its broadest sense, our people will lose their initiative and their incentive; their spirit will wither as they become further and further away from the workings of their Government. If the paramount duty of educating our youth is preserved for the people themselves and if they are aided in this endeavor in such a way as to encourage their continued responsibility, then democracy itself will be the beneficiary.

While I believe that there is need for classrooms, and that the Federal Government should assist in stimulating their construction, and while I believe that we must encourage more qualified people to become teachers, and that their salaries should be improved, I doubt some of the arguments about "unmet needs" used to call for heavy Federal aid.

Present estimates, generally agreed upon, are that deficiencies are at the level of 142,100 classrooms and 100,000 teachers. President Kennedy predicts we shall need 600,000 new classrooms for the next decade. What about recent performance in meeting these needs? First, we should note that in the last 10 years, the financial support of education has risen sharply, as has the share of national income spent for education. Second, the numbers of pupils per teacher and per classroom have persistently declined. It is important to look as closely as possible at the facts.

In 1954, the Secretary of Health, Education, and Welfare predicted that the classroom shortage would reach 476,000 by 1960. Mr. President, we simply are not in such straits, and the dire prediction does not make it so. The U.S. Office of Education has made available data which show that the number of pupils increased 15.2 percent and the number of classrooms in use increased 23.2 percent in the last 4 years, reducing the number of pupils per classroom from 29.0 to 27.1. What is more important, at the rate of current construction of classrooms, the stated goals for the next few years can easily be met without any Federal involvement. The Department of Health, Education, and Welfare has indicated that during the 1960's, 607,600 classrooms should be built, or 60,760 each year. Yet from 1956–61, the average classrooms completed per year has been 69,860; and the Department of Commerce estimates that school construction should pick up about 8 percent this year.

During the past three decades the number of employees in public education has increased 140 percent while the population rate and school enrollment both rose by 45 percent. Teaching staffs have increased faster than

enrollment has. During the past 7 years the number of pupils increased 29 percent, and the number of certified teachers increased 40 percent. If the number of college graduates going into teaching remains steady proportionally during the sixties, the number of new teachers will nearly double, while enrollment, which rose 46 percent in the last decade, will slack off to a 20-percent increase in the next. Men teachers generally earn less than men engineers, lawyers, judges, physicians, and architects; and an Office of Education report recommended that teacher salaries be doubled from 1959 to 1964. At the same time it should be kept in mind that in the last decade, teachers' salaries rose 74 percent while the Nation's per capita income rose 30 percent.

Many persons feel that the local and State governments simply do not have sufficient resources to be able to meet the educational needs of the next decade, such as they may be. In the first place, we cannot assume that it is automatically better and easier for the Federal Government, whose income has met its expenditures in only 6 out of the past 30 years, to take money from the taxpayer's pocket. He still has to give it up, after all; the burden to him is the same. In the second place, the inability of the local districts and States to provide the necessary backing has been overexaggerated, to the point where we are playing the role of convincing them they cannot do a job which is rightfully theirs to do, instead of trying to help them do it.

The Department of Health, Education, and Welfare recently conducted a telegraphic canvass which indicated that only 237 out of a total of over 40,000 school districts had run out of access to funds with which to build needed classrooms. Also, it is interesting to note that the volume of school bonds sold in 1960 was close to a record, and those approved by the voters in the elections of last fall established an all-time high. These facts hardly indicate destitution, in either interest or ability, for community education. Instead of saying to the local and State governments: "You can't do it, let us do it," we should be saying, "You are not doing a bad job now. What can we do to help you do a better one?" One way to help would be to work out a coordinated adjustment in Federal, State, and local tax systems—a big job, but not an impossible one. Dr. Walter W. Heller, now the President's chief economic adviser, once recommended that the Federal Government put its fiscal relationships with State and local governments on a constructive, cooperative relationship, through organizing Federal tax reductions in such a way as to assist in making an increase of State and local revenues; through adopting fiscal and monetary policies more consistent with State financial needs; and through strengthening the administrative relationships between Federal, State, and local tax enforcement agencies.

Finally, let me refer briefly to S. 1021, as it affects my State of Massachusetts. The committee bill imposes a substantial financial burden on many persons who will receive a disproportionally low benefit from it. Massachusetts, which would receive $44,400,000 in benefits under the bill, would contribute $88,485,000 over a 3-year period to the program. In other words, the people of my State would be contributing about $2 for every dollar of Federal aid they received. Although I accept the principle that the wealthier States should assist the poorer States in national programs such as this one, the gap in this case is very wide.

Although I have not based my arguments concerning my position on the committee bill on the expense of its program, I point out that its cost is high at a time when the budget for the coming fiscal year is already unbalanced by at least $4 billion and will become more and more out of kilter if we consider each new piece of legislation by itself, without regard to the whole.

All agree that a strengthened educational system is essential to the fulfillment of democracy. But in my opinion, for the reasons I have explained, the committee bill is designed in such a way that, in the profoundest sense, it will not strengthen the American educational system. Therefore, as I have said, I shall vote against S. 1021 as it is now before us.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. CLARK].

PRIVATE COMMITTEE OF THREE TO EXCHANGE BULLDOZERS FOR CUBAN PRISONERS

Mr. MORSE. Mr. President, the RECORD will show that yesterday I discussed the problem involved in connection with the volunteer committee, headed by Mrs. Roosevelt, and joined by Walter Reuther and Dr. Milton Eisenhower, which is seeking to raise funds to ransom a group of Cuban exiles who are held prisoner in Cuba by Castro.

Earlier in my remarks I said that, interestingly enough, I had discussed this matter in answer to a question which was put to me on a television program in Cleveland Sunday afternoon. That occurred in the course of the program known as "The Open Circuit," conducted by station KYW. I told the Senate that today I would place in the RECORD the statement I made on that program Sunday, because I thought the Senate should know what public statement I had made prior to the time when the Senator from New Hampshire [Mr. BRIDGES] raised the question on the floor of the Senate yesterday afternoon.

I have received from the director of that program on Station KYW-TV, in Cleveland, the following telegram:

CLEVELAND, OHIO, *May 23, 1961.*

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Following is transcript of your remarks in answer to a question from Glen Lavery: "Do you believe that Mrs. Roosevelt, Mr. Milton Eisenhower, and Mr. Reuther perhaps as a suggestion should appoint themselves a committee of three to meet Castro's demands for bulldozers in exchange for prisoners?"

"Well, in my judgment, I want to stress that I think any private group in the United States should not take any course of action in regard to a foreign policy problem without first getting clearance from the State Department. I assume from what I read in the papers today that there has been some unofficial indication to them that the State Department doesn't intend to stand in the way. But let us remember that under the Constitution the job of handling foreign affairs is the job of the President, acting through the State Department, and not the job of private citizens. I don't know any body that recognizes that more than the incomparable Mrs. Roosevelt. So I take it for granted that whatever program they are working out on humanitarian basis is getting clearance from the State Department."

Deeply grateful for your providing most successful program in "Open Circuit" series. Hope you will be able to send copy of CONGRESSIONAL RECORD. May I add my personal appreciation to the deep gratitude of KYW-TV.

BEN WECHSLER,
Public Affairs Director.

I close this comment by restating what I said yesterday on the floor of the Senate—that, in my judgment, the American people are entitled to know whether the program of the Eleanor Roosevelt committee does have clearance from the State Department; and if it does, let us openly say this is a part of the foreign policy of the United States, and this committee is acting as an agent for the State Department.

Mr. President, if there is anything I do not like in the administration of government, it is any procedure which could, to the slightest extent, be described as indirection or subterfuge.

I repeat that, as a matter of public policy, it is bad precedent to have volunteer committees springing up in this country and proceeding to exercise jurisdiction in regard to any phase of foreign policy. That is why I was a critic of the newspaper editors of this country when, a couple of years ago, they published a statement without clearance from the State Department. I know they did not have clearance from the State Department, because the Under Secretary of State for Latin American Affairs came to the Subcommittee on Latin American Affairs and asked for counsel and advice as to what the State Department should do about the embarrassment which had been caused by the editorial association of this country in its intervention in a foreign policy matter, without even extending to the State Department the decency and the courtesy to find out whether inviting Castro to the country might in any way be embarrassing to the Government. I protested it then, and I would feel derelict in my duty as chairman of the Subcommittee on Latin American Affairs by failing to raise the question now.

Notwithstanding the fact that there are on the committee persons whom I consider to be wonderful people, and whom I consider as my friends, and for whom I have nothing but admiration for their instinct of humanitarian reaction to the brutality of Castro, nevertheless I want to say to the administration, which is my administration, too, it is its duty to make clear that our foreign affairs are going to be run by the

White House and the State Department, and not by any self-appointed volunteer groups, no matter how distinguished the personnel of the groups may be.

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

Mr. MORSE. I yield.

Mr. SALTONSTALL. The Senator, as I understand, does not take the position that committees of people cannot get together for the purpose of raising funds, but that where they get together for the purpose of raising funds, where they become involved in our international or foreign policies, then certainly the administration, through the State Department, should take a position as to whether or not it is or is not an interference with the foreign policy. Is that correct?

Mr. MORSE. That is exactly the position of the Senator from Oregon.

Mr. SALTONSTALL. I agree with the Senator in that position.

Mr. MORSE. I thank the Senator for his association with my point of view. The Senator from Massachusetts knows the high regard I have for him in the whole field of foreign relations and in our defense program, too.

I had the honor of serving with the Senator from Massachusetts on the Armed Services Committee for some years, before I went to the Foreign Relations Committee. I feel buttressed in my conviction in knowing that the Senator from Massachusetts shares my view.

SCHOOL ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (S. 1021) to authorize a program of Federal financial assistance for education.

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

Mr. MORSE. Mr. President, may I hear the question?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. MORSE. Mr. President, as the Senator in charge of the bill, I am in the position that I understand the Senator from Pennsylvania [Mr. CLARK] has been called off the floor of the Senate in regard to an official matter, and cannot return at this time.

Although I am going to accept the amendment, I am told by my staff associate that some Senators wish to ask questions about the Clark amendment. Therefore, I am going to take it upon myself to ask unanimous consent to withdraw the Clark amendment and proceed with the Keating amendment, if the Senator from New York is ready to offer the amendment, with the understanding that the Clark amendment can then be considered immediately following the Keating amendment. I make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. KEATING. Mr. President, reserving the right to object, and I do not know that I should object, I am in a dual situation here. Momentarily I am deployed as acting minority leader in charge of the Senators gathering on my right. There are two Senators who wish to speak on the Clark amendment and who have asked me to suggest the absence of a quorum for that purpose. I think I should let that request supersede my own desire to call up my amendment.

Mr. MORSE. Mr. President, I withhold my unanimous-consent request, and while the Senator from New York consults with staff members of the Senate, we can start a quorum call.

Mr. KEATING. I have been informed that it is believed it would be appropriate to proceed with my amendment, and I suggest the absence of a quorum.

Mr. MORSE. First I want to get a ruling on my request. I ask unanimous consent that the Clark amendment be withdrawn temporarily and that it be renewed following the consideration of the Keating amendment.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. (Mr. HICKEY in the chair). Without objection, it is so ordered.

Mr. CLARK. Mr. President, I ask unanimous consent that the pending Keating amendment may be temporarily laid aside, and that the Senate may resume consideration of my amendment.

The PRESIDING OFFICER. Without objection, the previous agreement is vitiated.

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

Mr. CLARK. I am happy to yield to the majority leader.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished Senator from New York, whose amendment, I understand, has been set aside temporarily, so that the Senate may continue consideration of the amendment offered by the Senator from Pennsylvania [Mr. CLARK]. I am prepared to suggest a unanimous-consent agreement to the effect that on the Keating amendment there be allocated a period of 3 hours, to be divided 1½ hours to each side, half the time to be controlled by the Senator from New York [Mr. KEATING] and half the time to be controlled by the Senator from Oregon [Mr. MORSE].

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Does the unanimous-consent request include amendments to the amendment?

Mr. MANSFIELD. The Keating amendment and all amendments thereto.

Mr. KEATING. Mr. President, reserving the right to object momentarily, I should like to ask the distinguished Senator who is handling the bill whether he expects there will be amendments to the amendment.

Mr. MORSE. No. I am glad the Senator asked. The reason why I make the request is that I found myself in the position this morning, when the Prouty amendment was before the Senate and we had a unanimous-consent agreement to limit debate, when I wished to offer an amendment to the amendment, but I was in such a position that I really could not do so unless the Senator from Vermont would accept my amendment—which he did—until after the debate had been finished.

The Parliamentarian tells me that we might very well find ourselves in a position in which the proponent of an amendment, under those circumstances, might be very much handicapped. So I thought that if any amendment were offered, we could always try to arrange a division of the time within the time limit agreed upon, or seek to join in obtaining an extension of time.

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

Mr. CLARK. Mr. President, in view of the discussions which have taken place on the floor of the Senate, I am quite content to have my amendment set aside again. I understand that the Senator from Connecticut wishes to be present when the amendment is discussed. He cannot be present now. I hope my amendment can be disposed of in 10 or 15 minutes. But if it is the view of the majority leader that the amendment offered by the Senator from New York [Mr. KEATING] should be considered first, that is entirely satisfactory with me.

Mr. MANSFIELD. In view of the commitment that was made, it would be appreciated if the Senator from Pennsylvania would agree to defer consideration of his amendment.

Mr. CLARK. May I have the assurance of the majority leader, so far as he can give it, that my amendment will be considered immediately after the Keating amendment is disposed of?

Mr. MANSFIELD. So far as I can give such assurance. I thank the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Pennsylvania will be temporarily set aside. The amendment of the Senator from New York will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 20, between lines 3 and 4, to insert the following:

JUDICIAL REVIEW

SEC. 114. (a) Any citizen of the United States upon whose taxable income there was imposed an income tax under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year and who has paid any part of such income tax, may bring a civil action against the Commissioner to restrain or enjoin him from making any payment under this Act which the plaintiff alleges will be used in any manner which is in violation of the Constitution of the United States. No additional showing of direct or

indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action.

(b) Any action brought under subsection (a) of this section must be commenced within sixty days after the final decision of the Commissioner. Such action shall be brought in the District Court of the United States for the District of Columbia. Upon the commencement of such action the Commissioner shall file in the court the record of the proceedings upon which the determination complained of is based. The District Court of the United States for the District of Columbia shall have jurisdiction to hear and determine any such action, and the court shall have power to enter, upon the pleadings and record of proceedings a judgment affirming, modifying, or reversing the decision of the Commissioner. The findings of the Commissioner as to any fact, if supported by substantial evidence, shall be conclusive, but all rulings of law, conclusions of law, and mixed conclusions of fact and law, shall be subject to unlimited judicial review. Any party to such action aggrieved by a final order entered therein by the district court shall be entitled to a review thereof by the Supreme Court through the filing in that Court, within sixty days after the entry of that order, of an appeal therefrom. Any such action pending before any court for hearing, determination, or review shall be heard, determined, or reviewed at the earliest practicable time, and shall be expedited in every practicable manner. Any action instituted in accordance with this section shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in such office.

On page 20, line 5, in lieu of "114" insert "115".

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York. How much time does the Senator yield to himself?

Mr. KEATING. Mr. President, I yield myself 10 minutes.

This amendment is offered on behalf of myself, the Senator from Pennsylvania [Mr. SCOTT], the Senator from New Jersey [Mr. CASE], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. DOUGLAS], and the Senator from Connecticut [Mr. BUSH]. It represents a group, some of whom supported and some of whom opposed the amendment offered yesterday by the Senator from Connecticut [Mr. BUSH].

I supported the amendment offered by the Senator from Connecticut [Mr. BUSH] yesterday because of the explicit statement by the Secretary of Health, Education, and Welfare in his letter to Senator PROUTY that neither he nor the Commissioner of Education "could withhold funds from any State because of segregation in schools within that State." But I was apprehensive that my disagreement would be entirely academic if we did not write a specific direction to the Commissioner into S. 1021.

The reason it would be academic is because there is no method under the present provisions of S. 1021 to challenge the administrative rulings of the Commissioner of Education even on constitutional grounds. Section 111(b) of the bill does expressly authorize a State education agency which is dissatisfied with a final action of the Commissioner to obtain judicial review of the Commissioner's determination. But it contains no provision whatever for court suits by taxpayers or other individuals who want to protest against proposed grants on constitutional grounds.

My amendment is not a so-called Powell amendment or a civil rights amendment, unless all the jurisdictional provisions of the Judicial Code or the Administrative Procedure Act are placed in this category. The amendment is part of the tradition of American law to provide a remedy for every constitutional wrong. It has no special application to segregation problems and would apply just as plainly to any action which sought to enjoin the disbursement of funds for an allegedly unconstitutional purpose. For example, it would apply to suits to challenge grants for private schools, if such are authorized, or grants for teachers' salaries, or any other grants protested on constitutional grounds. It does not suggest that such grants are unconstitutional or constitutional. Such question would be for the courts to decide. It guarantees only that the complainant shall have a day in court in which to test the constitutional issue he raises.

There is a widespread misconception that the courts would hear such cases even if we said nothing in the bill. This view is mistaken. As explained in Professor Corwin's Analysis and Interpretation of the Constitution, Senate Document No. 170, 82d Congress, 2d session—1953—page 542:

> As a general rule the interest of taxpayers in the general funds of the Federal Treasury is insufficient to give them a standing in court to contest the expenditure of public funds.

This whole subject is discussed in an article in volume 41 of the American Bar Association Journal beginning at page 718, entitled "Judicial Standing in Subsidy Cases. The article is replete with references to precedents which make it clear that in the absence of a specific enabling act, the courts do not have jurisdiction to prevent the disbursement of Federal funds on the grounds of unconstitutionality. As a lawyer, I am convinced that no suit would lie by any taxpayer to prevent the disbursement of funds by the Commissioner of Education for unconstitutional purposes unless this amendment is adopted.

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

Mr. KEATING. I am happy to yield to my friend from Illinois.

Mr. DOUGLAS. Is it not true that one of the most prominent cases is the so-called Frothingham case in Massachusetts, in which Lewis A. Frothingham tried to have one of the Federal aid acts declared unconstitutional, and the Supreme Court ruled that, as a private citizen, Frothingham had no right to question the constitutionality of such acts?

Mr. KEATING. That is correct, the reason being that the interest of a single taxpayer is so minuscule or remote that he would not have standing in Federal court to challenge that law.

Mr. DOUGLAS. I believe the opinion was a unanimous one, was it not?

Mr. KEATING. It was unanimous, as I recall. In the Supreme Court the name of the case became *Massachusetts* v. *Mellon* (262 U.S. 447).

In that case Justice Sutherland distinguished the right of a taxpayer in a municipality having the right to sue and that of a Federal taxpayer. Taxpayers in municipalities have been given the right to sue.

Justice Sutherland said in that case:

> But the relation of a taxpayer of the United States to the Federal Government is very different. His interest in the moneys of the Treasury—partly realized from taxation and partly from other sources—is shared with millions of others; is comparatively minute and undeterminable; and the effect upon future taxation, of any payment out of the funds, so remote, fluctuating and uncertain, that no basis is afforded for an appeal to the preventive powers of a court of equity.

The Senator is correct in his reference to that case. I appreciate his bringing it up.

There is another ground, which is also mentioned in some of the cases, and that is the sovereign's right not to be sued, which can be waived by statute.

The fact that no suit will lie by a taxpayer to prevent the disbursement of funds by the Commissioner of Education for unconstitutional purposes, it is submitted, must have been recognized by those who included the express provision for suits by State agencies under section 111(b) of the pending bill. It must have been recognized also by those who included a similar provision in the Clark-Morse bill for loans to nonpublic schools, the wording of this amendment being very similar to the wording of the amendment which those distinguished Senators have included in the bill which they have offered.

The Department of Health, Education, and Welfare, in its brief on the pending bill, also recognizes the legal point that I am making, and concedes the effectiveness of language similar to that contained in my amendment, to provide a judicial remedy.

I have been critical of some of the legal conclusions reached by the Secretary of Health, Education, and Welfare. However in the brief which the Department has submitted there is cited the case which the distinguished Senator from Illinois has mentioned, and it is pointed out and conceded that there would be no way to test the constitutionality of an alleged unconstitutional payment by the Commissioner of Education, in the absence of express provision in the bill.

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

Mr. KEATING. I yield myself 5 additional minutes. The brief dealt with the constitutional question in connection with aid to nonpublic schools. It pointed out that Congress could, of course, make a provision to permit the courts to pass on the subject, which is exactly what my amendment is designed to do.

It is really very difficult for me to understand why anyone who subscribes to the rule of law—and I assume that all

of us here subscribe to the rule of law—would deny recourse to the courts where an allegation is made that the Constitution is being violated in the administration of the law. I can conceive of no considerations which could possibly justify the denial of access to the courts under such circumstances.

These are times when we must enforce and enhance the rule of law. We should not yield on so fundamental a principle. This is the time to express to the full our support for the judiciary by permitting this coequal branch of our Republic to exercise its scrutiny over the constitutionality of enactments and disbursements. I emphasize that the amendment is in no respect a new departure. It is the converse of provisions already in the bill permitting court actions by States. Under the wording of the bill, a State agency would have the right, if money were withheld, to bring an action to compel payment. Indeed, questions in such suits by the States are not limited to the Constitution. My amendment is limited to the constitutional question. It is the other side of that coin, and provides that a taxpayer who believes it is unconstitutional to disburse funds shall have the same right as a State agency to bring an action in court.

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

Mr. KEATING. I yield.

Mr. METCALF. It is not exactly the converse, is it? I say that because under the pending bill, S. 1021, a State's appeal is to the U.S. Circuit Court of Appeals for the circuit in which the appellant is located.

Under the proposed amendment the case would have to be brought in the U.S. District Court for the District of Columbia and tried here. As the Senator knows, I have consistently maintained that we should try these issues in the district court of the State in which the issue arises, rather than, in the case of my State, going to the district court in San Francisco, for example. Under the amendment we would ask everyone to come to the District Court for the District of Columbia.

Mr. KEATING. I am interested to know whether the Senator from Montana would support the amendment if the venue were changed.

Mr. METCALF. It would certainly make it much more palatable if the jurisdiction were changed to the district court for the State in which the issue arose, rather than have all the cases tried in the District Court for the District of Columbia.

Mr. KEATING. I say frankly to the Senator from Montana that my initial reaction was the same as his, that it is desirable to have as many cases as possible tried in the most convenient district courts. The District Court for the District of Columbia is a very busy court. I wish to explain to the Senator the reason why the amendment is worded in this way. It is because of the possibility that all kinds of different decisions would be rendered in various district courts. For that reason, I think it would be better to require actions to be brought here, but I would not seriously oppose an amendment to the bill which would provide, as the Senator has suggested, that the action also could be brought in the district where the issue arises, and where the funds are sought.

Mr. METCALF. As the Senator knows, under Public Law 815 and Public Law 874, actions are brought in the district court, not in the circuit court. This would create a parallel situation.

Mr. KEATING. I will consider the Senator's point of view. I have no pride of authorship about the language in the amendment. If it is the feeling of the majority of Senators that they would prefer to have these actions brought in the taxpayer's State, I would not seriously oppose such an amendment.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

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

Mr. KEATING. I yield myself 5 additional minutes.

Mr. CASE of New Jersey. Would it not be desirable, if a change of this sort were considered, to give the plaintiff the option of choosing where he may sue, whether in the District Court in the State where the question arises or, as the amendment now provides, in the District Court for the District of Columbia, where the defendant is to be found and where, for convenience, the Government would logically have the suit brought?

Mr. KEATING. There is a parallel to that in the Administrative Procedure Act and in some other statutes, under which a person has such an option. I would consider the jurisdictional question as to where the suit could be brought as distinctly secondary to the main objective of the amendment, and I am prepared to yield to the position of the majority on the exact language of the amendment.

As I have pointed out, the State agencies have the right now to seek to enforce in court what they allege to be the law. My amendment proposes the converse; namely, to give the taxpayer the right to go into court if he feels that an illegal distribution has been made.

It is fair to ask this question: Do the children and the parents affected, many of whom are poor and helpless, deserve less consideration from Congress when judicial remedies are considered than the powerful States in which they reside, and which now have the right, under the bill, to bring an action? I cannot accept any such disparity in the treatment of the interests involved. I am as much concerned as anyone else about Federal encroachment on public education. I would favor almost any provision to prevent such control. But no Federal legislation which Congress enacts should be immune from constitutional limitations. We cannot make the Constitution inapplicable to a Federal aid to education program in the guise of trying to limit interference with local education. For practical purposes, unless this amendment shall be accepted, we will have made the Constitution inapplicable because we will make it impossible, in any manner, to test the constitutionality of disbursements under the provisions of the bill.

Mr. President, I reserve the remainder of my time.

Mr. DOUGLAS. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield to the Senator from Illinois. I will yield the floor.

Mr. DOUGLAS. No; I desire to ask the Senator a question.

While the Senator from New York has said that this is not a civil rights amendment as such, nevertheless, is it not true that one of the major fields in which it might be applied is that of civil rights?

Mr. KEATING. It is, I say frankly. It is my contention as a lawyer that it would be illegal for the Secretary of Health, Education, and Welfare to turn over funds under the proposed act to a State whose schools are operating in defiance of Supreme Court decisions. I recognize that that viewpoint is disputed by many good lawyers.

My amendment would permit a taxpayer who had paid his income taxes to test that question in the courts. But the amendment is not limited, by any means, to a single purpose. It would permit the distinguished Senator from Virginia, who spoke at length last Wednesday and contended that the entire act is unconstitutional, to test the constitutionality of the act. There are sincere proponents of that point of view. It would permit a taxpayer to test the constitutionality of the entire program of Federal aid to education.

My reason for saying it was not a civil rights amendment is that it is by no means limited to that field.

Mr. DOUGLAS. Is it not true that hitherto Congress has refused to pass legislation which would support the decisions of the Supreme Court in so-called segregation cases? I take it that this is merely a statement of fact.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I yield myself another 5 minutes.

Mr. DOUGLAS. Is it not also true that the letter of the Secretary of Health, Education, and Welfare addressed to the Senator from Vermont [Mr. PROUTY] constitutes a voluntary abstention from withholding grants to districts or States which are in violation of the decision of the Supreme Court?

Mr. KEATING. That is the way I interpret the letter. In utter frankness he has said, as has the distinguished Senator from Oregon, who is in charge of the bill, that no funds would be withheld.

Mr. DOUGLAS. Therefore, the only way in which the constitutionality of such grants can be tested is in the courts; but since in the precedents which the Senator from New York has cited it has been held that individual taxpayers, in the absence of further legislation, have no right to bring such suits therefore, unless a provision similar to the amendment in question is adopted, the courts, as well as the legislature and the administration would be powerless to act.

Mr. KEATING. There would be no way to test the constitutionality or legality of such action. The Federal Govern-

ment taking the same position as the State government, there would be no manner in which that question could be tested in court.

Mr. DOUGLAS. This proposal, therefore, seems to be about the only way in which this issue can be considered in a legal, constitutional fashion.

Mr. KEATING. The Senator is correct. I know of no other way. If some other way were suggested which was better, I should be happy to withdraw my amendment. But I have not had my attention called to any manner in which the constitutionality of the provisions of the bill can be challenged, except in the manner suggested in my amendment.

Mr. DOUGLAS. May it not be that there is one small loophole, namely, in the letter of the Secretary of Health, Education, and Welfare, in which he said that neither he nor the Commissioner of Education would withhold funds? That would not preclude the Attorney General from acting, but certainly the implication of the Secretary's letter is that in the absence of a positive statement by the Attorney General or the President, that the Attorney General will act, the door to executive action is barred.

Mr. KEATING. It would also be open to action if the President issued an Executive order directing the Secretary of Health, Education, and Welfare to withhold funds. Then the issue would be raised in a suit by a State agency to compel the funds to be turned over. If the President were to make that announcement during the debate on this amendment it might change the situation.

Mr. DOUGLAS. I would not have supported the Bush amendment yesterday if such a statement had been issued; but in the absence of such a statement then and in the absence of such a statement today, I shall support the amendment of the Senator from New York and shall be very happy to join with him in sponsoring it.

I do not believe, however, that it is the fault of the President that he has not issued such a statement, because so many events are happening all at once that it is impossible for a Chief Executive to be on top of every issue at every second. Nevertheless, it seems to me that in the absence of some such statement, the only way in which provision can be made for a sure opportunity to test the constitutionality of grants under this act to schools which practice segregation is by some such amendment as that which the Senator from New York is proposing.

I say all this with a certain degree of modesty because I am not a member of the bar. But while this may be the opinion of a sea lawyer, this proposal seems to me to be the only sure means by which we can assure judicial review of the constitutionality of the granting of Federal funds to foster segregation.

Mr. KEATING. The Senator from Illinois may not be a lawyer, but he has a very keen awareness of legal implications, as I have often recognized. He also has a keen interest in the subject which we have been discussing, as he has demonstrated over and over again.

I wish to say two things to the Senator: First, there was not the slightest implication of criticism of the President in my remarks. This is not the time to criticize the President of the United States. I hope that when the events in Laos, Cuba, Alabama, and other places in the world become less crucial, and if my amendment should be rejected—although I hope it will not be—the President will turn his attention to the issuance of such an Executive order as I have referred to.

I am grateful to the distinguished Senator from Illinois for his cosponsorship of the amendment. It adds much to have him join in my effort.

VISIT TO THE SENATE BY MEMBERS OF THE KOREAN PARLIAMENT

Mr. MORSE. Mr. President, it will meet with the pleasure of the Senator who has the floor to have the Senator from Ohio [Mr. LAUSCHE] be recognized, in order to introduce a group of very distinguished guests who are visiting the Senate. I ask unanimous consent that the time required for their introduction not be charged to the time available to either side under the unanimous-consent agreement which now is in effect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, visiting the Senate today, and now on the floor of the Senate, are five gentlemen from Korea. Four of them have been in the United States for several days. Today they were at lunch with members of the Far East Subcommittee of the Foreign Relations Committee.

I am especially pleased to welcome these gentlemen to the Senate and to the United States, knowing that the people of South Korea, 25 million in number, are in heart and in pulse-beat in sympathy with and have affection for the people of the United States. They have stood by our side today, regardless of what has happened in Korea within the last week. The Korean people still believe in our cause and want to be with us.

It is therefore my special privilege and pleasure to introduce today to the Senate the following gentlemen, who are members of the Korean Parliament.

Mr. Soon Eung Chung, member of House of councilors

Mr. Il Tong Yang, minority leader, house of representatives.

Mr. Do Yoon Choo, member of house of representatives.

Mr. Chun Sung Lee, member of house of representatives and house steering committee.

And, from the Korean Embassy, the Honorable Kwang Lim Koh, former Minister.

[Applause, Senators rising.]

Mr. KEATING. Mr. President, will the Senator from Ohio yield to me, so that I may say a word?

Mr. LAUSCHE. I yield.

Mr. KEATING. Inasmuch as I happen temporarily to be occupying the seat of the minority leader, I wish to join the Senator from Ohio, on behalf of the minority, in welcoming these distinguished gentlemen and friends who come from Korea. Korea and the United States of America have stood together through thick and thin, through some rather difficult times. We have great affection for South Korea, and a very great stake in the maintenance of sound government in South Korea.

I join the Senator from Ohio in welcoming these gentlemen to this Chamber.

SCHOOL ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (S. 1021) to authorize a program of Federal financial assistance for education.

Mr. CASE of New Jersey. Mr. President, will the Senator from New York yield to me?

Mr. KEATING. I yield.

Mr. CASE of New Jersey. It has been said that the proposed legislation should not be used as a means of enforcing desegregation—that is to say, as an instrument for putting into effect the Supreme Court's interpretation of the Constitution, in the school desegregation case.

If the Senator from Ohio will permit me to say so, I wish to state that I think that, except for those who favor segregation, that argument is made only on the basis that the bill will have less chance to be enacted into law if the bill is made an affirmative instrument of desegregation. But I have not heard anyone say that even for the sake of effecting the passage of the bill, it should be allowed to be an instrument for strengthening segregation.

Is it not true that the Senator's amendment would not in any way make the bill of any effect, affirmatively, toward bringing about desegregation in the schools?

Mr. KEATING. Only if a suit were brought and if a court were to hold that it would be unconstitutional for the Secretary or the Commissioner to turn over the funds to a State which defies the Supreme Court's decision and acts in an unconstitutional manner.

Mr. CASE of New Jersey. But that would not amount to use of the act in an affirmative way to bring about desegregation. It would merely prevent this act and the program it would originate from being used as instruments to perpetuate segregation.

Mr. KEATING. The Senator from New Jersey is eminently correct; and he has forcefully brought out the fact that the bill, as written, when taken with the opinion of the Secretary of Health, Education, and Welfare, at present encourages segregation in the public schools. On the other hand, this amendment merely states that if the Secretary of Health, Education, and Welfare is wrong in the opinion he has expressed, a taxpayer shall have the right in court to prove that he was wrong.

Mr. CASE of New Jersey. I appreciate very much the fact that the Senator from New York has made that point very clear. I am a cosponsor, with him, of this amendment, as is the Senator from Illinois [Mr. DOUGLAS], the Senator from New York [Mr. JAVITS], and

other Senators. It seems to me that regardless of whatever may be our view as to the desirability of making the school system's program an instrument to bring about, a little more quickly, decency in this country, and to do so affirmatively, there can be no justification whatever for putting on the statute books of the country a bill which would delay desegregation. Yet that would be the effect, as stated more than once, and as announced officially on the floor—namely, that no account whatever will be taken, in connection with the distribution of the funds, as to whether the funds will be given to a school which is practicing segregation or whether the school has made any move at all—and some have not done so—to comply with the Supreme Court's decision.

Mr. KEATING. I agree, and I am very thankful to the Senator for his remarks and for his cosponsorship.

I wish to supplement what he said—and I have permission to say this—by stating that one of our friends who comes from one of the Southern States, and who, of course, views this subject somewhat differently from the way in which many of the rest of us view it, said to me, this morning, and after he said it, I asked whether I could quote him as saying it; and he replied that I could if he was quoted anonymously—that this amendment is so right in principle that it is very difficult to oppose it; it is so right in principle that the constitutionality of the proposed use of public funds should be subject to being tested in the courts.

Mr. CASE of New Jersey. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. CASE of New Jersey. It may be argued—and I assume that no other argument could be made in opposition to this amendment at this time—that even this very mild provision to prevent the act from being used in aid of segregation, will run some risk of having an adverse effect on the final passage of the bill, either here or in the other body.

Is it not the view of the Senator from New York, in agreement with my view, that if, in order to have this bill passed, we must "buy" segregation with it, it comes at too high a price?

Mr. KEATING. It is too high a price for me to pay, I say to my friend. Furthermore, in addition, we would "buy" the barring of the courts to anyone who might wish to test the constitutionality or the unconstitutionality of the administration of this law. That is what we have to "buy" if this amendment were rejected and if subsequently the bill were passed.

Mr. CASE of New Jersey. Mr. President, will the Senator yield further?

Mr. KEATING. I yield.

Mr. CASE of New Jersey. It is my judgment that it is not fair to the Members of the Congress of the United States, in this body or the other body, to say that any substantial number of them are going to be affected in their voting on the school aid bill by the consideration we are now talking about, and that any asserted danger that adoption of this amendment might endanger the passage of the bill is not based upon any reasonable prospect.

Mr. KEATING. Mr. President, I know the Senator has correctly stated the basis of the opposition to this amendment. I am sure that those Senators, like the distinguished Senator from Oregon, who have stated that they will oppose the amendment do not oppose the objectives sought to be achieved, but that their opposition is based on the fact that they fear it would militate against the enactment of the school aid bill. I sincerely do not believe it would. I sincerely do not believe that to give the right to test this question or any other constitutional question to any taxpayer, in order that the courts might pass on the question, would militate against the enactment of the school aid bill. If it would, I think that fact is highly regrettable.

Mr. CASE of New Jersey. I thank the Senator.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. CASE of South Dakota. The junior Senator from South Dakota is a little uncertain as to the practical effect of this amendment, and for that reason I should like to ask two or three questions.

First, the sponsors of the amendment require that the action must be brought in the District Court of the United States for the District of Columbia. Why not in any district court?

Mr. KEATING. That question was the subject of some colloquy when the Senator was necessarily off the floor, at which time I stated I would not seriously oppose an amendment to the amendment to provide that action could be brought in the district where the taxpayer resided.

I recognize that we should not overload the district court in the District of Columbia with litigation. That court is overloaded with litigation now. There are many factors and the matter was referred to by the distinguished junior Senator from Montana [Mr. METCALF], why it would be better not to require that the action be brought in the District of Columbia.

The other side of the situation is that, if actions were brought all over the country, there could be a wide variance in the decisions which were made. For that reason it would be better to bring the actions in the District of Columbia. Normally, it would involve not a large number of witnesses, but merely legal argument, and that could be done in the District of Columbia.

However, if a majority of Senators feel it would be better to have the actions brought in the various States, I would not oppose such amendment.

Mr. CASE of South Dakota. Generally speaking, from the standpoint of the taxpayers—and this amendment establishes the right of taxpayers—it would be an additional expense for them to come from California or Alaska or Florida or Texas to bring suit here in the District of Columbia.

Mr. KEATING. That is true, although I do not anticipate that a taxpayer from Alaska would bring such an action; but I do agree that point has some merit. I would think one or two actions—probably only one—would be brought to test the question.

Mr. CASE of South Dakota. The last remark which the Senator has made suggests an assumption about which I am a little dubious. The Senator referred to one or two test cases. What I wonder is if the administrator of the act might be plagued by a great number of cases. That is, if there were people—and I know there are people in my State who have no sympathy with any form of Federal aid to education—who wanted to defeat the purposes of the act under the right proposed to be given to them by the amendment, would it not be possible for them to impose a series of suits, and keep the act from being effectively administered in a number of States?

Mr. KEATING. I must concede, as I said in my previous remarks, that this provision is by no means limited to the issue of desegregation, and would permit any test of a constitutional character with regard to any part of the legislation. Having said that, it will be noticed the proposal provides that anybody aggrieved by a final order shall be entitled to a review by the Supreme Court within 60 days.

In other words, a direct appeal to the Supreme Court is provided in the amendment, which would expedite the procedure. It would not be necessary to go through the court of appeals. I would not think there would be any substantial delay in connection with the administration of the act. If there is a comparatively small amount of delay, it would be justified, in my judgment, by the establishment of the constitutionality of the act, or the establishment of the unconstitutionality of the act. The Senator would not, any more than I, want to support unconstitutional legislation.

Mr. CASE of South Dakota. I think most of us, of course, as an abstract principle, do not believe in unconstitutional expenditures. On the other hand, in this field we do run very close to sensitivities. Ordinarily a right is not given to a citizen to sue a Federal officer except by express provision. To extend that right against the Commissioner opens the possibility that those who want to defeat the operation of the act could do so by a series of suits which would load the court.

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

Mr. KEATING. I yield myself an additional 5 minutes.

Mr. CASE of South Dakota. Certainly it would load the District Court of the District of Columbia. Then, with the provision that the action must be brought within 60 days, I notice the Senator has a proviso that the action shall be expedited and a review shall be heard and determined at the earliest practicable time. In the final analysis, it might be possible that this provision would let those who wanted to defeat the purpose of the act do so.

Mr. KEATING. Let me endeavor to disabuse the Senator's mind of the fear that there would be any great delay as to operation of the act. The bringing of an action would not mean an injunction would be granted or that a restraining order would be issued. In order to issue a temporary restraining order, the judge would have to be satisfied of the substantial merit of the case. A judge will not grant a restraining order on request.

Mr. CASE of South Dakota. I hope the judge would not, but I know that the language provides "to restrain or enjoin him from making any payment under this act which the plaintiff alleges will be used in any manner which is in violation of the Constitution of the United States."

I suspect there are some people who have some rather deep feelings about certain phases of the operation of the act. They might make allegations in various ways that the payments might be used unconstitutionally.

Mr. KEATING. I am sure there are sincere advocates of the point of view that any payments under the act would be unconstitutional because the whole act is claimed to be unconstitutional. I do not share that point of view, but there are sincere people who feel that way.

I point out to the Senator that the mere fact that the act would give the right to restrain or to enjoin does not mean that a restraining or enjoining order would be granted any time the question arose. There would have to be a meritorious case presented before such a restraining or enjoining order would be granted.

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

Mr. KEATING. I yield to the Senator.

Mr. BUTLER. The Senator from South Dakota seems to be under the misapprehension that there would not be a speedy decision by the Supreme Court and that by the institution of a series of suits one might be able to indefinitely postpone the operation of the statute. I do not think that would be possible under the Senator's amendment.

Mr. KEATING. No. If opponents of the act tried to bring a series of actions in lower courts the judge, after one case had been decided and passed upon by the Supreme Court, which can be done very quickly, would not give more than 5 minutes to the case.

Mr. BUTLER. The judge would stay all the other proceedings until the Supreme Court decided the issue.

Mr. KEATING. He would.

Mr. BUTLER. I think that is one of the things which is worrying the Senator from South Dakota.

Mr. KEATING. Then the judge would summarily dispose of the other cases in accordance with the decision in the Supreme Court.

Mr. BUTLER. I say to the Senator from New York that I wholeheartedly join in support of his amendment, and I hope it will be agreed to. I think it is a very meritorious amendment.

Mr. KEATING. I thank the Senator.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. CASE of South Dakota. The second sentence of paragraph (b) of the amendment, as offered, reads:

> Such action shall be brought in the District Court of the United States for the District of Columbia.

In view of what the sponsor of the amendment has said, would the sponsor object to changing the language to read:

> Such action shall be brought in the district court of the district in which the taxpayer has paid his tax.

Mr. JAVITS. Mr. President, will the Senator yield before he answers that question?

Mr. KEATING. I do not wish to accept the language. I would prefer to give an option, so that the taxpayer can bring an action in either of two places, as was suggested by the distinguished Senator from New Jersey, and as is provided in some of the statutes already. I would prefer to add to the present language, "or in the District Court of the United States for the district in which the taxpayer resides."

I would prefer to do it in that way.

Mr. CASE of South Dakota. I started to write in the word "resides," but there are some people who reside in the District of Columbia and who pay taxes in their home States.

Mr. KEATING. Under this language those people could bring suits in the District, if they wished.

Mr. CASE of South Dakota. If the Senator provided a choice, that would be satisfactory.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. I yield myself an additional 5 minutes.

Mr. CASE of South Dakota. In my own State, for example, we have a district court at the opposite end of the State. There are complaints that taxpayers or lawyers have to travel 400 miles and back to go to the district court to enter a motion. If it were necessary to come to the District of Columbia, that would be even a longer trip.

Mr. KEATING. I must say to my friend that when one gets down to the specific courts, if we are to enlarge the language, to not require the suit to be brought in the District of Columbia—I think it would be a fair compromise to give the taxpayer an option of bringing the suit in one place or the other.

Mr. CASE of South Dakota. I would be satisfied with such a provision.

Mr. KEATING. We could add the words, "or in the District Court of the United States for the district in which the taxpayer resides."

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

Mr. KEATING. I yield.

Mr. JAVITS. I am glad the Senator has not succumbed to the temptation, often presented in the Senate, of agreeing to something a colleague wishes out of hand. The Senator knows, because of long and valuable experience in the civil rights field, how expensive these cases may be, and therefore knows the desirability of allowing a case to be brought at the seat of government as well as elsewhere. I agree with that.

Mr. President, I think I am the only one of the cosponsors who voted to table the Bush amendment. I hope the Senator will be able to yield 5 minutes to me, because I strongly support the amendment.

Mr. KEATING. I surely shall.

Mr. JAVITS. I think the amendment will make a splendid contribution to the bill and should in no way, in all reason, interfere with its becoming law. The amendment will in every way contribute to an equitable and fair administration.

Mr. KEATING. I appreciate the remarks of my colleague. I appreciate the cosponsorship of the amendment. I assure my colleague that, at the appropriate time, I shall yield to him. In so far as I am concerned, if the Senator would like to have time now, with the permission of the distinguished manager of the bill, I shall yield to the Senator.

I have taken a great deal of time. I shall be glad to let the Senator from Oregon proceed, if he wishes; otherwise, I yield to the Senator from New York 5 minutes or such additional time as he may desire.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

Mr. JAVITS. I thank my colleague.

Mr. President, I believe I am the only one of the cosponsors of the amendment—which I am delighted to see cosponsored in a bipartisan way through the graciousness of our colleague from Illinois [Mr. DOUGLAS]—who voted to table the Bush amendment and who felt quite sincerely that if we desired to obtain Federal aid to education we had to make that sacrifice.

I compliment my colleague from Connecticut, not only for his eloquent but also for his able espousal of that cause. Under the pressures of the day, it was almost an exercise beyond self-discipline to keep from voting with him, considering what is taking place in terms of the national disagrace and the national tragedy in Birmingham and Montgomery, Ala.

Mr. President, the reason the pending amendment is not in the same category with the other amendment—deeply as I feel that the other amendment was quite understandable, though I could not support it—is that the Keating amendment would leave the situation as it is.

This is a very important point to make. The amendment would leave the situation as it is because, as we stand today, any citizen who has a modest interest of having a child or children in school can seek the desegregation of a school district and can go through the court process in respect to that school. Why should not the same citizen have the same opportunity to question the support of the school system, when he has the right to sue to bring about its desegregation. That is all the Keating amendment would provide. It would give the citizen the same position he has today.

If the Keating amendment is not agreed to, in view of the opinion of the Secretary of Health, Education, and Welfare, as contained in the letter which was sent to the Senator from Vermont

[Mr. PROUTY], the Secretary will reserve to himself the right—indeed, as he says, the duty—to pay funds out of Federal aid to any State. The Secretary says that he "cannot withhold funds from any State because of segregation in schools within that State."

I respectfully submit that this is much too wide an interpretation and that is unsound law. I am really quite surprised that it is even contemplated, considering the learning and erudition as a lawyer of the Secretary of Health, Education, and Welfare. I hope he will take another look at it.

It is quite unlikely that the Secretary has not seen the letter, because it bears his signature. I know Mr. Ribicoff, and I know he is a man of great responsibility as well as of considerable learning. I am amazed the statement is as broad as it is.

I agree with my colleague [Mr. KEATING] in saying that when this comes to be refined by the Attorney General it will never stand up, for the reason that, according to the letter, the Secretary would feel it proper to pay over money for the benefit of a school district which might be in contempt of court. It is conceivable that a school district subject to an order to desegregate might defy the order and be in contempt of court, but nonetheless, the Secretary says, he would pay over the money.

I cannot believe it. I am sure it will not happen. The Secretary says he must do it, but it is inconceivable.

Mr. President, I think the strongest argument for the Keating amendment, which is a most constructive amendment, upon which I complimented him yesterday and again compliment him today—is that it is a constructive addition to the bill. Were I in the shoes of the sponsor of the bill I would accept the amendment, because I think it is eminently proper.

We cannot hope to please people who are unreasonable. We cannot hope to try to shape a bill to deal with unreasonable points. Most of us have thought, notwithstanding our deep feeling about school desegregation, and considering Representative POWELL's expression upon the subject, that the practicalities of the situation dictate that the question must be dealt with separately. But the practicalities of the situation certainly do not dictate that we should change the existing situation. What the amendment of my colleague from New York would do would be to maintain the existing rights and the existing situation of the individual citizen. Therefore, I hope very much that his amendment will be agreed to, because it is reasonably adapted to do what must be done in all equity and justice.

I cannot see how any reasonable person—and I am glad the Senator quoted his southern friends—could refrain from accepting this amendment as fair, no matter how he may feel about school desegregation, because it would do nothing *but continue* a right a citizen enjoys today with respect to suing to bring about the desegregation of a school district.

Another point in respect to a desegregation amendment is that the Supreme Court itself has held that the Constitution must be implemented. It is not self-operative. It must be implemented either by law or court decision.

Therefore, in order to desegregate a school district, one must start a suit. The Supreme Court has said, "We will cause the district court to enter a decree," and added that desegregation must take place with "all deliberate speed." Such a condition involves questions of law and fact. So one may say that the antisegregation amendment is too broad. Even the courts do not make that statement. They have said, "You must bring the suit and satisfy the conditions and timing for desegregation." But when a decree has been issued, the possibility that the Secretary of Health, Education, and Welfare could fly in the face of that decree in giving aid would be inconceivable. I do not believe it would happen. I do not care what the Secretary of Health, Education, and Welfare says now. But he certainly puts us on notice that if we want to maintain the existing situation, we must adopt the Keating amendment; and I hope very much that the Senate will vote favorably on the amendment.

Mr. KEATING. Mr. President, I yield myself 1 minute. I express my gratitude to my distinguished colleague from New York for his support of the amendment. I think it is significant that my colleague, who took a different view of the Bush amendment from my own, and who had his sincere reasons and his commitments in committee with others for the position which he took, is now supporting the amendment which would do exactly what he said it would do. It leaves things where they are now, but it would give the taxpayer the right to test the constitutionality of the administration of the act.

Mr. JAVITS. I thank my colleague.

Mr. MORSE. Mr. President, I yield myself whatever time is necessary, but I shall be relatively brief.

I feel the same way I felt the other day when the amendment offered by the Senator from Kentucky [Mr. COOPER] and the Senator from New York [Mr. JAVITS] was under discussion. I have the utmost respect for them, as I had for the Senator from Connecticut [Mr. BUSH], when I found it necessary to oppose his amendment, as I do this one, on what I consider to be opposition based on the merits and not based on floor strategy. I have heard in the cloakrooms that, "If the Senator from Oregon were not the floor leader of the bill, he probably would be on our side of the amendment."

I want to dispel that notion. I would not support the amendment, whether or not I was in charge of the bill. I think the amendment is an unwise one. Having made that statement, however, I quickly add that I have the greatest respect for the legal ability of my friends from New York. They are two of the most brilliant lawyers in the Senate. I find myself on the opposite side only in regard to what I consider to be the legal merits of the amendment.

I hope that at the earliest possible moment we shall find ourselves joining forces again in support of a common cause, which is the major objective of the bill itself. The great regret I have is to leave them on the amendment.

In my judgment, the amendment would add a new section to the bill providing for a Federal income tax payers suit against the Commissioner to restrain or enjoin him from making any payment under this act which the plaintiff alleges will be used in any manner which is in violation of the Constitution of the United States.

The administration's memorandum on the impact of the first amendment to the Constitution upon Federal aid to education, dated March 28, 1961, contains the following statement:

> Individual taxpayers lack standing sufficient to sue in a court of the United States, and, where a party to a lawsuit lacks sufficient standing, there is no case or controversy which the Federal courts may decide. This requirement of a case of controversy is imposed upon the Federal courts by article III of the Constitution, and there appears to be no way in which legislation can dilute this requirement.

It can be seriously questioned whether the Congress has power under the Constitution to confer standing upon an individual Federal tax payer to being suit to enjoin expenditure of Federal funds allegedly in violation of the Constitution.

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

Mr. MORSE. I yield.

Mr. KEATING. The Senator's frankness is very disarming at times, but I ask the Senator whether, having considered the language, it is not for all practical purposes the same language as that contained in the Morse-Clark bill. The language of the amendment was taken almost bodily from the wording of the Morse-Clark bill, which has been introduced with reference to aid to nonpublic schools.

Mr. MORSE. I thought that part of the bill was identical. I did not think it was almost identical.

Mr. KEATING. It is very similar.

Mr. MORSE. I thought the Senator adopted my identical language.

Mr. KEATING. I assume that the Senator from Oregon would not propose an unconstitutional bill. Knowing of his great erudition as a lawyer, I was sure that he had studied that problem and had reached the conclusion that such a bill would be constitutional.

Mr. MORSE. I would not knowingly or intentionally propose an unconstitutional section in any bill.

There are many differences between a public school bill and a private school bill. For example, in a private school aid program there would be no legal protection whatsoever for the Negro taxpayer unless it is written into the bill, and we did propose such a limitation in our bill because the desegregation decisions are limited to public education. Also I point out in the private school bill we provided two methods in addition to a taxpayer suit, for testing the constitutionality of the proposed loans to private schools.

It is my opinion that in connection with the public school bill, the amendment of the Senator from New York could not, without fundamental changes in the bill and the amendment, give a taxpayer legal standing to bring a suit, under the constitutional restriction of Justice Sutherland's decision in the Mellon case.

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

Mr. MORSE. I yield.

Mr. KEATING. I should like to cite to the Senator some language which supports the position taken in favor of the amendment and also the position taken on the so-called Clark bill, which is identical with the provision in the amendment. I know the Senator will wish to have the constitutionality of his provision substantiated in every possible way. Judge Frank, in Associated Industries against Ickes, said, in part:

> While Congress can constitutionally authorize no one, in the absence of an actual justiciable controversy, to bring a suit for judicial determination either of the constitutionality of a statute or the scope of powers conferred by a statute upon Government officers, it can constitutionally authorize one of its own officials, such as the Attorney General, to bring a proceeding to prevent another official from acting in violation of his statutory powers; for then an actual controversy exists, and the Attorney General can properly be vested with authority, in such a controversy, to vindicate the interest of the public or the Government. Instead of designating the Attorney General, or some other public officer, to bring such proceedings, Congress can constitutionally enact a statute conferring on any nonofficial person, or on a designated group of nonofficial persons, authority to bring a suit to prevent action by an officer in violation of his statutory powers; for then, in like manner, there is an actual controversy, and there is nothing constitutionally prohibiting Congress from empowering any person, official or not, to institute a proceeding involving such a controversy, even if the sole purpose is to vindicate the public interest. Such persons, so authorized, are, so to speak, private attorneys general.

That seems to be very forcibly put.

Mr. MORSE. Yes. Will the Senator give me the citation?

Mr. KEATING. *Associated Industries* v. *Ickes* (134 Fed. 2d, 694). The language which I have quoted is at page 701. I wish to be entirely fair with the Senator. The case was vacated on other grounds, which in no way dealt with this question, in 320 U.S. 707, a decision in 1943.

Mr. MORSE. I wish to point out to the Senator that I was not going to use the argument that the case had been vacated as a judgment being passed by the Supreme Court on Judge Frank's opinion. I am familiar with that case. I would be less than honest with my friend from New York if I did not say I used the language of the decision in preparing for consideration in committee of the Clark-Morse bill.

As a lawyer, however, I cannot escape the fact that the Mellon case still stands on the books as the unreversed decision of the U.S. Supreme Court on this subject matter. As far as I am concerned, the Mellon case is controlling upon us. In my judgment we cannot give that right to the taxpayer, merely by the means provided in the Senator's amendment, in light of the Mellon case. In essence the Mellon case is a determination of a constitutional matter, is a constitutional rule, is a constitutional principle. It cannot be changed by this amendment. Congress cannot by such legislation change a constitutional ruling of the U.S. Supreme Court once the Supreme Court in effect says—and I believe this is what the Mellon opinion says, "This is the Constitution put to practice."

Mr. KEATING. Mr. President, will the Senator yield briefly?

Mr. MORSE. I yield.

Mr. KEATING. My interpretation of the Mellon decision is simply that no such suit would lie unless Congress had acted. I respect the Senator's opinion, but that is what I would say the opinion means. In any event, if the amendment were adopted and became a part of the law, and it were held that a taxpayer could not constitutionally bring an action even after Congress had given him that right, it certainly would be hurriedly disposed of and would not cause any delay in the disbursement of funds.

Mr. MORSE. It would cause many more troubles, which I wish to talk about. I shall return to the legal argument in a moment, but first I wish to cover this argument.

Apart from the constitutional question, it may be seriously questioned that the cause of desegregation of public schools will be furthered by the withholding of Federal assistance funds. If the proposed amendment would be legally effectual in conferring taxpayers standing to sue, there is grave risk that the entire program of Federal aid to education authorized by the bill could be interfered with if a series of taxpayers' suits were brought under any constitutional law theory to enjoin payments to any and all States. This would obviously be a most unfortunate result and one not intended by the adoption of the Keating amendment.

The constitutional right to attend public schools operated in a racially nondiscriminatory fashion was established by a decision of the Supreme Court in a suit brought without benefit of the provision of law proposed in the Keating amendment. Progress has been made since the Supreme Court's decision toward desegregation of public schools in many areas where school segregation has been practiced. Further progress can be expected without the adoption of the Keating amendment. The most likely result of the Keating amendment would be to imperil the enactment of Federal aid to education, or, if it were enacted, to imperil the carrying out of the program of Federal aid authorized. Neither result would further desegregation. Both results would interfere with the extremely necessary improvement of public elementary and secondary education which the bill is designed to help achieve.

Furthermore, it seems to me that if we start the precedent which is proposed this afternoon, and attach it to the pending bill, I do not see how in the world there could be any objection to the offering of a stark, stereotyped amendment to every piece of legislation that is brought to the floor of the Senate, when anyone could say, "Ah, but someone may raise a constitutional question about this bill, and therefore we ought to put the Keating amendment on the bill in order to assure taxpayers that they can bring an action to test the constitutionality of it."

That takes us a long way from the sound constitutional theory of the Mellon case which I wish to discuss momentarily.

Furthermore, in my judgment it would lead to the initiation of unnecessary litigation. It would certainly be very unsound legislative policy.

We cannot start to draw a line of distinction between bills which involve possible constitutional questions. We cannot say, "Well, we will offer this only to a bill that involves the civil rights issue or have a relationship to the whole matter of segregation."

I fully understand the position of the Senator from New York. He was very frank with us, as I tried to be with the Senate. He said that he was not offering his amendment as a so-called civil rights amendment. He rejects the notion that it is to be considered as a civil rights amendment. But when we consider the practicality of the situation, we cannot escape the fact that even if the Senator from New York is not offering his amendment for that purpose, many other Senators who are supporting the amendment, have said to me, quite frankly—and I shall paraphrase them, but accurately—"Listen, WAYNE, we must get something on civil rights into the bill. We must get into the bill some restriction on civil rights. We must include in the bill something which will make it possible for me to say, 'After all, I voted for some language in the bill which sought to impose some restriction with respect to the matter of segregation.'"

I do not think it can be denied that we are dealing with an amendment which, whether the authors so intended or not, has the effect of being designed to take effect with respect to the segregation issue.

So I say, most respectfully, that I find myself in the same position in which I found myself yesterday, when I opposed the amendment of the Senator from Connecticut [Mr. BUSH]. When all is said and done, in my capacity of floor leadership of the bill, I am confronted with one practicality that because many Senators look upon this amendment as having a civil rights import and impact, it raises in the Senate the civil rights issue, which in my judgment would have the effect—and I say this most respectfully—of endangering the passage of the bill itself.

I believe it is not necessary to adopt the Keating amendment in order to solve the problem raised by the Supreme Court decision of 1954. However, as I have said before in the debate, in the discussion of any amendment, I shall never lose sight of my objective. Mr.

objective is the objective of the administration. Our objective is to place on the statute books, for the first time, the principle of Federal aid to education, so that we can bring to the boys and girls of the Nation, who are now really being cheated in many States, the opportunity to develop fully their educational opportunities, and at least seek to come somewhere near providing the same measure of equality of educational opportunity. I shall never lose sight of the fact that that is the important goal of the proposed legislation.

Any amendment which, in my judgment, jeopardizes the attainment of that goal, I consider a crippling amendment. I say most respectfully that I consider the Keating amendment a crippling amendment because it endangers the placing on the statute books, for the first time, the principle of Federal aid to education.

Returning to my legal argument, I believe the Senate should take a few minutes to ponder the significance of Commonwealth of Massachusetts against Mellon. I am somewhat surprised that some Senators seem to hold a point of view that this case is wrong and has an unfortunate result. But I defend the case of Massachusetts against Mellon. I shall take the Senate, for a few minutes, to the landmark decision of Justice Sutherland in the Mellon case.

Note the date of the case. It is reported in 262 United States, decided in the October term, 1922. It will be found in 262 United States beginning at page 447. I shall read from page 478.

Since 1922, the Mellon case has stood every attempt to have it modified by the Supreme Court It has stood every procedural attempt to change it. I think the reason is a general recognition that as a matter of law, the decision is sound in connection with the constitutional points which it raises. I shall read two or three paragraphs to give Senators who are not familiar with the case the operative facts. Justice Sutherland, delivering the opinion of the Court, said:

These cases were argued and will be considered and disposed of together. The first is an original suit in this Court. The other was brought in the Supreme Court of the District of Columbia. That court dismissed the bill and its decree was affirmed by the District Court of Appeals. Thereupon the case was brought here by appeal. Both cases challenge the constitutionality of the act of November 23, 1921 (ch. 135, 42 Stat. 224), commonly called the Maternity Act. Briefly, it provides for an initial appropriation and thereafter annual appropriations for a period of 5 years, to be apportioned among such of the several States as shall accept and comply with its provisions, for the purpose of cooperating with them to reduce maternal and infant mortality and protect the health of mothers and infants.

There are many differences between the Maternity Act and S. 1021, the Federal aid to education bill; but there are many similarities, too. I have just read a couple of similarities. I think it is interesting to note that the Maternity Act, to which the decision applied, was a 5-year act. The bill under consideration will be a 3-year act.

I think it is also interesting to observe that Justice Sutherland pointed out, in regard to the Maternity Act, as I now point out in regard to the Federal Aid to Education Act, that the aid was not forced on the States. Remember, he said:

Briefly, it provides for an initial appropriation and thereafter annual appropriations for a period of 5 years, to be apportioned among such of the several States as shall accept and comply with its provisions, for the purpose of cooperating with them to reduce maternal and infant mortality and protect the health of mothers and infants. It creates a bureau to administer the act in cooperation with State agencies, which are required to make such reports concerning their operations and expenditures as may be prescribed by the Federal bureau. Whenever that bureau shall determine that funds have not been properly expended in respect of any State, payments may be withheld.

That is an interesting similarity, is it not, between many of the procedures set forth and the jurisdictional controls set up in the Maternity Act and the Federal Aid to Education Act. I point this out because we are now dealing with the consideration of a problem in connection with two bills, one already decided by the Supreme Court, but which, in my judgment, is clearly applicable to the Federal aid to education bill, which I am seeking to have the Senate pass.

Justice Sutherland then said:

It is asserted that these appropriations are for purposes not national, but local to the States, and together with numerous similar appropriations constitute an effective means of inducing the States to yield a portion of their sovereign rights. It is further alleged that the burden of the appropriations provided by this act and similar legislation falls unequally upon the several States, and rests largely upon the industrial States, such as Massachusetts; that the act is a usurpation of power not granted to Congress by the Constitution. * * *

Have we heard any of those arguments in connection with this bill? We can almost say, "This is where we walked in," because this kind of debate in connection with this kind of Federal aid to legislation is historic in this body. We have not really plowed any new ground; we have simply been harrowing some ground really plowed, in my judgment, back in 1922, when the Mellon decision was handed down. Justice Sutherland then went to to say:

The act is a usurpation of power not granted to Congress by the Constitution—an attempted exercise of the power of local self-government reserved to the States by the 10th amendment; and that the defendants are proceeding to carry the act into operation. In the Massachusetts case it is alleged that the plaintiff's rights and powers as a sovereign State and the rights of its citizens have been invaded and usurped by these expenditures and acts; and that, although the State has not accepted the act, its constitutional rights are infringed by the passage thereof and the imposition upon the State of an illegal and unconstitutional option either to yield to the Federal Government a part of its reserved rights or lose the share which it would otherwise be entitled to receive of the moneys appropriated. In the Frothingham case plaintiff alleges that the effect of the statute will be to take her property, under the guise of taxation, without due process of law.

We have reached the conclusion that the cases must be disposed of for want of jurisdiction without considering the merits of the constitutional questions.

In the first case, the State of Massachusetts presents no justiciable controversy either in its own behalf or as the representative of its citizens. The appellant in the second suit has no such interest in the subject matter, nor is any such injury inflicted or threatened, as will enable her to sue.

Then the Justice proceeds to discuss the claim of Massachusetts as a State. He rejects the claim that Massachusetts has any standing to bring action as a State.

Then, on pages 488 and 489 he proceeds to discuss the alleged rights of the taxpayer, as follows:

We have no power per se to review and annul acts of Congress on the ground that they are unconstitutional. That question may be considered only when the justification for some direct injury suffered or threatened, presenting a justiciable issue, is made to rest upon such an act. Then the power exercised is that of ascertaining and declaring the law applicable to the controversy. It amounts to little more than the negative power to disregard an unconstitutional enactment, which otherwise would stand in the way of the enforcement of a legal right. The party who invokes the power must be able to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally. If a case for preventive relief be presented the court enjoins, in effect, not the execution of the statute, but the acts of the official, the statute notwithstanding. Here the parties plaintiff have no such case. Looking through forms of words to the substance of their complaint, it is merely that officials of the executive department of the Government are executing and will execute an act of Congress asserted to be unconstitutional; and this we are asked to prevent. To do so would be not to decide a judicial controversy, but to assume a position of authority over the governmental acts of another and coequal department, an authority which plainly we do not possess.

We must keep in mind the fact that in the Mellon case the court simply found that the taxpayer did not meet the test of having a controversial issue with the Federal Government, and therefore there was no jurisdiction to make a determination of what he wanted to have determined, namely, the alleged unconstitutionality of the act.

I respectfully say—I realize that my good friend, the Senator from New York, as a lawyer completely disagrees with my position—that this amendment would not change the Mellon case decision one whit, and that even if the amendment is made a part of the law, the Mellon case decision decision will remain as a bar to the taxpayer suits contemplated by the amendment.

Mr. KEATING. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. PELL in the chair). Does the Senator from Oregon yield to the Senator from New York?

Mr. MORSE. I yield.

Mr. KEATING. I do not take issue with the Mellon case decision. That case did not involve a Federal statute which gave the right to bring the action. In that case there was no express provi-

sion to test in court the constitutionality of the payment.

This seems to be an entirely different situation, and seems to be controlled by the decision in the Associated Industries case, which referred to the decision in the Mellon case, and stated that even in the light of that, there is a justiciable controversy, and a taxpayer can be designated to bring the action as "a private attorney general," as the Court put it.

Mr. MORSE. Mr. President, as I have already stated, the Senator from New York and I disagree on the correct interpretation of the Mellon case decision. In my judgment the two cases are quite similar in purpose and in the procedure. In the Mellon case an attempt was made by a taxpayer to bring the action. The Court stated, in effect, that that did not meet the test on a controversial issue with the Federal Government, within the meaning of the Constitution; and, in effect, the Court threw out his case.

I do not think a "case or controversy" can be created merely by an act of Congress which states that one exists. There must be a finding that, in fact, such a controversial relationship between the parties does exist. Standing to sue cannot be imposed on a taxpayer by means of a simple statutory declaration.

That is my position, Mr. President. In my judgment, we shall proceed with various tests as to the constitutionality of this act, as the Attorney General of the United States seeks to enforce desegregation of the schools or as private parties seek to enforce desegregation of the schools.

But I do not believe that in the Keating amendment we are dealing with anything more than legal surplusage.

Mr. President, I am ready to yield back the remainder of the time under my control.

Mr. BUSH. Mr. President, will the Senator from New York yield briefly to me?

Mr. KEATING. I yield 5 minutes to the Senator from Connecticut.

Mr. BUSH. Mr. President, I wish strongly to support the amendment of the junior Senator from New York. I believe he has made a sound argument for the adoption of his amendment. The amendment is a sound one and a constitutional one. So I hope the Senate will adopt the amendment.

It seems to me that the argument goes about as follows: The President of the United States has urged that funds in connection with this bill be withheld from religiously oriented schools, because the President has stated that such would be of doubtful constitutionality. Indeed, the President said that, in his opinion, it would be unconstitutional.

But there is a great deal of difference of opinion about this matter. Some who are as well versed in the law as is our resepected President think it would be constitutional. In other words, there is some doubt about that question.

On the other hand, the bill as now written requires that funds be given to States which practice segregation in their public schools, in open defiance of the Supreme Court and the Constitution of the United States.

This case is no longer in any doubt. It was settled, not in the Senate, but in the Supreme Court of the United States. So the constitutional question here is really not in doubt.

The Senator from New York wishes to give an individual taxpayer the right to bring suit against the Commissioner, so as to restrain him from using the taxpayers' money in a manner which already has been declared by the Supreme Court of the United States to be unconstitutional.

Yesterday, the Senate refused to take advantage of an opportunity to reinforce the Supreme Court's decision by adopting a very mild amendment to the bill; and the amendment was tabled.

Surely the injury done yesterday should not be extended to millions of our citizens who object to the use of their taxes to perpetuate segregation. Yet that will be the result if the Senate rejects the Keating amendment, which gives the citizens an opportunity to appeal to the court. This opportunity is the least we can provide in connection with the entire matter now under debate.

Mr. President, I applaud the Senator from New York for thinking of this very just way to handle the situation. I do not think anyone would wish to have his taxes used in violation of the Constitution.

I join the Senator from New York in hoping that the Senate will adopt the amendment.

Mr. KEATING. Mr. President, if the Senator will yield, I wish to express my appreciation to the distinguished Senator from Connecticut for his support of this amendment. In some respects it is not as explicit as the amendment which he offered yesterday. I think it would encompass what he was seeking to accomplish by his amendment. Under its provisions it would, admittedly, as I have said, go further than that, and permit the review of any constitutional question.

Mr. BUSH. I agree with that statement, and I think in some respects, for that reason, it is a better amendment than the one which was rejected yesterday. The Senator from New York and I have discussed this matter off the floor. These are not conflicting amendments, but, rather, mutually compatible amendments, and both would fortify the bill. However, there is no chance for the amendment offered yesterday. I do hope the Senate will sustain the Keating amendment. I shall certainly support it.

Mr. KEATING. Mr. President, I yield 5 minutes to the Senator from New Jersey [Mr. CASE].

Mr. CASE of New Jersey. Mr. President, I speak as one who has been long and deeply concerned with the protection of the constitutional rights of all Americans, and particularly the achievement of equality of opportunity for all our citizens, regardless of race, color, or religion.

I speak, too, as one who is deeply convinced of the central importance of education to the survival of this Nation—indeed, of the whole free world.

No one has suggested, because no one could suggest, that the Senator from New Jersey is one who would like to see the bill defeated. The Senator from New Jersey has believed in Federal aid to education since he has been a Member of Congress, since 1945. He has not changed. He is for Federal aid to education. He is also for implementation and enforcement of the Supreme Court decision in the school desegregation cases.

The Senator from New Jersey is of the belief that these two matters are not incompatible, and that they can go along in parallel, and that the Congress will have far from fulfilled its obligation if it attempts to do one thing and not the other.

I can think of no field in which equality of opportunity is more important, from the point of view of the individual, and that of the Nation, too, than education itself. It is, in the most basic sense, the foundation for both individual development and national growth.

In recent years we have made some measure of progress—it has been halting progress, at that—toward the growth of equality of educational opportunity. In this session we will, I hope, finally achieve action to help the States and localities in meeting the general educational needs of our children. It is essential, I believe, that we do not allow either one to become the vehicle or means of defeating the other.

It would be unconscionable, in my judgment, if a program of Federal assistance to public education should become an instrument to perpetuate, indeed to strengthen, segregation in our schools.

Yet, without some safeguard in the proposed act, this could literally happen. Indeed, it has already happened with aid provided under the program for federally impacted areas.

A telling case in point was cited in testimony before our committee. At Redstone Arsenal in Alabama the Federal Government transferred to the Huntsville School District 21 acres of land to be used for an elementary school for the children of military personnel. Federal funds in the amount of $473,144 were granted, according to the Defense Department, by the Department of Health, Education, and Welfare for the construction of a school of 24 classrooms, completed and occupied in September 1959. Huntsville contributed funds in the amount of $10,000 for school equipment. In 1960, an additional 12 rooms were constructed with a Federal grant of $121,000 to provide for increased enrollment.

The school is segregated. Only white children living on the post are permitted to attend it. Negro children living on the post are transported by Army bus to a segregated elementary school for Negroes only.

The Department of Defense admits to no authority to act in the matter. The Department of Health, Education, and Welfare takes the same position.

Mr. President, it is strikingly reminiscent of the letter received from the Secretary of Health, Education, and Welfare, addressed to the Senator from Vermont [Mr. PROUTY].

Mr. President, I submit this is a deeply disturbing situation. The armed services of the United States have been largely desegregated, but the children of the members of the Armed Forces of the United States stationed in Alabama are forced to attend segregated schools built and supported by the Government of the United States of America.

But how much worse will the situation inevitably be if we do not insist upon some measure of constitutional rights in the measure now pending.

We have already been told explicitly by the Secretary of Health, Education, and Welfare that neither he nor the Commissioner of Education has any authority, under the bill as it now stands, to withhold funds from any State because of segregation in schools within that State.

Many of us do not happen to agree with that legal opinion. But there it is, and we cannot ignore that it means millions of taxpayers might be forced to help pay for the perpetuation of an injustice and a wrong which not only violates their own deepest convictions, but defies the Constitution itself.

The least we can do is to provide a means by which an unconstitutional grant of funds can be challenged in the courts. By giving judicial standing to a taxpayer's suit, we will make possible judicial review of any allocation of Federal funds to States violating constitutional principles.

Perhaps there is some question about this means, but it seems to me it is incumbent upon the Senate, if it be unwilling, as it demonstrated yesterday, affirmatively to state that there is an obligation on the part of the Secretary of Health, Education, and Welfare or the Commissioner of Education to follow the Constitution in the distribution of funds, to indicate that the very least it should do is take every possible opportunity to bring the question before the courts for a decision by the courts on the constitutional question. I suggest there may be cases in which people taking a very legalistic view of the situation may be inclined not to take that view in other circumstances.

Not to provide this minimum protection would be, I believe, morally reprehensible. For surely both Negro and white alike are entitled to some assurance that this bill will not be utilized to delay indefinitely the integration of public schools. Surely, we cannot, in good conscience, appear to acquiesce in a view which might put the Federal Government in the role of abetting defiance of the law of the land.

For too long Congress has delayed affirmative action to secure the constitutional rights of all citizens. Let us not now, by further inaction, risk making the Federal Government an actual partner in the flagrant denial of a basic right whose realization goes to the heart of our whole way of life.

As I said in my colloquy with the distinguished Senator from New York, the prime sponsor of the amendment, I do not fear that a majority of this body or the other body are unwilling to vote for the bill unless they are "bought" by an agreement to deny the constitutional right of all Americans.

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

Mr. CASE of New Jersey. I yield.

Mr. JAVITS. I have rarely heard the Senator from New Jersey so eloquent and so deeply moving as he has been today. I think he has a right to be. I appreciate and associate myself with his presentation.

Would the Senator agree with me that, even if there is some question, under the Mellon case, the only way we can show we do not agree with Secretary Ribicoff's opinions is by writing a provision into the bill of the kind now proposed? Is not this a minimal way to accomplish that purpose?

Mr. CASE of New Jersey. I agree. I think this is not only the only way, but I think it is the logical way to do it, because we have, after all, very good authority. Judge Frank's opinion in this matter points the way, I believe, that the Supreme Court, if we give it the chance to rule on this question, will rule.

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

Mr. CASE of New Jersey. I am happy to yield.

Mr. KEATING. Mr. President, I compliment the distinguished Senator from New Jersey on the forceful presentation he has made. Like my colleague from New York, I am well acquainted with what makes our friend from New Jersey tick. I agree with him that since I have been a Member of the Senate I have never heard the Senator from New Jersey so moved or so eloquent. His presentation lends great weight to the amendment, as does his sponsorship.

Mr. CASE of New Jersey. I thank the Senator. Mr. President, I yield the floor.

Mr. KEATING. Mr. President, I should like to modify my amendment in accordance with the colloquy I had with the distinguished Senator from Montana.

On page 2, line 10, after the word "Columbia" add the words "or in the district court of the United States for the district in which the taxpayer resides."

I sincerely hope that this modification will convince my friend from Montana and that he will support the amendment.

The PRESIDING OFFICER. The amendment will be so modified.

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

Mr. KEATING. I yield to the Senator from Montana.

Mr. METCALF. The modification will not convince the Senator from Montana that he should support the amendment, but I thank the Senator from New York for the modification, because I believe not only in regard to the proposed legislation, but also in regard to many other acts which embrace the whole field of State-Federal relations we should permit the cases to be brought in the home district and thereby keep from overloading the District Court of the District of Columbia.

Mr. KEATING. So long as the option is retained, I share a good many of the sentiments expressed by the Senator from Montana.

Mr. METCALF. I thank the Senator.

Mr. MORSE. Mr. President, I yield myself 10 minutes. I say to the Senator from New York that I think that upon the conclusion of that much argument I shall be ready to yield back the remainder of my time.

I wish to make a brief comment particularly with respect to an observation made by the Senator from New Jersey [Mr. CASE], because I think all Members of the Senate know the very close relationship between the Senator from New Jersey and the Senator from Oregon in respect to our positions on most issues in this body. We differ on the pending issue. It is one of the few times I have found myself in disagreement with the Senator from New Jersey.

I can well understand how in the course of debate we frequently use very colorful figures of speech or descriptive terms to describe what we may consider to be a motivation of the opposition. I assure the Senator from New Jersey that I do not know of any Senator on this side of the aisle to whom it can be appropriately applied that his position in opposition to the bill if a civil rights amendment is added to it is an indication of a purchase price he has put on his vote in the Senate. I do not think anybody on this side of the aisle has been bought one way or another in regard to a civil rights amendment.

There is a sincere point of view held by many of us that the addition of the Keating amendment would be very unwise from a legislative standpoint, in addition to the view that it would be unnecessary from a legal standpoint.

I wish to say, in defense of all those who have been supporting me in my position in opposition to the Keating amendment, that there is not the slightest basis for any accurate description of our motivation as that we are insisting upon the elimination of the Keating amendment as a price for voting for the bill.

I make that statement in defense of my colleagues. I now come to the legal argument.

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

Mr. MORSE. I yield.

Mr. KEATING. I understand that implicit in the statement is the fact that the Senator from Oregon would, of course, support the bill if the amendment were agreed to.

Mr. MORSE. To be very frank, if the Senate made the mistake of crippling the bill by adopting the amendment, I would take it rather than no bill at all, but I hope to get a good, healthy, vigorous child out of this legislative birth process, and not one which is hurt aborning.

Mr. KEATING. I recognize the reference to the case to which the Senator was earlier alluding.

Mr. CASE of New Jersey rose.

Mr. MORSE. Did the Senator from New Jersey rise to say something to me?

Mr. CASE of New Jersey. Yes, Mr. President, if the Senator will yield.

Mr. MORSE. I yield.

Mr. CASE of New Jersey. I am sure the Senator does not take to himself any suggestion that the motives were, from his standpoint, wrong.

Mr. MORSE. I do not. I only wished to say I did not think it would be proper to apply such a motivation to any of my colleagues who are supporting me.

Mr. CASE of New Jersey. Things are what they are. Things are what they are. One could phrase the statements I made differently, could suggest that the bill might not pass if a provision for the prevention of implementation of segregation were eliminated. If that is more palatable in the circumstances, I should be happy to have it understood in that way, so long as we know what are the facts.

I should not have risen, I think, if my colleague will permit me to so state, if he had not used the adjective "crippling," which so easily falls from the lips of anyone convinced of the correctness of his own position in describing opposition to what he thinks ought to be done. This, I think, is the same kind of thing.

Mr. MORSE. I shall read an opinion to the Senator in a moment which demonstrates there are others who share this evaluation of the amendment. We shall come to that in a moment.

Mr. KEATING. Mr. President, will the Senator yield to me on another point?

Mr. MORSE. I yield.

Mr. KEATING. The Senator in citing the Mellon case in respect the alleged unconstitutionality of the amendment should point out that the court in that case struck down the suit by the State as well as the suit by the taxpayers or individuals.

Mr. MORSE. I mentioned that.

Mr. KEATING. The Senator has provided in the bill for a suit by a State agency. The Senator has provided in the bill for the type of thing which was struck down in the decision. Therefore, if it would be unconstitutional to adopt the amendment it would be equally unconstitutional, it would seem to me, to provide, as the Senator has done in the bill that a State agency may bring a suit.

Mr. MORSE. No. As the bill is worded, I think it brings the States, in connection with the bill, under article III, section 2 of the Constitution, which I am about to read. It reads as follows:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

The latest case I can find, one which, so far as I am concerned, is exceedingly convincing on the legal issue now pending before the Senate, is *Doremus* v. *Board of Education*, 342 U.S. 429, decided January 31, 1952.

This is a decision which was written by Justice Jackson. There was a dissent to the decision. I shall invite attention to the dissent also, in fairness to all concerned. I think the dissent draws very clearly the issue I have been trying to point out this afternoon, leaving no room for doubt as to what the court decided, both in the Doremus case and in the Mellon case. The dissent was written by Mr. Justice Douglas, with Mr. Justice Reed and Mr. Justice Burton concurring.

In the majority opinion, Mr. Justice Jackson said:

> The State raised the defense that appellants showed no standing to maintain the action but, on pretrial conference, perhaps with premonitions of success, waived it and acquiesced in a determination of the Federal constitutional question. Whether such facts amount to a justiciable case or controversy is decisive of our jurisdiction.
>
> This Court has held that the interests of a taxpayer in the moneys of the Federal Treasury are too indeterminable, remote, uncertain and indirect to furnish a basis for an appeal to the preventive powers of the Court over their manner of expenditure. (*Alabama Power Co.* v. *Ickes*, 302 U.S. 464, 478–479; *Massachusetts* v. *Mellon*, 262 U.S. 447, 486 et seq.)

In 1952 the Supreme Court made this statement in basing its decision on the Mellon ruling. I wish to repeat that we have honest differences of legal opinion on this question, but I do not believe that passage of the Keating amendment would confer standing to sue under the circumstances existing here in absence of a genuine case or controversy as required by the Constitution for the exercise of judicial power.

Listen again to what the Court said in the Doremus case:

> This Court has held that the interests of a taxpayer in the moneys of the Federal Treasury are too indeterminable, remote, uncertain and indirect to furnish a basis for an appeal to the preventive powers of the Court over their manner of expenditure.

Of course, the Justice bases his statement on an article of the Constitution, leaving no room for doubt that he was bringing this kind of action within the meaning of the word "controversy" as used in article III, section 2, of the Constitution.

Justice Jackson continued:

> The latter case recognized, however, that "the interest of a taxpayer of a municipality in the application of its moneys is direct and immediate and the remedy by injunction to prevent their misuse is not inappropriate" (262 U.S. at 486). Indeed, a number of States provide for it by statute or decisional law and such causes have been entertained in Federal courts (*Crampton* v. *Zabriskie*, 101 U.S. 601, 609). (See *Massachusetts* v. *Mellon*, supra, at 486.) Without disparaging the availability of the remedy by taxpayer's action to restrain unconstitutional acts which result in direct pecuniary injury, we reiterate what the Court said of a Federal statute as equally true when a State act is assailed:

Mr. President, I yield myself another 5 minutes.

> The party who invokes the power must be able to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally.

Quoting again. What case? Massachusetts against Mellon.

I wish to say that if a taxpayer can show that he stands in that relationship to the meaning of the word "controversy" as contained in the Constitution, we do not need the Keating amendment to the bill. If he does not stand in such relationship, all the legislation in the world that could be passed by the Congress could not give him the power to bring the action, because again he would not comply with the meaning of the word "controversy" in article III, section 2 of the Constitution.

If my colleagues who wish to interrupt will wait until I finish the argument—I shall not be too long—then I will be glad to yield.

Justice Jackson continued:

> "The party who invokes the power must be able to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally" (*Massachusetts* v. *Mellon, supra*, at 488).
>
> It is true that this Court found a justiciable controversy in *Everson* v. *Board of Education*, 330 U.S. 1. But Everson showed a measurable appropriation or disbursement of school-district funds occasioned solely by the activities complained of. This complaint does not.
>
> We do not undertake to say that a State court may not render an opinion on a Federal constitutional question even under such circumstances that it can be regarded only as advisory. But, because our own jurisdiction is cast in terms of "case or controversy," we cannot accept as the basis for review, nor as the basis for conclusive disposition of an issue of Federal law without review, any procedure which does not constitute such.
>
> The taxpayer's action can meet this test, but only when it is a good-faith pocketbook action.

If it is a good faith pocketbook action, we would not need any legislation. If it is a good faith pocketbook action, the citizen has that constitutional right anyway. His right would then fall within the meaning of "controversy," as contained in article III, section 2, of the Constitution. That is why I said in my previous argument that, in my judgment, when all is said and done, the Keating amendment is surplusage, because unless the taxpayer in fact meets the "controversy" test of article III, section 2, we could not give him the right by legislation.

Mr. Justice Jackson continued:

> It is apparent that the grievance which it is sought to litigate here is not a direct dollars-and-cents injury but is a religious difference. If appellants established the requisite special injury necessary to a taxpayer's case or controversy, it would not matter that their dominant inducement to action was more religious than mercenary. It is not a question of motivation but of possession of the requisite financial interest that is, or is threatened to be, injured by the unconstitutional conduct. We find no such direct and particular financial interest here. If the act may give rise to a legal case or

controversy on some behalf, the appellants cannot obtain a decision from this Court by a feigned issue of taxation.

I should like to cover the dissenting opinion for a moment, because I believe it will bring the question into focus. As I said, I wish the Senate to know that three Justices dissented, and they dissented on the following ground. It is an interesting dissent, because it draws into focus, in my judgment, the very distinction I have tried to bring out in my argument this afternoon.

Writing the dissenting opinion for his colleagues Justices Reed and Burton, Mr. Justice Douglas said:

I think this case deserves a decision on the merits. There is no group more interested in the operation and management of the public schools than the taxpayers who support them and the parents whose children attend them. Certainly a suit by all the taxpayers to enjoin a practice authorized by the school board would be a suit by vital parties in interest. They would not be able to show, any more than the two present taxpayers have done, that the reading of the Bible adds to the taxes they pay. But if they were right in their contentions on the merits, they would establish that their public schools were being deflected from the educational program for which the taxes were raised. That seems to me to be an adequate interest for the maintenance of this suit by all the taxpayers. If all can do it, there is no apparent reason why less than all may not, the interest being the same. In the present case the issues are not feigned; the suit is not collusive; the mismanagement of the school system that is alleged is clear and plain.

But the answer to the dissenting opinion of the Justice is that the majority found there was no "case or controversy" within the meaning of the constitutional requirement.

Mr. President, I yield myself 5 more minutes.

The Court did not find that injury or threat of injury to the plaintiffs that would create a controversy as required by article III, section 2, of the Constitution.

But if they can find such interest in a case, they can proceed under the Doremus and Mellon cases to bring an action testing the statute, and we would not need a Keating amendment. The Keating amendment does not add one wit to the right to bring an action. A citizen has the right to bring such an action under article III, section 2, of the Constitution or, if he does not, we could not possibly give such right to him by any proposed legislation that could be passed here on the floor of the Senate. That is my case and, as we lawyers say, I rest. I know I shall be cross examined with respect to my position by the Senator from Illinois.

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

Mr. MORSE. I yield.

Mr. DOUGLAS. I am struck with what seems on the surface to be a contradiction in the position of the Senator from Oregon, because, as I understand it, the Senator has in his committee a bill to provide Federal aid to private schools. Press reports indicate that that bill contains a clause which would permit individual taxpayers to bring suit to test the constitutionality of its provisions.

Mr. MORSE. Do not rely on press reports. Take my word for it.

Mr. DOUGLAS. If the Senator from Oregon is successful in defeating the Keating amendment, will the Senator guarantee that there will not be such an amendment in the bill he proposes to report to the Senate on Federal aid to private schools?

Mr. MORSE. I assure my friend from Illinois that if the taxpayer suit provision in the Clark-Morse private school loan bill does not stand up under analysis, it will be eliminated, but the situation in which that bill provides means of obtaining court tests are ones where genuine controversies would exist.

Mr. DOUGLAS. In its present form, does the bill before the committee of which the Senator from Oregon is chairman provide for suits by individual citizens to test the constitutionality of a Federal aid to private schools? Does it or does it not?

Mr. MORSE. I have already said this afternoon that the answer to that question is yes, yes, yes.

Mr. DOUGLAS. Very well. It does. If the Keating amendment is surplusage, why is not the similar provision in the bill to which I referred surplusage, and if the Senator from Oregon felt it was necessary to put such a clause in the Federal aid to private school bill, why is it not also necessary in the present bill?

Mr. MORSE. Because there is quite a difference in the taxpayers. I had not intended to proceed to argue the private school bill in connection with the pending bill. However, I will pull back the curtain a little and let the Senator take a look at the argument that will be made.

Mr. DOUGLAS. That is highly desirable.

Mr. MORSE. I do not believe my friend from Illinois was in the Chamber when I said earlier today that I had been wading in this stream of legal decisions until I felt I had gotten in over my waist and up to my neck and, I was not sure, perhaps over my head as well.

Mr. DOUGLAS. The Senator from Oregon reminds me of a German Ph. D. who could go down deeper, stay down longer, and come up muddier than anyone else.

Mr. MORSE. Although it was muddy down there, I think I have come out of it fairly clean.

The PRESIDING OFFICER (Mr. PELL in the chair). The time of the Senator has expired.

Mr. MORSE. I yield myself 5 additional minutes.

Of course I am not sure that I will come up with this one. I said to the Senator from New York earlier this afternoon that I am not sure that my taxpayer suit section of the private school bill will stand up under legal argument. But there are two other means of obtaining court review provided in that bill, separate and apart from the taxpayer suit section.

I would also point out that a parochial school denied a loan under our private school bill on the determination of the administrator that the making of such a loan would violate the first amendment, could show a clearly demonstrable financial loss which would provide a genuine case of controversy for the court to review.

There is another fundamental difference between the private school and the public school bills. Unless the private school bill provided protection for the Negro taxpayer, as our bill did in several sections, such a taxpayer would have no legal remedy or protection whatever. The Supreme Court desegregation mandates are limited to public education.

That is not true in conection with a public school bill. In a public school case there are a great many existing court remedies to protect a taxpayer. They may not prove to be adequate at the present time, but one does not know until a remedy is tried. There is available the whole injunctive process in regard to a public school bill that one might wish to try. There is that great difference between a public school bill and a private school bill. So I am not as far down in the mud as my friend thought I was.

Mr. DOUGLAS. The Senator from Oregon is a veritable legal Houdini in being able to escape from the bonds of logic.

Mr. MORSE. I never make the mistake of failing to recognize distinctions in facts between many cases. This is very basic to any lawyer. One must not make the mistake of assuming that all the cases are alike, unless one can find that the operative facts are really applicable, as we say.

Mr. DOUGLAS. Does it not all come down to saying that a lawyer can always find a reason to justify what he wants to do?

Mr. MORSE. No. I rise to the defense of my profession. The Senator from New Jersey, the Senator from New York, and the Senator from Iowa, whom I see smiling, will join me in this, I am sure. The job of a lawyer is to consider the facts of a case and give his best advice as to the application of the law to those facts. There is a major difference between a private school situation and a public school situation. Therefore, I believe it is possible that my final judgment may be that there is a basis for having provisions in a private school bill which would be out of place in a public school bill, for the reasons I have advanced.

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

Mr. MORSE. I yield.

Mr. KEATING. I merely wish to make the comment that in my judgment the interest of a Negro taxpayer, which is the illustration the Senator has used, is even greater in relation to segregated public schools than it is in connection with the issue of parochial schools.

I point out what I am sure the Senator recognizes as a fact, that the Doremus case was an appeal from a State court, and there was no Federal statute in that case.

Mr. MORSE. That is true. However, the constitutional principle is just as applicable in an appeal from a State court as in direct Federal court test, such as that involved in Massachusetts against Mellon.

I invite the Senator's attention to the fact that the distinguished Secretary of Health, Education, and Welfare, on whose opinion the Senator places so much reliance, as embodied in the Secretary's letter to the Senator from Vermont [Mr. PROUTY], states in his brief, immediately after citing the Doremus case:

> If Congress wishes to make possible a constitutional test of Federal aid to secretarian schools, it might authorize judicial review in the context of an actual case or controversy between the Federal Government and an institution seeking some form of assistance. In the absence of some such statutory provision, there appears to be no realistic likelihood that Federal legislation raising the constitutional issues discussed in this memorandum will be resolved by judicial decision.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 32 minutes remaining.

Mr. MORSE. Mr. President, if, contrary to the Department's views, the amendment were held effective to endow U.S. district courts with jurisdiction, it would have an unsettling effect on the States ability to plan their primary and secondary school programs.

Federal grants would plainly not be held invalid, I believe, merely because school districts in a State have availed themselves of the gradualism in desegregating which has been permitted by the Supreme Court. That being so, any serious challenge to constitutionality would necessarily rest on undue delay by a particular school district or districts in carrying out judicial orders, and in the complex processes of litigation the situation is likely to change from day to day or week to week. The result would be that, if such delay were the basis of invalidating Federal grants—and I can think of no other—the State educational authorities might be subjected to continuing uncertainty about their prospects of receiving Federal funds.

It seems to me that the judicial process is more wisely used to deal with individual school districts, and to adapt its relief, where relief is called for, to the particular and widely varying situations which are encountered. If the expenditure of Federal funds is ever found to be illegal because of failure to desegregate, it would seem to me that the appropriate point for judicial intervention to cut off their flow would be between the State and the school district, rather than between the Federal Government and the State.

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

Mr. MORSE. I now yield myself 5 additional minutes.

The Senator from New York has quoted from the opinion of the Secretary of Health, Education, and Welfare. I wish to read a letter which I received from the Secretary today. The Secretary writes:

> THE SECRETARY OF HEALTH,
> EDUCATION, AND WELFARE,
> *Washington, D.C. May 23, 1961.*
>
> HON. WAYNE MORSE,
> *Chairman, Subcommittee of Education, Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.*
>
> DEAR SENATOR MORSE: I want to express to you my appreciation for your skillful and courageous handling of the administration's bill to provide financial assistance to public elementary and secondary schools. Knowing your deep and abiding interest in the advancement of civil rights, I can appreciate how difficult is your role in defending the school bill against amendments which seek to inject the civil rights issue into legislation whose sole concern should be education.
>
> I understand that again today an attempt is to be made to attach to S. 1021 a civil rights amendment. This amendment would authorize lawsuits by any taxpayers who wish to challenge expenditures of Federal funds for public elementary and secondary schools. I am steadfastly opposed to such an amendment and take this opportunity to set forth my reasons:
>
> 1. The case for Federal assistance to public schools is clear. The need is great; the time to face the problem is now. To doom this legislation by the addition of amendments which, however phrased, are nonetheless concerned with collateral issues, would be nothing less than tragic. Let me reaffirm my belief that the Supreme Court decision on school desegregation was correct both legally and morally. But as the Court itself indicated, the way to implement that decision is on a case by case basis where the facts of each local situation may be conscientiously examined.
>
> 2. To allow individual taxpayers throughout the Nation to tie up this legislation with a multitude of lawsuits would be a blow to education that would not even offer the hope of a compensating gain in the field of civil rights.
>
> 3. It is highly doubtful that the Constitution permits a taxpayer suit. The memorandum discussing legal issues arising in this area, which was previously filed with your subcommittee, discusses this problem and concludes that Congress cannot dilute the constitutional requirements of a case or controversy existing between parties to a lawsuit in the Federal courts.
>
> Let me reiterate my basic point: Our objective is to help education. Let us stick to the task. Other problems deserve our serious attention, but they must not cripple the cause of education when we are now on the verge of success.
>
> Sincerely,
>
> ABRAHAM RIBICOFF.

Mr. KEATING. Mr. President, without unduly prolonging the controversy, I must comment that I have never before heard it said by a Cabinet officer or anyone else high in the Government that the constitutionality of a statute was a "collateral issue." We are dealing with the question whether there shall be a possible way to settle constitutional questions under the proposed statute, and the Secretary of Health, Education, and Welfare calls that a collateral issue.

Mr. President, I yield 2 minutes to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, I wish to ask the Senator from New York a question. On page 2, lines 7 and 8, of his amendment, reference is made to a "final decision of the Commissioner." As a matter of clarification, what is meant by that language? Do I correctly understand that what is meant or is intended to be meant is approval by the Commissioner of payment to the States?

Mr. KEATING. That is what is meant. It will be remembered that the original amendment had a paragraph in it relating to a decision by the Commissioner. In the revised amendment that paragraph was stricken out, but this change was not made. I think probably the wording proposed is desirable.

Mr. MILLER. Mr. President, I offer an amendment which I ask to have read. I wonder if it would be acceptable.

Mr. KEATING. I shall be glad to have the amendment read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, lines 7 and 8, it is proposed to strike out "the final decision of the Commissioner." and insert in lieu thereof "approval of any payment under this act by the Commissioner."

Mr. KEATING. I think that improves the language of the amendment and makes it clearer. It is what is intended by the amendment.

Mr. President, I am happy to ask that my amendment be modified in that respect. I commend the Senator from Iowa for calling my attention to it.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and it is so modified.

Mr. KEATING. Mr. President, I do not wish to take any unfair advantage of the Senator from Oregon. I should like to suggest the absence of a quorum, and following the quorum call speak for about 3 minutes. If the Senator from Oregon wishes to ask unanimous consent to vacate the order by which he yielded back the remainder of his time, I shall be happy to have him use 3 minutes.

Mr. MORSE. Mr. President, that is perfectly satisfactory. How much time remains?

The PRESIDING OFFICER. The Senator from New York has 15 minutes remaining.

Mr. MORSE. Mr. President, I ask unanimous consent that there be a quorum call, the time for the quorum call to be charged to neither side. Following the quorum call, the Senator from New York may use whatever time he wishes. I have yielded back my time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MORSE. Mr. President, on the question of agreeing to the Keating amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KEATING. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. KEATING. Mr. President, I hope Senators who were unavoidably absent

during the debate will look briefly, if they have not already done so, at the explanation of this amendment which, in mimeographed form, has been placed on their desks.

This amendment would permit a taxpayer to bring a suit to prevent payment of the funds to a State for an unconstitutional purpose. I wish to be very frank; the amendment would permit suits to test the validity of grants to segregated schools.

But the amendment goes far beyond that, and would permit the raising of any constitutional question under this bill.

There are those who sincerely believe the entire act is unconstitutional. There is now no way in which that question can be raised in court, if this amendment is not adopted. If the amendment is adopted, that question or any other question relating to constitutionality can be raised in court.

The purpose of the amendment is to provide a method of determining in court these very serious constitutional questions, which arise on all sides of the controversies relating to Federal aid to education.

Mr. President, I yield back the remainder of the time available to me.

The PRESIDING OFFICER. All remaining time on the amendment has been yielded back.

The question is on agreeing to the modified amendment of the Senator from New York [Mr. KEATING]. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. Were he present and voting, he would vote "yea." Were I at liberty to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Wyoming [Mr. MCGEE] is absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that the Senator from Texas [Mr. BLAKLEY] is necessarily absent.

On this vote the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from New Mexico would vote "nay" and the Senator from Colorado would vote "yea."

If present and voting, the Senator from Texas [Mr. BLAKLEY] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is necessarily absent.

The Senator from Illinois [Mr. DIRKSEN] is absent because of illness and his pair has been previously announced by the Senator from Montana [Mr. MANSFIELD].

The Senator from Colorado [Mr. ALLOTT] is paired with the Senator from New Mexico [Mr. CHAVEZ]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from New Mexico would vote "nay."

The result was announced—yeas 32, nays 62, as follows:

[No. 48]

YEAS—32

Beall	Cotton	Kuchel
Bennett	Curtis	Miller
Boggs	Douglas	Morton
Bridges	Dworshak	Mundt
Bush	Fong	Prouty
Butler	Goldwater	Saltonstall
Capehart	Hart	Schoeppel
Carlson	Hickenlooper	Scott
Case, N.J.	Hruska	Williams, Del.
Case, S. Dak.	Javits	Young, N. Dak.
Cooper	Keating	

NAYS—62

Aiken	Hickey	Muskie
Anderson	Hill	Neuberger
Bartlett	Holland	Pastore
Bible	Humphrey	Pell
Burdick	Jackson	Proxmire
Byrd, Va.	Johnston	Randolph
Byrd, W.Va.	Jordan	Robertson
Cannon	Kefauver	Russell
Carroll	Kerr	Smathers
Church	Lausche	Smith, Mass.
Clark	Long, Mo.	Smith, Maine
Dodd	Long, Hawaii	Sparkman
Eastland	Long, La.	Stennis
Ellender	McCarthy	Symington
Engle	McClellan	Talmadge
Ervin	McNamara	Thurmond
Fulbright	Magnuson	Wiley
Gore	Metcalf	Williams, N.J.
Gruening	Monroney	Yarborough
Hartke	Morse	Young, Ohio
Hayden	Moss	

NOT VOTING—6

Allott	Chavez	Mansfield
Blakley	Dirksen	McGee

So Mr. KEATING's amendment, as modified, was rejected.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CLARK and Mr. KUCHEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CLARK. Mr. President, I offer my amendments identified as "5-18-61-D," and ask that they be read, after which I shall be glad to yield to the Senator from California [Mr. KUCHEL], with the understanding that I do not lose the floor.

Mr. KUCHEL. Mr. President, I appreciate the courtesy. I was about to ask the majority leader the plans for the rest of the day.

The PRESIDING OFFICER. The amendments offered by the Senator from Pennsylvania will be stated.

The LEGISLATIVE CLERK. It is proposed on page 4, line 25, after "American Samoa," to insert "the District of Columbia,".

On page 5, line 4, after "and (iii)" to insert "the allotment ratio for the District of Columbia shall be .50, and (iv)".

On page 5, line 24, after "American Samoa," to insert "the District of Columbia,".

On page 6, line 11, after "American Samoa," to insert "the District of Columbia,".

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the minority whip, the Senator from California [Mr. KUCHEL], without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

LEGISLATIVE PROGRAM

Mr. KUCHEL. Mr. President, I should like to ask my good friend the majority leader what plans he has for the rest of the day for the session of the Senate, and what plans he has for convening tomorrow.

Mr. MANSFIELD. Mr. President, it is anticipated as of this moment that the Senate will be in session until approximately 10 o'clock tonight. It is hoped we can come in at 9 o'clock tomorrow, Wednesday, and proceed diligently and at length.

If the consideration of the bill is not finished tomorrow, we might consider meeting at 8 o'clock on Thursday. If it is not finished then, we might meet at 7 o'clock on Friday. [Laughter.]

If it is not finished then——

Mr. KUCHEL. At dawn on Saturday. I thank my friend.

ORDER OF BUSINESS

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the senior Senator from Maine [Mrs. SMITH] without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

NAVY DEPARTMENT SYSTEM OF SELECTION OF NAVAL RESERVE ADMIRALS

Mrs. SMITH of Maine. Mr. President, for 2 years or more the Committee on Armed Services has been pointedly critical of the Navy Department on its system of selection of Naval Reserve admirals. The Preparedness Investigating Subcommittee has issued reports that have been specific in sharp criticism of the Navy.

In March of this year, the Chief of Naval Personnel submitted a report on corrective action that the Navy Department was planning to take in the matter and it was impressive and I was encouraged.

This spirit of cooperation continued until about a month ago, and since that time there are indications that it has stopped. A request to the Navy Department made on April 25, 1961, on action taken by the Secretary of the Navy in special treatment for a Naval Reserve captain—in which the Secretary of the Navy vetoed and overruled the captain noncontinuation board that had selected this particular Naval Reserve captain for being "plucked out" and forced into involuntary retirement—has not been answered. On May 9, 1961, an oral inquiry was made as to why there had been no response. As of this time, still no response has been made.

This matter involves a very important issue because practically every time that the Committee on Armed Services raises a question on admiral and general officer nominations, the answer given by the armed services is that no one can go behind the selection boards and a claimed sanctity and infallibility of selection boards is raised. Such claim then becomes the iron curtain behind which the committee has not been permitted to go to get at the real facts in some very questionable nominations.

Specifically on April 17, 1961, in his letter of that date to me, the Chief of Naval Personnel made this very argument as he stated:

> We must assume that this board, and others so convened, select the best qualified officers. To do otherwise would destroy the faith of the naval service as a whole in the impartiality of the selection system.

If there is such claimed sanctity of such selection and noncontinuation boards, then it certainly has not been recognized at times by the Secretary of the Navy and the Board of Correction of Naval Records, who have taken action to overrule and nullify selections and nonselections of such boards—and specifically, boards meeting in the late fall of 1960.

In this particular period, there were two important Reserve boards that met and made selections. One was the Reserve Flag Selection Board. The other was the Captain Non-Continuation Board. According to the March 30, 1961, letter of the Chief of Naval Personnel to me:

> Captain Non-Continuation Board was made up largely of the same flag officers who sat on the Reserve Flag Selection Boards.

Now because of the action taken by these two boards, the common membership of the two boards—that is, the fact that many of the same flag officers sat on both boards—is very important because of what each board did.

The Reserve Flag Selection Board selected, out of hundreds of Naval Reserve captains, 22 for promotion to rear admiral. The Reserve Captain Non-Continuation Board selected 500 Reserve captains for noncontinuation—for being plucked out—for being forced into involuntary retirement.

These same members of the boards on the one hand selected for forced retirement—for being kicked out of the active Naval Reserve—many, many Reserve captains with excellent records of very active participation and training in the Naval Reserve; but on the other hand, and in the same period, selected for promotion to rear admiral some reservists with records of practically no participation in the Reserve.

For example, one naval reservist selected for rear admiral had not earned a single participation point in the Naval Reserve for the 5 years prior to the board selecting him for promotion to rear admiral—in other words, his 5-year participation point record was zero. Yet, at the same time hundreds of loyally and actively participating Reserve captains were being forced into involuntary retirement.

The end result of this joint action was that the reward for loyal and active participation for hundreds of Naval Reserve captains was to kick them out of the Active Reserve—while some who were not active were being rewarded for their inactivity and being promoted to rear admiral.

And these 500 naval reservists, who were being kicked out, were not just point gainers who were without any distinction or honor. In fact, one of them—whom I do not know and have never had any contact with—was honored as an outstanding naval reservist in the very year that he was being selected to be kicked out.

By the very words of the Chief of Naval Personnel, this particular naval reservist was so outstanding and his performance so "splendid" that the Chief of Naval Personnel stated to me in a letter dated April 17, 1961, that it was his intention to ask this particular Naval Reserve captain to remain as the commanding officer of a Naval Reserve division during the next fiscal year, in spite of the fact that he would be on the retired list of the Naval Reserve—because of the captain's splendid performance in that particular assignment.

Yet, this outstanding Naval Reserve captain was selected for involuntary retirement while another Naval Reserve captain who had a zero participation point record for 5 years was selected in the same general time and by the same general group for promotion to rear admiral.

In the process of my inquiry in these matters, I discovered that the Secretary of the Navy had overruled and vetoed the action of the Captain Noncontinuation Board and had ordered stricken from the list of the 500 Reserve captains, to be kicked out of active status and forced into retirement, 1 Naval Reserve captain.

It was on April 25, 1961, that I asked for the full facts in this exception made by the Secretary of the Navy in which he breached the so-called sanctity of the Board. I wanted the facts because I wanted to compare the record of the one Naval Reserve captain given a reprieve and exceptional treatment by the Secretary of the Navy with that of the outstanding Naval Reserve captain who was being kicked out of the active Naval Reserve but whose performance was so splendid that the Chief of Naval Personnel intended to ask him to remain as commanding officer of his division for another year in his forced retired status.

Perhaps the reason why the facts have not been given to me as yet in this case is because they would be far too embarrassing to the Navy Department and the special treatment action given by the Secretary of the Navy cannot be justified.

Mr. President, the overall performance of the Navy Department in these matters casts a serious shadow over the integrity of the Navy in the administration of its Naval Reserve at the senior officer level. It is so serious that I shall ask the Senate Armed Services Committee to conduct a full investigation of these matters.

TRIBUTE TO SENATORS STYLES BRIDGES AND NORRIS COTTON

Mrs. SMITH of Maine. Mr. President, I happened to read an editorial recently concerning two of my Republican colleagues, which I should like to bring to the attention of the Senate.

The editorial, which appeared in the May 19 edition of the Nashua, N.H., Telegraph, pays tribute to Senators STYLES BRIDGES and NORRIS COTTON for their interest in the welfare of that community of some 40,000 persons.

Having served in the Senate for some time with these two able gentlemen, I have long been aware of their substantial contributions to the welfare of the country, as well as to the State of New Hampshire. However, it is gratifying to note that their service to the city of Nashua has received editorial recognition.

I ask unanimous consent, Mr. President, that the editorial from the Nashua Telegraph entitled "Kudos," be printed in the body of the RECORD.

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

KUDOS

Several important Federal projects will provide jobs for Nashuans and add considerably to our economy during the next few years, thanks to the vigilance and support of our New Hampshire Senators STYLES BRIDGES and NORRIS COTTON.

Ground-breaking ceremonies will take place early next month for the new $5 million air safety control center which will rise in the south end of the city and which will be in operation late in 1962. That figure is for the cost of the building alone. When it is completely equipped the Federal Government will have invested more than $15 million in the project.

Within 90 days the Government will ask for bids on a new post office, which will be leased from the builder for a long term. This building will arise on a site other than the present post office property, which has outlived its usefulness in this growing community.

Here again the interest and enthusiasm of Senators BRIDGES and COTTON is evident. Both have been working on the needed new post office building for many months and their efforts have been successful. Without their help and aid the project might well have been delayed many months, regardless of the need.

Both projects will offer a number of jobs to local citizens during their construction stage, thus adding to our payrolls which feed the economy of our retail business.

When the air safety center is completed it will mean the eventual moving to Nashua of about 200 experienced personnel needed to man this station. This, again, will be a tremendous boost to our community, along with some obligations, too.

A vote of thanks should be given the two New Hampshire Senators for their continued interests in the welfare of Nashua.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

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

Mr. CLARK. I yield to the Senator from Montana.

Mr. MANSFIELD. I ask unanimous consent that when the Senate concludes

its deliberations today, it stand in adjournment until 9 o'clock tomorrow morning.

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

ORDER OF BUSINESS

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield for not more than 5 minutes to the senior Senator from Ohio [Mr. LAUSCHE] who has some remarks he desires to address to the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

THE CUBAN SITUATION

Mr. LAUSCHE. Mr. President, I rise in my individual capacity, as a member of the Committee on Foreign Relations, to express an opinion on the proposal made by Castro that he will release the 1,200 Cuban prisoners captured by him in the recent invasion in exchange for 500 tractors from the United States.

I do not feel that I can be simply an auditor and spectator with regard to this grave problem confronting our country. My sympathies and compassion naturally are for those 1,200 men. I would like to urge that the proposal be accepted but I cannot do so. Castro is demanding ransom. He is blackmailing not only the Government of the United States but also its citizens. He anticipates that we will yield. He views us as a rag without character. As a consequence of what happened in Cuba, we have lost our prestige in the world to a degree that is beyond calculation at the present time. If we yield to Castro in his demand for tribute, such action will only constitute a message to our friends throughout the world who wonder why we yield to every demand made by Khrushchev, Castro, and their cohorts.

The demand is one for tribute and requires that we abjectly surrender. In my judgment, we cannot do so and preserve our honor. We could not do so and still declare to the world that we will not become the victims of blackmail and the demands for ransom and the trembling slaves of Communist threats.

Moreover, I think that under no circumstances should our Government permit private citizens to become negotiators in our international relations, and that point applies regardless of the dignity and the worth of the citizens who are attempting to act as such negotiators. Whatever is done should be done through the proper representatives of our Government. When we allow individuals to become the negotiators, we are abandoning the very principles upon which our Government is built.

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

Mr. CLARK. I yield to the Senator from Oregon.

Mr. MORSE. I merely wish the RECORD to show that I completely share the point of view that the Senator from Ohio [Mr. LAUSCHE] has expressed. I happen to believe that the foreign policy of this country should be run by the White House and the State Department and not by volunteer committees. I do not know where the end of the rope will be.

May I have the attention of the Senator from Indiana [Mr. CAPEHART], when I make the following comment. I also believe that the Committee on Foreign Relations of the Senate is entitled to know from one Mr. Dean Rusk, Secretary of State, as to whether or not the State Department in any way, manner, shape or form gave clearance to the program of this committee before it announced its program to the American people.

Mr. YOUNG of Ohio. Mr. President, will my colleague yield?

Mr. CLARK. Mr. President, I can see that the affairs of the District of Columbia, so far as education is concerned, will have to take a back seat. Knowing the mood and temper of the Senate, I am perfectly willing to continue to yield, if my friend will remember that sometime before we go home tonight I should like to have my amendment considered.

Mr. LAUSCHE. I yield to my distinguished colleague.

Mr. YOUNG of Ohio. Mr. President, I congratulate my colleague, the distinguished senior Senator from Ohio, and commend him for the magnificent statement he has made today concerning what proper American policy should be. One hundred and sixty-four years ago a great American, Charles C. Pinckney, said, "Millions for defense, but not one cent for tribute."

I fully agree with my colleague that, as far as the Government of the United States is concerned and as far as individual Americans are concerned, that statement should be the sentiment followed by Americans now. If we pay this ransom, our national conscience will have fallen to a new low. We must not yield to this flagrant attempt at extortion by Castro.

Mr. LAUSCHE. Mr. President, I express gratitude to the Senator from Oregon [Mr. MORSE] and to my colleague from Ohio [Mr. YOUNG], who was a prosecutor for many, many years, and I believe he knows clearly the meaning of blackmail.

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

Mr. CLARK. Mr. President, I believe I have the floor.

Mr. LAUSCHE. Mr. President, will the Senator from Pennsylvania yield further?

Mr. CLARK. I yield.

Mr. LAUSCHE. In my opinion, the Treasury Department should be cautious in the manner in which it approaches this problem. It is rather distressing to observe newspaper reports indicating that the Treasury Department has approved this proposal even before it has ripened into a state where it has assumed its proper form. The question of giving tax exemption to donors of funds for this purpose under no circumstances should be determined in any manner except under the law. I doubt very much that the question has been considered in that manner.

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

Mr. CLARK. Mr. President, I would be happy to yield to the Senator from Indiana, but I had promised that I would yield to the Senator from Delaware [Mr. WILLIAMS] first for not in excess of 5 minutes, after which I shall be happy to yield to the Senator from Indiana.

Mr. CAPEHART. The Senator from Delaware [Mr. WILLIAMS] is willing to yield to me now.

Mr. CLARK. Then I am happy to yield to my friend from Indiana.

Mr. CAPEHART. Mr. President, yesterday I took the floor to inquire whether or not the Tractors for Freedom Committee has been officially recognized by our Government. While some of that committee claim that they are operating officially, we have not had any word of this.

Today I am asking the President of the United States, or the Secretary of State, or any other responsible official, whether or not these people are acting with the advice and consent of our Government, or whether or not they are in violation of the Logan Act of 1799.

The spirit of the Logan Act is that there will be only one voice speaking for our Government, and that private individuals cannot take it upon themselves to speak for our Government.

Chairman FULBRIGHT of the Foreign Relations Committee aptly summed this up last year in discussing the role of some of the Israelis in the Suez Canal dispute. I am enclosing a copy of his statement on April 25, 1960, made on the floor of the Senate.

I am also asking Chairman FULBRIGHT to call the responsible Government officials before the Foreign Relations Committee immediately in an effort to ascertain once and for all who is running this country and by whose authority are we going to be blackmailed.

I wish to read what the chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT] stated on April 25, 1960:

> Mr. FULBRIGHT. Mr. President, for some years I have become increasingly concerned at the development in the United States of special pressure groups for purposes of pushing U.S. foreign policies in special-interest directions.
>
> We must, of course, accept the concept that in a democracy such as ours shipping interests will pressure Congress and the Executive to adapt foreign policies so they may serve collaterally, at least, the shipping interests; citizens will organize to promote foreign aid, or to oppose foreign aid; exporters will seek foreign policies to develop new markets and importers will seek policies that may hurt domestic manufacturers; religious groups will seek to promote some policies and oppose others.
>
> Our representative Government is designed to deal with these special interests, to balance them, and ultimately to develop policies which will skillfully blend conflicting interests in such a way that the total national interest will be served.
>
> There are limits, however, beyond which special interests cannot go without undermining the conduct of our foreign policies.

Many years ago, Congress enacted the so-called Logan Act. It reads as follows:

"Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than 3 years, or both. This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects (title 18, sec. 953, U.S.C.A.)"

The basic theory behind the Logan Act is that this Nation should speak with only one voice when it deals with other nations. No one save the President, or, with his approval, some specified individual, may presume to speak for the United States.

This basic rule is as good today as it was when enacted in the early days of the Republic.

But, Mr. President, there is a shadowland between the legitimate activity involved in the organization of special interest groups to influence foreign policy and the illegitimate activity proscribed by the Logan Act.

The questionable operation of individuals and groups in this area of foreign relations is illustrated by a recent dispatch in the New York Times. On April 15 the Times reported the activities of two maritime unions which picketed and thus prevented the unloading of the Egyptian passenger and cargo ship, the *Cleopatra*. The ostensible reason for this activity was that the unions by this demonstration protest the action of the United Arab Republic in boycotting ships that have traded with Israel or called at Israeli ports.

I hold no brief for UAR interference with international traffic passing through the Suez Canal. The point is, however, that the U.S. Government is proceeding through diplomatic channels to promote free passage through the canal. The Israeli Government, which complains that the UAR stops its ships, has available to it the procedures of the United Nations as well as other diplomatic devices for urging its views on the Government of the UAR. Yet, despite the official actions of the United States, we find private groups proceeding by coercive devices of their own to interfere with the official activities of our Government in the field of foreign policy.

These maritime unions do not seek an economic result related to wages or working conditions. Rather, they seek to force political action in an area of most delicate international negotiation.

I am not privy to any international secrets involving efforts to reopen the canal to Israeli shipping. But let us suppose that the work of U.N. Secretary General Hammarskjold, aided by the good offices of the United States and other governments, is nearing a conclusion. Were this the case, I can imagine few interventions by private groups—such as these unions—which might be more clearly calculated to thwart the objectives of our Government's foreign policy; in this case, peace and stability in the Middle East.

Subsequent to drafting these remarks, my attention has been called to the fact that the State Department has informed the picketing unions that their conduct is embarrassing this Nation in the conduct of its foreign policy.

My objection to this kind of activity is an objection of principle, not of specifics.

I understand that the Internal Revenue Service at this very moment is meeting, and may be deciding that they will make the $15 or $20 million involved a tax deductible item. I have also heard the rumor today that there is talk about people trying to figure out a way of perhaps shipping the tractors to Canada and then reshipping them to Cuba, and that they are tryng to figure out some way of going behind the law requiring the obtaining of an export license before these tractors can be shipped to Cuba.

This leads me to an editorial which appeared in the Indianapolis News of yesterday, from which I should like to read:

WHAT GOES ON HERE?

As of this writing, self-appointed private citizens' groups—the most notable headed by Eleanor Roosevelt, Walter Reuther, and Milton Eisenhower—are raising money for the release of some 1,200 Cuban rebels, captured during the recent unsuccessful attempt to rescue their homeland from Communist rule. The money, $20 million, will be used to purchase tractors or bulldozers for Fidel Castro's Red regime.

One newspaper, supporting the idea of a trade with Castro, declared in a front page editorial that it believes "a human life is worth more than a machine," and so do we. But, if, for the purpose of preserving human lives, we submit to Castro's brazen blackmail attempt, we will be opening the door to every future tyrant and bully boy, large or small, who decides to make a laughing stock out of the United States. Also, there is the little matter of the law, conveniently overlooked by the State Department, prohibiting private citizens from negotiating with foreign governments. The activities of these self-appointed committees, unofficially supported by our Government, are unprecedented in our own history or in the history of international diplomacy.

Castro is not offering this deal because he especially needs 500 tractors, although he certainly could put them to good use in helping to solve his dire farm problem. He offered the deal precisely because he and his Communist bosses want to see exactly how far they can push the United States before it stops acting like a sniveling coward and once again flexes its national muscles. Why else did Havana radio gloatingly announce that Castro would deal only with the United States—and remember, the 1,200 prisoners are Cubans, not U.S. citizens—and not with a neutral country.

What happened to that national pride we displayed in 1797, when after the unsavory French Foreign Minister Talleyrand demanded a bribe as the price of negotiating with the United States, our envoy Charles C. Pinckney replied with his memorable, "Millions for defense, but not one cent for tribute." What happened to the courage displayed by our Nation in 1853, when, after Austria kidnaped a former citizen who had since taken out his first U.S. citizenship papers, an American war sloop pulled into the harbor of Smyrna (where the prisoner was being held) and its commander ordered the Austrian commander to return the man or face immediate consquences? (Naturally, the man was returned.)

How different today. It's bad enough we supplied the push to the rebel invasion of Cuba, and then lacked the courage to see it through to victory. It's bad enough that we allow Castro to insult our Nation, and publicly declare his island a part of the Soviet bloc. But to pay blackmail to his Communist government, just days after both our President and our House of Representatives agree that it constitutes "a clear and present danger" to our sovereignty, is nothing short of fantastic.

Patrick Henry once asked his fellow men, "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery?" Today, 186 years later, during which time we have grown from an infant Nation of unlimited courage to a mighty Nation which appears suddenly to have lost her national conscience, we might ask whether life is so dear or peace so sweet as to be purchased at the price of blatant blackmail? We think not.

Shades of George Washington, shades of Patrick Henry, shades of Thomas Jefferson, shades of Capt. John Paul Jones, shades of Admiral Farragut, shades of Abraham Lincoln, shades of Teddy Roosevelt, shades of Iwo Jima and Anzio.

What in heaven's name goes on here in the home of the free and the land of the brave?

That should be the philosophy of every Senator.

I said yesterday, and I repeat, How silly and ridiculous can we get? According to a ticker tape report, the President of the United States has told the majority leader today that the Government is going to have nothing to do with this matter. So I ask again, Who is running the State Department? Who is running the Government? Is it Mrs. Roosevelt or Mr. Reuther or Dr. Milton Eisenhower? Or is it the President of the United States? The Senate should find out. Certainly the American people are interested in knowing. What right do we have to deal with a blackmailer like Castro? What right do we have even to be considering making $15 million or $20 million tax deductible? That would mean that the American taxpayers would contribute 80 percent in taxes. I repeat, How silly and how cowardly can we in the United States become?

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield 5 minutes to the Senator from Delaware without my losing the floor.

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

Mr. WILLIAMS of Delaware. Mr. President, I wish to join the Senator from Indiana in denouncing the so-called tractor deal with Castro. I call particular attention to an article published in the New York Times of today. I will quote from it, as follows:

The Tractors for Freedom Committee was organized this morning to provide a formal group for the collection of contributions.

The article is dated today. It states that the group was organized this morning. I continue to read from the article:

In discussions over the last 3 days, the Government had ruled that contributions to the committee would be tax exempt, given assurances that export licenses would be granted for a shipment of the tractors, and told committee officials they would not be considered to be violating the Logan Act forbidding private citizens from negotiating with foreign governments.

I raise the question of the propriety of a tax exemption. However, first I ask how can the Treasury rule on an application for a tax exemption for an organization prior to the time that it has even been organized, or prior to the time that it could possibly have filed an application?

At this point I would like to read the law on the establishment of tax-exempt organizations. I quote section 170(c) of the 1954 Tax Code:

Section 170(c) of the 1954 code defines the term "charitable contribution" for purposes of the deduction to include any contribution to an entity organized in the United States "* * * exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals * * *" providing "no substantial part of the activities is attempting to influence legislation." The word "charitable" is not defined or explained in the statute.

The word "charitable" is not defined or explained in the statute, but the regulations under section 501(c)(3) more fully defines what the term includes. I quote that regulation:

Relief of the poor and distressed or of the underprivileged; advancement of religion; advancement of education or science; erection or maintenance of public buildings, monuments, or works; lessening of the burdens of Government; and promotion of social welfare by organizations designed to accomplish any of the above purposes, or (i) to lessen neighborhood tensions; (ii) to eliminate prejudice and discrimination; (iii) to defend human and civil rights secured by law; or (iv) to combat community deterioration and juvenile delinquency.

By no stretch of the imagination can the Department refer to Mr. Castro's regime as a religious organization. Certainly his regime is not a charitable organization. It is not a scientific organization. There is nothing about Mr. Castro which would contribute to literary or educational purposes. Under the act those are the only reasons on the basis of which a ruling can be made that such contributions can be said to be tax exempt.

Certainly this is not charity; it is nothing short of international blackmail.

I hope the Committee on Finance will give this question attention the first time the Secretary of the Treasury is before us. Certainly we should get the answers to these questions: First, did the committee to aid the Cubans get a ruling as reported in the New York Times? If so, how could the Internal Revenue Service have made such a ruling for a group before it was organized? How could this ruling have been made before the Internal Revenue Service had received the application? A committee cannot file an application until after it has been organized. How could the Internal Revenue Service review and evaluate what was an an application filed by a group which had not yet been organized?

As the Senator from Indiana said, I think it is time we found out who is managing this fast action, who is giving assurance to this committee that tax exemptions will be granted.

Mr. SALTONSTALL. Mr. President, will the Senator from Delaware yield?

Mr. CLARK. Mr. President, I have the floor. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I thank the Senator from Pennsylvania.

First. Can there be a ruling by the Internal Revenue Service without a policy being established by the administration?

Second. Is it not true that the legal interpretation of "charitable organization" is based upon charities located within the United States and not charities located outside the United States?

Mr. WILLIAMS of Delaware. The answer to the Senator's second question is as he has stated. The law relates to contributions made to organizations in the United States, not to those located outside the United States.

Will the Senator please repeat his first question?

Mr. SALTONSTALL. My first question was, How can a ruling be made by the Internal Revenue Service concerning a problem of this kind without a policy having been established by the State Department or the administration as to whether what is proposed is an organized effort and a proper effort by U.S. citizens?

Mr. WILLIAMS of Delaware. The Treasury Department, in making its ruling, could properly consult the State Department and ascertain some of the background of the committee. However, final rulings are supposed to be based upon the merits of the case as applied to interpretations of the law, not upon special appeal made by the State Department or anyone else in the executive branch.

The rulings are supposed to be based upon law. I have read the law. The Treasury Department has no right to issue an arbitrary ruling merely to comply with the wishes of anyone in any agency of the Government, whether he be in the legislative branch or the executive branch.

We have had similar trouble along that line before. Several years ago, the executive branch insisted upon the issuance of a ruling by the Treasury Department which permitted certain large contributors to the Democratic Party to be written off as charitable deductions. There was over half a million dollars' worth of such contributions. Under that ruling the Democratic National Committee was in effect classified as a charitable organization for tax deductible purposes. When discovered though, they hastily reversed this ruling.

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

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield 2 additional minutes to the Senator from Delaware.

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

Mr. WILLIAMS of Delaware. I thank the Senator from Pennsylvania.

Mr. MORTON. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MORTON. Is not the Democratic National Committee a charitable organization? [Laughter.]

Mr. WILLIAMS of Delaware. The rulings of the Internal Revenue Service are supposed to be based upon strict interpretation of the law, after the Commissioner of Internal Revenue has had the application of the organization submitted to him and after he has evaluated all the points raised in the application. If the executive branch can get these rulings merely upon request without regard as to merits, then why have a Commissioner?

Sure, the Commissioner may ask for advice, but he is not supposed to make a ruling based upon pressure from the executive branch or from anyone else. If he did, Congress might as well stop passing laws.

Ordinarily, it takes months to get such a ruling. Most certainly one cannot get a ruling as quickly in bureaucratic Washington as apparently the organization in question secured its ruling. The bureaus simply do not rule that fast, and if they do then something is wrong.

Mr. SALTONSTALL. Is it not true that the purchase of machinery, no matter for how humane a purpose, cannot be regarded as a charitable undertaking under any circumstance?

Mr. WILLIAMS of Delaware. Certainly. By no line of reasoning can it be said that what is proposed to be given to Mr. Castro is charity. Certainly it cannot be ruled that blackmail payments to his regime are charity. I repeat the language of the law: tax exemptions are for gifts made:

Exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals.

How can Mr. Castro qualify under any of those definitions?

Under the regulation which has been issued under section 501(c), it is provided that a charitable organization, for tax deduction purposes, includes organizations which have been formed "to combat community deterioration and juvenile delinquency."

The closest Castro might come to qualifying under that language would be in the category of juvenile delinquency, and I doubt their application will be based upon helping Mr. Castro as a "juvenile delinquent."

Mr. CAPEHART. Mr. President, will the able Senator from Pennsylvania yield me 1 minute, so that I may address a question to the Senator from Oregon?

Mr. CLARK. I yield 1 minute to the Senator from Indiana.

Mr. CAPEHART. Mr. President, as I understand, the able Senator from Oregon [Mr. MORSE], chairman of the Subcommittee on Latin American Affairs, has stated that it is his understanding that the chairman of the Committee on Foreign Relations, the distinguished Senator from Arkansas [Mr. FULBRIGHT], will ask representatives of the State Department to appear before the committee tomorrow. Is my understanding correct?

Mr. MORSE. In a conversation with the chairman of the committee, he said he planned to ask representatives of the State Department to appear before the committee tomorrow afternoon. However, I cannot speak definitely for him.

Mr. CAPEHART. I did not wish to leave the impression that the able chairman of the Committee on Foreign Relations or the able chairman of the Subcommittee on Latin American Affairs were not in any way cooperating in this matter.

Mr. MORSE. I think it is fair to say—and I believe the chairman of the committee would say so, were he on the floor—that he is concerned about the situation, and desires that there be consultation.

Mr. CAPEHART. The point is that both the Senator from Arkansas and the Senator from Oregon are cooperating to have these questions answered.

Mr. MORSE. The Senator is correct.

SCHOOL ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (S. 1021) to authorize a program of Federal financial assistance for education.

Mr. CLARK. Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the RECORD instead of at a point some minutes earlier, before the colloquy which has just been concluded developed.

The PRESIDING OFFICER. Is there objection?

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

On page 4, line 25, after "American Samoa," insert "the District of Columbia,".

On page 5, line 4, after "and (iii)" insert "the allotment ratio for the District of Columbia shall be .50, and (iv)".

On page 5, line 24, after "American Samoa," insert "the District of Columbia,".

On page 6, line 11, after "American Samoa," insert "the District of Columbia,".

Mr. CLARK. Mr. President, the purpose of the amendment is to increase the allotment to the District of Columbia for public school education purposes.

The formula provided in the bill for apportioning the funds divided among the States, the District of Columbia and U.S. possessions, is unfair to the District of Columbia for a reason readily apparent on examination of the bill.

One of the factors on which the apportionment formula is based is income per public school pupil, which is determined by dividing the number of school age children 5 to 17 inclusive by the total income of individuals in the State or district.

There is, of course, a highly artificial element in the income of the District of Columbia because there are many residents here with substantial income who contribute little to the District of Columbia government because of exemptions in the District's tax laws for Members of Congress and certain other Government officials. Naturally this inflates the District of Columbia income figure considerably with the result that the District's allotment ratio is the minimum permissible figure of 0.25 and under the committee bill $9.26 share per school age child provided the District is the lowest share for any State, district, or possession.

Mr. President, having served on the Committee on the District of Columbia with the distinguished Senator from Oregon [Mr. MORSE], who is in charge of the bill, during the first 2 years of my membership in the Senate, I had occasion to learn at first hand the almost pitiable condition of the schools of the District of Columbia, schools which should be really the showcase of our public school system but which unfortunately are far from that.

I have asked Mr. Charles Lee, a member of the staff of the Subcommittee on Education, to prepare a memorandum concerning the educational needs of the public school system of the District of Columbia. I ask unanimous consent that it be printed at this point in the RECORD.

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

MAY 11, 1961.

Memorandum to: Mr. John S. Forsythe.

From: Charles Lee, professional staff member, Education Subcommittee.

In response to your request the following information concerning educational needs in the public school system in the District of Columbia is respectfully submitted:

1. Total enrollment	121,448
Elementary	80,805
Junior high school	24,419
Senior high school	12,696
Vocational high school	2,274
Americanization School	674
Veterans High School Center	551
Capitol Page School	29
2. Teachers	4,500
Fully accredited	3,200
Uncertified	1,300

29.4 percent of teachers lack full accreditation.

3. School buildings:

According to a recent survey conducted by the Office of Education there are 49 school buildings definitely substandard which should be replaced out of a total of 165 buildings currently being used for schools. An example of the type of school building for which replacement is being sought is Hines Junior High School. This structure was built in 1894. In part it was condemned in 1923. It has been used consistently since that date although the auditorium is boarded up and one-half of the top floor is cut off. The situation has been repeatedly brought to the attention of the District officials by the Members of the Senate District Committee. Senator MORSE in the 86th Congress warned the District in a statement on the floor of the Senate that the building was a potential fire hazard. Some 3 months later a fire occurred. Fortunately, at the time there was no injury or loss of life because the pupils under excellent discipline were quickly evacuated.

4. Fiscal situation in the District of Columbia:

For fiscal year 1962 a total budget of $291,400,000 has been requested. This amount includes $54,500,000 for operations and maintenance, including salaries, of the school system. Capital outlay for the school system is $9,200,000. A revenue deficit is forecast for the general fund (on the assumption that Federal payment will be as in the past $25 million annually) in the amount of $32 million.

Revenue possibilities being explored include a legislative program to increase District sales taxes, increase taxes on liquors, additional taxes on cigarettes, and a change in the method of computing the corporation income tax, all of which, if enacted, would yield $14 million. In this connection, it might be noted that the Senate and the House in the 86th Congress could not agree upon requested tax increases.

Real estate is taxed in the District currently at $2.30 per $100 of assessed valuation (assessed value is computed at 55 percent of full value). For fiscal year 1963, District Commissioners had indicated that they would request an increase of 20 cents per $100 so that the rate would be $2.50 per $100 of assessed value. District income tax rates are proposed to be 4 percent on the first $100 of Federal taxation, 8 percent on the amounts between $100 and $200, 12 percent on rates $200 to $1,000 and 13 percent on all amounts of Federal taxation over $1,000.

Because of the unique characteristics of the District of Columbia 53.2 percent of the area of the District of Columbia, exclusive of streets, alleys and water, is tax exempt because it is occupied by Federal instrumentalities, foreign embassies, charitable and philanthropic organizations, or Federal park land. In terms of value 44.8 percent of the property in the District is tax exempt.

I am advised that with respect to taxing policy the District ranks at the median and slightly below the contiguous metropolitan counties of Maryland and Virginia. In this connection, it should be noted that the District does not share in Federal educational moneys of Public Laws 815 and 874.

I am advised that the teacher pay and other pay increases granted by the last Congress (on the assumption that the Federal payment is not increased) will force a cutback in capital outlay of $30,500,000 from the project $40 million program. This would affect adversely among other items one junior high school, one addition to a junior high school and two large elementary public schools.

In addition to the tax revenues the District has access to borrowing authority of $75 million for capital construction needs, $36 million of this authority has already been obligated, $16 million is included in the 1962 fiscal year estimates, leaving but $23 million available for future use.

Mr. CLARK. Mr. President, I desire to quote one paragraph from that memorandum:

Because of the unique characteristics of the District of Columbia, 53.2 percent of the area of the District of Columbia, exclusive of streets, alleys, and water is tax exempt because it is occupied by Federal instrumentalities, foreign embassies, charitable and philanthropical organizations, or Federal park land. In terms of value, 44.8 percent of the property in the District is tax exempt.

My amendment sets the District of Columbia's allotment ratio at .50, the median provided for all States and possessions under Senate bill 1021. The result would be to increase from approximately $1,600,000 to $3,100,000 the amount of funds to be received by the District of Columbia under the bill.

I believe the amendment would have been accepted in the committee if it had been offered there in time. Unfortunately, the inequity which the formula under the committee bill does to the District of Columbia was not pointed out to me until the committee had ordered the bill reported, and it was then too late to poll the committee on that question.

I ask the Senator from Oregon to accept this amendment, for I am confident that it would do no more than give the

District of Columbia its fair and equitable share. Is the Senator willing to accept the amendment?

Mr. BUSH. Mr. President, I should like to ask the Senator from Pennsylvania to yield before the debate on the amendment concludes.

Mr. CLARK. I am glad to yield at this time.

Mr. BUSH. Mr. President, I am very much disturbed by this allocation of funds, because it is impossible for me to ascertain how the State which I have the honor to represent, in part, could come out as badly as it does, in relation to all the other States, under almost any formula which could be devised.

I know this formula was not devised in order to punish Connecticut in any respect or for any reason. I do not believe Connecticut has done anything which would cause it to incur the enmity of the committee or the statisticians or the staff and so forth.

On the contrary, we believe that our State has been progressive in the matter of education, and we have done better than has the average State in regard to the construction of classrooms, improving the salaries of teachers, educating teachers, and so forth; and I believe that the experts in this field consider our State to be a very progressive one in many areas. However, we find that we come out at the bottom of the totem pole, as regards the allotment of funds.

I do not wish to protest against having the District of Columbia receive a better "deal", for I have never felt that the Congress was adequately generous as regards the total allocations to the District of Columbia. In fact, I have felt so strongly about that matter that I have proposed that the Constitution of the United States be amended so as to permit the District of Columbia to be represented by 2 Senators in the Senate of the United States and by proportionate representation in the House of Representatives. If the District of Columbia has found a method by means of which it will receive a better "break" in connection with this school bill, I shall vote for such a provision.

But I wish the Senator from Pennsylvania would explain to me how it is that Connecticut—to be specific—could possibly come out with the very worst treatment that any State receives. No other State will receive worse treatment.

On page 5 of the report, near the top of the page, we find the following:

> The allotment of Federal funds among the States under the reported bill follows an equalization formula which is based upon relative number of school-age children (5 to 17, inclusive) and relative income per school-age child.

If we examine page 108 of the hearings, part I, we find a table which shows "Personal Income Per Pupil." In the table, we find that Connecticut is about the 7th or 8th from the top of the list. The District of Columba heads the list, and is followed, in order, by New York, Delaware, Illinois, New Jersey, Massachusetts, and Alaska, all of which have personal incomes per pupil greater than does Connecticut. So it is impossible for me to ascertain how it is that Connecticut comes out with so bad a "deal."

Mr. CLARK. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I am glad to yield.

Mr. CLARK. I have great sympathy for the position taken by the Senator from Connecticut; and, in my judgment, under the formula, which presumably has been applied uniformly, Connecticut certainly gets a very bad "deal." I, for one, will be glad to have Connecticut treated better.

Mr. BUSH. Have we any recourse?

Mr. CLARK. Well, of course I am not in charge of the bill.

As regards the table which appears on page 108 of the hearings, to which the Senator from Connecticut has referred, let me say the table is based on the number of children in average daily attendance in the public schools, rather than on the number of children in the 5 to 17 age group, regardless of whether they are in public schools. Of course, the two are not comparable.

I know the Senator will agree that in Connecticut a very large proportion of the children are enrolled in private or parochial schools. Therefore, this table does not give us much help in connection with the formula, insofar as Connecticut is concerned.

Furthermore, I am advised that the per capita income in Connecticut is the highest in the country. Therefore, it is not hard to understand how Connecticut comes out so badly. Thus, I thoroughly sympathize with the position taken by the Senator from Connecticut.

Mr. BUSH. Mr. President, I do not wish to challenge what the Senator from Pennsylvania has said; but in this connection I may point out that in the same volume of the hearings—part I—there is to be found a table 49. It appears on page 256, and is entitled "Per Capita Personal Income, 1959." The list is headed by Delaware; Connecticut is second; Nevada is third.

However, when I look on page 4 of the report, I find from the table which appears there that Nevada will receive $13.69 per school age child, whereas Connecticut will receive only $9.26 per school age child. In other words, Nevada will receive almost 50 percent more than will Connecticut.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator from Connecticut will yield to me, let me say that I can sympathize with the position he takes, because in the list to which he has referred, Delaware is next to Connecticut in terms of the low amount it will receive. Certainly both Delaware and Connecticut receive less than the average—even though I realize that the announced purpose is to help the poorer States. The trouble is that under the committee formula that is not what happens.

Mr. CLARK. Mr. President, I agree that Delaware is not very well treated. On the other hand, Pennsylvania is well treated. I wish I could say that I am entitled to credit for the treatment Pennsylvania receives in that connection; that I had fought like a tiger to have the amount to be received by Pennsylvania increased. However, as a matter of fact, Pennsylvania's share was arrived at purely as a result of the committee's determination of the formula which appeared fairest to all States.

If the Senator will examine the table on the right hand side of page 257 of part 1 of the hearings—the table is entitled "Personal Income Per Child of School Age"—he will see that Delaware is the 3d in the list and Pennsylvania is 10th. This formula was worked out in terms of personal income per child of school age—ages 5 to 17, inclusive. That is why Connecticut does not come out as well as Pennsylvania does, under the formula that is used.

Let me say to the Senator from Connecticut that although any one of a dozen formulas could have been used, we used one which we thought was fair. I found out that, in the end, the formula resulted in having Pennsylvania receive generous treatment. Needless to say, I did not object to that. But it occurred to me that the formula was unfair to the District of Columbia; perhaps it was also unfair to Connecticut. However, my amendment is confined to the District of Columbia.

Mr. BUSH. Does the Senator from Pennsylvania know of any way to alleviate that situation?

Mr. CLARK. It is my understanding that the distinguished chairman of the subcommittee is prepared to accept my amendment. But I am somewhat afraid that he would not accept the amendment if it were modified in such a way as to have it also deal with Connecticut and Delaware.

However, I suggest that the Senator from Connecticut address his remarks, not to me, but to the Senator who is the floor manager of the bill.

Mr. BUSH. Well, the floor manager of the bill has been in a very generous humor during the last few days and has been extremely courteous to us. So I should like to see whether the Senator from Oregon has any suggestion to make as to how our distress may be alleviated.

Can we escape from this discrimination? I have heard the Senator talk against discrimination so often that I hoped he would find a very simple way to correct it.

Mr. CLARK. The Senator from Connecticut has made several eloquent speeches against discrimination in connection with the Bush amendment.

Mr. BUSH. I am making one right now, although I am afraid it is not very eloquent. It is falling on deaf ears.

Mr. CLARK. Before the Senator from Oregon replies, let me say that I think there is quite a precedent for offering the District of Columbia slightly different treatment from that given the 50 States. The way of handling it in my proposed amendment is to put the District of Columbia in with a number of other parts of the United States of America which are not themselves States—Puerto Rico, the Virgin Islands, American Samoa, and Guam—and treat the District of Columbia as being in that kind of special category, instead of in the category as though

it were a State, which it is not. I think the amendment does justice to the District of Columbia. I will not pretend it does justice to the State of Connecticut.

Mr. BUSH. The Senator reminds me of a poem I read on a roadside billboard:

Here lies the body of John O'Shea
Who died maintaining his right-of-way.
He was right, dead right, as he drove along,
But he's just as dead as if he'd been wrong.

That is the way I feel about it, so far as Connecticut is concerned.

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

Mr. CLARK. I yield to the Senator from Arizona.

Mr. GOLDWATER. Is it not true that the District of Columbia Committee has tried to get additional money for the schools in the District of Columbia?

Mr. CLARK. I am no longer on the District of Columbia Committee. The Senator from Oregon can answer that question. I know that when I was on the committee we tried to get more money for educational purposes in the District of Columbia. We were not able to do so because of an attitude in the other body of Congress which I am not at liberty to criticize on the floor.

Mr. GOLDWATER. I find myself in sympathy with the District of Columbia and the position in which the District of Columbia finds itself, but I think this is more a matter which should be left to the District of Columbia Committee, and not a matter to be inserted in a Federal aid to education bill, especially when it favors one area of our country over another in the distribution of funds.

I would think it would be proper for the Senate to vote on this proposal, but I would object to the amendment being accepted by the floor manager of the bill. I would suggest the absence of a quorum so that we might obtain a vote on the amendment at the proper time.

Mr. CLARK. Let me say to the Senator from Arizona, before we proceed any further that the District of Columbia is not getting any special treatment. It is being treated as though it were a median State. It is being given the same treatment as is American Samoa, Guam, the Virgin Islands, and Puerto Rico. If the Senator wishes to persist in his position, very well, but I say to him that this is a simple, compassionate, and decent way to give the District of Columbia Federal money for schools which it so badly needs, and that the suggestion of the Senator from Arizona will inevitably result in not giving to the District of Columbia the kind of assistance which those of us who have had an opportunity of looking into the educational needs of the District of Columbia know it needs.

Mr. GOLDWATER. I agree with the Senator that this is a very good way to get more money for the District of Columbia, but there are a number of other States in the category between low and median, and I think the precedent set by adopting this amendment could be a dangerous one.

I sympathize with the Senator from Connecticut [Mr. BUSH], who complains that his State is not adequately treated. It would be perfectly proper for him to make a similar move to bring Connecticut higher up. It would be proper for any Senator representing a State which was in the category from low to medium to make a move to bring those States up to a higher level. I think they might be considered as being derelict in their duty if they did not do so.

Mr. CLARK. Mr. President, as is not infrequently the case on this floor, I disagree with everything the Senator from Arizona says, but defend his right to say it. I see no point in prolonging the discussion. I renew the question to the Senator from Oregon as to whether he would be agreeable to accepting the amendment.

Mr. KEATING. Mr. President, before yielding to the Senator from Oregon, will the Senator yield to me?

Mr. CLARK. I yield.

Mr. KEATING. I want to find out what the effect of the Senator's amendment is. Would the District of Columbia get funds under the bill as it stands?

Mr. CLARK. It would get funds under the bill. If the Senator will turn to page 4 of the report, he will see the amount the District of Columbia would get under the bill would be $1,565,588, which represents $9.26 per school-age child from 5 to 17, inclusive, the lowest figure per school-age child of any one of the 50 States except Connecticut, with respect to which it is identical.

Mr. KEATING. The purpose of this amendment, then, is to upgrade the District of Columbia so that it would get more than it would otherwise receive. How much would it receive under the Senator's proposal?

Mr. CLARK. The District of Columbia would get the national average figure of and per school-age child. It would get $3,100,000 instead of $1,500,000. The method of computation, as I said a minute or two ago, is to treat the District of Columbia as being in the same category with all the other geographic areas which are receiving assistance under the bill, aside from the 50 States.

Mr. GOLDWATER. Mr. President, will the Senator yield on that point?

Mr. CLARK. In just a minute.

In further answer to the Senator from New York, the District of Columbia would be treated, on a per capita per schoolchild basis, as receiving $18.54, which is the median amount.

I now yield to the Senator from Arizona.

Mr. GOLDWATER. I ask the Senator from Pennsylvania if it is not true that the personal income per pupil in the District of Columbia is the highest in the country, and that in the territories to which the Senator keeps referring it is probably the lowest?

Mr. CLARK. That is a deceptive figure, although it may well be accurate. The reason why it is deceptive is that so much personal income is included in the District of Columbia figures which is not subject to taxation. I point out, for example, that the salary of the Senator from Arizona and my own salary are not subject to District of Columbia income taxes. The incomes of Presidential appointees, or any Member of Congress, or the salaries of staff officials who are domiciled elsewhere, are not subject to District of Columbia taxes. I point out again, as I did earlier, when the Senator from Arizona was not present, that only 44 percent of the total valuation of property in the District of Columbia is subject to taxation, because of the huge Federal holdings.

I point out what the Senator from Arizona knows, that for many a long year Congress has been unwilling to make adequate Federal payment to the District of Columbia.

Mr. GOLDWATER. The Senator from Pennsylvania had made the remark that we were to treat the District of Columbia as we were treating Puerto Rico and some of our other holdings. I want to make clear that we are not talking about comparable figures when we talk about the District of Columbia and Puerto Rico, the Virgin Islands, and other places in our possession that we take care of.

Mr. CLARK. What the Senator from Arizona says is fundamentally true, but I suspect, in all candor, he will agree with me that the District of Columbia is a pretty special case so far as tax incidence is concerned, because it is under the control of the Federal Government. It does not have the right or ability to impose taxes. It does not get an adequate Federal payment. Tens of thousands of residents of the District of Columbia are not liable to District taxation, because they are legal residents elsewhere, except for property taxes.

Mr. GOLDWATER. When my friend served on the District of Columbia Committee, was any effort made to increase the taxes which would apply for school purposes?

Mr. CLARK. I shall have to ask my friend from Oregon to answer the question. My memory is hazy.

The question asked is whether any effort has been made to increase District of Columbia taxes, the implication being, perhaps, that the District of Columbia ought to raise taxes instead of getting an additional Federal payment.

Mr. MORSE. We tried last year, and we were not able to do so. The two Houses could not get together in that regard.

Mr. GOLDWATER. Mr. President, I intend to ask for a vote on the amendment, instead of merely having the amendment accepted.

Mr. MORSE. Mr. President, my acceptance of the amendment would require a vote. I cannot accept the amendment without the Senate having a vote. All my acceptance of the amendment would do would be to show what is the position of the floor leader on the amendment. I shall make a statement briefly as to the position of the majority of the committee.

Mr. CLARK. Mr. President, I yield the floor.

Mr. GOLDWATER. I realize that what the Senator says is true, but I should like to suggest the absence of a quorum and to ask for the yeas and nays on the amendment. I think the amendment would establish a dangerous precedent.

Mr. MORSE. I give the Senator my assurance that he will have an opportunity to suggest the absence of a quorum before a vote is taken.

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

Mr. MORSE. I yield to the distinguished Senator from South Carolina.

RIGHTS AND INCITEMENT TO RIOT

Mr. THURMOND. Mr. President, the able columnist, David Lawrence, has again demonstrated the perceptiveness necessary to separate the wheat from the chaff in confused national issues. A column entitled "Rights and Incitement to Riot," appearing in today's edition of the Evening Star, by Mr. Lawrence points up the distinction between the exercise of lawful rights and the breach of public order which constitutes an infringement of the rights of others. This is the context of the article:

There is a constitutional right to free speech, but—as the Supreme Court has said—there is no right falsely to cry "Fire" in a crowded theater.

There is a constitutional right to demonstrate, but not a right to provoke or incite people to riot.

There is a constitutional right to assemble in a hall to espouse any cause, but not a right to organize a "sit-in" demonstration for the express purpose of using private property—against the wishes of the owners—to stir up passions and create incidents of disorder.

For decades now the American people have been denouncing lynch rule and mob action, and the cry has been for adherence to constitutional law and the orderly precedures of the courts.

But what happened in Alabama over the weekend reveals clearly that incitement to riot is the fundamental cause of the trouble. Mayor Robert Wagner of New York, not many months ago, rightly refused to give a permit to a rabble-rouser who wanted to defend the Nazi point of view at meetings in the heart of the metropolis, where the bulk of the population was bound to resent such statements and perhaps be stimulated to mob action.

It was all very well for civic groups later to argue that a permit should have been granted by the mayor and that the champion of Nazi doctrines had a right to free speech, but the mayor knew what the consequences would be and acted wisely. Alabama's attorney general has just told the same rabble-rouser to keep out of the State.

Today the Federal Government under the Kennedy administration has made the same mistake at Montgomery as did the Eisenhower administration at Little Rock. Both refused to let local authorities deal with the situation. The more than 400 Federal marshals fully armed, who were mobilized in Montgomery last Sunday were, as Senator DIRKSEN, of Illinois, says, hardly different from Federal troops.

There are, of course, plenty of legalisms involved. At Little Rock the Governor of Arkansas ordered out the National Guard to prevent mob violence around the school. But the Federal Government construed this as an impediment to the enforcement of a Federal court order on desegregation of public schools.

In Alabama a court order issued by an Alabama State judge had called on the so-called freedom riders to abstain from their demonstrations on buses which had been advertised in advance and were certain to stir up trouble. Notwithstanding the existence of this State court order, the Federal Government intervened with Federal marshals, claiming that law and order had broken down.

Indeed, an 1871 Federal statute was cited by the United States Department of Justice as authority for the step, though this law specifically refers to Federal intervention only where there is insurrection or domestic violence due to a refusal or inability of a State to grant protection. It can hardly be said that the action of a mob, even though some negligence is temporarily displayed by local police, constitutes such an insurrection in a constitutional sense. On the contrary, the Governor of Alabama recognized the right of the bus to engage in interstate travel and the right of passengers on the bus to be protected. Just how this gets to be insurrection is hard to understand. Neither the Governor nor the legislature requested the Federal intervention as the Constitution prescribes must be done when domestic violence develops beyond the State's control.

It is true that the U.S. Attorney General and the Governor of Alabama discussed beforehand the events leading up to the crisis on Saturday, but this does not justify Federal intervention any more than it justifies mob action. Unless the regular processes of the law are permitted to take their course, the whole thing just becomes an emotional spectacle with politics and the bid for votes in the populous Northern States playing its part, both under a Democratic and a Republican national administration.

If, as Supreme Court decisions in the past have indicated, there is a right of any citizen to travel through a State or inside a State without color discrimination on vehicles of transportation, the proper course for the aggrieved parties is to apply for court orders. Long drawn out as the cases might be, the necessary court support would be forthcoming and arrests for contempt for violating court orders would follow as a routine procedure.

To say that "all this takes too much time," and that "we have waited long enough" is exactly what the mobsters used to argue passionately as they prepared to lynch a rapist. The cry was then heard: "He's guilty anyhow, why wait for the courts."

Unfortunately, the 14th amendment, under which "equal protection of the law" has been fostered, was itself ratified at the point of the bayonet when, 3 years after the Civil War was over, the Southern States were coerced—by militiamen sitting in the State legislatures—into ratifying the amendment. The Constitution itself prescribes a proper method of ratification, and the present generation is suffering 100 years later the consequences of the disregard of the Constitution in the period immediately after the Civil War. The Supreme Court has ruled on many 14th amendment cases but has consistently refused to pass upon any case involving the legality of the "ratification" of the 14th amendment itself.

Mr. President, we are fortunate that there are still columnists who publish the facts in a context which permits and assists in the interpretation of the facts in their proper relation.

I wish to thank the distinguished Senator from Oregon for yielding to me.

Mr. JAVITS. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. JAVITS. This is the second time today that I have heard the Senator from South Carolina speak about the situation in Alabama, which the New York Times this morning called a national tragedy. It is a national tragedy and a national disgrace. It cannot be colored in any other way.

I do not wish to interfere with the debate tonight, but I could not sit here and listen to comments on the Alabama situation again. Tomorrow during the morning hour I shall use my own time to say what I think about the problem, and how I think every decent American should regard it. I have yet to hear any excuse for the anarchy and the refusal or failure to take authoritative State action in terms of protecting the lives of citizens and enforcing the laws and Constitution of the United States. I have yet to hear any real excuse for it. But, as I say, I do not want to intrude on the Senator's debate. I will speak tomorrow on my own time.

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

Mr. MORSE. I yield.

Mr. THURMOND. In reply to the Senator from New York, I wish to say that I did not expect him to agree with the distinguished columnist, Mr. David Lawrence, or with the Constitution of the United States.

SCHOOL ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (S. 1021) to authorize a program of Federal financial assistance for education.

Mr. MORSE. Mr. President, I wish to make a brief statement on the Clark amendment. First, I wish to reply to my good friend the Senator from Connecticut. May I say goodnaturedly that he used one phrase or sentence in his comment in regard to which I would like to register a statement. He was very gracious to me. He said that for the past several days the Senator from Oregon—I believe I paraphrase correctly his statement—has been very courteous and good natured. I wondered if the Senator from Connecticut meant that such courtesy was typical of the Senator from Oregon only during the last few days. I have always tried to be courteous and goodnatured. Of course, I have the responsibility to be firm if I think firmness is called for. But I want the Senator from Connecticut to know that if at any time earlier than the last few days I have not been courteous to the Senator from Connecticut, I here now offer my abject apologies, because I have never knowingly or intentionally been discourteous to anyone.

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

Mr. MORSE. I yield.

Mr. BUSH. The Senator should not draw any inference of the kind that I think he is drawing, because I have always found the Senator courteous. However, I have noticed that in the last 2 or 3 days, with the large bundle of notes he has been carrying in his arms, he has been especially happy and courteous. We have appreciated and been glad to see him in such a frame of mind, even though it hurts.

Mr. MORSE. I say to the Senator that I am having a little fun, and what I say is offered in a jocular vein. I know the Senator from Delaware [Mr. WILLIAMS] will undoubtedly take a position somewhat similar to the position taken by the Senator from Connecticut.

I am going to make some comments now and then reserve an opportunity to reply to my friend from Delaware a little later.

I do wish to say to the Senator from Pennsylvania [Mr. CLARK] that on the basis of the review of an overwhelming majority of the subcommittee and the majority of the full committee of the Senate Committee on Labor and Public Welfare, I am accepting the Senator's amendment in regard to the District of Columbia. All such action means is that we put our stamp of approval on the amendment for whatever reinforcement value that stamp may have in helping others in the Senate to form their judgment. As we all know, if an amendment meets with the approval of the majority of the committee, it has a certain presumptive advantage, because all Senators are inclined at least to give a presumptive benefit to an amendment that is approved by a majority of the committee.

I wish to make clear that the amendment was never formally acted upon by the committee, for the reason that it was not until after we had marked up the bill that we discovered what we consider to be an unfair disparity with regard to the District of Columbia, and then the Clark-Morse amendment was devised and offered to the bill.

When we have a formula that calls for the distribution of money to the States of the country on the basis of an equalization principle, which is involved in the bill, there will be some States at the top of the list that would receive more than States at the bottom of the list, which would receive less. The Senator from Connecticut [Mr. BUSH] and the Senator from Delaware [Mr. WILLIAMS] find their States at the bottom of the list. So the question is whether the formula is fair in its application to the facts of Delaware and Connecticut.

As I said when I made my first speech on the formula, questions of judgment are involved.

We think that the formula, when all is said and done, is reasonably fair, and for those reasons, as far as Connecticut and Delaware are concerned, I suggest that the Senators from Connecticut and Delaware have the privilege of representing two of the wealthiest States in the country from the standpoint of personal per capita income.

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

Mr. MORSE. I yield.

Mr. BUSH. I call the Senator's attention to a fact, which embarrasses me, but nevertheless, because it has reference to our being a wealthy State, I must state it. The State of Connecticut and the State of Delaware are the two most heavily bonded States in the United States on a per capita basis. Connecticut is bonded at $369 million and Delaware at $463 million. There is not a single other State that is bonded up to $300 million, and I believe only one other State is bonded in excess of $200 million.

In proceeding with our school and other programs, in an attempt to keep pace with the advance of our economy, we have borrowed very heavily—much more so than I approve—but nevertheless such borrowing places a very heavy burden upon us. It is fortunate that we do have a high per capita income, or else we would not be able to carry that kind of indebtedness.

Mr. MORSE. I understand that situation. I congratulate the Senator on his representing a State that can carry such bonded indebtedness in promoting the public welfare. After all, it is the decision of the citizens of the State. I congratulate the citizens that they have taken that step. But such action does not erase the pertinent fact that I have stated. On the top of the list, on the basis of personal income per child of school age, Connecticut leads the Nation with $12,762.

Mr. BUSH. Mr. President, may I inquire what the Senator is reading from?

Mr. MORSE. I am reading from page 257, table 52, of the hearings before the Subcommittee on Education. Following Connectitut comes New York, $12,480. Then comes Delaware, with $11,838.

As far as personal income per child of school age, 5 to 17, based on 1959 data is concerned, the States of Connecticut and Delaware are first and third in position in the entire country.

I yield to the Senator from Pennsylvania.

Mr. CLARK. I wish to point out to the Senator from Connecticut that I suspect those figures about bonded indebtedness are subject to some discount. In my State our constitution limits the bonded debt of the Commonwealth to $1 million. Yet we have a public school building fund; we have a general State authority; we have various other devices, I am prepared to call them, under which bonds have been issued, against which the credit of the State is pledged on a lease basis where the amount involved—I do not carry it in my head—is a good many times more than the figure suggested by the Senator from Connecticut. So I do not believe the bonded debt figures are really comparable.

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

Mr. MORSE. I yield.

Mr. BUSH. I think the bonded indebtedness has a bearing on the whole situation. When one speaks about the wealth of the State, he should take into account its obligations also. Our legislature is now in session. It will appropriate either an additional $32 million for the biennium approaching or else it will appropriate $22 million or $23 million. Two bills before the legislature provide those appropriations. We are going ahead with either of those programs regardless of what happens here.

The proposed legislation is very distressing to me, because we have been progressive and have been willing to move ahead and keep up with our classroom construction and raise teachers' salaries, perhaps as well as any of the States. I think the records will show we are in the top group in that respect. When a bill such as the one before the Senate comes along, we are very severely prejudiced.

I cannot get over my hurt in that respect.

Mr. MORSE. I should like to add to my answer to the Senators from Connecticut and Delaware that I invite attention to table 51, on page 257 of the hearings entitled "Per Capita Disposable Income, 1959." When we deal with per capita disposable income, Delaware tops the list, with $2,516. Connecticut is second, with $2,460. New York is third, with $2,350.

Senators will see the position in which I find myself. We have devised a formula. It was constructed by what we believe are qualified experts in this field. They have advised us that it is a fair formula. Of course, we all know that in the application of a formula such as this the richer States will make a greater contribution than the poorer States. What we must decide is the question whether, from top to bottom, the division of funds will be fair and equitable in terms of the ability of a State to pay.

Let us take the question of bonded indebtedness, so far as Connecticut and Delaware are concerned. The fact that a State is bonded, does not mean that it has thereby depreciated the value of its wealth. The money raised by the bonds goes into very important and valuable capital investments. The fact that figures are available which show the bonded indebtedness of a State does not mean that the figures have made that State poor. On the contrary, we must look to see what the bond money has been used for. I believe we must recognize that because of the progressiveness of the Senator's State, that State has enriched itself in many particulars. By the issuance of bonds, the State has built wealth-creating and wealth-producing projects.

So, if I may say so good naturedly to my friend from Connecticut, the mere fact that his State has bonded itself, does not mean that his State is any poorer for that reason.

Mr. BUSH. The Senator has been very kind. I would like to make two observations. One is that our State does not feel in an enriched condition because of our bonded debt; on the contrary, a big argument at present in our legislature is over the question of debt. If there is not a majority, certainly there is an evenly divided situation on that question. Many people feel that our State is in very serious financial condition.

The other point I wish to make to the Senator is that over the years our State has been contributing over and over again to grant-in-aid programs on a very generous basis. We have not always complained about it, by any means. In fact, I have gone back to my State to defend various grant-in-aid programs, because I realize that we are a part of the United States and have a national interest in the welfare of the poor States which buy many of our manufactured products. So my position is not entirely provincial. I feel that in the pending bill the formula that has been arrived at has a very serious and severe impact on our State, far greater than any that has ever been produced in any bill that I have seen in the Senate so far as any State is concerned. It happens to be our State this time, and I feel bad about it.

Mr. MORSE. When I use these statistics I hope the Senator will not think that I am seeking to put Connecticut in a bad light in any way, because I am not. I must deal with these facts as the record shows them. When we talk about expenditures in any State for governmental and public purposes, we must take a look to see for what purposes a State is spending the money.

In many States we find that a great deal of money is spent on roads. It is comparatively easy to get appropriations for road construction through a State legislature, because a State can appropriate $1 of State money and get several times that amount through Federal assistance. I do not know what the explanation is for the figures I now cite. I point to table 46 on page 254 of the hearings, entitled "Per Capita Expenditures of States and Local Governments for all Public Education, 1959." That table places Connecticut twentieth in the list of States. In fairness to the Senator from Delaware I am frank to admit that it places Delaware second. I call attention to this fact because I surmise that Connecticut spends a great deal of money for many governmental purposes. However, in comparison with the other States it is not near the top of the list.

When I say what I am about to say I am sure the Senator from Connecticut will understand that I make the argument only because I think it is a fair and proper argument, or I would not make it. The Secretary of Health, Education, and Welfare, Mr. Ribicoff, is a distinguished citizen of the Senator's State. He is a former Governor of the Senator's State. I am privileged to say that the Secretary of Health, Education, and Welfare is accepting the formula. In fairness to him I must also point out that it is not the first recommendation the administration made through his office. However, the Secretary of Health, Education, and Welfare is accepting the formula as a fair and equitable distribution of the funds on a nationwide basis.

If the Secretary were present and I were to call him as a witness, I am sure he would say, "We would like to have more for Connecticut." What State would not feel that way? That is understandable. However, if we start changing the formula, unless there is a demonstrable case of injustice, which I believe the case of the District of Columbia is—and we thought the Alaska case was and we thought the Samoa case was, because in Committee we accepted the amendment of the Senator from Hawaii with respect to Samoa—and we start to change the formula in respect of the rich States, then I believe we will for all intents and purposes destroy the bill.

Mr. BUSH. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. BUSH. The Senator has called my attention to a table. I invite his attention to a table at page 107 of the hearings. It is table No. 6. It is a very appropriate table. It is entitled "School Expenditures per Pupil." The information portrayed in that table is more indicative for the purpose of our discussion. Connecticut is in 14th position, or in the first third of the States, with an expenditure of $536 per pupil. So I still stand on my statement that we have been doing very well in respect of our own expenditures for education.

The Senator has been very generous, and I do not wish to prolong this discussion. I know that he wishes to get ahead with the bill. I thank the Senator for his courteous consideration.

Mr. MORSE. It is only fair that table 6 on page 107 of the hearings be placed in the RECORD, and therefore I ask unanimous consent that it may be printed in the RECORD at this point in my remarks. Of course it will not be possible to print the crossbars, but the table will show the relationship of the various States, as is the case with the table I have been using.

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

TABLE 6.—*School expenditures per pupil* [1]

New Jersey	$692.64
New York	681.15
Alaska	676.47
Delaware	643.84
California	636.03
Arizona	624.03
Illinois	598.40
Wisconsin	587.13
Washington	583.94
Wyoming	583.33
Nevada	581.82
Minnesota	559.81
Michigan	550.98
Connecticut	536.82
Ohio	535.14
Maryland	529.96
Colorado	520.35
Oregon	507.25
Kansas	505.91
Louisiana	504.04
Montana	496.30
Texas	474.50
Iowa	473.28
Utah	467.59
Indiana	459.55
Rhode Island	449.15
Massachusetts	438.25
Pennsylvania	432.06
North Dakota	432.00
New Hampshire	421.05
Missouri	419.36
Nebraska	419.23
Florida	400.69
South Dakota	400.00
New Mexico	396.04
Hawaii	378.79
Oklahoma	378.60
Idaho	347.22
Maine	344.44
Vermont	343.28
District of Columbia	339.62
Virginia	335.55
North Carolina	295.11
Mississippi	290.12
West Virginia	285.04
Alabama	277.86
Tennessee	264.95
Arkansas	251.34
Kentucky	250.88
Georgia	242.39
South Carolina	235.40
National average	484.00

[1] Estimated 1959–60 expenditures for public elementary and secondary schools, per pupil in average daily attendance.

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

Mr. MORSE. I yield to the Senator from Arizona.

Mr. GOLDWATER. The Senators from Delaware and Connecticut might be interested in this statement, because it bears on the point I raised in objecting to the simple adoption of the amendment; namely, that any Senator who felt his State was not being treated fairly could offer a similar amendment.

The figures on page 4 of the report and on the table between pages 298 and 299 of the hearings are interesting. For example, Delaware has 82,206 pupils enrolled in its public schools. Under the formula, Delaware would receive $1,239,501.

The District of Columbia has 121,448 pupils enrolled, but the District of Columbia would receive $3 million under the Clark revision of the formula.

Connecticut has 480,473 pupils enrolled. Under the formula it would receive $5,215,540.

By the very nature of the figures, the distribution seems to be wrong in these two instances. I have not perused the remainder of the table, but if it is proper to adjust the figure for the District of Columbia to $3 million for 121,448 pupils, certainly it would be proper to adjust the figure for Delaware upward because of the $1,239,501 which Delaware would receive for 82,206 pupils. The ratio simply does not appear to be fair.

I suggest to Senators from States which are below the median, so to speak, that they include their States in this amendment or offer amendments to the amendment, so that the amounts may be made proper. If it is right for one State, it is right for all. We all drink from the same bucket. That goes for the District of Columbia as well as the States.

Mr. BUSH. Mr. President, will the Senator from Arizona permit me to observe that I have inquired if there was any possibility of offering an amendment to the amendment of the Senator with the big bundle of votes under his arm. He says he cannot consider such an amendment, so I shall not take the time of the Senate to offer it.

I think the point made by the Senator from Arizona is a good one, but we are up against a stone wall.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table which appears on pages 226 and 227 of the hearings, entitled "Enrollment in Full-time Public and Nonpublic Elementary and Secondary Regular Day Schools, by State, 1957–58."

This table, I submit, shows that Delaware and Connecticut rate very high. It demonstrates clearly, I believe, that it is fair to apply the formula to them.

There being no objection, the table was ordered to be printed in the RECORD.

TABLE 15.—*Enrollment in full-time public and nonpublic elementary and secondary regular day schools, by State, 1957–58*

Region and State	Total enrollment, all full-time day schools	Public school enrollment				Nonpublic school enrollment			
		Total	Kindergarten and grades 1 through 8	Grades 9 through 12 and post graduate	Public school enrollment as a percent of total enrollment in all schools	Total	Kindergarten and grades 1 through 8	Grades 9 through 12 and post-graduate	Nonpublic enrollment as a percent of total enrollment in all schools
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
United States (48 States and District of Columbia)	38,756,005	33,528,591	25,668,820	7,859,771	86.5	[1] 5,227,414	4,296,806	930,608	13.5
North Atlantic	10,135,758	7,901,198	5,943,098	1,958,100	18.0	2,234,560	1,840,211	394,349	22.0
Connecticut	529,881	436,552	336,654	99,898	82.4	93,329	70,951	22,378	17.6
Delaware	89,775	[2] 72,436	55,894	16,542	80.7	[2] 17,339	13,943	3,396	19.3
Maine	217,951	184,226	143,490	40,736	84.5	33,725	23,121	10,604	15.5
Maryland	653,626	538,790	415,789	123,001	82.4	[2] 114,836	97,758	17,078	17.6
Massachusetts	1,040,101	[2] 810,614	600,256	210,358	77.9	[2] 229,487	184,739	44,748	22.1
New Hampshire	129,035	97,478	74,046	23,432	75.5	31,557	23,155	8,402	24.5
New Jersey	1,228,079	959,479	730,797	228,682	78.1	[2] 268,600	[2] 229,800	[3] 38,800	21.9
New York	3,473,479	2,658,869	2,001,573	657,296	76.5	814,610	694,641	119,969	23.5
Pennsylvania	2,379,380	1,834,553	1,345,576	488,977	77.1	544,827	441,091	103,736	22.9
Rhode Island	171,959	125,301	95,056	30,245	72.9	[2] 46,658	33,095	13,563	27.1
Vermont	86,309	69,717	54,348	15,369	80.8	16,592	11,417	5,175	19.2
District of Columbia	136,183	113,183	89,619	23,564	83.1	[3] 23,000	[3] 16,500	[3] 6,500	16.9
Great Lakes and Plains	11,425,938	9,514,535	7,200,348	2,314,187	83.3	1,911,403	1,584,231	327,172	16.7
Illinois	2,133,541	1,654,311	1,255,583	398,728	77.5	479,230	395,494	83,736	22.5
Indiana	1,054,598	934,948	709,691	225,257	88.7	119,650	102,453	17,197	11.3
Iowa	655,058	[2] 573,152	435,437	137,715	87.5	[2] 81,906	65,518	16,388	12.5
Kansas	501,726	[2] 456,810	348,220	108,590	91.0	44,916	37,538	7,378	9.0
Michigan	1,777,696	[2] 1,495,729	1,161,769	333,960	84.1	281,967	225,637	56,330	15.9
Minnesota	780,020	637,642	467,344	170,298	81.7	142,378	121,887	20,491	18.3
Missouri	909,507	778,507	591,282	187,225	85.6	[3] 131,000	[3] 107,000	[3] 24,000	14.4
Nebraska	312,377	266,769	202,435	64,334	85.4	45,608	37,775	7,833	14.6
North Dakota	147,634	130,173	96,954	33,219	88.2	17,461	13,992	3,469	11.8
Ohio	2,100,124	1,763,837	1,352,064	411,773	84.0	336,287	276,237	60,050	16.0
South Dakota	158,801	143,801	108,588	35,213	90.6	[3] 15,000	[3] 12,700	[3] 2,300	9.4
Wisconsin	894,856	[3] 678,856	470,981	207,875	75.9	[3] 216,000	[3] 188,000	[3] 28,000	24.1
Southeast	8,890,339	8,452,116	6,619,758	1,832,358	95.1	438,223	337,483	100,740	4.9
Alabama	786,614	758,214	584,674	173,540	96.4	[3] 28,400	[3] 21,300	[3] 7,100	3.6
Arkansas	431,354	420,011	320,988	99,023	97.4	11,343	8,951	2,392	2.6
Florida	925,233	874,377	681,338	193,039	94.5	50,856	36,068	14,788	5.5
Georgia	932,331	914,431	732,946	181,485	98.1	[3] 17,900	[3] 11,500	[3] 6,400	1.9
Kentucky	684,280	609,548	477,604	131,944	89.1	74,732	58,488	16,244	10.9
Louisiana	771,184	648,854	509,273	139,581	84.1	122,330	101,701	20,629	15.9
Mississippi	553,593	536,417	433,282	103,135	96.9	17,176	13,175	4,001	3.1
North Carolina	1,072,287	1,060,187	815,177	245,010	98.9	12,100	9,600	2,500	1.1
South Carolina	596,683	584,283	466,032	118,251	97.9	12,400	[4] 10,900	[4] 1,500	2.1
Tennessee	810,189	780,933	606,648	174,285	96.4	29,256	20,142	9,114	3.6
Virginia	847,464	800,464	638,810	161,654	94.5	[3] 47,000	[3] 35,000	[3] 12,000	5.5
West Virginia	479,127	464,397	352,986	111,411	96.9	14,730	10,658	4,072	3.1
West and Southwest	8,303,970	7,660,742	5,905,616	1,755,126	92.3	643,228	534,881	108,347	7.7
Arizona	288,105	262,220	205,512	56,708	91.0	25,885	21,701	4,184	9.0
California	3,128,384	[2] 2,826,339	2,192,256	634,083	90.3	302,045	248,341	53,704	9.7
Colorado	401,518	365,518	285,448	80,070	91.0	36,000	[4] 29,500	[4] 6,500	9.0
Idaho	161,030	154,111	113,776	40,335	95.7	6,919	5,969	950	4.3
Montana	154,700	136,832	102,470	34,362	88.4	17,868	14,148	3,720	11.6
Nevada	61,220	58,218	45,841	12,377	95.1	3,002	2,406	596	4.9
New Mexico	233,343	209,739	163,568	46,171	89.9	23,604	20,347	3,257	10.1
Oklahoma	530,520	513,500	376,984	136,516	96.8	17,020	[3] 13,600	3,420	3.2
Oregon	386,487	359,987	266,774	93,213	93.1	26,500	[4] 21,100	[4] 5,400	6.9
Texas	2,042,212	1,915,612	1,496,830	418,782	93.8	[3] 126,600	[3] 109,600	[3] 17,000	6.2
Utah	219,812	214,812	161,684	53,128	97.7	[3] 5,000	[3] 4,000	[3] 1,000	2.3
Washington	618,011	569,176	437,370	131,806	92.1	48,835	40,569	8,266	7.9
Wyoming	78,628	74,678	57,103	17,575	95.0	[3] 3,950	[3] 3,600	[3] 350	5.0
Outlying parts:									
Alaska	37,672	36,017	30,923	5,094	95.6	1,655	1,374	281	4.4
American Samoa	6,070	5,012	4,510	502	82.6	1,058	971	87	17.4
Canal Zone	12,697	12,118	9,589	2,529	95.4	579	(5)	(5)	4.6
Guam	16,531	13,397	11,129	2,268	81.0	3,134	2,463	671	19.0
Hawaii	157,869	[3] 130,158	100,503	29,655	82.4	27,711	20,708	7,003	17.6
Puerto Rico	616,886	[3] 564,041	488,322	75,719	91.4	[6] 52,845	[6] 39,584	[6] 13,261	8.6
Virgin Islands	9,021	6,392	5,429	963	70.9	2,629	2,333	296	29.1

[1] Represents nonpublic enrollment in full-time regular day schools only. For enrollment in other types of nonpublic schools, see table A.
[2] Enrollment not cumulative but as of a specific date.
[3] Estimated.
[4] Distribution by grade group estimated.
[5] Distribution by grade group not available.
[6] Data for accredited schools only.

Mr. CLARK. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. CLARK. I think it is important for the purpose of considering this amendment that we should all understand that there are very great differences, indeed, between the District of Columbia and the 50 States. Ever since the Constitution was adopted and the District of Columbia was set aside as the seat of the National Government, not only has it been, in fact, different from each of the States, but also it has been treated differently by Congress.

I submit to the Senator from Arizona that his argument is not tenable when he assumes that because the District of Columbia gets somewhat different treatment than the other States, the other States, too, should be upgraded. In point of fact, the District of Columbia is a large city which is surrounded by a metropolitan area which it cannot tax. A majority of the students in its school system are of the Negro race. The District of Columbia does not have the tax resources which are available to States because it cannot impose any taxes at all unless Congress is willing to permit it to do so; and Congress, as the Senator from Oregon has said, has not been willing to permit the District of Columbia to do so.

Actually, the condition of the educational system in our major cities is a

critical one, indeed. The only reason it has not been necessary to call the attention of the Senate to the critical condition of the larger cities has been that only in the case of Washington is the city a unit of local government not surrounded by a State which has taxing powers under which the State is able to help the city. However, I think it would be proper, for the purpose of this argument, to have printed at this point in the RECORD a research memorandum of the National Education Association which deals in statistical terms with the condition of the cities with respect to the educational expenditures and also with respect to the difficulties in which they find themselves because their public schools have a very high percentage of students from low income families. As wealth flees to the suburbs, it can be taxed to the Commonwealth of Pennsylvania; it can be taxed in the State of Delaware; it can be taxed in the State of Connecticut. But such wealth cannot be taxed in the District of Columbia because in this area such wealth comes under the taxing jurisdition of Virginia and Maryland.

I close with the commet that I really do not believe an argument can be made that because certain States would receive certain amounts under the bill, with which they are, perhaps properly, not satisfied, a good ground exists for singling out the District of Columbia for special treatment. The District of Columbia has always received special treatment, and in my judgment it is entitled to receive special treatment in the bill.

Mr. GOLDWATER. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Arizona.

Mr. GOLDWATER. I agree with the statement of the Senator from Pennsylvania that the District of Columbia is a city which is not surrounded by enlarged areas which it can tax. I recognize that anything that is done for the District of Columbia is done at the will of Congress, so to speak.

However, the same argument the Senator has used has been used for low-income States which have taxable property. We are picking States in the South, for example, which have low taxing policies, probably because of low values. So we cannot isolate the District of Columbia and say that it is different. We are doing this for a number of States in the South, and, I may suggest, for other parts of the country, where the argument is that the income is so low that they need help from other States.

I believe that any State which is not helped by the formula certainly has a right to receive the same kind of treatment which is given the District of Columbia. This is not a District of Columbia appropriation bill or authorization bill; it is a Federal aid-to-education bill. All the States and all our possessions should be treated alike under the formula.

I believe we must admit that we are deviating from the rule with respect to a number of States in the South, whose expenditures for schools have been low, possibly because of low income or low taxation which produces school income. I cannot quite accept the argument that the District of Columbia must receive separate treatment.

Mr. President, when the distinguished Senator from Oregon has completed his statement, I shall suggest the absence of a quorum, but not until that time.

Mr. MORSE. Mr. President, if the Senator from Delaware will permit me to make a brief statement, he can then ask his questions based on the entire statements of the Senator from Pennsylvania and me.

We have not violated the rule of fairness. We are only seeking to establish a program which we are satisfied, based upon the expert advice we have received, is fair. We believe the District of Columbia is not being dealt with fairly, just as we believe Alaska and Samoa are not.

With respect to the territories, such as American Samoa, Puerto Rico, Guam, and the Virgin Islands, the figure is 0.75 instead of the 0.50 which we are recommending for the District of Columbia.

Furthermore, let us face up to the fact that Connecticut and Delaware are two States which have a very high percentage of private school students. Connecticut has 17.6 percent; Delaware, 19.3 percent. I have no reason to speak with absolute assurance on this question, but I believe the probabilities are very great that in due course of time the National Defense Education Act will, undoubtedly, be modified, with some expansion with regard to funds already provided for special purposes for education in private schools.

When that is done, Connecticut and Delaware will be direct beneficiaries of those appropriations, far in excess of the overwhelming majority of the other States of the country which do not have so large a private school population.

Furthermore, this amendment will do something for the District of Columbia which is sorely needed. When all is said and done, it will help to earmark some funds for schools. That is one of its effects. Let us not forget that the city government has no control at all over its own tax collections, insofar as income is concerned. The District of Columbia Commissioners have no power to distribute these funds, other than as is done by means of the District of Columbia appropriation bill. The Members of Congress are the bosses in that connection; in fact, they constitute the District of Columbia School Board, for all practical purposes. So we must consider whether we are being fair to the District of Columbia schools. The fact is that we are not. Now we have an opportunity to be fair to the District of Columbia and, in effect, to have these funds earmarked for the benefit of the District of Columbia schoolchildren.

We must remember that a great many of the people who live in the District of Columbia, particularly the military personnel, send their children to the District of Columbia schools, but make relatively small contributions to the District of Columbia, insofar as its income is concerned.

At this time I wish to refer to a statement which was made to the committee by Helen E. Samuel, executive secretary of the District of Columbia Education Association. I have worked for years with that association, as a member of the District of Columbia Committee. This afternoon I speak in two capacities—one, as a member of the Committee on Labor and Public Welfare; and, second, I draw on my experience as a longtime member of the Committee on the District of Columbia. So I wish to say—as one of the aldermen of the District of Columbia, so to speak—that the Clark amendment is particularly equitable and fair, because the District of Columbia schoolchildren need the kind of help they will receive under this amendment.

Helen Samuel pointed that out fairly well. In her memorandum, which is applicable to both the bill as it was then before the committee and the bill as it is now before the Senate, she stated the following:

> The District of Columbia Education Association wishes to call to the attention of the committee that under the bill Washington, D.C., a big city with a full load of special educational problems, will be eligible to receive only the minimum allotment of $15 per pupil in average daily attendance. Yet the surrounding metropolitan area partly in Virginia and partly in Maryland, to which the city has been losing many of its high-income families, would be eligible to receive from $18.28 to $26.34 per pupil. Since the District of Columbia is not a part of a State there is no source from which to draw the 10 percent for special projects except from the allotment of $15 per pupil in average daily attendance. Yet table 6 in the attached report ("Income and Population Trends in the 20 Largest Cities") reveals that in the last decade the District's population declined by 4.8 percent, while the school population increased by 20.8 percent. During this same period the District of Columbia school system received a gradually declining percent of the total appropriation for the city (from 22.5 percent to 19.1 percent as revealed by the attached table.)

She closed her memorandum as follows:

> In considering this request, we urge the committee to give due recognition to the fact that, unlike the surrounding areas, where in addition to State aid, a very substantial percent of current educational expenditures is received under Public Law 874 and Public Law 815, Washington, D.C. receives no Federal assistance under these laws which are amended to become permanent in titles 2 and 3 of the currently proposed public school assistance bill. The District of Columbia public school system will be further penalized unless the committee sees fit to increase the currently planned allotment of $15 per pupil.

That memorandum was based on the original formula; but it is equally applicable, as regards the comments she makes in reference to Maryland and Virginia, to the present formula; and it is equally applicable, insofar as her comments are concerned, to Public Law 874 and Public Law 815; and it is also applicable when we consider the fact that the District of Columbia funds still have not been earmarked and appropriated for the public schools in the proportion which I am satisfied they would have

been if the citizens of the District of Columbia had an opportunity to exercise home rule and thus to exercise pressures upon their legislators—with the result, I believe, of bringing about a greater allocation of District of Columbia funds for public-school purposes. Whose fault is that? Let us admit frankly that it is our fault.

Mr. BUSH. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. BUSH. Does not the Senator from Oregon think the position of the District of Columbia residents would be much better fortified if they had representation in the Congress by two Senators and by proportionate representation in the House of Representatives, rather than to have home rule?

Mr. MORSE. I hope the Senator from Connecticut will not draw me into a home rule debate tonight. I have some suggestions to make about that matter, of course. I believe that as a matter of right the people of the District of Columbia should have the right to govern themselves. The Senator from Connecticut and I may disagree about the form to be used in that connection; but I believe that to the extent that Congress now exercises control over them, Congress should treat them better, especially as regards the allocation of funds for the public schools.

Three years ago I called attention to the fire hazard at Hines Junior High School. Of course, that school is not the only one in the District of Columbia that is a fire hazard. At that time I warned the Congress that it should see to it that more money was earmarked for educational purposes in the District of Columbia, or else there would be a serious fire. Not long after that there was a fire at Hines Junior High School; and the fact that that fire was not a serious and tragic one was due almost entirely to the courage of the teachers and the students. So the fire department put out the fire, although for some time the situation there was nip and tuck. That fire occurred only a few months after I informed the Senate of the danger of Hines Junior High School as a fire trap—a building which had been condemned for years, and over a long period of years no students whatever should have been going to that school.

But only a short time after I made that statement, the fire broke out in that school. Furthermore, as I have already stated, that school is not the only firetrap school in the District of Columbia.

So I plead with the Senate to increase the allowance for the District of Columbia to 0.50, the national average. Certainly these funds should be earmarked.

Again I wish to be perfectly fair in connection with what some no doubt will say; some probably will say that an increase for the District of Columbia will probably result in a decrease in the amounts for some other areas.

Nevertheless, Mr. President, the important point for all Senators to bear in mind is that if this amendment is agreed to, the allotment ratio for the District of Columbia cannot be less than 0.50, which is what the allotment ratio for the District of Columbia should be; it should be at least that much.

That is my case for the amendment. I think the amendment is fair, in all good conscience.

This argument is so frequently made that I almost hesitate to make it now; but it is so apropos that it should be made: All of us know the direct relationship between the quality of education in a city and the problem of juvenile delinquency. That is particularly true as regards the District of Columbia. As I recall the figures for the District of Columbia, approximately 73 percent of the public school population of the District of Columbia is colored. Recently we have read much in the newspapers about the crime problem and about the fact that so much of it seems to originate in the Negro quarters. So again I make my plea: Let us consider what the research studies have shown in regard to criminology and juvenile delinquency. Certainly there is a direct relationship between the quality of the schools, the quality of education, and juvenile delinquency. I make the plea yet. Of course, it may be said, "Perhaps it ought to be changed a little for Connecticut and Delaware." All I can say is that the best advice and opinion we have received in regard to our formula is that it is the best fair and equitable formula that can be proposed, save and except that we have this disjuncture. We corrected it as to Samoa and Alaska.

Mr. President, I am ready to rest my case. I think the amendment should be adopted.

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

Mr. MORSE. I yield.

Mr. CLARK. Before the Senator concludes, I should like to put into the RECORD two more basic facts. The Senator from Oregon has referred to the fire hazard at the Hines Junior High School, and the fact that subsequently there was a fire there. I point out that 49 of the 165 school buildings owned by the District of Columbia are definitely substandard, and should be replaced.

It is not the fault of the school board. It is not the fault of the school superintendent. It is not the fault of the citizens of the District of Columbia that they do not have funds to replace the 49 substandard school buildings. It is the fault of the Congress of the United States. Now we have a chance to remedy it.

One more fact, and I shall be through. The Senator has referred to the spread of juvenile delinquency. He has properly pointed out the relationship between a good school system and juvenile delinquency. I point out that 29.4 percent of the teachers teaching in the District of Columbia schools are not fully accredited. Why are they not fully accredited? Because there is not enough money to pay teachers salaries high enough to get teachers who are fully accredited.

Therefore, substandard teachers must be accepted. Many of those teachers are fine individuals. Many will become fine teachers. But no school system in which one-third of the teachers are inadequately prepared to teach can hope to cope with the problem of juvenile delinquency.

It is not the fault of the superintendent of schools that there is this high percentage of teachers who are not fully accredited. It is not the fault of the school board or of the citizens of the District of Columbia. It is the fault of the Congress of the United States. Now we have an opportunity to go a small way to remedy it.

Mr. MORSE. I thank the Senator for placing those facts in the RECORD. They make powerful support for the amendment. I congratulate him.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article which appeared in the Washington Post, by Carole H. Bowie, entitled "Wilson High Has Problems Only Money Can Cure."

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

WILSON HIGH HAS PROBLEMS ONLY MONEY CAN CURE

(By Carole H. Bowie)

The Middle States Association of Colleges & Secondary Schools has added Woodrow Wilson high school to the growing list of District schools with problems money could cure.

In a report of a recent evaluation of Wilson's program and facilities, Principal James W. Suber said an association committee commended the school's general effectiveness in meeting the needs of the Northwest Washington community it serves.

The report noted particularly the large number of Wilson graduates—about 85 percent of the 1960 senior class—who entered college, the breadth of course offerings, and apparently high student and staff morale.

The committee, however, found Wilson—which is thought to enjoy one of the city's most favorable school situations—suffering from aging facilities, inadequate counseling and clerical services and too few teachers.

NEW LIGHTING URGED

Lighting in the 26-year-old building, the report stated, is inadequate and should be completely renovated. About $60,000 to replace the bulb-type lights originally installed in 1935 has been requested by Wilson for several years.

Wilson, school officials say, is only one of the city's many old schools where classrooms are too dark to meet current educational standards. About one-third of the District's 122,000 school children are housed in buildings constructed before 1925.

Renovation of lighting systems at two schools—Dunbar Senior High and District Teachers College—was included in the school board's $10 million capital fund request. Only the Teachers College project, however, was included in the District Commissioners $9.2 million school building and improvements budget now before Congress.

Wilson's library, the report stated, is too small and has too few books. To meet professional librarians' minimum standards the school should have 13,000 books—or about 10 for each student. Wilson's collection is about 8,500.

The accrediting committee also recommended that two counselors be added to the staff to bring the counselor-student ratio nearer the 250-to-1 recommended by educators. Wilson now has two counselors with work loads of about 400 students each.

In addition, 3 teachers serve as part-time counselers for 510 10th graders. Funds for

additional secondary school counselors were cut from the school board's 1962 budget request by the District Commissioners.

The committee called for two additional clerks to assume duties such as processing transcripts for college admission—Wilson sent out more than 2,000 last year—now performed by counselors and a committee of five teachers.

MORE CLERKS SOUGHT

With the addition of clerks, teacher time now spent on paper work and counseling might be used to lower pupil-teacher ratios in academic subject classes which the accrediting body found to be too high, Suber said.

English, science, mathematics, foreign language and social studies classes larger than the school board's standard of 25 each are a problem Wilson shares with senior highs throughout the city.

Over half the District's 2,335 high school academic classes are larger than 30 students each. About 53 have 45 or more students. The average class size is 29.7 students.

High schools in the Middle Atlantic area are evaluated about every 10 years by MSACSS teams who compare their judgments of needs and performance with those prepared by the school staff. Recommendations for improvements customarily accompany accreditation.

Mr. MORSE. Mr. President, I close by saying that I want to make a plea also for one of the most able school superintendents in America. How fortunate we are to have Dr. Hansen as Superintendent of the Schools of the District of Columbia. He works under very great handicaps, particularly in regard to substandard buildings and fire hazards. He has pleaded time and time again to remove the fire hazards and give the children decent school buildings in which to go to school.

We have an opportunity to help Dr. Hansen by having some of the money earmarked in the aid-to-education bill. I do not think we should forego that opportunity. Here is an opportunity to put the money to work before our eyes in the District of Columbia, for the education of thousands of boys and girls who go to school in the District of Columbia.

I yield the floor.

Mr. WILLIAMS of Delaware. Mr. President, on many occasions I have said on the floor of the Senate that I marveled at the wisdom of two Senators on the other side of the aisle; namely, the Senators from Oregon and Pennsylvania. Today, once again in their arguments they presented a good case against what they thought I was going to say. But their argument is wasted; I am not going to oppose the amendment, and at no time have I said I would.

Frankly, I do not know what the committee was thinking about when it wrote the formula as it applied to the District of Columbia. The Kennedy administration has sent a formula to Congress under which the District of Columbia would receive $1,411,000. The committee, at the last moment, out of a clear sky, or through the back door, brought out another formula, in which it decided to add about $200 million to the overall bill, or an increase of 28 percent. But the amount for the District of Columbia was increased about $154,000, to $1,565,000. The District of Columbia got only 4 percent of the increase out of the 28 percent overall addition to the bill. Only about 4 percent went to the District of Columbia. Why is that?

The State of Pennsylvania, which was ably represented on the committee by the Senator from Pennsylvania [Mr. CLARK] received an increase of around 64 percent in its allotment under the extra addition. But the District of Columbia received only 4 percent. Why?

I can now understand why the Senator is offering the amendment. I think he should offer it. I compliment him on his support of it, but I do wonder why it is only offered at this late date.

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

Mr WILLIAMS of Delaware. I yield.

Mr. CLARK. I wish only to reiterate what I said before. I would be happy, indeed, to take credit for the increase Pennsylvania received. Unfortunately, as the Senator from Oregon will be able to testify, I had nothing to do with it.

Mr. WILLIAMS of Delaware. The Senator is too modest. I hope the Senator from Pennsylvania does not succeed in getting his hand into the Federal purse sometime when he is really trying, because if he got a 65 percent increase without trying, I shudder to think what will happen to the rest of us when he tries. [Laughter.]

Rhode Island received an increase of 90 percent. The District of Columbia received an increase of 4 percent.

The State of Delaware got only 7 percent out of this adjustment. We were already down at the bottom under the administration formula and went even lower in the committee formula.

I can understand that the consciences of some of the members of the committee were bothering them. I compliment them for bringing forth this amendment to correct an inequity in the bill as regards the District of Columbia and not trying to defend a formula which evidently nobody fostered, a formula which, like Topsy, "just growed." Hearings were held for a number of weeks on the administration bill, then all of a sudden we read in the newspapers that there was another formula being approved.

This second formula really ruined some of us.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MORSE. My conscience has bothered me. I am trying, as we sing in an old hymn, to "Wash me whiter than snow." I want to wash my conscience with regard to the District of Columbia. I have been trying to do it for years. I plead with Senators that now is the time to do equity to the District of Columbia.

If the Senator wants to know where the formula comes from, I point out that last year we held lengthy hearings. This is the basic formula of S. 8 of last year, which was voted and approved by the Senate, and which the then Senator from Massachusetts, Senator Kennedy, voted for. So this formula was not suddenly pulled out of a hat. We had the entire background of information on it.

From the very beginning there were deliberations on the bill. I assure the Senator that the Department of Health, Education, and Welfare, and also the administration officials at the White House, gave it consideration. One night, at the home of the Secretary of Health, Education, and Welfare, we talked at great length.

The Senator from Pennsylvania will verify what I now say, that from the very beginning certain members of my subcommittee said we were not going to change the formula of S. 8, that we were going to retain the basic formula contained in S. 8. It was a matter of give and take. I think the RECORD should show how we hammered out this final formula on the anvil of discussion and debate with the administration.

I did not get a chance to answer the point during the debate the other day, and I am glad the Senator has brought it up now, but I do not want the legislative history on the bill to close without my saying, as the floor leader on the bill, that this formula was not drawn out of a hat the night before it was reported from the committee.

For several weeks this formula had been discussed by those of us on the administration side. We finally said, "We have now come to the conclusion that the basic formula in S. 8 is the formula we should recommend and the one we shall urge be included."

That is the explanation and the history of it.

Mr. WILLIAMS of Delaware. I thank the Senator from Oregon.

Mr. President, hearings were held on the administration bill, which was sent to the Congress, but at some time later apparently there were conferences with administration officials who developed another formula. We now have the bill before us. Apparently there are enough votes to pass it, as the Senator from Connecticut has pointed out, but that does not make it right, nor does that mean that it is a good bill. Again I compliment the Senator from Pennsylvania for offering the amendment which would give to the District of Columbia an additional amount of money, because otherwise I would not understand how the committee members could sleep well tonight, realizing that they had added an extra $200 million to the bill and had given an increase in the allotment to the State of Pennsylvania of 63 percent, an increase in the allotment to the State of Oregon of 28 percent, an increase in the allotment to the State of Texas of 45 percent, an increase in the allotment to North Carolina of 45 percent, an increase in the allotment to Michigan of 40 percent, and so on down the line, with Connecticut, Delaware, and the District of Columbia at the bottom.

I can understand how it is that the District of Columbia, which had no representative on the committee, drew a measly 4-percent increase, and I can readily understand why Senators are now trying to increase it. At least they

will be able to go home and sleep a little tonight. I am going to support them in that effort. I point out, however, that this is not the first time the District of Columbia has been taken for a ride.

Under the terms of the bill, based on statistics furnished by the Department of Commerce, if the bill is passed as it is now before the Senate it will cost the taxpayers of the District of Columbia $5.8 million in additional taxes to pay their proportionate part of the $850 million program. Those taxpayers would receive $1½ million without the Clark amendment, or they would lose $4.3 million under the terms of the bill.

How will this help the District's educational problem?

This is the second Federal aid program which the Senate has passed under the New Frontier. I know that those who live in the District of Columbia wish to know how they are faring on the New Frontier under this other program.

On March 16 we passed H.R. 4806, to provide an extension of unemployment compensation benefits. Under the terms of that bill the employers of the District of Columbia will pay $5½ million into the Federal Treasury. The residents of the District of Columbia will collect in benefits $2.2 million. This represents a loss of $3.3 million.

In respect to the two bills, aid to education and aid for the unemployed in the District, the District of Columbia will lose $7.6 million. The amendment would give back $2½ million.

Where will the $7.6 million which is to be taken from the District of Columbia go? It will be used to underwrite the expenses of educational systems in the so-called poor States throughout the United States—Texas, for example.

Where will the money for unemployment compensation benefits go? To whom will the extra money be paid under the terms of the extension of unemployment compensation benefits bill? This time it is to be used to underwrite payments in the poor States in the North—I emphasize, the poor States in the North, such as New York, New Jersey, and Pennsylvania.

All the bills define which are the poor States, and which are the rich States, and set out that the rich States, which have a great deal of money, can afford to help pay for the poor States. But the States keep switching sides.

For instance, on March 16th we had under consideration a bill under which the great State of Pennsylvania was listed as one of the poor States. Pennsylvania presumably could not possibly meet the cost of the extension of unemployment compensation benefits without some assistance from some of the other States it was contended. As a result of the heroic appeal by my good friend from Pennsylvania the Senate passed a bill under which Pennsylvania would then get assistance from the "rich Southern States." Under that bill Pennsylvania gained some $14.3 million for unemployment compensation benefits. Based upon the Department of Commerce statistics Pennsylvania will receive under the extension of unemployment compensation benefits bill $85 million in benefits, and will pay as its proportionate part of the cost of the bill, $70.7 million. That gives Pennsylvania $14.3 million, which the then defined richer States of the United States are asked to provide. That bill was passed on March 16, 1961.

Which were the rich States on March 16 which were to help Pennsylvania? From where was the money for Pennsylvania to come? The State of Tennessee at that time was defined as one of the rich States. The State of Tennessee contributed $7 million more than it received to help underwrite the expenses of the unemployment compensation benefits for Pennsylvania and other Northern States.

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

Mr. WILLIAMS of Delaware. I will yield to the Senator in a moment.

Mr. CLARK. I beg the Senator's pardon.

Mr. WILLIAMS of Delaware. Three and one-half million dollars was contributed by Mississippi to help the poor State of Pennsylvania. Mississippi, under that bill was a State which was listed as able to help these poor Northern States.

Yes, Mississippi was listed, under the extension of unemployment compensation benefits bill as one of the richer States. The Administration said it could afford to help the "poor States" in the North which could not afford to meet their own problems of unemployment.

Under that other bill another rich State was Alabama. Alabama contributed an extra $2.2 million as one of the rich States to assist in meeting the unemployment compensation expenses in the States of the North. Now, this bill lists Alabama as a poor State needing Federal assistance.

Today we find under the definition of the bill before the Senate that Pennsylvania is listed as one of the rich States which can help Alabama meet its educational problems. This is a complete reversal in 3 months.

In other words, money was taken from the South and brought to Washington, D.C., under the terms of one bill to aid Northern States, and now under the terms of this bill, money from the North is to be returned to the South.

The operations is like a merry-go-around—only it is more expensive. What is overlooked is the fact that as the money goes through the city of Washington and is siphoned off to these States there is taken a political brokerage, or a cost which is necessary to maintain the bureaucracy which administers these programs.

That is the reason we have here in Washington an ever-expanding bureaucracy. New programs mean new office buildings, more bureaucratic jobs, more patronage for the politicians, and more controls and taxes for the American taxpayers.

I have yet to hear of a man who ever went to a race track who did not say he made money. Everyone says he makes money at the race track.

Mr. MORSE. I do not. I do not bet.

Mr. WILLIAMS of Delaware. To hear them talk they all make money; yet we all know that at the race track the track takes a percentage of all that is bet on every race. Mathematically we know that only the track makes money.

The same is true with regard to the Federal aid programs. We start these Federal aid programs, and everybody is told he is going to get something for nothing. The money is siphoned through Washington, D.C. The money is distributed, but the people lose sight of the fact that there is a political brokerage which is taken out as the money goes through Washington. The people lose on every Federal aid program.

To show how ridiculous the formula under the first bill was I cite that under the terms of the bill Pennsylvania was listed as one of the poor States of the Union which was unable to meet its obligations with respect to its unemployed.

Under the terms of the bill now before the Senate, Pennsylvania is listed as one of the rich States. Now Pennsylvania will provide an extra $14.9 million for the same States from which 3 months ago it collected $14.3 million.

That is not an uncommon situation. It is also true with respect to the neighboring State of New York. Under the terms of the bill which was passed on March 16th, the great State of New York collected in benefits $170 million, yet would pay into the program only $119.9 million. The State of New York collected $50.1 million more than it will pay under that bill.

Mr. CLARK. Mr. President, will the Senator yield to me before he leaves Pennsylvania?

Mr. WILLIAMS of Delaware. I assure my friend I am not leaving Pennsylvania, but I am glad to yield to him at this time.

Mr. CLARK. I merely wish to express my deep gratification and pride that the Senator from Delaware intends to vote for the District of Columbia amendment.

Mr. MORSE. Mr. President, will the Senator yield for a moment?

Mr. WILLIAMS of Delaware. I thank the Senator from Pennsylvania for his remark. I assure the Senator that his amendment is a worthy amendment, and I shall certainly support it; but at the same time I want to point out the utter ridiculousness of the formula of his bill.

Mr. MORSE. Mr. President, will the Senator yield to me on a question of fact?

Mr. WILLIAMS of Delaware. I yield to my good friend from Oregon.

Mr. MORSE. I am not sure I heard the Senator correctly, but I thought I heard the Senator say that under the terms of the bill my State of Oregon would get 90 percent more than it would have received under the terms of the original administration bill. Did I correctly hear the Senator?

Mr. WILLIAMS of Delaware. No. I do not think I mentioned Oregon. It was Rhode Island that got a 90-percent increase.

Mr. MORSE. Yes; the Senator did.

Mr. WILLIAMS of Delaware. Oregon will get a 28-percent increase, as I understand the situation.

Mr. MORSE. I should like to submit the figures in that regard.

Mr. WILLIAMS of Delaware. The 90-percent figure relates to the State of Rhode Island.

Mr. MORSE. The Senator referred to Oregon. Will he permit me to give the figures for Oregon, so that the RECORD will be accurate?

There is no intention on the part of the floor leader of this bill, who comes from Oregon, to get any undue amount for Oregon.

Mr. WILLIAMS of Delaware. It is a 28 percent increase which the State of Oregon would receive—I think the Senator will find I did not refer to 90 percent for Oregon, and if I did it was in error, for that figure relates to another State——

Mr. MORSE. I think it was an error.

Mr. WILLIAMS of Delaware. Twenty-eight percent is also the average that was being added to the overall program.

Mr. MORSE. I think it was an error.

Mr. WILLIAMS of Delaware. I think the Senator will find I mentioned another State as getting the 90 percent.

Mr. MORSE. Will the Senator turn for a moment to table 3 on page 98 of the transcript of hearings? That table shows the "Estimated allotments to States under the proposed administration School Assistance Act of 1961."

That was the original proposal. My State of Oregon would receive $7,095,843, based upon a $666 million authorization.

If the Senator will turn to the table on page 4 he will see that under the bill which the committee brought to the Senate, my State of Oregon would receive $9,042,171 out of—not $966 million, but $850 million. So there is a difference of $250 million in round numbers between the authorizations. According to my figures, Oregon's allotment was increased not 28 percent, but about 8 percent over the 3-year life of the bill. The total amount was raised about 1 percent. That is considerably less than 28 percent.

Mr. WILLIAMS of Delaware. I have checked the figures, and I suggest that the figures which the Senator from Oregon has quoted are the figures I am using. The amount provided in the original bill for the State of Oregon was $7,095,843. Under the bill reported it would now receive $9,042,171. That is an increase of nearly $2 million, or about 28 percent. If the Senator will recompute his percentage he will find the increase, which is approximately $2 million, is not 8 percent but is nearer the figure I stated. It is a $2 million increase based on $7 million.

Mr. MORSE. The Senator from Delaware is completely eliminating one point from his calculation. If one is going to figure the cost of this bill with relation to what my State will receive, he must figure it on the basis of 3 years, and not on the basis of the first year. The Senator from Delaware is taking only the first year. He must take the cost of the bill on the basis of 3 years, and when he does so, I think he will find that my State would receive an increase of some 8 percent only, in contrast to the suggested 28 percent.

Mr. WILLIAMS of Delaware. I am taking the figures which are before us, which are the figures for 1 year. I quoted, and the Senator from Oregon quoted, figures for 1 year.

Mr. MORSE. It is purely a matter of mathematics, and I am willing to abide by the result of the mathematical calculation.

Mr. WILLIAMS of Delaware. The amount would be increased from $7 million to $9 million, and the District of Columbia would be increased 4 percent, or from $1,411,000 to $1,565,588.

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

Mr. WILLIAMS of Delaware. I yield to the Senator from Ohio.

Mr. LAUSCHE. Is it not a fact that the increases which have been identified by the Senator from Delaware are the product of the fact that the pupils of both public and parochial schools are counted in the reformed bill, and the public school pupils are not counted by themselves?

Mr. WILLIAMS of Delaware. That statement is correct and is a part of the reason for the increase. The remainder of the amount results from the fact, as the Senator from Oregon pointed out, that about $200 million was added to the cost of the bill, which when divided up would result in greater benefits to practically all States. It should be pointed out at the same time that the additional cost was added to cover the $200 million.

Continuing my statement, I think a comparison of the two Federal aid programs is interesting. Under the New Frontier there is a trend toward the philosophy that someone can get something for nothing from the U.S. Government. We are now told that all we must do is to pass a Federal aid program such as the Federal aid to education bill or any other program, and someone would have some free money to spend.

I should like to emphasize that the Government has no access to mysterious sources of income. The only money that we can distribute is the money we take either directly or indirectly from the pockets of the taxpayers.

In the early part of the year we passed H.R. 4806, the Unemployment Extension Act. As I mentioned before, under that bill the State of New York was listed as a poor State, needing Federal assistance. It would collect $170 million, whereas it would be expected to pay $119.9 million under that bill, or $50.1 million over and above what it would put in.

Yes, that bill was presented on the basis that the great State of New York was not able to underwrite its own unemployment problems and needed the assistance of the richer States of the South. Now, where did the $50 million come from which New York received under that earlier bill?

Under that bill we find that the State of Missouri was listed as a rich State, able to contribute $12.6 million to relieve unemployment in the poor States in the North.

The State of Arkansas was listed as one of the rich States under that bill and it contributed $600,000 to help the North.

The State of Oklahoma defined as another rich State, contributed $3.1 million under that bill to New York, Pennsylvania, and other so-called poor States in the North.

The great State of Texas contributed $12.1 million, in a humanitarian effort, as one of the rich States in the South, to the poorer States of Pennsylvania, New Jersey, and New York.

The State of Florida contributed $11.9 million to the unemployed in New York.

The State of Louisiana contributed $200,000 as its share to help the North.

Georgia under the bill which we had before us about 9 weeks ago was listed as a rich State. It contributed $4.7 million, which was drawn from the State of Georgia and used to provide benefits for the unemployed in the North.

From the State of Kansas, $5 million was drawn to help the unemployed in the poor States of New York, New Jersey, Michigan.

All of the other States which I mentioned as being listed as rich States last March, and which were helping New York, New Jersey, and Pennsylvania in their unemployment problems, under this bill before us here today, are now listed as the poor States that cannot underwrite their own educational systems, and therefore under the bill New York would contribute $75.5 million toward the effort to help them.

All that we had to do was let them keep their own money in the States and they could have financed their own unemployment and educational problems.

It is true that New York would lose $25 million in the transfer when both bills are considered. Under the definition in the bills we find that New York was first listed as a poor State and others as rich States. Now New York is defined as a rich State, although it could be said that New York was listed as a little bit richer rich than it was poorer poor.

Under the Federal aid to education bill the great State of New Jersey, one of the rich States, will help the educational problem in the poor States of the South.

Under the bill we find that the State of New Jersey would pay into the Federal Treasury $36.9 million as its part of the cost and then collect in benefits only $16½ million.

Thus it would contribute $20.4 million toward the education system of the poor States in the South. This is very complimentary. However, about 9 weeks ago, when we considered the unemployment bill, under the definition in that bill New Jersey was listed as one of the poor States in the Union that could not underwrite their unemployment problem. Under that bill, passed just last March, the "poor State" of New Jersey received $11½ million in extra benefits

from other so-called rich States to assist it in its unemployment problems.

Where did New Jersey's $11½ million come from to pay their unemployed? $1.8 million was taken from the State of South Carolina, which under that bill was one of the rich States. South Carolina contributed $1.8 million to help New Jersey and the other "poor" Northern States.

Just last March the State of Virginia contributed $10.6 million over and above the benefits it received to help underwrite the unemployment problem in the State of New Jersey. Every time this money comes through Washington we will deduct the so-called political brokerage to establish a bureaucracy to administer these various programs.

Actually, the State of Virginia gains $9.4 million under this Federal aid to education bill but under the other bill passed last March, the Unemployment Extension Act, Virginia lost $10.6 million. Thus, Virginia is over one million dollars worse off when these two programs are added together.

I call attention to the fact that the State of Iowa, under the pending bill, would gain $4.3 million to help improve its educational system. This bill is designed on the basis or theory that Iowa is a poor State and cannot afford to underwrite its own educational system.

Yet on March 16, only about 9 or 10 weeks ago, we passed another bill which took from the State of Iowa $10.8 million, against a reimbursement of $3½ million. This means that when the pending bill is passed, the State of Iowa will have $3 million less to underwrite its educational system than it would have had had neither of these two bills passed. Iowa's educational program is $3 million worse off after the passage of this bill.

Under the pending bill the State of Kansas would gain $3 million. Under the bill passed last March the State of Kansas lost $5 million. Therefore the State of Kansas is $2 million worse off than it would have been if it had never heard of either of these New Frontier bills.

The State of Maine gains $1½ million under the pending bill. It lost $2½ million under the bill which was enacted 9 or 10 weeks ago. Therefore the educational program of the State of Maine is $1 million worse off as the result of the New Frontier policy.

A great deal of this money goes to pay the political brokerage or salaries of the bureaucrats who are dreaming up these programs. They are sitting up nights trying to figure out ways in which they can spend the money of the American people.

I cite the case of the State of Michigan. The State of Michigan is always on the gravy train. It is defined as a poor State under both bills. Yet, Mr. President, who is there in the Senate who would say that with proper financial control over expenditures, the State of Michigan could not meet its own obligations? It is its own fault that it is near bankruptcy.

The State of Minnesota gains $4.7 million under the pending bill. Who will say that Minnesota cannot underwrite its own educational system? It is interesting to note that, while under the pending bill Minnesota will gain $4.7 million, this is exactly the same amount which would be lost by the District of Columbia under the committee formula. The District of Columbia, without the adoption of the Clark amendment, would lose $4.3 million, so it could be said, in effect, that if the bill were enacted as approved by committee, the District of Columbia would pay that $4.3 million to underwrite the educational system of Minnesota.

Can any man argue that the District of Columbia is so well fixed financially that its residents can shoulder an additional $4.3 million tax burden to finance Minnesota's educational system?

I cite these examples to point up the unfairness, the absurdity of the committee bill.

I say it is ridiculous, it is absurd, and this formula cannot be justified by any line of reasoning. Another example:

The State of Nebraska is told that it cannot underwrite its own educational system. The bill then gives $2 million in extra money to Nebraska. That is over and above what Nebraska is expected to pay. But just 9 weeks ago we took $4.7 million from the State of Nebraska to help underwrite the unemployment problems of what was then described to us as the poor States of New York, New Jersey, Pennsylvania, Ohio, and so forth. Nebraska's educational system is $2.7 million worse off as the result of these two bills.

So far as the State of Delaware is concerned, we are hooked on all programs. We are used to it, as the Senator from Connecticut has pointed out, but we do not have to like it.

The trouble is that many States have not made an effort to support their own educational systems. Others did not make an adequate effort to take care of their own unemployment problems.

The States of Delaware and Connecticut have bonded themselves. We have underwritten our educational systems by bonding and taxing our States.

In Delaware there is an income tax and an inheritance tax as well as a corporation tax on corporate earnings. In addition, we have the highest per capita debt of any State. The State of Connecticut, which is trying to do the job of supporting its own educational system, is the State with the second highest capital debt.

We created that debt largely by trying to underwrite our own responsibilities. We built our own schools. Now, under this bill we will be forced to pay extra taxes to pay for the educational systems of other States which are unwilling to help themselves.

The State of Texas, which under the pending bill would receive substantial benefits, is a case in point. Under the bill Texas would receive $58 million against a proportionate payment of $36.7 million, or a gain of $21.3 million. That is on the basis, apparently, that the State of Texas is a poor State and cannot underwrite its own educational system.

In the State of Texas the wealthiest oil man pays no income tax. The State of Texas has no income tax or corporation tax. The wealthiest man in Texas is paying less in State income taxes toward the support of the educational system in the State of Texas than the man who drives an oil truck in Delaware pays toward the support of the educational system of our State. States which want Federal aid for the support of their educational systems can at least make an effort to tax their own millionaires before asking for Federal aid. I have no sympathy for these poor millionaires who ride to the poorhouse in Cadillacs and are always begging for Federal aid.

I for one am growing tired of helping States which make no effort toward financing their own educational system or to take care of their own unemployment problems, and which are always asking the Federal Government for support. If the State of Texas has no State income tax and no corporation tax, that is its business; but when the State of Texas asks the State of Delaware to help underwrite its educational system, then it becomes our business.

It is time some of the States which are always talking about States' rights—and I have argued for them as much as anyone else—to begin talking about States' responsibilities. It is a ridiculous situation when the richest man in Texas is paying less toward the maintenance of his State's school system than a teacher in the State of Delaware pays in income tax toward the support of her own salary. A teacher in Delaware pays more toward the support of the schools in our State than the wealthiest oil man in Texas pays in State income taxes toward the support of his schools.

My neighboring State of Pennsylvania does not have an income tax. That is its own business. On the other hand, why should the State of Pennsylvania under the pending bill, expect our State to underwrite its educational system.

How can you ask the State of Delaware to support a bill which would require the State of Delaware to help support the educational system in Pennsylvania? I am sure my friend from Pennsylvania admits that the State of Pennsylvania does not need relief. Yet under the bill the State of Pennsylvania would get a 60-percent higher allocation per pupil than would the State of Delaware. The per capita debt of Pennsylvania is $114.18. It has no income tax. The per capita debt of the State of Delaware is $463.35. Delaware has an income tax, an inheritance tax, and a corporation tax.

Why can Pennsylvania not finance its own educational system?

Some of the States which are talking with bleeding hearts for the passage of this bill had better stop and think where they are going to get the money to pay the cost. I could make an eloquent appeal for some of these programs, too,

if we forget the cost. How did the committee arrive at the figure of $15.66 per pupil for the great State of Pennsylvania and $26.76 for Alabama, when only 9 weeks ago, when we passed H.R. 4806, the great State of Alabama was listed as one of the rich States, and the great States of New Jersey, Pennsylvania, Ohio, Michigan, and the other States were appealing for relief.

Under the pending bill States which were listed as poor States under the unemployment bill are practically the same States which are now listed as the rich States. This is nothing more than an excuse for some people to get their hands on more money as it goes through Washington.

I should like to read a list of allocations per pupils in the respective States which are represented on the committee: Alabama, 26.70; Michigan, 17.65—I have often heard that Alabama is, perhaps, one of the poorer States; but when did Michigan become unable to provide for the education of its pupils—Oregon, 19.49; Texas, 21.84; Pennsylvania, 16.56; West Virginia, 24.60; New Jersey, 11.98.

Under this bill, Connecticut and Delaware are being asked to provide a portion of their tax money to underwrite the educational systems of New Jersey, New York, as well as other States.

Massachusetts, 13.38, is 30 percent higher than for Delaware and 40 percent higher than the allotment for Connecticut.

All of these allotments are higher than the allotment for the District of Columbia. The District of Columbia went to the bottom, even lower than the State of Delaware.

Mr. President, I shall support the amendment giving extra funds to the District, I do not think the members of the committee could go home and sleep tonight if the amendment were not passed. Certainly any bill which takes from the District of Columbia the way this bill does is wrong.

Under both bills—under the bill which was first passed last March and under the bill as it stands before the Senate today without the Clark amendment, we shall be taking $7.6 million of the District of Columbia taxpayers' money and disbursing it to the 50 States in the Union over and above what the District of Columbia will get on the basis that the District of Columbia is one of the rich areas of America, and is able to underwrite the educational systems of 49 States, Connecticut being excepted because it is on a par with the District.

The very least that Congress can do is to provide this extra money to the District of Columbia. I shall not endanger the District of Columbia amendment by proposing any amendment to correct what I believe is an inequity to Delaware. I believe it would be unfair to the District not to adopt the Clark amendment.

However, some day there will be a revolt on the part of the taxpayers. I do not believe Congress can continuously siphon money into Washington under the guise of giving all the people something for nothing.

Mr. President again I endorse the amendment of the Senator from Pennsylvania, but I express surprise and concern that the committee did not think of this proposal earlier. I simply do not understand by what line of reasoning the committee did not think of it when it decided to add $200 million to the bill, a 28-percent overall increase.

I do not know what they were thinking of when the State of Pennsylvania took a 63-percent increase in its allotment and gave the District of Columbia a 4-percent increase. I do not know what the committee was thinking of when it decided to give a 63-percent increase to Pennsylvania and a 45-percent increase to Texas, but gave Delaware only a 7-percent increase in its allotment.

Furthermore, it is time for the committees and Members of Congress to realize that these programs cannot be financed on hot air; they cannot be financed on promises.

If the bill is enacted, the Federal Treasury does not have the $850 million to pay the cost of the bill. Before 60 days are out, it will be necessary to increase the ceiling on our national debt and borrow the money and thereby charge the cost of the bill against our children and grandchildren. The only alternative is to raise taxes.

I should like to see the day come when all such bills could be accompanied by revenue-producing measures and thus let those who are fighting to give this money away express some of their enthusiasm as they fight to increase the taxes to pay for the projects. When they go back home, they can then brag to their constitutents how they have increased the taxes to pay for the programs. I wonder if there would be the same enthusiasm in voting for and bragging about the tax increases which will be necessary to finance programs as there is when we go back and brag about the benefits.

Mr. President, I ask unanimous consent that I may have printed at this point in my remarks a statement showing the benefit payments, the cost to the State, and the gain or loss under S. 1021, the School Assistance Act, and similar figures under H.R. 4806, the Unemployment Extension Act.

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

[Figures in millions]

	S. 1021, School Assistance Act			H.R. 4806, Unemployment Extension Act		
	Benefit payments[1]	Cost to State	Gain or loss	Benefit payments[2]	Cost to State[3]	Gain or loss
Alabama	$24.0	$8.3	+15.7	$10.0	$12.2	−2.2
Alaska	1.1	.9	+.2	2.2	1.2	+1.0
Arizona	7.4	4.8	+2.6	2.1	5.7	−3.6
Arkansas	12.8	3.9	+8.9	4.7	5.3	−.6
California	46.2	93.0	−46.8	80.0	99.4	−19.4
Colorado	8.8	7.9	+.9	2.0	8.3	−6.3
Connecticut	5.2	18.4	−13.2	18.2	18.5	−.3
Delaware	1.2	4.7	−3.5	2.0	3.2	−1.2
Florida	21.9	21.3	+.6	9.5	21.4	−11.9
Georgia	28.0	11.2	+16.8	12.0	16.7	−4.7
Hawaii	3.7	2.5	+1.2	.7	3.1	−2.4
Idaho	4.4	2.2	+2.2	1.6	2.5	−.9
Illinois	31.5	60.8	−29.3	40.0	68.6	−28.6
Indiana	22.7	19.3	+3.4	26.0	28.0	−2.0
Iowa	14.3	10.0	+4.3	3.5	10.8	−7.3
Kansas	11.1	8.1	+3.0	3.5	8.5	−5.0
Kentucky	21.4	8.9	+12.5	15.0	10.6	+4.4
Louisiana	22.2	10.0	+12.2	12.9	13.1	−.2
Maine	5.1	3.6	+1.5	2.0	4.5	−2.5
Maryland	13.6	16.2	−2.6	10.0	15.8	−5.8
Massachusetts	14.7	29.4	−14.7	30.0	34.2	−4.2
Michigan	37.9	38.0	−.1	93.0	46.6	+46.4
Minnesota	18.3	13.6	+4.7	14.4	16.0	−1.6
Mississippi	17.4	3.8	+13.6	2.2	5.7	−3.5
Missouri	18.5	19.4	−.9	11.0	23.6	−12.6
Montana	3.8	2.3	+1.5	1.1	2.6	−1.5
Nebraska	$7.3	$5.3	+2.0	$0.5	$5.2	−4.7
Nevada	1.0	1.7	−.7	2.0	2.0	-------
New Hampshire	2.7	2.8	−.1	.4	3.4	−3.0
New Jersey	16.5	36.9	−20.4	51.2	39.7	+11.5
New Mexico	6.3	3.1	+3.2	2.3	3.9	−1.6
New York	40.6	116.1	−75.5	170.0	119.9	+50.1
North Carolina	33.7	11.7	+22.0	7.9	19.9	−12.0
North Dakota	4.5	1.6	+2.9	.9	1.6	−.7
Ohio	39.5	49.0	−9.5	85.0	62.4	+22.6
Oklahoma	12.6	7.8	+4.8	5.8	8.9	−3.1
Oregon	9.0	8.0	+1.0	10.6	9.6	+1.0
Pennsylvania	44.0	58.9	−14.9	85.0	70.7	+14.3
Rhode Island	3.4	4.4	−1.0	5.5	5.5	-------
South Carolina	20.3	5.1	+15.2	7.3	9.1	−1.8
South Dakota	4.4	1.6	+2.8	.2	1.6	−1.4
Tennessee	23.5	10.1	+13.4	8.0	15.0	−7.0
Texas	58.0	36.7	+21.3	30.0	42.1	−12.1
Utah	6.3	3.0	+3.3	2.0	4.1	−2.1
Vermont	2.0	1.4	+.6	.6	1.7	−1.1
Virginia	23.8	14.4	+9.4	5.5	16.1	−10.6
Washington	12.9	13.8	−.9	8.9	15.4	−6.5
West Virginia	12.9	5.7	+7.2	9.5	8.4	+1.1
Wisconsin	20.0	17.5	+2.5	16.0	21.5	−5.5
Wyoming	1.7	1.3	+.4	1.1	1.5	−.4
District of Columbia	1.5	5.8	−4.3	2.2	5.5	−3.3

[1] Based on committee report.

[2] Excludes payments to Federal civilian employees and ex-servicemen in all States except Pennsylvania. Figures furnished by State employment security agencies.

[3] Figures furnished by Department of Labor.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that there be printed at this point in my remarks a statement showing the State gross debt by States in 1942, 1946, 1950, 1958, 1959, and the per capita in 1959.

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

State gross debt, by State, end of selected fiscal years 1942–59 [1]

State	Gross debt outstanding (thousands)					Per capita, 1959	State	Gross debt outstanding (thousands)					Per capita, 1959
	1942	1946	1950	1958	1959			1942	1946	1950	1958	1959	
Total	$3,256,680	$2,352,822	$5,285,102	$15,393,996	$16,929,769	$98.09	Montana	$13,161	$12,674	$25,088	$44,050	$45,800	$67.85
Alabama	[2] 69,570	[2] 50,211	[2] 53,785	[2] 133,922	[2] 150,930	47.70	Nebraska	1,384	850	1,022	9,689	9,665	6.74
Alaska					2,932	15.35	Nevada	669		775	3,065	2,856	10.50
Arizona	3,663	2,768	3,538	13,248	12,777	10.87	New Hampshire	18,062	11,570	22,472	78,990	85,751	147.34
Arkansas	154,442	134,619	132,791	109,595	105,044	59.99	New Jersey	106,143	63,796	98,686	872,729	874,370	150.78
California	218,241	169,864	263,272	1,455,496	1,711,997	119.85	New Mexico	27,426	21,232	29,886	51,256	50,927	59.56
Colorado	24,089	19,482	14,562	58,361	67,220	40.62	New York	725,311	563,149	866,882	2,074,703	2,433,985	149.21
Connecticut	30,213	22,835	158,509	797,047	873,213	369.54	North Carolina	136,013	101,869	202,322	290,243	273,324	61.16
Delaware	5,874	4,695	78,588	184,217	205,727	463.35	North Dakota	21,866	19,012	43,571	19,580	14,828	23.24
Florida	4,465	4,419	19,696	213,719	250,785	55.54	Ohio	[2] 7,008	[2] 3,708	189,788	852,191	897,768	94.17
Georgia	26,679	8,358	2,829	297,131	308,495	81.46	Oklahoma	54,132	41,261	96,346	201,668	200,825	89.18
Idaho	3,601	355	893	6,258	6,524	10.01	Oregon	31,289	18,283	36,684	219,480	283,182	162.19
Illinois	148,931	104,819	427,772	686,792	667,388	66.74	Pennsylvania	290,644	125,629	804,715	1,214,349	1,278,787	114.28
Indiana	7,960	7,210	14,946	355,401	407,288	89.22	Rhode Island	29,333	24,417	53,713	106,528	101,785	117.67
Iowa	3,051	1,241	35,144	31,259	56,001	20.14	South Carolina	86,639	74,603	98,725	267,819	268,331	112.23
Kansas	15,522	10,279	5,500	196,612	202,353	95.72	South Dakota	32,415	23,460	37,154	4,734	5,352	7.82
Kentucky	6,843	3,175	7,198	146,315	148,328	48.05	Tennessee	95,995	73,987	99,446	118,487	118,555	34.19
Louisiana	[2] 182,153	156,054	229,474	332,433	362,744	116.75	Texas	[2] 21,242	[2] 12,187	[2] 52,259	[2] 286,051	[2] 316,425	33.94
Maine	26,963	17,028	30,096	116,823	122,565	129.84	Utah	2,590	1,896	993	5,991	9,725	11.33
Maryland	[2] 52,452	34,563	101,771	545,198	558,599	188.65	Vermont	6,204	2,236	6,291	26,578	37,894	101.87
Massachusetts	[2] 111,187	83,967	242,394	1,162,763	1,332,264	271.89	Virginia	27,818	22,530	38,140	188,041	187,115	47.92
Michigan	44,248	23,106	232,137	624,430	729,235	93.13	Washington	17,257	11,894	97,694	348,208	394,148	142.29
Minnesota	105,086	66,157	131,885	132,558	178,081	53.29	West Virginia	79,660	68,226	70,448	283,697	294,634	149.94
Mississippi	80,122	63,370	77,628	123,606	153,246	71.05	Wisconsin	5,403	3,731	4,351	15,303	39,125	9.94
Missouri	[2] 90,093	59,146	40,309	82,926	87,103	20.66	Wyoming	[2] 3,568	[2] 2,901	[2] 2,934	4,456	3,773	11.98
							Hawaii				124,108	172,403	272.79

[1] Comparable data by State available only for 1942 and subsequent years; 1959 total includes Alaska.

[2] Fiscal year ending in preceding calendar year.

Source: Department of Commerce.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. CLARK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, I offer my amendment designated "5–16–61—E." I ask that it not be read, except by title, but that it be printed.

The PRESIDING OFFICER. Without objection, the amendment will be printed.

The amendment in the nature of a substitute is as follows:

Short title

SECTION 1. This Act may be cited as the "Educational Opportunities Act of 1961".

TITLE I

Establishment of National Scholarship Board

SEC. 101. (a) There is hereby established an independent body to be known as the National Scholarship Board (hereinafter referred to as the "Board"). Such Board shall consist of thirteen members to be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) Five members who are recognized scholars in any of the following fields: Engineering, mathematics, or science.

(2) Five members who are recognized scholars in the field of humanities.

(3) Three members from such fields of endeavor as the President deems appropriate. It shall be the duty of the Board to carry out the scholarship programs provided for in this title. Any vacancy on the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(b) Members of the Board shall receive compensation at the rate of $50 for each day engaged in carrying out this title, and shall be entitled to receive an allowance for actual and necessary travel and subsistence expenses while serving away from their places of residence.

Rules and regulations

SEC. 102. The Board shall make such rules and regulations as it deems necessary to carry out the provisions of this title. All actions of the Board shall be by majority vote of the members thereof.

Award of scholarships

SEC. 103. (a) The Board shall establish principles and policies to be followed in the selection of individuals to be awarded scholarships. Such principles and policies shall provide for the selection of individuals to be awarded scholarships by objective examinations designed to measure achievement, such as the cooperative achievement test of the Educational Testing Service, Princeton, New Jersey. The Board shall establish a minimum attainment grade for such examinations and notwithstanding the number of scholarships authorized in this title for any year, a scholarship shall not be awarded under this title to any individual unless he equals or exceeds such minimum grade. As part of such examination, the Board shall require each individual competing for a scholarship under this title to submit an original theme or composition written in English, as well as a written translation, of such material as the Board may prescribe, from English into a foreign language and from a foreign language into English. Scholarships awarded by the Board shall be known as "national scholarships".

(b) To be eligible to compete for a national scholarship, an individual (1) must be in his last academic year of secondary school or must hold a certificate of graduation from a school providing secondary education, (2) must have completed (or be in his last academic year toward completion) four academic years of study in English, three academic years of study in mathematics, three academic years of study in history, three academic years of study in foreign language, and three academic years of study in science or in Greek or Latin (if such Greek or Latin study is not used for the foreign language requirement above); (3) must have attained, or be reasonably assured of attaining, secondary school grades which average in the upper 15 per centum of the group with which he is completing secondary school; and (4) must make application for such scholarship in accordance with such rules and regulations as the Board may prescribe.

(c) Examinations for determining national scholarship winners shall be scheduled by the Board as as to permit the announcement of winners not later than the first week in March in each year that such scholarships are awarded.

(d) There are authorized to be awarded one thousand national scholarships for education beginning in the academic year which begins in the calendar year 1962, and for each academic year thereafter.

(e) All recipients of national scholarships shall receive a certificate signed by the members of the Board designating the recipient as a "national scholar."

Institution of higher learning to be attended

SEC. 104. An individual awarded a national scholarship may attend any institution of higher learning which will admit him if such institution (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, and (4) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Amount and duration of scholarships

SEC. 105. (a) The scholarship allowance to be paid each academic year to an individual awarded a national scholarship shall be

determined for each academic year by the Board on the basis of the estimated expenses which will be incurred for such year in attending the educational institution in which he is enrolled. In no event shall such allowance for any such year exceed $3,000, nor shall such allowance for the first such year be less than $500. The scholarship allowance shall be paid in such manner and at such times as the Board may prescribe.

(b) The scholarship allowance herein provided for shall be granted for a period of time not to exceed four academic years, or such longer period as is normally required to complete the undergraduate curriculum which the recipient is pursuing; but in no event shall such allowance be paid beyond the completion by the recipient of the work for his first bachelor's degree. Notwithstanding the foregoing provisions, the scholarship allowance shall be paid only so long as the recipient (1) devotes substantially full time during the academic school year to educational work at the educational institution which he is attending, and (2) maintains the standards and requirements prescribed by the institution he is attending and those prescribed by the Board. If the recipient fails to maintain such standards and requirements, his national scholarship shall be terminated and he shall be dropped from the program.

Appropriations

SEC. 106. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this title.

TITLE II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1954

Credit against income tax for real property taxes paid for support of public elementary and secondary education

SEC. 201. (a) Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 38 as section 39, and by inserting after section 37 the following new section:

"SEC. 38. REAL PROPERTY TAXES PAID FOR SUPPORT OF PUBLIC EDUCATION.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the taxes on real property paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, but only to the extent that such taxes do not exceed the lesser of—

"(1) $100, or

"(2) the amount of the tax imposed by this chapter for the taxable year, reduced by the credits allowable under secton 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to foreign tax credit), section 34 (relating to credit for dividends received by individuals), section 35 (relating to partially tax-exempt interest), and section 37 (relating to retirement income).

"(b) INCOME TAX BENEFITS NOT TO EXCEED AMOUNT OF REAL PROPERTY TAXES PAID FOR SUPPORT OF PUBLIC EDUCATION.—If the amount allowable (but for this subsection) as a credit under subsection (a) for any taxable year, when added to the amount by which the tax under this chapter for the taxable year is less by reason of the deduction allowed under section 164 for real property taxes for which credit is otherwise allowable under subsection (a), exceeds the total amount of real property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, the amount allowable as a credit under subsection (a) shall be reduced by an amount equal to such excess.

"(c) DETERMINATION OF AMOUNT OF REAL PROPERTY TAX PAID FOR SUPPORT OF PUBLIC EDUCATION.—For purposes of subsection (a), the amount of any tax on real property which is imposed for the support of public elementary and secondary education shall be—

"(1) with respect to any real property tax imposed solely for such support, the amount of such tax; and

"(2) with respect to any real property tax imposed in part for such support, the portion of such tax—

"(A) designated in the bill for such tax submitted to the taxpayer by the taxing jurisdiction imposing such tax; or

"(B) determined from information set forth in such bill or from information furnished to the taxpayer by such taxing jurisdiction,

as the amount of such tax which is imposed for the support of public elementary and secondary education.

"(d) SPECIAL RULES.—

"(1) TAXES MUST BE DEDUCTIBLE.—No credit shall be allowed under subsection (a) with respect to any real property tax unless such tax is allowable as a deduction for the taxable year under section 164.

"(2) TAXES CONSTRUCTIVELY PAID.—Under regulations prescribed by the Secretary or his delegate, the provisions of subsections (d), (e), and (f) of section 164 shall apply to real property taxes with respect to which credit is allowable under subsection (a)."

(b) The table of sections for such part IV is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 38. Real property taxes paid for support of public education.
"Sec. 39. Overpayment of tax."

Deduction for expenses incurred in providing higher education

SEC. 202. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 217 as section 218, and by inserting after section 216 the following new section:

"SEC. 217. EXPENSES FOR HIGHER EDUCATION.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the expenses for higher education paid by the taxpayer during the taxable year which are incurred by him, by his spouse, or by a dependent (as defined in section 152(a)).

"(b) DEFINITION.—For purposes of this section—

"(1) EXPENSES FOR HIGHER EDUCATION.—The term 'expenses for higher education' means amounts paid for—

"(A) tuition and fees required by an institution of higher education for attendance at such institution;

"(B) fees required by an institution of higher education for a course of instruction at such institution;

"(C) books, supplies, and equipment certified by an institution of higher education as necessary for a course of instruction at such institution; and

"(D) meals and lodging while attending an institution of higher education, but only if the individual for whom such amounts are paid is, at the time such expenses for meals and lodging are incurred, a full-time student at such institution or is enrolled in courses having at least one-half of the number of hours required to qualify as a full-time student.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an educational institution (as defined in section 151(e)(4))—

"(A) which is accredited by a recognized national or regional accrediting agency, and

"(B)(i) which is authorized to confer any baccalaureate or higher degree, or (ii) whose curriculum consists of courses at least two-thirds of which are courses of instruction within the meaning of this section.

"(3) COURSE OF INSTRUCTION.—The term 'course of instruction' means a course of instruction for the successful completion of which credit is allowed toward a baccalaureate or higher degree by an institution of higher education authorized to confer such degree, or which is required for graduation by the institution of higher education offering such course.

"(c) LIMITATIONS.—

"(1) EXPENSES OF EACH INDIVIDUAL.—Deduction shall be allowed under subsection (a) for the expenses for higher education of any one individual paid during the taxable year only to the extent that such expenses do not exceed $2,000.

"(2) SPOUSE.—Deduction shall be allowed under subsection (a) for the expenses for higher education of the spouse of the taxpayer paid during the taxable year only if—

"(A) the taxpayer is entitled to an exemption for his spouse under section 151(b) for the taxable year, or

"(B) the taxpayer files a joint return with his spouse under section 6013 for the taxable year.

"(3) MEALS AND LODGING.—

"(A) FULL-TIME STUDENTS.—Deduction shall be allowed under subsection (a) for the expenses for higher education described in subsection (b)(1)(D) paid during the taxable year which are incurred by any individual who at the time such expenses are incurred is a full-time student only to the extent that such expenses do not exceed—

"(i) in the case of such expenses incurred while the individual is attending an educational institution away from home, $90, multiplied by the number of months during the taxable year in which the individual attends an educational institution away from home, or if greater, by the number of months for which payment is made during the taxable year for meals and lodging for the individual while he is attending an educational institution away from home; or

"(ii) in the case of such expenses incurred while the individual is attending an educational institution not away from home, $45, multiplied by the number of months during the taxable year in which the individual attends an institution of higher education not away from home, or, if greater, by the number of months for which payment is made during the taxable year for meals and lodging for the individual while he is attending an educational institution not away from home.

"(B) LESS THAN FULL-TIME STUDENTS.—Deduction shall be allowed under subsection (a) for the expenses of higher education described in subsection (b)(1)(D) paid during the taxable year which are incurred by any individual who at the time such expenses are incurred is not a full-time student but who is enrolled in courses having at least one-half of the number of hours required to qualify as a full-time student only to the extent that such expenses do not exceed an amount determined under subparagraph (A)(i) or (ii), whichever is applicable, except that, for purposes of this subparagraph, there shall be substituted for $90 in subparagraph (A)(i), and for $45 in subparagraph (A)(ii), an amount which bears the same ratio to $90 or $45, as the case may be, as the number of hours in which such individual is enrolled bears to the number of hours required to qualify as a full-time student.

"(C) SPECIAL RULES.—For purposes of subparagraphs (A) and (B), a month during which an individual attends an institution of higher education for less than 10 days shall be disregarded; and an individual who is attending an institution of higher education not away from home, but who is required by such institution to accept meals and lodging furnished by such institution,

shall be treated as if he is attending an institution of higher education away from home. For purposes of this section, the amounts paid for meals and lodging of an individual while he is attending an institution of higher education not away from home shall, in the case of meals and lodging furnished to such individual by the taxpayer, be determined under regulations prescribed by the Secretary or his delegate. For purposes of the preceding sentence, a month during which an individual is in attendance at an institution of higher education for less than 10 days shall be disregarded. For purposes of this paragraph, an individual who is attending an institution of higher education not away from home, but who is required by such institution to accept meals and lodging furnished by such institution, shall be treated as if he is attending an institution of higher education away from home. For purposes of this section, the amounts paid for meals and lodging of an individual while he is attending an institution of higher education not away from home shall, in the case of meals and lodging furnished to such individual by the taxpayer, be determined under regulations prescribed by the Secretary or his delegate.

"(4) OTHER PERSONAL AND LIVING EXPENSES.—Except as provided in paragraph (3), deduction shall not be allowed under subsection (a) for any amount paid, directly or indirectly, for any personal or living expenses. In the event an amount paid as tuition or fees includes an amount for any personal or living expense (including meals or lodging) which is not separately stated, the portion of such amount paid which is attributable to such personal or living expense shall be determined under regulations prescribed by the Secretary or his delegate.

"(5) TAXPAYERS HAVING SUBSTANTIAL TAXABLE INCOME.—The amount which (but for this paragraph) would be allowable as a deduction under subsection (a) shall be reduced by the amount by which the taxable income of the taxpayer (computed without regard to this section) exceeds—

"(A) $10,000, if the taxpayer is unmarried and is not a head of a household (as defined in section 1(b)(a) for the taxable year, or is married and files a separate return for the taxable year, or

"(B) $20,000, if the taxpayer is married and files a joint return with his spouse for the taxable year, or is a head of a household or surviving spouse for the taxable year.

"(d) REDUCTION FOR CERTAIN SCHOLARSHIPS, FELLOWSHIPS, AND VETERANS' BENEFITS.—The expenses for higher education paid by the taxpayer with respect to any individual which (but for this subsection) would be taken into account under subsection (a) shall, under regulations prescribed by the Secretary or his delegate, be reduced by any amounts received by or for such individual during the taxable year as—

"(1) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which, under section 177, is not includible in gross income, or

"(2) education and training allowance under chapter 33 of title 38 of the United States Code or educational assistance allowance under chapter 35 of such title.

"(e) EXCEPTION.—Subsection (a) shall not apply to any amount paid which is allowable as a deduction under section 162 (relating to trade or business expenses)."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 217. Expenses for higher education.
"Sec. 218. Cross references."

Effective date

SEC. 203. The amendments made by sections 201 and 202 shall apply to taxable years beginning after December 31, 1959.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment now pending be considered over a 2-hour period, 1½ hours to be allocated to the Senator from Arizona and one-half hour to the Senator from Oregon.

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

Mr. GOLDWATER. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMATHERS. Mr. President, will the Senator from Arizona yield to me?

Mr. GOLDWATER. Mr. President, I yield to the Senator from Florida with the understanding that the time for his statement not be charged to my time.

Mr. MORSE. Mr. President, the time consumed by the Senator from Florida may be charged to the time under my control.

CASTRO, PRISONERS, AND TRACTORS

Mr. SMATHERS. Mr. President, Fidel Castro's callous offer to exchange prisoners for tractors has now put him into the dilemma, in which he had hoped to put the United States.

This offer was made solely for propaganda value. Castro knows and we know that he can obtain and is, in fact, obtaining tractors from Russia and the Soviet bloc nations. Castro hoped to make it appear throughout Latin America that the United States "imperialists" cared more for machinery than they did for human lives, to use his own propagandist's words.

He knows that the U.S. Government could not, and would not, accede to his unconscionable offer, for to do so would put the United States in the position of paying tribute in response to his blackmail.

He was advised that the principle of "millions for defense but not one cent for tribute" still exists in the United States and, indeed, we still embrace that principle.

But where he miscalculated was in not reckoning with the depth of sympathy and the extent of the friendship which the ordinary citizens of the United States feel for the Cuban people as such, and particularly for the Cuban freedom fighters. For now private citizens have, together with the Cuban refugees, responded to Castro's challenge for an exchange of a machine for a life, and now he seeks to squirm out of the deal.

All of Latin America has been horrified and appalled by Castro's Eichmann-like offer to exchange a life for a machine.

The newspaper O Estado de São Paulo in São Paulo, Brazil, São Paulo being the province of the President of Brazil, Mr. Quadros, had this to say:

A tractor will be sent to Fidel Castro by the great liberal newspaper O Estado de São Paulo in order to contribute to the ransom demanded by the Cuban Premier for counterrevolutionaries taken prisoner in the abortive landing operation. At the same time as it announced this decision the newspaper editorial expressed its complete disagreement with the "erroneous attitude of the Brazilian Government toward the problem of Cuba, which is vital for all America."

O Estado de São Paulo writes:

When our Foreign Minister says that it is too soon to know whether the Cuban regime is Communist or not, he contradicts with these words the statements of Fidel Castro and Ernesto Guevera themselves. The truth is that both of them have proclaimed themselves to be disciples of Lenin. Either our Government believes that the Cuban regime is the best, and if it wants to be consistent it must then try to establish such a regime in Brazil, or it must defend our own regime.

The editorial concludes by saying:

What is to be decided is how to protect the dignity of the office of the President of Brazil.

Since I received this particular newspaper, it is my understanding that four more newspapers in Brazil have now made an offer of a tractor, saying that they, too, have finally begun to wake up and realize that in Castro's offer of a life for a machine, they realize the callousness of the Communist government of Cuba. The whole reaction now has begun to work against Castro, and that is why he wants to be released from his offer.

Mr. JAVITS. Mr. President, at this point will the Senator from Florida yield to me?

The PRESIDING OFFICER (Mr. HICKEY in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. SMATHERS. I am glad to yield, although I have only limited time in which to speak.

Mr. JAVITS. I am glad to state, in connection with the statement of the Senator from Florida, that today the New York Post and the New York Journal American have published editorials praising the citizens committee in New York which is seeking to supplement the fundraising effort to which the Senator from Florida has referred.

Mr. SMATHERS. I thank the Senator from New York.

In La Paz, Bolivia, the paper Ultima Hora stated the Castro proposal was worse than Nazi Eichmann's proposal to barter Jews for trucks, since Castro was trading his own countrymen and his actions have resulted in Communist establishment of a base of operations in America. The editorial is also harshly critical of Latin American governments which are sympathetic to this "inhuman act."

In San Jose, Costa Rica, La Republica and La Hora front paged the Associated Press story on Castro's proposed barter. An editorial in Diario de Costa Rica calls the proposal cynical and cruel and a genuine example of Marxism which values machines more than man. It calls Castro's Cuba more Communist than any Iron Curtain satellite, and states Castro stays in power only through a reign of terror. The editorial adds that the proposal is hardly surprising, however, since Castro is "possessed of devils, Marxist, atheist, and inhuman."

In Montevideo, Uruguay, El Bien Publico—Union Civica and La Manana Colorado Independent followed the same editorial approach on May 19, comparing

Castro's offer to Hitler's offer to exchange Jewish prisoners for trucks. El Paid—UBD—stated they found it hard to believe, but, if true, is simply further proof of Communist disregard of human beings, and that Castro had arrived at the extreme of selling Cuban citizens for machinery. They also compared it with the Moorish custom of selling Christian prisoners for money.

No wonder that Fidel Castro is desperately endeavoring to change the terms of his offer, because it has been for him a monumental propaganda blunder. It has opened the eyes of doubters and dreamers to the cruelty, the callousness, and the materialism of the Communist ideology as it is practiced in Cuba today.

I am satisfied that if the Government of the United States continues to follow the present position of "hands off" with respect to this problem, with all of its humanitarian appeal, and leaves it to the private citizens here in the United States and in the neighboring Latin American countries, the solution can be found, the lives can be saved, and all Latin America can be thoroughly awakened to the terrible danger of communism.

An extra dividend may well be that, through this cooperative effort, we shall finally realize the unity of the peoples of this hemisphere in a giant, joint effort to stop the encroachments of communism in all of Latin America, and the pressing need to cooperatively eliminate communism from Cuba at the earliest feasible moment.

Mr. CARROLL. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. CARROLL. I did not understand the statement the Senator from New York made.

Mr. JAVITS. I referred to editorials published today in two newspapers in New York City. The editorials commented favorably on the effort of private citizens to do something about this matter, without all the implications—blackmail, and so forth—which some are trying to read into this situation. The editorials bore out the fundamental thesis which just now has been explained so very eloquently and well by the Senator from Florida.

Mr. CARROLL. Is the Senator from New York willing to have the editorials printed in the RECORD?

Mr. JAVITS. Yes; but that will have to be done tomorrow, for the editorials were published only today.

Mr. SMATHERS. Mr. President, in conclusion I wish to point out that no doubt Castro wanted the people of the United States to state, following his proposal, "We cannot do it"; and in that event Castro would have been able to say that although the United States had been talking for 20 years or more about how much it wanted to help the countries to the south of it, nevertheless, when the time came to save the lives of these people, the United States would not do anything about it. In my judgment, if that had been the case, the back of the revolutionary movement would have been broken.

In addition, Castro wanted to have word go throughout Latin America that although the United States has talked about progress in the housing field, yet the United States would not give up construction equipment—wheelbarrows or shovels or tractors or bulldozers—in order to save lives; and Castro hoped thereby to win a tremendous propaganda victory. But he did not realize the depth of feeling of the people in that connection. Newspapers all over Latin America are showing that the people are appalled by what Castro has done.

So now Castro is trying to say, "I will not deal with citizens' groups. I want to deal only with the Government."

Mr. President, the Government should stay out of this situation. We are now about to win a tremendous propaganda victory over Castro, because he has put his foot right into his mouth. At any rate, I hope the Government will stay out of this situation, and will permit our people to continue to act. By this means, the people all over Latin America will be able to realize the dangers of communism.

Mr. CARROLL. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. Mr. President, I do not have the floor.

Mr. GOLDWATER. Mr. President, I have the floor; and I ask unanimous consent that the colloquy may continue, but that the time required for it be not charged to the time available to either side, under the unanimous-consent agreement.

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

Mr. CARROLL. Mr. President, this is a very important subject. I know the able Senator from Florida has studied it very carefully. Will he inform us as nearly as he is able to, based on what he has been able to learn from the press and in other ways, how many prisoners are being held in Cuba, today, by Castro?

Mr. SMATHERS. Over and above the so-called freedom fighters?

Mr. CARROLL. Yes; the 1,200.

Mr. SMATHERS. Over and above the 1,271, my information is—although I cannot vouch for its authenticity—that in the neighborhood of 100,000 people are being held.

Mr. CARROLL. A few days ago I read in the newspapers that the estimated number was 147,000. However, whether it be 100,000 or 50,000——

Mr. SMATHERS. The information is that on the night of the revolution, Castro picked up 147,000 or 157,000. Since then, approximately 50,000 have been released; but 100,000 are still incarcerated in theaters and in pens of all kinds, under the most terrible conditions imaginable.

Mr. CARROLL. In order to be conservative, let us say that the number still held by Castro is only 50,000. But regardless of the exact number of prisoners Castro still holds, certainly the negotiations are most important, for they involve thousands of people. So if the Government of the United States has to negotiate on this basis, let the negotiations be across the board.

Mr. SMATHERS. I do not disagree with the Senator. I merely say I do not think the Government, itself, is in a position to become involved in this particular matter. The whole burden of what I was trying to say is that citizens' groups do a much more effective job. I understand the Government has taken no particular position with respect to this question, and I hope that will continue to be the case; but I agree that we ought to try to have every prisoner in Cuba released, and, for that matter, anywhere else. There are three boys in Ecuador who need to be released.

Mr. CARROLL. Would the Senator not say that, if we are to negotiate for 1,271 prisoners, we should talk about all the people who are now in prisons, whether it be done by private groups, or by a Commission of the Government, or by the U.S. Government?

Mr. SMATHERS. I could not disagree with the Senator. Certainly, we want to see that all people who are incarcerated wrongly are freed. Certainly, there are some in Cuba. Certainly, if we are to try to free 1,200, we ought to try to free more. Certainly, we should try to free Cuba. Certainly, we should try to get rid of communism there.

Mr. CARROLL. Emphasis has been placed on some 1,200 people. Some persons call it a ransom, some call it blackmail, to exchange machines for men. What about the thousands who languish in the jails of Cuba? It seems to me, they also represent a proper basis for negotiation.

Mr. SMATHERS. The Senator is correct.

TRIBUTE TO SENATOR HOMER CAPEHART

Mr. BRIDGES. Mr. President, it is not often that well-deserved great tributes are paid to statesmen and other fine public servants while they are still in office; all too often the fine, effective service a man, or a Senator, gives to his country is commented upon after he leaves office.

But today, Mr. President, as the senior Republican Senator, I am delighted to report that one of our most hard-working, truly effective Senators—one who comes from the very heartland of America—has received an excellent tribute from one of Washington's distinguished correspondents.

The Senator is HOMER CAPEHART, the self-made man, who, born on a farm, has worked all his life and succeeded in every endeavor to which he has put his hand. For the past 17 years he has served Indiana in the United States Senate—longer than any other Senator ever elected from that State. This in itself attests to the ability and character of Senator CAPEHART, and likewise to the good judgment of the men and women of his State.

I know only too well, Mr. President, of the capacities within this Senator, because I have known many Senators over the years and know from firsthand experience what a man is and is not. In Senator CAPEHART, as the news story in

the Chicago Sunday Tribune relates, Indiana and the Nation have a remarkable public servant. He ranks high in the councils of his party and his seniority enables Indiana to have unusual representation and attention. His activities encompass a wide range in the Halls of this body: Agriculture, the interests of small businessmen, banking and currency matters, housing and other fields of welfare, and, last, but not least, foreign relations. In passing, I might mention that there are a number of laws on the Nation's statute books today which bear the name of CAPEHART.

The article in the Chicago Sunday Tribune, written by Mr. Willard Edwards, a longtime observer of the political scene, points out, because of space limitations, only a few of Senator CAPEHART's abilities. For example, his very simplicity of action during Senate committee hearings frequently results—and this is well known—in getting to the root of problems.

In foreign relations, he has been ahead of his time. He has called the turn of events time after time, recently in the case of Cuba and Laos. All this is singled out specifically in the newspaper article.

Mr. President, because of this unusual and longtime coming tribute—which all of us are delighted to see—I ask unanimous consent that the story be printed in the RECORD.

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

WITNESSES SQUIRM WHEN CAPEHART CUTS LOOSE ON THEM—EVEN MURROW, AN OLD PRO, GETS THE FIDGETS

(By Willard Edwards)

WASHINGTON, May 6.—The two men facing each other were not only opposites in appearance. Their subsequent dialog was to show that they were poles apart in thinking. Neither would ever understand the other.

The Senator on the rostrum was HOMER E. CAPEHART, Indiana Republican, 63 years of age, a portly man with a round, sunburned face. He spoke slowly, sometimes hesitating as he groped for the proper word. He looked like a farmer or businessman and, in fact, is both.

OLD PRO SQUIRMS

The witness in the Senate committee hearing room was Edward R. Murrow, 53, shortly to be confirmed as Director of the U.S. Information Agency. His long and narrow face was pale. His voice, trained by many years of public speaking as a professional television commentator, had up to this moment rolled forth polished phrases in deep, resonant tones.

Now, strangely, the man accustomed to a vast listening audience, was nervous. Little beads of perspiration dripped from his chin, sullying an expensive tie. His left foot beat a tattoo on the floor. Famed for a bored imperturbability, Murrow seemed almost to be squirming.

PERPLEXED BY SENATOR

Some Senators might have given the witness comfort at that moment. They, too, have undergone questioning by Capehart and found difficulty in answering queries of a deceptive simplicity.

The Senator is no orator. After 17 years in the Senate, longer than any other Senator from Indiana in history, he talks as plainly and directly as when he first entered the perilous field of Hoosier politics back in 1942 as a county chairman.

Some might call him a plodder. He wrestles with a legislative proposal, ignores the fancy verbiage in which it may be presented, applies the commonsense which helped him to a highly successful career in the business world before he entered the Senate, and comes up with a practical verdict.

The process frequently baffles minds capable of more agility. On this occasion, Murrow, an idol in the liberal and intellectual world, was plainly perplexed. The Senator's reasoning was beyond his ken.

CAUGHT OFF BALANCE

CAPEHART was openly worried about the methods Murrow would use in his new job as Director of an agency set up to combat Communist propaganda around the world by spreading the American gospel of freedom.

Murrow had been taxed about scores of TV programs he had directed which appeared to concentrate more on the faults of the American system than its virtues. In presenting the United States to the world, he said, he would maintain an editorial balance, not omitting the Nation's weaknesses.

Some excerpts from the questioning:

"Mr. CAPEHART. What do you mean by editorial balance?

"Mr. MURROW. It means, basically, telling the truth insofar as human fallibility permits it * * * one does not get out of balance in reporting of difficult or depressed or contentious areas.

"Mr. CAPEHART. Do you mean that you must cover every phase, be it good or bad?

"Mr. MURROW. Yes, sir.

"Mr. CAPEHART. You intend to tell the bad about the United States along with the good?"

MUST REPORT BAD, TOO

"Mr. MURROW. If the bad is significant, it is going to be reported anyway and we must report it. We must report it honestly, otherwise it will be distorted.

"Mr. CAPEHART. My understanding of your position is that you are to sell the United States to the world, just as a sales manager's job is to sell a Buick or a Cadillac or a radio or television set. Now, I never knew of a salesman who was very successful that ran in advertisements and sales stories the weaknesses of their product and of their company. Now, aren't you selling ideas, just the same, in reality as selling physical things?

"Mr. MURROW. I do not mean to suggest that we should put emphasis on the unpleasant or the unsuccessful. But we cannot be effective in telling the American story if we deny that we have controversies or difficulties."

HE SHRUGS IN DESPAIR

"Mr. CAPEHART. I grew up as a farmer and manufacturer, and salesman. In selling, we deal with positives. We talk completely about our strength.

"Now why can't we concentrate on strength rather than weakness? This Agency (USIA) has not been very successful in the past. Here we sit, a Nation some 180 years old, with the greatest system of government, but other people in the world have not and are not copying it. I would like to see us concentrate on the positive and good. Let them find out for themselves about the weaknesses. If they do, the weaknesses may look so small to them in comparison to the good that they may discount them."

Murrow shrugged his shoulders slightly in seeming despair. As a $200,000-a-year Columbia Broadcasting System executive, he was no stranger to advertising techniques. But the concept that American propaganda abroad should fail to note flaws in the American system was obviously repugnant to him. He seemed about to argue, then remained silent.

RESEMBLANCE TO TAFT

The incident was typical of the Capehart approach to an issue. It has confounded others than Murrow. Senators in floor debate, seldom at a loss for words on any subject, have been known to falter under the persistent prodding of the Senator from Indiana, who insists that complicated legislation be discussed in simple, everyday terms.

CAPEHART puts the questions which many want answered but hesitate to ask for seeming to disclose lack of knowledge. In this respect, he bears a resemblance to the late Senator Robert A. Taft, Republican, of Ohio, one of the most knowledgeable men who ever served in the Senate. Taft never hesitated to confess ignorance of a subject and would not render an opinion until he turned it inside out and examined it from all angles.

CAPEHART was born near Algiers, Ind., the son of a tenant farmer, and never got beyond high school. He now owns and operates a 2,400-acre farm where his father once scratched out a living.

CORNFIELD CONFERENCE

He was a traveling saleman for a Wisconsin plow company at the age of 22, became a sales manager for an Indianapolis company, and at 31 organized his own corporation. In 1932, he founded a musical instrument manufacturing company and made a fortune.

He was 41 when he first took a direct interest in politics and gained nationwide attention by sponsoring a Republican "cornfield conference" on his farm in 1938.

In 1944, he was elected to the Senate, was reelected in 1950 and again in 1956. He will seek a fourth term next year and is regarded as a shoo-in.

CAPEHART reports weekly to Indiana, in a radio-TV broadcast, on what's going on in Washington. As a high-ranking member of the Senate Foreign Relations Committee, he has made some remarkable predictions and uttered some blunt comments which make this show sprightly listening and more informative than the product of the big networks.

KNEW LAOS WAS LOST

Thus, on March 31, 5 weeks ago, his listeners knew that Laos was lost to the Communists, a conclusion now visible even to the State Department. He has been urging action for months against Cuban Premier Fidel Castro ("a little bearded fellow with a dirty neck—an out-and-out Communist who's been beating the brains out of the United States").

After the Cuban invasion failure, CAPEHART warned that Cuba had become "as truly a satellite of Soviet Russia as East Germany" and said a further delay "in getting Russia out of Cuba" before it became a great missile base would involve a major war effort in the end.

SCHOOL ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (S. 1021) to authorize a program of Federal financial assistance for education.

The PRESIDING OFFICER. The Senator from Arizona [Mr. GOLDWATER] is recognized. How much time does the Senator yield himself?

Mr. GOLDWATER. I yield myself such time as I need.

Mr. President, I want to voice some general comments and objections to the bill that is now before us. I do not believe in Federal aid to education of any type; but if we must have it, if it is the consensus of the Congress that we must

have it, I believe the amendment which I shall discuss shortly would do a far better and safer job than the bill as it is before us.

The bill to provide Federal grants-in-aid to the States for classroom construction and teachers' salaries for public schools reported by the committee is one which I cannot support. The proposed measure rests on a number of assumptions which I regard as unsound and completely unsupported by the evidence. These false assumptions are:

First. Our public schools are inadequately financed.

Second. There is a substantial classroom shortage in the public schools.

Third. There is a serious shortage of teachers in the public schools.

Fourth. State and local governments are incapable of continuing to finance the public schools.

Fifth. The committee bill is consistent, fair, and equitable in its allocation of benefits and costs.

I am of the opinion that there is no "crisis in education," as claimed by the supporters of the committee bill. Judging by all the relevant criteria, statistical and otherwise, as provided by the bill's proponents themselves, I can find not the slightest justification for extending the activities of the Central Government into the field of education which, both traditionally and constitutionally, has been the exclusive domain of the States and the localities.

On many occasions on the floor I have heard the distinguished Senator from Oregon [Mr. MORSE], the floor leader of this particular measure, speak in general terms. I quote these words from page 8524 of the RECORD of yesterday, May 22:

> I believe it is very important to get on the statute books some legislative principles in regard to Federal aid to education.

This statement appeared on page 8057 of the RECORD of May 16:

> What is new is that we now stand on the threshold of passing a law which will, for this day and age, begin to make significant contributions to the education of all public school children in each of the States, and that we recognize an obligation to do so under the general welfare clause of the Constitution.

The repetition of these remarks, or similar remarks, indicates that the proponent of the bill recognizes that we have no constitutional right to act in this general field. He rests his case upon the general welfare clause, which has never been held to govern education.

We are in a new era, so to speak. We are legislating around the Constitution. We are legislating to the effect that we might satisfy ourselves that we have the right to move into the field of States and localities in relation to the support and operation of the schools.

ARE OUR SCHOOLS INADEQUATELY FINANCED?

The answer to that question is "No." In the past 20 years, enrollment in educational institutions of all kinds and at all levels increased 57 percent, while total educational expenditures increased 642 percent.

Although prices more than doubled during this period, the increase in educational expenditures of 642 percent would still have been 257 percent if computed in dollars of constant purchasing power, as compared with the 57-percent increase in pupil enrollment, a ratio of almost 5 to 1—U.S. Office of Education, "Statistical Summary of Education, 1955-56; Progress of Public Education in the U.S.A., 1959-60; releases of August 28, 1959, and August 14, 1960."

If we look at the share of the national income being spent for education, we find a similar upward trend. In 1890, 1.4 percent of the national income was spent on education. In 1913 it was 2.2 percent, in 1930, 3.7 percent, in 1950, 4 percent, in 1956, 5.1 percent, in 1960, 6 percent. Thus the percentage of the national income going to education has multiplied more than four times since 1890, and increased 50 percent between 1950 and 1960—Roger A. Freeman, "Financing of the Public Schools," volume I: School Needs in the Decade Ahead, 1958, page 5. It is also not without significance, that according to UNESCO figures, almost all other countries of the world allocate a smaller percentage of their national income to education, and that the Soviet Union, whose national income is far smaller than ours, spends no greater proportion on education than do we, erroneous assertions to the contrary notwithstanding.

Growth in our total educational expenditures has outdistanced the advance in both business profits and living standards. Thus, between 1929 and 1958 expenditures for education grew 580 percent, corporate net profits 129 percent. As a percentage of national income, corporate profits dropped sharply from 9.4 to 5.2 percent, while the percentage for educational expenditures rose from 3.7 to 6 percent for the same period—U.S. Office of Education, "Statistical Summary of Education 1955-56; Progress of Public Education in the U.S.A., 1958-59; U.S. Department of Commerce, Survey of Current Business, July 1959."

When we turn to the public elementary and secondary schools, attendance at which has been declining in proportion to our population growth while college and private school attendance has been increasing, we find that the rate of expenditure has gone up more rapidly than the living standards of our people. Over the past 30 years, per capita expenditures for personal consumption have increased 57 percent while public school expenditures per pupil have risen 166 percent, both ratios being measured identically in constant dollars—"Economic Report of the President, January 1961"; U.S. Department of Commerce, Bureau of the Census; National Education Association, "Status and Trends, 1959"; Estimates of School Statistics. And while this development was taking place public school expenditures were far outstripping public school enrollments in the rapidity of their increase. Thus, from 1900 to 1961, enrollment multiplied 2.4 times whereas school expenditures per pupil, on the average and in constant dollars, have doubled about every 20 years, and the current school expenditures per pupil have multiplied 8.4 times in terms of the same constant dollar, an increase more than 3½ times as great as the increase in enrollment—U.S. Office of Education; "Statistical Summary of Education, 1955-1956"; National Education Association, "Estimates of School Statistics, 1960-1961."

When we examine the population projections made by the Bureau of the Census, the evidence indicates that the peak of educational needs in terms of population growth has already been reached, and that this ratio will decline during the next decade. The school-age group—those between 5 and 17 years of age—increased 46 percent between 1950 and 1960. It is estimated that for the next 10-year period—1960 to 1970—this rate of increase will be cut in half, shrinking to about 20 percent—U.S. Bureau of the Census, "Current Population Reports, Series P-25, No. 187".

2. HOW LARGE IS THE CLASSROOM SHORTAGE?

The size of the classroom shortage has been a major issue in the continuing debate on Federal aid to education. Figures on classroom shortages issued by the Office of Education show a shortage of 250,000 in 1950, 312,000 in 1953, 370,000 in 1954, 159,000 in 1956, 142,300 in 1957, 141,900 in 1958, 132,400 in the fall of 1959 and 142,100 in the fall of 1960. If we take these figures at face value, they indicate a reduction in the classroom shortage from 370,000 to 142,100 between 1954 and 1960 without the benefit of a Federal aid program—various reports, Office of Education.

There is, however, some doubt about the accuracy of classroom shortage figures. In March 1955 the Secretary of Health, Education, and Welfare testified before a congressional committee that a revision of estimates placed the expected shortage in 1959-60 at 176,000 instead of the 407,000 he had estimated a few months earlier. Actually, the report issued in the fall of 1960 placed the figure at only 142,100. These estimates are usually based on statistics prepared by the school authorities in each State; there are no national standards, and many believe the estimates reflect the subjective attitudes of the compilers rather than any actual classroom situation. For example, two neighboring States with roughly similar classroom situations, and great similarities in other important respects—Wisconsin and Minnesota—reported classroom shortages of 3,941 and 310, respectively. The disparity is so great as to raise serious doubts about the objectivity of many of these estimates.

At any rate, a comparison of the inventory contained in the long-range phase of the school facility survey of 1954 with the autumn 1959 survey shows that in those 5 years enrollment increased 20 percent, number of classrooms 30 percent, and the number of pupils per classroom was reduced by 2½ from 30.6 to 28.1.

President Kennedy, in his education message, asserted that classroom needs for the coming 10-year period between 1960 and 1970 will be 600,000. This averages out to 60,000 classrooms per year—paper presented to American Statistical Association on December 30, 1959,

by Louis H. Conger, Educational Statistics Branch, Office of Education. However, figures released by the Office of Education disclose that between 1956 and 1961, a total of 349,300 classrooms were built for an annual average of 69,860, or almost 10,000 per year more than the yearly average asked for by the President. Assuming these estimates to be reasonably accurate, it is as plain as a pikestaff that to take care of all estimated classroom needs for the next decade it will not be necessary to maintain even the annual volume of school construction that was completed in the average of the past 5 years by the States and localities acting without benefit of a Federal grant-in-aid program—"Staffing and Constructing Public Elementary and Secondary Schools, 1959–69," Department of Health, Education, and Welfare, January 19, 1961.

3. HOW SERIOUS IS THE TEACHER SHORTAGE?

Here again we are confronted with highly suspect statistics. Thus, on August 30, 1959, the Office of Education reported a shortage of 195,000 qualified teachers.

But in 1953, the Secretary of Health, Education, and Welfare had estimated that the teacher shortage would be 292,000 by the fall of 1960. These huge disparities between projected estimates and actual future developments are common in the discussions of the issue—National Education Association, "Estimates of School Statistics, 1959–60," pages 10 and 11; U.S. Office of Education, release of August 30, 1959, and earlier releases. They indicate to us that much of the so-called data consists of poetry and propaganda rather than objective research. At any rate, even if we use these dubious statistics, they point only to the conclusion that the so-called need for Federal aid to education has been exaggerated by its proponents. As a matter of fact, the 1959 report on teacher shortages was so severely criticized that the Office of Education omitted a reference to the teacher shortage in its regular report in the autumn of 1960.

Actually, the figures seem to indicate that education has made great strides in meeting its manpower needs. Over the past 30 years, the number of employees in all forms of public education, both lower and higher, increased 140 percent while employment in private industry rose by only 45 percent; but enrollment in public education rose at the same rate as the population of the United States as a whole—45 percent—U.S. Department of Commerce, "National Income, 1954 Edition"; Survey of Current Business, July 1960.

Our public schools have increased their teaching staff proportionately faster than enrollment and the number of pupils per teacher has been consistently reduced. Since 1900, the number of public school pupils rose 140 percent, the number of teachers 250 percent, and the pupil teacher ratio was reduced by 11.2, from 35.6 pupils per teacher to 24.4 for 1960–61. Even if we take the figures for the last 7 years alone, the number of pupils increased 29 percent, the number of qualified teachers increased 40 percent, and the pupil-teacher ratio declined by 2.4 pupils per teacher, from 28.4 to 26.—U.S. Office of Education, "Statistical Summary of Education, 1955–56"; National Education Association, "Estimates of School Statistics, 1960–61."

At this point I cannot resist a further illustration or two of the unreliability of the figures emanating from some of the most active and articulate proponents of Federal aid to education. Thus, in a release dated August 28, 1958, the Office of Education estimated the number of qualified teachers in 1958–59 at 1,334,800 and the shortage at 132,200. A year later, on August 30, 1959, it reported the number of qualified teachers in the same year—1958–59 to have been 1,400,700 or 65,900 higher than previously estimated. But strangely enough, instead of reducing the shortage correspondingly by 65,900, it increased it retroactively by 49,800—from 132,200 to 182,000. In that very same report—August 30, 1959—in which it raised its estimate of qualified teachers for 1958–59 to 1,400,700, it estimated for the next year, 1959–60, a supply of 1,368,000 qualified teachers, a decline of 32,700. But in the December 1959 issue of its magazine School Life the Office of Education reported that the number of qualified teachers had risen during the same year—between 1958–59 to 1959–60—by 55,200. Thus one report suggests a decline of more than 32,000; another, from the same source, an increase of more than 55,000.

When we come to the question of the future supply of teachers the outlook is highly favorable. If the percentage of college students seeking a teaching career merely remains stable over the next decade the number of newly graduated teachers will almost double. But pupil enrollment will be far less, for, as I have pointed out, it will be only about 20 percent as compared with 46 percent during the last decade.

Much has been said about the inadequate earnings of the teacher. But these judgments must remain subjective unless they are based on comparisons with earnings of other segments of our population. The figures show that during the past 30 years—1929 to 1959—teachers' salaries have more than kept pace with the other working elements of our population. In that period, teachers' salaries rose by 106 percent as compared to 91 percent for all persons working for wages and salaries and only 73 percent for Federal Government civilian employees. It should also be emphasized that a huge proportion of our public school teachers are women, and all the surveys on the subject have shown that women teachers average higher earnings than other women college graduates or professional workers.

4. CAN STATE, AND LOCAL GOVERNMENTS CONTINUE TO FINANCE THE SCHOOLS?

Mr. President, let us take a look at the fourth false assumption, which relates to the question, "Can State and local governments continue to finance the schools?"

I should like to preface my remarks by reading from the April issue of Construction Review of the Department of Commerce. These are extremely interesting figures and show the picture for the first 3 months of 1961, January through March. All private construction in this country for that period was down 5 percent, but public educational construction was up 18 percent. To show increases over comparable months a year ago—January was plus 19 percent, February was plus 17 percent, and March was plus 18 percent.

According to the same source, constructions costs were up only 1 percent over a year ago. This increase is a solid one and a new alltime record volume of public educational construction for the first 3 months of the year. This fact, together with the fact that bond approvals in 1960 were at a record high, proves that there is no slackening, no State and local exhaustion, no state of crisis in the building of public schools, and there has been provision by the localities for the construction of schoolbuildings and also the operation of them.

In December 1959, the Department of Health, Education, and Welfare conducted a telegraphic canvass among chief State school officers, 45 of whom replied; 15 of the States reported having districts which, although needing additional classrooms had reached their borrowing limits and had no access to other funds—Office of Education, "Projection of Earned Degrees to 1969–70"; "Staffing and Constructing Public Elementary and Secondary Schools, 1959–69." "Survey of Current Business, July 1960"; "National Education Association." "Economic Status of Teachers in 1959–60."

There were 237 such districts, most of them small, out of a national total of over 40,000—a showing that only one-half of 1 percent of all the school districts in the Nation, legally lacked financial means to build needed schools. Despite the heavy burden of Federal taxation, the States and local communities, as I have shown, have done magnificently in meeting their own school needs. The sales of State and local bonds have been at a high level for the past several years, and the overwhelming majority of them are being approved by the votes of the citizens in the States and localities. If the heavy yoke of Federal taxation were eased, there can be no doubt that the States and local community would not only be able, but would be most willing, to increase both their taxes and expenditures for all public services including education.

I remind Senators that about the only tax collector that taxpayers can really get at is the man who proposes school bonds for school construction or school maintenance. He is the only tax collector on whom the American taxpayer can vent his wrath. He can become angry at the Internal Revenue Service and the State collector. But the only one before whom the citizen can rise and shake his finger and say, "No; I am not going to be taxed in this manner," is the man who handles the school bond programs. In most instances he is the county tax collector. I mention this point because most people believe that school bonds are not being voted, when the opposite is the case.

I have heard the argument advanced in the Senate Chamber that local people are not taking care of their responsibility, when in truth the local people have been taking care of their responsibilities to an extent far greater than is needed to overcome any shortage, whether real or imagined.

As I shall shortly show, if, through the adoption of my substitute, we would allow local taxpayers to keep some $3¼ billion in their pockets instead of sending it back to Washington, from which we deduct a brokerage fee and then send what is left back to the States, we could really attack local problems.

Many people have said to me, "How do we know they will spend such money for schools?"

I will discuss this subject later. How do we know they must spend the available money for schools? For example, in my hometown, there is no school shortage at present, but we need many new roads and expanded sewage system. Money would be better spent for such projects, in the judgment of the local people. Then when new school buildings and grounds are needed, it would not be a difficult problem to supply them. I will discuss this subject in greater detail when I reach the discussion of my amendment.

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

Mr. GOLDWATER. I am happy to yield.

Mr. RANDOLPH. The esteemed Senator from Arizona has indicated that in his area there is an apparent need for highway construction and for the building of sewers or sewage treatment plants. Would the Senator agree that those programs are on a Federal-local basis at the present time in most instances?

Mr. GOLDWATER. If I said "highways," I meant to have said "roads," because they are city roads. They are financed by the city. The expansion of the sewer system is financed by bonds. In my hometown we are now in the process of voting on $103 million of bonds to take care of these particular needs, and Federal money does not enter into this particular project.

Mr. RANDOLPH. Perhaps I misunderstood. These Federal statutes call for cooperative effort. There needs to be a sharing rather than a dividing of educational responsibility.

Mr. GOLDWATER. If I said "highways," I should have said "roads," because highways are the broad concrete strips upon which we travel across the State. If I inadvertently used the word "highways," I should have said "roads," because I think that "highways" would have a different connotation. City-built streets would probably be better.

Mr. RANDOLPH. I thank the Senator.

Mr. GOLDWATER. I am glad my friend from West Virginia put my words right, because I would not want them to be misunderstood by others.

5. INEQUITIES AND INCONSISTENCIES IN THE COMMITTEE BILL

It is plain that, judged by any of the relevant criteria, which we have set forth above, there is no "crisis in education" and no justification for extending the activities of the Central Government into that area as the committee bill would do. But even apart from the lack of need for legislation of this type, the proposed measure is self-contradictory in important respects, inequitable in its allocation of benefits, as we heard earlier this evening, and in a number of instances fails to achieve the President's stated objectives of giving the greatest aid to those who need it most—U.S. Bureau of the Census, "Historical Summary of Governmental Finances in the United States, 1959"; "Governmental Finances in 1959, 1960."

The high-income States which will pay the largest shares of the cost of the program and receive the smallest allocations, which in many instances are considerably smaller than the amounts they pay out, are precisely the States in which most of the increase in school enrollment has taken place. The low income States which will contribute least to financing the program and receive far larger sums in their allocations have had the smallest growth in pupil enrollment. Thus four-fifths of the increase in school enrollment between 1955 and 1970 has and will occur in States with above-average per capita income; but only 6 percent of the enrollment increase will be in the 12 lowest income States.

We need to illustrate only a few of these inequities. According to the Office of Education's 1960 survey, New York State had a net schoolroom need of about 10,200. Texas needed a net of 809. During the 3-year program under the committee bill, New York State, although paying far more than Texas in financing the program, will receive considerably less in allocation, although its classroom needs are 12 times as great.

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

Mr. GOLDWATER. I yield.

Mr. KEATING. I wish to emphasize the point the Senator from Arizona has just made. It seems highly inequitable that Texas should receive not a greater percentage of dollars than New York but actually a greater amount in dollars than New York. A formula which results in anything of that kind strikes me as highly inequitable and as being motivated by considerations other than national interest.

Mr. GOLDWATER. I cannot help but agree with my friend from New York. I point out that I put into the RECORD yesterday, I believe, a table showing the assessing practices of the various States. I make a quick comparison between the State of the Senator from New York and the State of Texas which we have been discussing, because they are almost identical so far as value is concerned. It points up why some of the States have not provided proper educational facilities. The estimated market value in dollars of the assessed taxable real property in 1946, which is the last year for which figures are available, shows that New York had a value of $62.1 billion. New York assessed at the rate of 55.8 percent of the market value.

Texas, on the other hand, which has a total estimated market value of $54.4 billion, which is comparable and close to that of New York, assessed at 4.7 percent. The national average is around 30 percent.

We cannot force a State to provide adequate educational facilities, because it has a right to do what it pleases, and I hope the States will never give that right to the Federal Government. If my State, which is about the 29th or 30th wealthiest State in the country, can provide more than an adequate educational system, I cannot understand why the wealthier States cannot provide the same kind of system. It works a complete inequity upon States like New York, which is the leader in public education. California ranks second. I cannot understand why the people of New York and the people of my State should be taxed in order to support education in States which have never adequately supported education.

Mr. KEATING. Under the formula which now exists in the bill a premium goes to those States which underassess their property and do not tax their citizens sufficiently to cover their own requirements for public education. Does the Senator agree?

Mr. GOLDWATER. I have to come to that unfavorable conclusion. I had hoped to be able to offer statistical proof to prove that point. However, some States finance education through a portion of their income tax; others through a sales tax; still others through ad valorem taxes. Some States do it through a combination of such taxes. Therefore, it is difficult to arrive at a set of statistics which proves what I have concluded. However, I am convinced that the States which will receive the biggest increases will be States which have never practiced proper taxation methods so far as their schools are concerned.

Wyoming, according to this same survey, will have a net shortage of 22 classrooms but will receive the relatively enormous allocation of almost $5½ million. And finally, Indiana which according to the official Office of Education Surveys, needed 1,505 classrooms in 1959 and 1,321 in 1960 and which more than kept abreast by scheduling the completion of 2,000 classrooms in 1959–60 and 2,152 more in 1960–61 will get more than $68 million under the committee bill, although it actually has more classrooms than the surveys indicate that it needs. It should be added that the average teacher salary in Indiana is also $370 above the national average.

What are we going to do about Indiana? Indiana is taking care of herself. Yet it is proposed to give Indiana $68 million. It will be interesting to see what Indiana finds to do with these funds. Many States in the Union, with proper application of taxation, could more than adequately finance their schools.

In Arizona we found ourselves blessed with a $12 million surplus last year. Most of it came about from raising our sales tax one point in order to take care

of our schools. We are happy that we have this amount to work with.

To return to what the Senator from New York and I were discussing a moment ago, it is not fair to tax States which are taking care of their own to pay for education in States which have never shown any inclination to take care of their own.

Thus it is plain that the operation of the bill's allocation formula is unfair. It appears to us to have been concocted simply with an eye to the unjust results which it actually would achieve, and with little or no concern for equity and fairness.

I would like to make a further comment. The loud fanfares which have accompanied the bill are quite misleading. Many have been led to believe that the bill will add substantially to our educational resources. This is utterly inaccurate. The total amount of aid for public schools which it would provide is about 4 percent of what the States and localities will themselves spend on education during the same period even if they do not increase their own efforts by a single penny. And when we compare this additional 4 percent with the 16 percent by which the States and localities have during the past 5 years exceeded the rate of construction of classrooms asked for by the President for the next 10 years, it becomes apparent that the committee bill will add little to improving our school facilities. But there is no doubt that it will do much to further impair the strength of our constitutional State-Federal system.

Those who speak for the administration in behalf of this bill are equally selfcontradictory in its support. Thus, during the interrogation of Secretary Ribicoff when he appeared before the Senate subcommittee to support the administration bill, he admitted that the States and localities had made enormous expenditures for education during the past 10 years. But he insisted that that was precisely what caused the problem requiring Federal educational grants to the States for its solution, and indicated that the States and localities could not be expected to continue to maintain such efforts. He said:

> Now you have had the fantastic commitments by the States and the local communities in their State and local debt requirements, their expenditures and the increase of taxes. I think that is the reason why we are here now, because of that large increase in the past decade (Public School Assistance Act of 1961, hearings before the Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate, 87th Cong., 1st sess., pp. 159–160).

He referred to this increase as "indigestible economically" by many of the localities.

But the committee bill, like the administration bill, specifically provides that as a condition of receiving its benefits in full, the States must maintain, at the very least, their present level of school expenditures, and as we read the bill, they are actually required to increase these expenditures.

It necessarily follows therefore that Secretary Ribicoff's implication that the billl would to some degree relieve the States of the need for continuing to make the enormous educational efforts of the past few years is quite inaccurate. To the contrary, it will add to those burdens if they are to secure the full benefits the bill provides.

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

Mr. GOLDWATER. I yield.

Mr. LAUSCHE. As I understand, Secretary Ribicoff used the expression that the States have taken the position that they are faced with an indigestible economic responsibility; therefore, the Federal Government should supply the States and local governments with money. Except for States which would get back more than they will pay, how would the bill relieve them in their efforts to digest this economic responsibility? Whatever they get, they will have to pay back. Thus the responsibility, in the end, will still remain. The only States to which relief will go are those which will have given less than they will receive; and when one adds up the figures, he learns that the percentage of aid, instead of being 4 percent of the total expenditures that will be made, is probably a fraction of 1 percent.

Mr. GOLDWATER. If the bill is to be made digestible economically, some Federal "alkaseltzer" will have to be provided; otherwise, it simply cannot be done.

Mr. LAUSCHE. By declaring that Congress will provide relief and implying that the States will not have to pay for it, but that it comes as a gift from heaven, the impression is left that the taxpayers will not have to pay for it. That, of course, is a complete fallacy.

Mr. GOLDWATER. The Senator from Ohio is expressing the exact truth about the bill. There is no source of money for the Federal Government other than the people. The idea that Congress can give the States something they do not have to give the Federal Government first is utterly and totally ridiculous. If we are to spend the rest of our economic lives supporting States which have never shown any inclination to take care of their own problems, we shall probably extend our activities further than this.

The State of Ohio will pay into the program $50,050,000 a year. Ohio will receive in return $39,031,368 a year. In other words, the people of Ohio will send $11,018,632 outside their State when they could be using that money to very good advantage to meet their own educational requirements within the State.

Mr. LAUSCHE. The Senator from Arizona will find that although the Secretary of Health, Education, and Welfare said that by the bill Ohio would be relieved of some of its economic problems, that simply is not so. Some States would be aided, and such aid would not come on an equitable basis or meet any logical formula which would provide the aid proportionately to the States which are in distress.

Mr. GOLDWATER. It would be almost impossible to devise a formula to accomplish what the Senator from Ohio has suggested. It simply will not work out in an equitable fashion.

While the figures I have just read to the Senator from Ohio seem large, he should feel a little sympathetic toward the Senators from New York, whose State will receive $39,735,000 from this beneficent plan. However, to get that amount, New York will have to contribute $118,470,000. In other words, New York will send out $78,735,000 which New York could very well use, I believe, in order to maintain an excellent school system. This is the case all down the line.

Mr. LAUSCHE. From what page is the Senator from Arizona reading?

Mr. GOLDWATER. I am reading from page 346 of part 1 of the hearings.

Mr. LAUSCHE. One of the paradoxes I have observed is that under the President's recommendation, Pennsylvania was to receive, I believe, $92 million. Under the committee's formula, Pennsylvania will receive $132 million. My query is: Since when has Pennsylvania become an impoverished State, one which requires Federal financial aid to help solve its fiscal requirements?

Mr. GOLDWATER. I do not know when it became that way. I have always considered Pennsylvania, with its great cities of Philadelphia and Pittsburgh—Pittsburgh being one of the great industrial cities of the United States—as being among our better-off States. I was rather surprised to see that Pennsylvania felt it needed Federal aid for education. Actually, Pennsylvania will be out far more than it will receive, under the adjusted formula. I am reading from the original formula. I do not know when Pennsylvania became impoverished.

Mr. LAUSCHE. Pennsylvania simply is not impoverished. Pennsylvania is one of the richest States in the Nation.

Mr. GOLDWATER. I shall go to the other extreme and point out the ridiculousness of the formula. Under the original formula, my own State of Arizona would receive $9,043,884; but Arizona would have estimated tax payments of $4,070,000. We do not need it. We have never taken any Federal aid other than under the National Defense Education Act. The taxing efforts we have put forth have resulted in a $12 million surplus. So Arizona is confronted with the fact that it can more than adequately take care of its education system. However, evidently we shall have to swallow that $9 million. I do not know what we will do with it.

Mr. LAUSCHE. Will Arizona get back more than it pays in?

Mr. GOLDWATER. It will; and we have no right to it, because Arizona can more than take care of itself.

Mr. LAUSCHE. How much more will Arizona receive than it will pay out?

Mr. GOLDWATER. Almost double.

Mr. KEATING. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. KEATING. I might enlighten the Senator from Ohio by reminding him of the figures which the distinguished Senator from Delaware [Mr. WILLIAMS]

brought out, namely, that in the formula which was sent to Congress by the President, but was rejected by the committee, the committee added to the formula. By some curious coincidence, the States represented by members of the Committee on Labor and Public Welfare got an additional gratuity from the Federal Government. That might have a bearing.

Mr. LAUSCHE. I understand that to be so. I was much impressed by the argument of the Senator from Delaware, who pointed out that in the bill which we passed last March——

Mr. GOLDWATER. The unemployment compensation bill.

Mr. LAUSCHE. Yes. He stated that certain States received more money under that bill than they would be required to pay, but that under this bill the same States will have to pay more than they receive.

Mr. GOLDWATER. That is correct.

Mr. LAUSCHE. That is a sort of whirlygig. Under the previous bill, some States paid out more than they will receive. Now they will be given more than they will pay out. That will leave them where they started.

The fact that the States represented on the committee got more money under the committee version of the bill I ascribe to coincidence.

Mr. KEATING. Oh, yes; under the rules of both Houses of Congress, we must ascribe that fact to a coincidence; so although I join the Senator from Ohio in ascribing it to a mere coincidence, I think the fact is worthy of note.

Mr. GOLDWATER. I should like to say it has been noted with great clarity by the Senator from New York and also by the distinguished Senator from Delaware.

Mr. LAUSCHE. I should like to mention the case—reported in the lawbooks—of a defendant who shot the same man on three different occasions. At the first trial the defendant was acquitted, on the basis of his defense that the shooting was an accident.

At the second trial, the defendant was again acquitted, also on the basis that the shooting was an accident.

But at the third trial, the jury decided that it was rather odd that on 3 different occasions the same man was shot by the same defendant, and in each case by accident.

Mr. GOLDWATER. In this case the same animal has been shot several times since I have been a Member of the Senate; and I hope that we can succeed in having it shot this time, and that this time it will fall down for good.

Arizona ranks 35th in income per pupil, but ranks 6th in educational expenditures per pupil—a fact of which we are very proud.

Again, Secretary Ribicoff was asked the following question:

> Now, Mr. Secretary, if all the States and local communities were able to finance their own educational development, in other words if the problem were not a financial one, but rather an unwillingness on their part to expand or improve their education facilities to the degree you regard as necessary, would you still favor a program of Federal aid to education?"

The Secretary replied:

> Personally, if I thought that every community and every State could do their own I would not (ibid., p. 159).

III. THE REAL OBJECTIVES OF THE PROPONENTS OF FEDERAL GRANTS-IN-AID FOR EDUCATION

As the figures have shown, there is no national necessity for Federal aid to education. The States and localities have demonstrated both their willingness and ability to meet their educational needs adequately. But in spite of the tremendous job which the States and local communities have done during the past 15 years to overcome the backlog of school facilities needed in some areas, a backlog brought on by the depression, World War II, and Korea, the proponents of direct Federal aid to education are nevertheless absolutely insistent that the only way to reduce the backlog is by a massive infusion of Federal grants into the States. In recent years, the same proponents have added to their propaganda the claim that teachers are not paid enough by the local school districts, and, therefore, that it is the responsibility of the Federal Government to correct that situation, as well.

It is interesting and significant that the demands for Federal aid to education have grown louder and more insistent as the need for expanding our school facilities diminishes. It is fully apparent that many of those promoting the idea of Federal aid to education are interested only in the element of centralized control, and, consequently, refuse to recognize that the States and local communities have been rapidly solving the backlog problem. They have seen their crisis selling point melt away, in the face of determined local responsibility, and are attempting to cover it up by adding new items to their list of needs and more power to their propaganda efforts. The present offensive for Federal aid to, and control of, the Nation's education is the heaviest ever mounted; and it must be resisted if the real, but rarely disclosed, objectives of these proponents are to be defeated.

The strongest and most persistent demands for Federal aid to education come from organized pressure groups—the professional educationists represented by the National Education Association—NEA—the labor unions, and small but vocal liberal organizations, of which Americans for Democratic Action—ADA—and the American Veterans Committee—AVC—are typical. The professional educationists, particularly, are influential in many State departments of education. That, incidentally, is why, under the committee bill, the entire administration of the program, including the allocation of funds within the States, is placed in the hands of the State departments of education. Legislatures and Governors are bypassed, as are local school boards, all of which have hitherto manifested a complete lack of enthusiasm for a Federal aid program in education.

Thus, the National School Boards Association, which represents the State school board associations and the country's 50,000 local school boards, year after year has refused to endorse Federal aid—most recently at its annual convention in Chicago in April 1960, and at its convention in Philadelphia on May 5, 1961. In short, only a few days ago, at this year's convention of the National School Boards Association—held in Philadelphia—the association adopted a resolution opposing Federal aid to education until the school boards of America express the need for such funds.

Mr. LAUSCHE. Mr. President, will the Senator from Arizona explain some of the details in connection with the Philadelphia convention? Will he state what the convention was and what were the responsibilities in the educational field of those who were delegates to the convention?

Mr. GOLDWATER. Mr. President, I shall answer by reading into the RECORD a telegram which provides the information the Senator from Ohio desires. As a matter of fact, I referred to this matter several days ago, and that statement appears in the RECORD.

This telegram was sent to me by a lady in Pennsylvania who evidently is a member of the association, and also evidently attended the convention. The telegram reads as follows:

> WYNNEWOOD, PA., *May 19, 1961.*
>
> Senator BARRY GOLDWATER,
> *Washington, D.C.:*
>
> National School Boards Association Convention, Philadelphia, May 5, 1961, passed resolution "opposing further extension of Federal aid to education until the school boards of America express the need for such funds." Earlier that day convention soundly defeated resolution supporting Federal aid for public schools. Who is in better position to judge needs of public schools than public school directors? Why is their resolution being ignored by the Senate?
>
> Mrs. ROY MCKISSOCK.

Mr. LAUSCHE. I am familiar with the resolution. The National Association of School Boards met in Philadelphia; the delegates there represented school boards all over the country; and those school boards have the responsibility of managing and providing the finances for the schools. In their convention they adopted a resolution asking that the Federal Government not go into the program of providing funds for the construction and operation of schools. Is not that correct?

Mr. GOLDWATER. The Senator from Ohio is absolutely correct; and he will find that a similar statement was previously inserted in the RECORD.

I repeat that the association represents more than 50,000 local school boards; and year after year they have refused to endorse Federal aid to education.

Mr. RANDOLPH. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I am happy to yield.

Mr. RANDOLPH. I have listened to the colloquy between the Senator from Arizona and the Senator from Ohio in regard to certain action taken at the Philadelphia convention of school boards.

Is it not true that at the Republican National Convention in 1960, the views of a much vaster number of persons were ostensibly represented by the declaration, adopted by delegates at that con-

vention, representing millions of citizens, in favor of Federal aid to education?

Mr. GOLDWATER. The Senator from West Virginia is absolutely correct that such a plank was included in the Republican platform, just as it is likewise true that both parties included civil rights planks in their platforms.

But in this particular case my heart is perfectly at ease, because I voiced open opposition to this part of the platform. In fact, if the platform committee on education had been allowed to vote out what it wanted to vote out, there would not have been in the Republican platform a plank in favor of Federal aid to education. I know that is a weak argument, because such a plank was voted out. But a survey was made by Dr. Ernest Wilkinson, the president of Brigham Young University, who was a member of that committee. He polled the 1,300 members of the convention, and asked whether they would support Federal aid for school construction and Federal aid for the payment of teachers' salaries. The last information received—and I inserted it in the RECORD some time ago—showed that he received responses from 63 percent of those who were polled—a surprisingly large percentage; and the breakdown of the replies received was as follows:

On the question of Federal aid for the payment of teachers' salaries, 97 percent were opposed, 2 percent were in favor, and 1 percent did not express any opinion.

On the question of Federal aid for school construction, 82 percent were opposed, 17 percent were in favor, and 1 percent did not express any opinion.

Mr. RANDOLPH. Mr. President, will the Senator from Arizona yield further?

Mr. GOLDWATER. I yield.

Mr. RANDOLPH. I have personal and official esteem for the intellectual integrity of the distinguished Senator from Arizona.

I am attempting, for the record of this debate, to indicate that not only the Democratic Party in its national convention, but the Republican Party in its national convention, as well—those duly chosen or elected delegates speaking for the people of the United States of America, studies having been made of the problems of education—gave their stamp of approval to Federal aid to education. It varied, of course, but the stamp of approval was given by the two major parties. To what motive does the Senator ascribe that action?

Mr. GOLDWATER. I agree that that is the case, but I do not agree that the platforms of both parties expressed the desires and wishes of the American people. I think if that were so, the Democratic platform adopted in Los Angeles would be pressed with more vigor than has been the case. For example, there was a plank in the platform about civil rights. I do not recall seeing anything on the floor about civil rights. When the Republicans try to put civil rights into the bill, we are soundly defeated on it. I toss the question right back: Why is not the Democratic Party doing something about the promise it made?

When I stood up to speak my piece to the people across the Nation, I made it clear what I did not agree with in my own party's platform. I did that because I did not want to be dishonored by coming to the floor and opposing some of the things my party said it was for.

I have cited figures showing all the Republican delegates did not go along with it, even though it was a part of the platform.

I cannot agree that either platform was the expression of the American people. I would dislike to think that the American people had gone so far that they would allow these documents to be written.

Mr. LAUSCHE. Mr. President, will the Senator yield to allow me to make a comment?

Mr. GOLDWATER. I yield.

Mr. LAUSCHE. If I had to decide whether the delegates to the association of school boards, on the one hand, or the delegates to the conventions of the Republican Party and the Democratic Party, on the other, were the most objective and impartial and best fitted to judge, I would have to answer that the delegates from the association of school boards were. They have an interest in seeing to it that their schools are run economically and efficiently. They would seemingly have their burdens lightened if Federal money were given to them; yet they said they did not want it. On the other hand, the Republican Convention and the Democratic Convention were trying to win votes, and in order to win votes, they were prepared to make promises which would insure the attainment of that result.

Mr. RANDOLPH. Mr. President, may I comment following the remarks of my courageous colleague from Ohio?

Mr. GOLDWATER. I yield.

Mr. RANDOLPH. I do not think the Senator from Ohio really desires the Senate or the country to believe that men and women who stand for public office, and parties setting forth their pronouncements in platforms, are not honest or forthright in their appeal to the American people.

Mr. LAUSCHE. In my view, they are human beings engaged in the game of politics; and, based upon my experience in the past, commitments are made at political conventions primarily for the purpose of attracting votes. There is, seemingly, an auction between the two parties, one hoping to bid more than the other party in order to gain the support of a political segment of the voting public.

That is my candid view, and it is the view I have developed through 10 years in the governorship and 4 years now in the Senate.

Mr. RANDOLPH. Mr. President, will the Senator yield again?

Mr. GOLDWATER. I yield.

Mr. RANDOLPH. I think the viewpoint expressed is an indictment of the democratic process in the United States of America. We approach these vital matters through the participation of men and women who exercise the franchise of freedom, which is the ballot. To indicate that there is some ulterior motive in the party platform declaration or in the proposal of a candidate as he appears before the people, it seems to me, is an indictment, as I have said, of the very process or system which has contributed so much to the strength of America.

Mr. LAUSCHE. I think it is merely a reflection of the weaknesses that reside with people in political life. It is no condemnation. If it is a condemnation, it comes from the fact that in the zeal to win office, there are too many of us who are willing to promise anything and everything. I frankly say that it is not very soothing to me to feel that way, but that is the absolute fact.

Mr. RANDOLPH. Mr. President, will the Senator yield once more?

Mr. GOLDWATER. I yield.

Mr. RANDOLPH. I ascribe to the Senator from Ohio the same feeling for intellectual integrity that I have toward the Senator who has the floor. But let us think for a moment what the teachers of America, as well as the members of school boards, to whom reference has been made, have been saying. Certainly, there would be a recognition—not a reluctance, but eager, recognition—that men and women who are the teachers within our educational system in this country come, not with ulterior motives, in asking Congress for Federal aid to education. They represent no improper motive when they say they believe the time is here to share the responsibility on a national level for a better educational system.

Mr. GOLDWATER. I remind the Senator from West Virginia that I have repeatedly seen a statement ascribed to the organization asserting that laymen should not operate the school systems; that they should be managed by professionals. This is what I assert is the end desire of the groups on the outside who advocate Federal aid to education.

I think nobody can argue with the facts of the case, as they were reviewed before the committee. We have been building classrooms at a higher rate than the President has asked for; the teacher shortage has been solved; the increase in school population will be cut in half in the next 10 years; and we have increased our school expenditures by about 15 percent each year for the last 7 years.

There can be no question that the States and localities are attempting to take care of the problem. So there must be some other motive. I suppose, if I were in their place, I might feel the same way; but as a parent, I feel it is my responsibility to pay attention to my own school board. I do not like the idea creeping into the Federal Government that we have the right and the duty to move into the local areas and take over any of the school boards' activities and have control over the schools or education; and that, I think, is what is desired by the groups on the outside who advocate this measure. That is my feeling.

Mr. LAUSCHE. I should like to make a comment. I think these people are

sincere in their arguments, and they feel the aid ought to be given.

Mr. RANDOLPH. I thank my colleague from Ohio for his statement. I feel that there is no more dedicated or devoted group of citizens in our country than the men and women who teach our youth.

Mrs. Randolph and I have reared two children—our sons now grown to manhood—in educational processes in the public school system. I have watched them develop through the public schools and to evaluate their instructors. By and large, I have felt that those teachers were knowledgeable, helpful, and dedicated. When teachers, almost in concert, feel that this program is important and needs attention at the national level, with a sharing by the States in a common problem, they have a valid influence on my conclusions.

Mr. GOLDWATER. Mr. President, I did not wish to impugn the sincerity of any people or of any groups, but I have no recollection of observing any long list of State teachers' organizations which have approved this program. I have no recollection of teachers from my State or from other States approaching me to say that we must have Federal aid to education.

Nor has a witness representing a State or local board of education appeared at congressional hearings to testify for Federal aid for at least 5 years, although several members of such boards have testified against it during that period. Although the overwhelming majority of witnesses before congressional committees strongly favor such aid, it should be noted that they represent teachers associations, other private organizations, or were school superintendents, principals, and teachers. In other words it was the school employees who testified to the financial inability of the State and local school systems, while the lawful governing school boards made no such claims.

In the spring of 1959, the House Committee on Education and Labor asked all Governors whether future educational needs in their States could be met through State and local efforts. Not all of the 39 who responded answered with a clear "yes" or "no." To the extent to which the replies can be classified, they appear as 27 in the affirmative, 7 uncertain, and only 5 in the negative. Interestingly, among the affirmative answers were several Northern Democratic Governors of pronounced liberal views. Some of their statements are most interesting.

Gov. Herschel C. Loveless, of Iowa, said:

> I would like to point out that the mechanism of Federal aid to education will not make available economic resources not already available to the various States and the local political subdivisions financing public school systems in this country.
>
> Perhaps the most basic problem to which insufficient attention has been devoted is that of securing efficiency in the operation of our State-supported educational systems. Improved education is not synonymous with more money for education. Realistically viewed, teachers' salaries can be raised in much the same way that wages and salaries have been raised in other industries, that is, by increased output per worker. Reliable statistics indicate that we are making less effective use of present-day employees in the public school system than was being made a half-century ago. Partly the problem is one brought on by the proliferation of courses and of activities not basic to the true functions of a public school system. Partly the problem has been brought on by the growth of an idea that the quality of education depends upon reducing the ratio of pupils to teachers. With modern methods of communication and the vast improvements in visual aids and other techniques for mass education, it is unthinkable that we should continue to require more and more teachers to educate any given number of students.

Declared Gov. Michael V. DiSalle, of Ohio:

> It is my feeling that in many cases requests for financial aid from the next highest level of government stems from an unwillingness to face up to increased taxes. Although greater taxes always accompany subsidies, it seems to be less painful if they are levied by another political entity. In Ohio, we are in the process of increasing taxes, much of which can be attributed to increased school subsidy.

Gov. George Docking, of Kansas, said:

> It is my opinion that, given anywhere nearly equal opportunity, the local and State governments are better able to solve educational problems than are members of a Federal bureaucracy.
>
> The weaknesses which are apparent in the present educational system are due almost entirely to the development of a bureaucratic psychology at the State and local levels. The system, in my opinion, can be improved only by eliminating the unnecessary bureaucratic ideas at the local and State levels. It cannot be improved by superimposing a Federal bureaucracy on one which is now topheavy with unnecessary, and sometimes detrimental, personnel.

And the Governor of New Jersey, Robert B. Meyner, expressed himself as follows:

> The "weakness" of State and local taxing systems is the impact of heavy Federal taxes particularly when the "export-import ratio" is disproportionate, as it is in New Jersey. What is under discussion is a substantial increase in tax dollars, aggregate. State and local tax systems are capable of raising any amount desired so long as the citizen-taxpayer will approve. The State's taxing power is exercised by the people themselves, through representative government. The question of "systems" is irrelevant to the problem. "Tax systems" are concerned with providing methods as equitable as possible for assigning a fair share of the tax burden to each taxpayer. The "system" is not related to amount. That is determined by the effective net rate of the particular "system." Changes of system will not meet the problem presented, for the taxpayer will quickly discover that the change merely meant paying his tax out of a different pocket. This is well demonstrated by those States which have reduced their reliance on property taxes in exchange for sales and income taxes, only to find that, when revenue needs grew they were forced to go back to the property tax for more revenue.

IV. FEDERAL CONTROL OF EDUCATION—THE ULTIMATE RESULT

It is plain to see that the citizens, the taxpayers, and their legally elected representatives, both State and local, are not demanding Federal aid to education. The professional educationists and their allies, fully aware of this, realize that their complete control of our educational system can come about only if education is federalized. It is much easier for pressure groups to influence a single legislative body like the Congress, and a single executive, the President, than 50 State legislatures, 50 Governors, and 50,000 local school boards.

I have heard it said repeatedly on the Senate floor that no controls are provided in the bill. That is not the fact of the case. I ask Senators to read section 106(a), which says:

> The sum otherwise allocable to any State under section 105 for any fiscal year after the fiscal year beginning July 1, 1961, shall be reduced if such State's effort for such fiscal year is not at least equal to such State's base effort for such year.

If that is not control, I do not know what control means. In other words, the State would not get the money unless its effort equaled the base effort.

Subparagraph (b) of the same section 106 provides:

> The sum otherwise allocable to any State under section 105 for any fiscal year after the fiscal year beginning July 1, 1961, shall also be reduced if such State's effort for such year is not at least equal to the State's base effort for such year plus the average annual rate of increase in the national effort over the five fiscal year period beginning July 1, 1956, and ending June 30, 1961.

There are controls all through the bill.

In section 106, subsection (e)(1) there is the provision with respect to how the State's effort will be determined. This provides a formula which must be followed. It is a control. If the formula is not followed, the State will not get the funds.

In subsection (e)(4) of section 106 it is provided:

> The Commissioner's determinations of the State effort, base effort, income, public school expenditures, and expenditure per public school pupil, for any State, and his determinations of the national effort, average rate of increase, and expenditure per public school pupil, shall be conclusive for purposes of this title,

If that is not control by a man in Washington, D.C., I cannot read the English language.

Section 108 of the bill relates to sums allocated under section 105, as adjusted by section 106, and provides:

> a State education agency may use such amount as it deems necessary for any supervision, services, and other costs of administering its activities under this title in that year, except that such amount shall not be more than whichever is the lesser of (1) ten cents multiplied by the number of public school pupils in the State during the prior fiscal year, and (2) $150,000, except that if, for any State, such lesser amount is less than $25,000, such amount shall be increased to $25,000.

Controls? They are all the way through the bill.

Section 109 provides:

> Each State education agency shall set aside, from the sums allotted to it under section 105, as adjusted by section 106 for any fiscal year, an amount equal to 10 per centum of the sums.

And so forth.

Section 110(a)(1) relates to the application to be made to the Commissioner, and says:

provides assurance that the State education agency shall be the sole agency for administering the funds received under this title;

Let us assume that the State does not have such an agency and does not desire to have such an agency. The State could not participate unless it set up the agency provided.

There is a further provision, under subsection (a)(2), as follows:

provides for specifying at the beginning of each fiscal year the proportion of its allotment for such year that will be expended for (A) public school teachers' salaries, and (B) the construction of public school facilities; and provides that such allotment, except for sums used in accordance with sections 108 and 109, shall be used exclusively for either of such purposes;

Mr. President, I could go through the bill page by page. The bill is filled with controls written into it, as have to be written into any bill when we attempt to give Federal grants-in-aid for any purpose.

The proponents of Federal aid insist that funds can—and will—be granted to the States without undue controls. They have inserted in most of their legislative proposals, as they have done in the committee bill, clauses enjoining Federal administrative officials from exercising powers over local schools. But these are pious platitudes designed to divert attention from the inevitability of Federal control following upon Federal grants.

Thus, even the late Representative John Lesinski, Sr., a former chairman of the House Committee on Education and Labor, and himself a leading liberal within the Democratic Party, had no illusions on that score. He stated:

It is impossible to draft a general Federal aid bill which will not contain a great deal of Federal control over local school systems. * * * I am convinced, after the hard study we have put to the question, that no acceptable bill preventing Federal domination of local schools can be drawn. I reluctantly come to the conclusion, but I had to face the facts. (CONGRESSIONAL RECORD, vol. 103, pt. 5, p. 6348.)

As an example of the correctness of Representative Lesinski's assertion, I should like to point out some of the Federal controls in the most recently enacted congressional legislation on education, the National Defense Education Act, Public Law 85-864. Here are a few of the controls contained in that statute:

First. With respect to the payment of Federal capital contributions, the Commissioner of the Office of Education of HEW sets the date for filing the application by the educational institution. He may reallot excess amounts to other States, and he determines the manner in which the installments of Federal contributions will be made.

Second. Participating institutions must make an agreement with the Commissioner providing for certain conditions which must be met.

Third. Loans made by an institution to a student are subject to such conditions, limitations, and requirements as the Commissioner may prescribe; there are eight exceptions which the institution must abide by.

Fourth. Each State must submit a detailed plan to the Commissioner in order to receive payments.

Fifth. Loans made to nonprofit private schools must meet four conditions.

Sixth. The awarding of fellowships depends on the making of certain findings by the Commissioner.

Seventh. The right of a fellowship student to continue to receive payments is dependent upon a finding by the Commissioner that the student is making satisfactory progress in, and devoting full time to studies and research.

Eighth. In order to be eligible for participation in the fellowship program, again the State must submit a detailed plan to the Commissioner.

Ninth. Payment to the States under the vocational education program of the act are conditioned on the State meeting certain requirements.

Tenth. Again, a State plan must be submitted.

Eleventh. Any person receiving funds under the act must take a loyalty oath.

Twelfth. The State plans which are a condition to receiving benefits under the act must contain certain specified provisions.

I agree that many, if not all, of these controls are necessary. After all, the Federal Government, when it spends huge sums of the taxpayers' money, must attach conditions and controls to see that the money is spent both properly and in accordance with the requirements of the law. But they are controls nevertheless, and they are inescapable when the Federal Government participates in any field of activity by spending Federal funds.

But these Federal controls, necessary as they may be, inevitably lead to further Federal controls, which, despite all pious protestations to the contrary, have a direct impact on the substantive content of these programs, an impact which may be directly contrary to the wishes of the beneficiaries.

To illustrate, I should like to refer to the experience of Prof. Claude J. Bartlett, assistant professor of psychology at George Peabody College for Teachers, Nashville, Tenn. He describes the fate of two guidance and counseling institutes set up under title V of the National Defense Education Act. Professor Bartlett participated in both, and was the director of one.

Professor Bartlett points out the following Federal controls and their consequences:

First. In one institute, the standards of admission for students were lowered as a result of pressure from the Federal Government. The result was the acceptance of many persons who were of questionable ability.

Second. Based on the experiences in its first institute, changes in the operations of the second institute were deemed desirable. Nevertheless, the Office of Education refused to permit changes in the plan of operation even though the changes did not affect the cost of the institute as specified in the contract. Thus, the Federal Government dictated curriculum and administration of the institute as well as financial arrangements.

Third. When the contract setting up the institute was signed, the director of the college's child study center was named acting director of the institute. When the college sought to substitute a permanent director to permit the acting director to return to his regular duties elsewhere, the Federal Government refused to allow the change in directorship, thus interfering with the operation of the college.

Fourth. The Office of Education insisted that all of the students of the second institute be recruited before authorization for establishing it had even been completed.

As a result of these difficulties, the college chose to cancel the contract for the institute rather than submit to bureaucratic whims emanating from Washington.

Financial aid to the States could be provided without the possibility of Federal control through purely monetary, nonearmarked, and unconditional grants or tax sharing—Roger A. Freeman, "Grants Without Strings," National Civic Review, June 1959. But the proponents of Federal school aid insist that the funds must not only be earmarked for the schools but also channeled through the U.S. Office of Education and the State departments of education as provided in the committee bill, so as to insure and enforce the supremacy of the professional educationists.

The influence of parents, communities, and legislatures is likely to wane if an increasing share of the funds does not depend upon their approval but is derived from Federal grants. Local boards of education for many years have tended to concern themselves mostly with approving tax rates and bond issues and selling them to the public rather than with the setting of educational policies. They have largely been ratifiers of professional proposals.

School boards which have tried to assert themselves against their superintendents in regard to educational policy have been regarded with suspicion, even with hostility. Thus, an editorial in the publication, the Nation's School, for June 1960, referred to "the indefinable sense of uneasiness" with which some school administrators view the growing strength of school board organizations and questioned whether "the school board is to be secretly appraised as a group to be controlled or stymied." Further, they fear "the possibility that school boards as organized groups may embark upon programs to influence school legislation in direct conflict with the goals of professional groups." Another report of the professionals stated that "the deepening concern board members show for their responsibilities gives rise to a major problem. One aspect of this is the alarm with which professional educators view amateur direction of school policy"—Education Summary, October 12, 1958.

The education reporter of the New York Times warned or threatened that "local boards are in danger of voting themselves out of power, if they refuse to accept guidance from those who will increasingly map out national goals and standards"—Fred M. Hechinger, "School Conflicts," the New York Times, May 29, 1960.

The purse strings have been the main instrument by which communities and boards of education have tried to make their influence upon school policies felt. Federal aid would make it less necessary for educational administrators to bow so low to State legislators, school boards and to the lay public; it would give them more of the independence they have so long sought.

The fight over Federal aid to education has been commonly viewed as a battle over money for the schools. It is conceivable that the real issue is not just money. The crucial issue may well be a power struggle over the control of the schools between the organized profession and the lay public. Federal funds would strengthen the hand of the educational bureaucracy—but it would weaken the authority of the citizens and their communities—Roger A. Freeman, "Financing the Public Schools," volume II, Taxes for the Schools, pages 366–392.

Mr. President, I have spent a good deal more time on the general discussion of the bill than I had intended. I do not believe I have much time remaining. I shall finish the explanation of my amendment, to the best of my ability, in the time remaining. If I need more time, because we discussed the platforms of both parties, perhaps the majority leader might be good enough to allow me more time because of that extracurricular activity.

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. RANDOLPH. Mr. President, will my colleague yield to me?

Mr. GOLDWATER. I am happy to yield.

Mr. RANDOLPH. I fail to understand why the interjection was termed "extracurricula." When the Senator from Arizona told the Senate that a certain group of school board members in one instance was opposed to Federal aid to education, I think it was pertinent to the discussion for the Senator from West Virginia to remind the Senator of the pronouncement of the Democratic and Republican platforms concerning the very vital subject that we are considering tonight. We are discussing our youth, our most valued resource, and we talk candidly of their educational needs.

Mr. GOLDWATER. Possibly it is not extracurricular, because it gave the Senator from Arizona an opportunity to point out that the other side of the aisle has done nothing about civil rights yet. I will stand on what I have said and let it go at that.

Mr. President, I will continue to hope that I can visit with the majority leader relative to a little more time, because we were engaged here in a colloquy that was of pertinence to the bill but was charged to my time and not to the time of the opponents. As I understand, we are trying to get out by 10 o'clock. I think if I might be allowed to go until 9 o'clock, I can finish the presentation of my amendment.

Mr. MORSE. Mr. President, I ask unanimous consent that the agreement be modified to permit the Senator from Arizona to speak until 9 o'clock.

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

Mr. MORSE. It is understood that thereafter I shall have half an hour to reply.

Mr. GOLDWATER. I thank my friend from Oregon.

Mr. President, the amendment to which I address myself is my amendment 5-16-61—E, and it is offered in the nature of a substitute.

Early in this session of Congress, a three-part program dealing with education which I believe if enacted, would provide the solution to all problems, real and imaginary, confronting our educational system today. I now offer as an amendment in the nature of a substitute these proposals.

My substitute sets forth a program dealing with the proper role of the Federal Government with respect to education at all levels—elementary school, high school, and college, university, and institutions of higher learning.

This is a role which must be directed toward helping our people to help themselves without the direct intervention of the Federal Government. It must recognize first and foremost the danger of centralized control over the vitally important area of life encompassed by the education of our children. Then, it must take account of the actual need which exists for expanding and augmenting the facilities which we now have for meeting the Nation's educational needs. Finally, it should use the power of the Federal Government to restore to the States and local governments the financial means to handle the needs that may exist or arise, which have been substantially preempted by the Federal Government.

The problem is one of letting the people decide, in their own communities where that decision can best be made, just what are their educational needs. After that, it is one of equipping them to handle their needs locally, through their own school boards and without the direction of Washington bureaucracy.

The major domestic problem now facing our Nation is the threat of inflation with its disastrous impact on private savings, insurance, pension funds, and social security. This threat has enormous ramifications when applied to our educational problems.

This is true because an increasingly larger share of these funds is being accumulated by parents for the purpose of providing for the higher education of their children, the costs of which are outstripping the ability of many people to keep pace.

I. THE DECAY OF AMERICAN PRECOLLEGE EDUCATION

It is my belief that what is primarily wrong with American precollege education is not lack of money but lack of quality. The deterioration in the standards of the American elementary and secondary school has been recognized not only by leading scholars in and out of the academic community but finally, by the vast majority of the long-suffering American people as well. It seems obvious that huge sums of additional money should not be spent in perpetuating and aggravating our educational shortcomings. Any program which makes additional funds available for use by our elementary and secondary school systems should be accompanied simultaneously by a program designed to induce improvements in the quality of education.

Speaking before the American Society of Civil Engineers in February 1958, Dean Martin Mason, of the George Washington University School of Engineering, stated bluntly:

> Our schools are not fulfilling what should be their main function—basic education and the stimulation of minds. Pupils spend half their time learning social graces, automobile driving and in building their bodies.

Mortimer Smith, director of the Council for Basic Education, in his recent book "A Citizen's Manual for Public Schools," writes:

> To sum up, this should be the bare minimum expected of a normal child finishing the elementary school: He should be able to read and write with some fluency, and spell, add, subtract, multiply, and divide with accuracy; he should know the basic geographic facts of his country and the world, have a knowledge of elementary science; know something of the culture and history of other peoples and much of his own. And above all, his schooling should have taught him the difference between aimless mental activity and orderly thought.
>
> There is a strange quirk in modern educational thinking which produces pessimism about the school's ability to teach such tangibles as geography, spelling, and reading, but optimism about the ability of the school to teach such intangibles as good citizenship and wise use of leisure time and to produce tolerant, well-rounded personalities.

Title I of my amendment provides, as a step in aiding and improving precollege education in the United States, a measure to help achieve these goals which will invoke the most limited participation by the Federal Government but which will be wholly voluntary in character, completely free from any compulsion, either through law or otherwise, and which will be based entirely on the principles of emulation and inspiration.

Title I would establish a national merit scholarship program to make it possible for the most promising students to obtain college and undergraduate university educations, but primarily designed to establish a set of voluntary secondary school scholastic standards which can serve as a guide and a beacon both for the high schools of the Nation and for the parents of America.

These national scholarships will require only a tiny expenditure of Federal funds. They will be severely limited in number but generous in amount so as to be attractive to students and parents alike. They will be administered by a Board appointed by the President, and consisting of scholars and authorities in the humanities, literature, foreign lan-

guages, science, mathematics, history, philosophy, sociology, economics, and so forth.

This Board will implement the basic scholastic requirements for eligibility to compete for these scholarships as set forth in the law itself. These requirements, as a minimum, will include the study in high school of English, foreign languages, science, mathematics, and history—emphasizing American history. The examinations conducted by the Board will require the student to achieve an absolute passing mark. If more students pass than the number of scholarships available, only that number, in order of performance, will receive the scholarship awards. If fewer than this number manage to get the passing grade, then only they will be selected and the rest of the scholarships will remain unused. The examinations will be conducted on a nationwide basis with no geographic restrictions or limitations on the number of students from any State or community who participate or who secure the scholarships. If all of them go to the students of a single State, community or even school, unlikely as that may be, then the rest of the Nation's school system would do well to reexamine their own educational establishments.

There are several beneficial effects which are to be hoped for from this proposal. First, it will encourage a healthy spirit of academic rivalry among the secondary schools of the Nation, similar to that which now exists in athletics and debating. Second, it will spur scholastic competition among individual students. And last, but most important, it will expose the weaknesses in some of our secondary schools while at the same time revealing the strength in others.

The American public will assess the results of these examinations. A school which consistently fails to qualify its students for participation in the examination, or whose students consistently fail to secure any of the scholarships will come under intensive critical scrutiny. The parents and the community will want to know why their children are not eligible to compete; they will ask why their school lags behind while the school in the neighboring county or adjoining State can boast of producing national scholars. Where these seriously inadequate educational standards exist, I am confident that the American people, with their customary diligence, will ferret out the evils which have brought about the deterioration and provide the necessary corrective.

II. FINANCING PRECOLLEGE EDUCATION

The second step in the proposed program to aid and improve education in the United States is a measure which, if adopted, makes all the alternative plans for Federal aid to education, which are currently under serious consideration, irrelevant and unnecessary.

Since the end of World War II, we have witnessed the greatest school building program ever conducted in this country. In the past 5 years alone, 350,000 classrooms have been built, an average of 70,000 classrooms a year, and based on the sale of school bonds for the past several years, there is every reason to believe that this high rate of classroom construction will continue.

In spite of the tremendous job which the States and local communities have done during the past 15 years to overcome the backlog of school facilities needed in some areas, a backlog brought on by the depression, World War II, and Korea, the proponents of direct Federal aid to education are nevertheless absolutely insistent that the only way to reduce the backlog is by way of a massive infusion of Federal grants into the States. In recent years these same proponents have added to their propaganda the claim that teachers are not paid enough by the local school districts and, therefore, that it is the responsibility of the Federal Government to correct that situation as well.

It is interesting and significant that the demands for Federal aid to education have grown louder and more insistent as the need for expanding our school facilities diminishes. It is fully apparent that many of those promoting the idea of Federal aid to education are interested only in the element of centralized control and, consequently, refuse to recognize that the States and local communities have been rapidly solving the backlog problem. They have seen their "crisis" selling point melt away in the face of determined local responsibility and are attempting to cover it up by adding new items to their list of needs and more power to their propaganda efforts. The present offensive for Federal aid to and control of the Nation's education is the heaviest ever mounted and it must be met with a courageously sound proposal incorporating the principles of individual freedom and personal responsibility.

I am fully aware that a growing student enrollment has made it difficult for some localities completely to overcome classroom shortages despite the expenditure of considerable amounts of money and effort. I am also conscious of the fact that teachers' salaries have lagged behind those of other professions and vocations, causing some qualified instructors to resign from teaching and enter more highly paid occupations and making it difficult to attract qualified replacements.

However, recently published school statistics dealing with pupil population, enrollment, teachers, and public school expenditures are most revealing. Between 1950 and 1960, public school enrollment increased by 44.4 percent; during this same period, the number of teachers in elementary and secondary schools increased by 51.9 percent, thus reducing the pupil-teacher ratio to 26.4 to 1 as compared to 27.8 to 1 in 1950. But while pupil enrollment and number of teachers are increasing in these ratios, total expenditures for public elementary and secondary schools rose by more than 150 percent.

It is quite obvious from these figures that the States and local communities have been making enormous and effective efforts to meet their school needs. Wherever the problem of the need for additional classrooms has not been solved, it has not been due to any reluctance on the part of the local community or the State to find and expend the necessary funds.

In view of the willingness of the State and local communities to keep pace with growing educational needs, I reject the wasteful and undemocratic measures to appropriate for school aid billons of Federal dollars extracted from the States only to be partially funneled back to them again with strict limitations on the use to which the funds may be put.

I believe that the alleged evil plight of our schools has been grossly exaggerated and that the magnificent efforts of our State and local governments to find the money to meet school needs has been largely and purposely ignored.

These efforts represented the quiet response of millions of forgotten Americans to the educational problems arising in their communities. The job was done without fanfare by the people who meet their responsibilities on a day-to-day basis without the benefit of prodding by nationwide pressure group organizations. It represents a monument to the efforts of a free people, working with initiative and enterprise in their own communities to meet the problems of those communities as they arose. This is where the big job of meeting the Nation's educational problems has been accomplished up until now and this is where the job, rightfully, should be finished.

My proposal would provide the means for solving additional school problems, if they really exist, but it would leave the determination of this highly debatable question where it properly belongs—with the State and local communities, and not with the Federal Government. The basic problem, if there is one, is financial. If State and local governments in some parts of the country are unable to keep pace with their school needs it is because the Federal taxing power has preempted State and local sources of revenue. Hence, the proper approach is to compel the Federal Government to restore to the States and localities at least a portion of the tax resources which it has taken away. This is precisely what my amendment would do.

The proposal is a simple one. Every homeowner, every owner of real estate in the United States pays a real property tax to his local community government. In most cases, a substantial part of this tax is used to meet the primary and secondary public school needs of the community whether for new construction or for maintenance, teachers' salaries or other past or current school costs. My amendment would merely provide that every taxpayer who pays a school tax on his real property or as a part of his real estate tax shall, after having calculated the amount of Federal income tax which he must pay Uncle Sam, be permitted to subtract from the Federal income tax which he owes the full amount of such school property tax, or such proportion of it as will result in a total additional tax benefit to these taxpayers of between $3 billion and $4 billion.

Under existing Federal income tax law, State and local school taxes are

deductible from gross income but the amount actually saved by the taxpayer depends on his Federal income tax bracket. Thus, for example, a taxpayer who has paid $200 in school taxes as part of the local real property tax on his home, and is in the 20 percent Federal income tax bracket, realizes a saving of $40. My proposal would retain this present practice, but in addition would permit him to take a $100 credit against what he owed Uncle Sam, that is, against his net Federal income tax. Hence, instead of a saving of $40, the homeowner under my amendment would save $140 of the $200 he paid in school taxes on his home. Of course, if the taxpayer's school tax was less than $100, he would be permitted to save in toto no more than the actual amount of his school tax.

This tax credit would be available to real property-school taxpayers whether they itemize their Federal income tax returns or take the standard deduction.

The concrete advantages of this approach are overwhelming; let me enumerate a few of these advantages:

First. The tax benefits provided would go directly to approximately 40 million taxpayers, including about 34 million homeowners, who with their families constitute almost 90 percent of our population.

Second. With the Federal Government completely excluded from the program, there would be no danger of Federal control over education. Depending on State law, each community itself, or the State, would be the final judge of how much more it would like to spend on its educational needs than it is currently spending.

Third. The funds made available to the taxpayers are greater than the sums contemplated under any of the other Federal aid to education measures which are seriously being considered; greater even than the combined sums contained in the committee bill and S. 1241, the administration's bill on higher education.

Fourth. Because of the complete exclusion of the Federal Government, there would be no expanded bureaucracy, no Federal administrative costs, and every dollar of tax money thus made available would purchase a full dollar's worth of school aid if the community decided to expand its expenditures for education.

Fifth. Inasmuch as the tax resources of every State and locality would be substantially increased under this proposal, each would have ample funds to provide for its own school needs as it chooses, for none know better what these needs are than the citizens of the States and localities themselves.

Sixth. The so-called richer States would not be required to help finance the school needs of the allegedly poorer States, for under my proposal every State would have sufficient funds to meet its school needs out of its own resources. Rich State A would not be required to pay to the Federal Government in taxes twice or three times as much as it gets back in Federal school aid while poor State B was receiving back in Federal aid two or three times the amount of tax money it paid to the Federal Government as its share of financing the Federal school aid program.

Seventh. Under any of the other proposed Federal school aid measures, States which have fully met their school needs and would not, if given a free choice, expand their school facilities during the next few years would nevertheless be compelled to pay their share in Federal taxes to finance the program. The only way those States could recover any of the money thus extracted from them under these various proposals would be to accept the Federal grants and use them to expand their school facilities. The result would be the highly uneconomic and wasteful extension of school facilities in many areas where such extension is unnecessary and where other more urgent needs exist and must perforce remain unsatisfied. Under my proposal, the use made of their money is not dictated to the taxpayer by the bureaucrats in Washington—it is determined by the taxpayers themselves; that is, by the parent, the citizen, the local school board, and the community.

Eighth. Any objection to my proposal based on the assertion that it would bite into the Federal Treasury is equally applicable to the committee bill. I believe that mine would lead to a good look at the Federal budget and the discovery of many items of less importance, or even of no importance, which could be readily eliminated with no ill effects for the public welfare.

Ninth. If unemployment does not decrease and business continues to falter my proposal will provide the necessary tax relief which some of the proponents of expanded Federal aid programs assert to be necessary to stimulate the economy.

Tenth. The preemption of State and local tax resources by the Federal Government would be diminished, and thus an important step would be taken in contracting big central government and strengthening State and local government.

III. FINANCING COLLEGE EDUCATION

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

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

The third step in my amendment would provide tax relief for families with children attending college, by granting every family a substantial additional deduction for each child attending college or other institution of higher learning. These deductions will be limited to families in which the set taxable income does not exceed $20,000 after all exemptions and deductions have been taken, including the proposed deduction for children attending college.

SUMMARY OF MY SUBSTITUTE PROPOSAL

1. A PROGRAM PROVIDING FOR THE AWARD OF NATIONAL MERIT SCHOLARSHIPS

A. It establishes a National Scholarship Board, appointed by the President, consisting of 13 members who are recognized scholars in the fields of engineering, science, mathematics, languages—including classical—the humanities and the arts. The duties and responsibilities of the Board shall be to set forth the policies and principles for selection of individuals for scholarships which shall be known as naitonal scholarships. As a part of the examination, designed to measure achievement, the Board shall require each competing individual to submit an original theme or composition written in English as well as a written translation of such theme or composition from English into a foreign language.

B. In order to compete for these scholarships, an individual must meet the following requirements: First, must be in his last academic year or must hold a certificate of graduation from a secondary school; second, must have completed at least 4 years of English, 4 years of history, 3 years of mathematics, 3 years of a foreign language, 3 years of science or, in lieu thereof, 3 years of Latin or Greek; and, third, must be or have been in the upper 15 percent of his class.

C. Each scholarship awarded by the Board shall be for 4 years or such longer period of time necessary to complete the course which the student is pursuing. The amount of the scholarship shall be based on the estimated expenses of the recipient, but in no event shall the amount exceed $3,000 for any academic year. The recipients of these scholarships shall be designated "National Scholar."

D. The Board would be authorized to award every year a maximum of 1,000 scholarships. The Board shall establish a minimum attainment grade for such examinations, and notwithstanding the number of scholarships authorized, a scholarship shall not be awarded to any individual unless he equals or exceeds such minimum grade. Thus, if only 700 of the applicants receive such a grade, only that number will be awarded, and the remaining 300 will not be used. If

more than a thousand applicants receive a passing grade, the scholarships will be awarded in accordance with the principles and policies established by the Board.

E. The examinations conducted by the Board will be on a nationwide basis with no geographic restrictions or limitations on the number of participants from any State or community. This same condition will also apply with respect to the award of these scholarships.

2. TAX CREDIT TO HOMEOWNERS FOR THAT PORTION OF THEIR REAL PROPERTY TAX WHICH IS USED FOR THE MAINTENANCE, OPERATION AND CONSTRUCTION OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

A. The taxpayer would continue to deduct the amount of his real property tax from his gross taxable income; after he determines what his tax will be, he then credits against his final tax that amount of his real property tax which is used for the maintenance, operation, and construction of public elementary and secondary schools.

B. Tax credit would be the amount actually paid by the taxpayer or $100 whichever is less. To illustrate, a taxpayer pays a real property tax of $600, of which $350 is used for public school purposes. As he does at present, the taxpayer would be able to deduct from his taxable income, $600, and assuming that he is in the 20-percent bracket, this would result in a tax saving to him of $120—20 percent of $600. After determining his final tax, for example, $500, the taxpayer would be able to take a credit of $100 against his net tax—thus, instead of paying a tax of $500, he would pay only $400.

C. The taxpayer who takes a standard deduction would also benefit since the credit granted is taken against the final tax after all exemptions and deductions have been made.

D. The deduction, together with the tax credit, cannot result in a saving to the taxpayer of more than the actual amount of that portion of the real property tax devoted to public school needs. For example, the taxpayer pays a real property tax of $100, of which $60 is used for public school purposes. Assuming the taxpayer is in the 20 percent bracket, he would be able to reduce his tax by $20—20 percent of $100—$12 of which is attributable to the tax for school purposes. Giving such a taxpayer a $60 credit—the actual amount paid for school purposes—would return a saving to the taxpayer of $72 or $12 more than the tax he paid for support of public schools. Thus, the tax credit in this case would be limited to $48.

3. TAX RELIEF FOR FAMILIES WITH CHILDREN ATTENDING COLLEGE

A. The taxpayer is granted an additional deduction from his taxable income for the expenses incurred by him, his spouse or his dependent or dependents, while attending college.

B. Expenses shall include tuition and fees charged by the college for a course of instruction and attendance at such college; books, supplies, and equipment; room and board, whether the student is living on or off the campus. The amount the taxpayer may deduct shall be the actual amount of expenses paid but not to exceed $2,000 for each child attending college. Of this amount, the cost of room and board may not exceed $90 a month while the student is in attendance at college—$45 in the case of the student living at home.

C. In addition to his child or children, the taxpayer may also deduct such expenses which he incurs as a student as well as those of his wife and anyone else whom the taxpayer can lawfully claim as a dependent.

D. The deduction is available to a taxpayer whose dependent is attending a college, university or other institution of higher learning, such as medical school, dental school, law school or other graduate school. This deduction is not available to a taxpayer whose dependent is attending a trade or vocational school or any other school which does not award a baccalaureate or higher degree.

E. The amount of expenses which the taxpayer may deduct from his taxable income shall be reduced by the amount by which the taxable income of the taxpayer exceeds $10,000 if the taxpayer is unmarried or if married, files a separate return, or $20,000 if the taxpayer is married and files a joint return or is the head of a household or a surviving spouse. Thus, if a taxpayer has $2,000 in educational expenses and a taxable income of $20,800, he would be entitled to a deduction of $1,200—$2,000 less $800, the amount in excess of $20,000. The taxpayer thereby reduces his taxable income from $20,800 to $19,600. If the taxpayer is in the 50 percent bracket, he would thereby reduce his tax by $600—50 percent of $1,200.

Mr. President, that concludes my principal statement on the amendment. I am sorry that more Senators are not present, so that I might discuss it with them. However, my time is drawing to a close.

I shall merely say that my amendment would provide all the funds needed for education in this country, but the funds would be provided at the local level. My amendment would do away with the necessity of having money travel to Washington, having the brokerage fee deducted, and having what is left travel back to the States.

Mr. BUSH. Mr. President, will the Senator from Arizona yield for a question?

Mr. GOLDWATER. I yield.

Mr. BUSH. I have listened with the greatest of interest to the Senator's description of his amendment. Has the Senator estimated the amount of funds likely to be involved in the operation of his amendment, so to speak? In other words, if the amendment were agreed to, how much money are we talking about in the form of deductions and tax credits? What would be the net effect upon the Federal Treasury? Has the Senator been able to estimate that?

Mr. GOLDWATER. Yes; we can only estimate it, because we do not know the precise level of income tax collections. Already, through the deduction process on gross income, the amount which is already allowed to stay at home comes to about $3¼ billion or $3½ billion.

My amendment would merely make a tax credit applicable after figuring the net income tax. That would total, I estimate, somewhere between $3¼ billion and $3½ billion.

Mr. BUSH. Annually?

Mr. GOLDWATER. Annually; making available at the local level a total of around $7 billion plus, which could be appealed to for school purposes or any other purposes which the local government felt were needed.

Mr. BUSH. That is a much larger annual amount than is provided in the bill.

Mr. GOLDWATER. That is correct. The reason I have made it high—I have made it almost twice as high as the amount in the President's bill—is that certainly not everybody will respond to the appeal to purchase of tax bonds. The taxes are included. However, when a man has money in his pocket, he is more likely than not to respond favorably to these requests, as the history of school bonds during the past several years has shown.

Mr. BUSH. I thank the Senator for the information.

Mr. GOLDWATER. Mr. President, I have a few minutes left; I shall reserve them.

Mr. MILLER. Mr. President, will the Senator from Arizona yield for a question?

Mr. GOLDWATER. I yield.

Mr. MILLER. It is in the nature of a technical question.

On page 9, line 14, of the Senator's amendment in the nature of a substitute, the paragraph provides:

No credit shall be allowed under subsection (a) with respect to any real property tax unless such tax is allowable as a deduction for the taxable year under section 164.

Mr. GOLDWATER. That is correct.

Mr. MILLER. I can see how a question might arise over the word "allowable." In other words, if a taxpayer takes the standard deduction, it is my observation that generally the Internal Revenue Service will interpret a page 2 deduction as not being allowable. If the Senator concurs in my view of this, I suggest that a technical amendment might be appropriate, to add a sentence at the end of line 17, as follows:

Provided, That such tax shall not be deemed to be unallowable merely because the taxpayer uses the optional standard deduction.

I am quite certain that this amendment will fit in with the Senator's explanation of the bill, and I believe it will make his proposal clear from the technical standpoint. If the Senator from Arizona agrees with me, I shall be happy to draw up the amendment in a moment.

Mr. GOLDWATER. I thank the Senator from Iowa, whom I recognize as one of the ablest tax lawyers in the Senate, and one of the ablest tax lawyers in the whole country, for calling this item to my attention.

I felt that the language in my amendment would be satisfactory, but I can understand that some question might arise over it. I shall be happy to accept the Senator's suggestion.

Mr. MILLER. I thank the Senator. I will draw it up shortly.

On page 10, line 11, the section provides:

In the case of an individual, there shall be allowed as a deduction the expenses for higher education paid by the taxpayer during the taxable year which are incurred by him, by his spouse, or by a dependent (as defined in sec. 152(a)).

In the case of a child who is 18 or 19 years old, who is working, and who is earning enough money to require him to file an income tax return, and possibly even to pay an income tax, is it the intention that that person be treated as a dependent also?

Mr. GOLDWATER. No; under the present income tax law the person might be paying his own way through college and could take this amount as a deduction, or it could be taken by the family of the dependent.

Mr. MILLER. In other words, this section ties in with the concept of dependent when the child is a full-time student under the present Internal Revenue Code.

Mr. GOLDWATER. That is correct.

Mr. MILLER. I feel certain that that satisfies my question on that point. My last question is perhaps the most basic one, with respect to the entire bill. Has the Senator an estimate of the cost of the bill in terms of loss of Federal revenue?

Mr. GOLDWATER. I can give only an estimate because, as I told the Senator from Connecticut [Mr. BUSH], we do not know what the totals will be. At the present time, deductions allow about $3¼ billion to $3½ billion to remain at home. This has been continuing for a long time. This credit would, when taken, leave a similar amount, or a total, as a result of both deductions and the credit, of something in the nature of $7 billion-plus under the present rate of tax collections.

Mr. MILLER. In other words, if the credit for the real property tax attributable to the local school taxes and for the deduction for the expenses of a spouse or a taxpayer or a dependent attending college were applicable, it is the estimate of the Senator from Arizona that there would be a loss of Federal revenue approximating $7 billion?

Mr. GOLDWATER. No; it would be an additional "staying home" of about $3¼ billion to $3½ billion as a result of deductions from the gross. This would be a credit to the net, after the tax had been figured, of not to exceed $100.

Mr. MILLER. What I am trying to ascertain is how much less money will come into the Federal Treasury?

Mr. GOLDWATER. From $3¼ to $3½ billion, based on the present income tax.

Mr. MILLER. I am very sympathetic to the approach, as the Senator knows, and to this way of helping to meet local school costs. At the same time, I am quite dedicated to doing my utmost to achieve a balanced Federal budget. I recognize, as the result of legislation which has already been passed——

The PRESIDING OFFICER. The time available to the Senator from Arizona has expired.

Mr. GOLDWATER. Mr. President, will the Senator from Oregon yield 2 additional minutes to me?

Mr. MORSE. Yes, Mr. President; I yield to the Senator from Arizona 2 minutes of the time under my control.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 additional minutes.

Mr. GOLDWATER. Mr. President, at this time I yield further to the Senator from Iowa.

Mr. MILLER. Mr. President, I recognize that as a result of legislation already passed by the Senate and as a result of the increased expenditures for national defense and for developments in space, we face a deficit in the next fiscal year of between $2 billion and $5 billion. So I find it very difficult to support this amendment if it will aggravate still more that budget deficit.

Mr. GOLDWATER. Undoubtedly the present effort is only a foot in the door, a case of having the camel put his nose in the tent. Mark my word, Mr. President: What will cost $2 billion this year will cost, next year, $4 billion or $5 billion; and we shall find that the cost will constantly grow and grow, so that in 10 years it will be perhaps $15 billion.

I prefer to take the chance of losing a little Federal aid, rather than to take the certain step of having the Federal Government's annual deficit increased to that extent. I point out, in this connection, that we must assume that if this program is put into effect, it will result in greater and greater amounts of deficit spending by the Federal Government.

Mr. MILLER. I thank the Senator from Arizona for his very frank answers to my questions; and I shall proceed at once to prepare the amendment.

The PRESIDING OFFICER. Let the Chair point out that inasmuch as the yeas and nays have been ordered on the question of agreeing to the amendment of the Senator from Arizona, unanimous consent must be had if the amendment is now to be modified.

Mr. GOLDWATER. Mr. President, I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Is there objection?

Mr. LONG of Louisiana. Mr. President, reserving the right to object, if the proposed modification of the amendment will not cause any interference with the time limitation already agreed to, I shall have no objection to the request for unanimous consent to modify the amendment.

The PRESIDING OFFICER. No change in the time schedule already agreed to is now proposed.

Mr. LONG of Louisiana. Then, Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment will be modified accordingly.

Mr. MORSE. Mr. President, I rise at this time to summarize my position on the amendment.

First, let me say to the Senator from Arizona that it has been a real privilege to work with him on the Committee on Labor and Public Welfare during the many weeks we have consulted together in connection with the subject of Federal aid to education.

The Senator from Arizona and I have disagreed in regard to many fields of legislative activity. In this instance we have not agreed on the philosophical approach to be made to the entire question of general Federal aid to education. However, I wish the RECORD to show that at all times I have received from the Senator from Arizona the utmost of courtesy, consideration, and accommodation, and every bit of fair dealing that a colleague on the opposite side of an issue could possibly expect to receive from an opponent.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield to me?

The PRESIDING OFFICER (Mr. PELL in the chair). Does the Senator from Oregon yield to the Senator from Montana?

Mr. MORSE. I yield.

Mr. MANSFIELD. I wish the Senator from Oregon would also include the leadership on this side of the aisle, because we have always received the utmost of cooperation and consideration from the Senator from Arizona.

Mr. MORSE. Indeed so. Furthermore, perhaps the Senator from Arizona would even appreciate having me pay a compliment that is due the very able counsel for the minority, Mr. Michael J. Bernstein, who tonight sits beside the Senator from Arizona, here on the floor of the Senate. As the minority Members have heard me say more than once at the committee meetings, Mr. Bernstein has served not only the minority; he has also served the entire committee, as every staff member should, and at the same time he has been a very ardent advocate of the position of the minority. I believe it should be stated now that Mr. Bernstein and the other staff members have been most helpful to the committee. Indeed, from time to time they have conducted for us a seminar upon the contents of these bills and the material to be presented by both sides in connection with the presentation of the bill.

Many members of the public do not realize that a Senate committee works in that way. The qualified experts of the committee assist us very greatly and do very much of the necessary research.

So I wish to pay my respects not only to the Senator from Arizona [Mr. GOLDWATER] but also to Mr. Bernstein and his assistants.

Mr. President, I have already stated that the philosophical approach favored by the Senator from Arizona and the philosophical approach which I favor are quite different. In fact, I believe it accurate to say that they are almost diametrically opposed.

The Senator from Arizona has made clear to me, from time to time, that he is unalterably opposed to the position I take in regard to this matter. I believe it fair to say that at times he has even characterized the approach I favor as one dangerous to the continued operation of our form of government. I believe that in fairness to him and also in fairness to myself I should at once draw this line of cleavage.

I believe I should also say that the pending bill is based on the approach that, under the general welfare clause of the Constitution, it is important that general educational aid legislation of the type represented by the pending bill should be enacted. It is legislation which, in my opinion, will provide the assistance so sorely needed by the many tens of thousands of schoolchildren in our country who, in the opinion of the supporters of the pending bill, have been waiting far too long to receive the assistance which we seek to provide by means of the pending bill.

Mr. President, that statement shows the very great difference—in fact, the entire difference—between the approach favored by the Senator from Arizona and the approach which I favor. I know of no way to bridge the difference. If the Senate adopts the approach favored by the Senator from Arizona, the result will be that the Senate will pass his amendment in the nature of a substitute. If the Senate adopts the approach which I favor, the result will be that the Senate will pass Senate bill 1021.

I also wish my friend to know that I speak half in jest and half in earnest, but entirely in good humor, when I say the Senator from Arizona favors the enactment of a bill which will provide a certain measure of Federal control, but which will provide very little Federal aid to education.

Furthermore, I believe that the bill the Senator from Arizona favors relates more to higher education than it does to elementary and secondary school education. I really believe that most of the remarks made this evening by the Senator from Arizona and most of the provisions of the measure he favors relate to a higher education bill, not to a bill in regard to elementary school and secondary school education. For example, I refer to the various provisions of the amendment concerning scholarships. Such provisions should not be included in the pending bill. Instead, they should be included in a bill which deals with aid to higher education.

In fairness to the Senator from Arizona, I wish to make it clear that when he first introduced his bill—which then was known as Senate bill 991; yet to all intents and purposes his present substitute is substantially the same as the original Senate bill 991—when he spoke in favor of Senate bill 991 at our hearings, he testified in support of his scholarship proposals. However, we have not yet held hearings upon the administration's proposals contained in S. 1241 in the field of higher education. Extensive hearings will be held. I shall have something to do with those hearings, and I shall see to it that a full record is made upon them.

I believe the record should also show that whereas the Senator from Arizona proposes 1,000 scholarships, the administration has proposed about 25,000. As a matter of fact, I am sure that even that many will be too few, in view of the need which exists.

In addition, let me point out that, in my opinion, title 2 of the substitute measure the Senator from Arizona favors deals in part with taxes and with changes in the Internal Revenue Code. Section 202 deals with deductions for expenses incurred in providing higher education. I say that provision does not belong in the pending bill.

It belongs in a higher education bill, or in a revenue measure and not in an elementary and secondary school bill.

I close this argument by asking my colleagues to vote against the Goldwater substitute, because, in my judgment, much of it is really not relevant to the purposes of S. 1021, which is a secondary and elementary school bill.

I now have a few bits of factual information to put in the RECORD, and then I shall yield the floor.

If this amendment were enacted, it would immediately reduce Federal income tax revenues by a large amount. There would be no benefit to the schools unless the leeway provided were tapped by higher property taxes for schools. To the extent this is not done, the amendment operates to provide income tax relief to property taxpayers rather than to provide additional money for schools.

Estimates of the money involved are very tentative. The loss of Federal revenue under existing patterns cannot even be estimated with great accuracy. I do not claim any great accuracy for the figures, but I think these are fair and reasonable estimates. A figure of $2 billion annually at present income levels is estimated by the Tax Analysis Staff of the Treasury Department. A somewhat smaller figure of something like $1.6 billion is the judgment of Dr. McLoone of the Office of Education, School Administration Branch. Treasury Department finds it difficult to provide a State breakdown because homeowners and income tax payers cannot be matched.

The benefit to schools lies in the property tax leeway made available. The extent to which schools can and will recover the Federal loss is speculative. Undoubtedly, a great potentiality is opened up; efficient tapping of it under existing taxing patterns might be a problem in some States, but presumably legislation and new patterns could be developed to take care of this problem.

Estimates of potential gains to schools seem to be too "iffy" to be worth very much. It is easier to estimate the potential loss of Federal revenue.

I respectfully say that the weaknesses of the substitute seems to me to be as follows:

First. The Federal Government will give up a great deal of revenue, but there is no requirement that the schools benefit to the same extent. Thus, it may be an extremely inefficient method of channeling money to the schools. Prosperous communities that are already supporting their schools at a good level will enjoy the full tax credit, but may not need or wish to increase property taxes for schools accordingly.

Therefore, there might be nothing flowing into the schools from those areas, under the Goldwater proposal.

Second. Some persons hit by increased property taxes would benefit only nominally, by comparison, from the income tax credit. This would be the case for corporations and any large private, commercial, or industrial properties. A substantial percent of property taxes is paid by corporations. Consequently, such taxpayers can be expected to resist the increased property tax levies through which the schools are to take advantage of the amendment.

Third. Poor districts today are those with little taxable property behind each pupil. For this reason, such districts stand to benefit least in the leeway provided for increased property taxation. The amendment thus equalizes the wrong way—it gives more leeway to the district that already has a big tax base.

I say most respectfully that we have no assurance that under this proposal there would be any guarantee that the schools would benefit. There would be nothing to prevent the money from being used for other purposes.

Lastly, title II of the Goldwater substitute proposes a tax credit against Federal income tax, limited to $100, for real property taxes paid for support of public elementary and secondary education.

This tax remission proposal is very similar in principle to other tax remission proposals referred to in this debate which we have already defeated by substantial votes.

I take the position that, so far as income taxes are concerned, they are not paid by the citizens of Arizona for Arizona, they are not paid by the citizens of Oregon for Oregon, they are not paid by the citizens of any State for that State; they are paid by U.S. citizens living in the respective States of this country for national purposes of the Federal Government.

In my judgment, it is an entirely erroneous theory to take the position that there is an equity in a tax remission in a given State based upon what U.S. citizens in that State pay in Federal income taxes.

I close this segment of my argument by saying I think the substitute proposal is mistaken in its philosophy. I think it is unsound in its implications and effects. I do not think it is going to accomplish the major purpose which the senior Senator from Oregon has stated throughout the debate. It is a purpose he does not propose to let the Senate forget for a single moment. It is the need to meet, at the Federal level, the problem of providing an equalization program for education, which we do in S. 1021. The committee bill gives at the least, a fairer chance to the boys and girls of this country who are not now enjoying equality of opportunity to develop to the maximum extent possible their intellectual potential. The bill provides greater equality of opportunity for them.

Mr. President, in March, during 2 weeks the Subcommittee on Education, of which I have the honor of being chairman, heard a convincing group of witnesses testify in the support of the administration bill S. 1021 which would provide Federal grants to the States to be used for teachers' salaries and school construction or both purposes and with a small portion going for special educational projects which the States would

use for educational research and development projects of their own choosing. These witnesses presented ample testimony regarding the need of such legislation and of the urgency for its passage. They showed that the Nation's schools are facing real and existing shortages of teachers and classrooms. It has been fully demonstrated that one of the most pressing measures facing the administration, the Congress, and the American people is the enactment of broad Federal support of legislation for our public schools.

The subcommittee heard a few witnesses testify to the effect that there was no need for such Federal action. On March 13 my distinguished colleague, the junior Senator from Arizona [Mr. GOLDWATER] who is himself a member of the Subcommittee on Education appeared before the committee in support of his bill, S. 991, and to present his views on the proposed legislation now pending before the subcommittee. In doing so the distinguished Senator stated:

> It is my strong belief that most of these proposals, including the bill, S. 1021, sponsored by the administration, are both unnecessary and unsound. I am convinced that they represent another long step in the direction of reducing our State and local governments to mere subordinate, administrative divisions of the Central Government in Washington.
>
> It is for that reason that I introduce my own bill [S. 991]. If a genuine problem of educational shortage really exists, which I do not believe, my proposal will provide the means to solve the problem far more effectively than any of the other measures now before this subcommittee. But what is most important, it will leave the matter entirely in the hands of the States and local communities without an iota of intervention by the Federal Government.
>
> I wish to make it clear that I do not believe that we have an educational problem which requires any form of Federal grant-in-aid program to the States. Even a casual glance at the significance statistical indicators serves to demonstrate that the States and localities have done extremely and exceedingly well during the past several years in meeting their educational needs, and that these needs themselves are growing at a much slower rate than during the past period.

The distinguished Senator then asked the question:

> Are our schools inadequately financed?

Then he promptly stated:

> The answer to the question is "no."

To support this answer the gentleman from Arizona searched the past for a yardstick to measure the future. He compared percentages of increase in school expenditures over the past several years with percentage increases in pupil enrollment and in a number of other items. He dipped back to 1890, dropped down to 1913, 1930, 1950, and then to 1960 to show a percentage of increase in the national income devoted to education.

I wish to point out to my colleagues that the amount of this increase has been far too little and too slow. The gentleman from Arizona does not measure the financial inadequacy of our schools in terms of their financial needs of 1960 or 1970 but only in terms of how financial expenditures have grown since 1890.

Suppose we were to measure the adequacy of our national defense needs only in terms of the increase in the percentage increase of defense expenditures in 1960 as compared with the amount spent in 1890. I have made such a comparison and here is what I have found. National defense expenditures 1890, $66,589,000; 1900, $190,728,000; 1960, $45,627 million. This is an increase for expenditures for national defense of 585 percent during the 70-year period. But what does this tell about the adequacy of defense expenditures in 1960? Similar comparisons are no more relevant as measures of the adequacy of educational expenditures in 1960.

I sincerely question whether my distinguished colleague would judge the adequacy of present expenditures for national defense or highway construction by reference to amounts spent for these purposes in 1890, since it is obvious that an entirely new set of conditions prevails today. Dirt roads suitable for horse drawn vehicles have been replaced by highways designed for modern cars, buses, and trucks. The Army mule has been replaced by helicopter and jet planes. In a similar way, I am sure that discerning Members in the Senate and other American citizens will recognize that public education today is confronted with an entirely new set of conditions than in 1890.

Those who look backward in search of standards of adequacy frequently fail to see the role education must play in building the Nation's future. For example, let us consider the impact of technological changes on our past and future manpower needs. For the convenience of my colleagues, I am submitting for the RECORD a table showing the actual and projected occupational distribution of workers from 1900 to 1975. The contrast between the trends in the occupations requiring the high degree of educational attainment and those requiring a lesser degree is striking.

TABLE 1.—*Actual and projected occupational distribution of workers: 1900–75*

[In percent]

Occupation (1)	1900 (2)	1910 (3)	1920 (4)	1930 (5)	1940 (6)	1950 (7)	1965 (8)	1975 (9)
Professional, technical, and kindred	4.3	4.7	5.4	6.8	7.5	8.6	11.3	14.0
Managerial	5.8	6.6	6.6	7.4	7.3	8.7	10.3	10.8
Clerical	3.0	5.3	8.0	8.9	9.6	12.3	14.4	14.4
Sales	4.5	4.7	4.9	6.3	6.7	7.0	6.5	7.4
Craftsmen, foremen	10.5	11.6	13.0	12.8	12.0	14.1	13.5	13.7
Operatives	12.8	14.6	15.6	15.8	18.4	20.4	19.6	17.5
Laborers, industrial	12.5	12.0	11.6	11.0	9.4	6.6	5.0	4.4
Service	9.0	9.6	7.8	9.8	11.7	10.5	11.8	12.4
Farm	37.5	30.9	27.0	21.2	17.4	11.8	7.6	5.3
Total number (in millions)	29.0	37.3	42.2	48.7	51.7	59.0	73.5	86.9

Source: Data for 1900–50 from: Kaplan, David L., and Casey, M. Claire, "Occupational Trends in the United States, 1900 to 1950." Working Paper No. 5. Washington, D.C.: U.S. Department of Commerce, Bureau of the Census, 1958. Table 2, p. 7. Data for 1965 and 1975 derived from unpublished data, Bureau of Labor Statistics. Totals may not add to 100.0 percent because of rounding of percents for specific items.

For example, the table shows that in 1900, 59 percent of our Nation's workers were employed as industrial laborers, in service occupations, or in farm occupations. In 1950 this percentage had dropped to 29 percent and by 1965 it is expected to drop to less than 24 percent. The figures clearly show that the educational system of our Nation in 1900 functioned in an economy in which workers needed much brawn but little education. In our present economy, most workers must have both technical knowledge and general education.

I am surprised that my distinguished colleague has ignored the effects of these changes on the cost of education and upon the future demands for increased educational expenditures, for most appraisals of future expenditures for education have accounted for these changes and have seen them as presenting added responsibilities and costs to public education.

The following statement from the Rockefeller report on education entitled "The Pursuit of Excellence—Education and the Future of America," clearly points out this important factor which my distinguished colleague has overlooked:

> One of the striking features of contemporary life is the growing range and complexity of the tasks on which our social organization depends. This is dramatically apparent in science but is no less a reality in nearly every field of endeavor. It can be seen in the ever increasing range of skills demanded of the doctor, the teacher, the government administrator, the labor leader, and the business executive.
>
> The reasons are not far to seek. They lie in the explosive rate of technological change and the increasing complexity of our social organization. Not only are the tasks that must be performed to keep our society functioning ever more intricate and demanding, they are constantly changing in character. As a result, we are experiencing a great variety of shortages of human resources in fields requiring high competence and extended training. We are having to become more and more concerned with seeking and cultivating talent. We have become more conscious of the strategic importance of education in our society (pp. 6–7).

I am also surprised that my colleague from Arizona has been able to sit through the hearings of the subcommittee and to read the testimony of a host of expert witnesses, not only in this session of the Congress but in many sessions, which have explained the critical educational shortages and the urgent need for increased Federal financial support for schools and then come before the subcommittee and state that the Nation's schools are being adequately financed.

Truly, to sit through the hearings which have been conducted by the Subcommittee on Education, only to conclude that our schools are adequately

financed, is to have eyes that see not, and ears that hear not.

Mr. President, I should like to call attention to a few examples of possible statistical misinterpretations of my friend from Arizona.

My colleague stated in his testimony:

> The size of the classroom shortage has been a major issue in the continuing debate on Federal aid to education.

He then proceeds to link together a series of shortage estimates over the last 10 years to show that estimates of the shortage have been varied. He does not mention that the estimates in the first half of the 1950's come from different types of procedures than those in the last half of the decade and that it is statistically incorrect to link these in series.

But, be that as it may, and ignoring the fact completely, I wish to call to the attention of my colleague that at no time during the decade were the estimates of the shortage ever less than 132,400. And I wish to call to the attention of my colleagues in the Senate that, by the best estimate of the U.S. Office of Education in the fall of 1960, our Nation was short 142,100 classrooms. This is the figure that we must keep in our minds—142,100 classrooms short now, this year. This is the best estimate of the present shortage and I wish to call further to the attention of my colleagues that this figure is only 200 less than it was in the fall of 1957. It is granted that there be some variation in the estimates. This is only natural; it is only human, and it should be. After all, these are only estimates.

The only reason that the size of the classroom shortage has been a major issue in Federal-aid debates—and I emphasize the word "size"—has resulted from the efforts to focus attention upon the precise size of the shortage as a means to divert attention from the actual shortage itself. The opponents of Federal aid have contended, in effect, that because the exact size of the classroom shortage could not be determined and pinned down precisely to the very classroom no shortage actually existed. This reasoning is preposterous. It is somewhat like going out on a broad sandy beach and saying, "Since we cannot determine actually how many grains of sand are on this beach, no sand is here."

Mr. President, I submit to you that very real and tangible shortages of classrooms and teachers exist in the schools of this Nation, and that these shortages exist regardless of whether this Congress is able to say specifically how many teachers or classrooms we are short. The point is that these shortages are real; they are present today, and they are affecting the education and the lives of millions of American children. They are affecting the future economic strength and growth of our Nation. They are affecting our future political vigor as a free and democratic people. They are affecting our future national security and defense. They are affecting the future of free society and will affect the course of world history.

Let us have eyes that see and ears that hear; and let us have minds that can clearly discern the facts and apply them to speedy remedies with lasting solutions to our problems in education.

How large is the present shortage of classrooms? No one can pinpoint an actual specific answer to this question because the answer depends upon a great many judgments and some of them differ in judgments. But we can and do have a very good estimate of what the shortage is as seen by the chief State school officers of the various States. Certainly no one is in a better position to estimate their shortage of classrooms than are these 50 chief State school officers.

Each year for the past 5 years the U.S. Office of Education has compiled estimates of the shortages made by the chief State school officers in the various States. The following are the classroom shortage figures that have been reported to the U.S. Office of Education:

Fall 1956	159,000
Fall 1957	142,300
Fall 1958	140,520
Fall 1959	132,400
Fall 1960	142,100

Two things should be obvious from this series of figures to any discerning and objective person: One, is that a critical shortage of classrooms does exist in the Nation at the present time. Two, this shortage has remained virtually constant over the 5-year period and has fluctuated in the neighborhood of 140,000 classrooms short.

What is this classroom shortage doing in terms of the education of boys and girls of our Nation? I would like to quote from a press release dated August 26, 1959, by Secretary of Health, Education, and Welfare, Arthur S. Flemming, regarding the effects of the classroom shortage on the children of our Nation. Mr. Flemming stated:

> However, if we add the 5.9 million urban elementary pupils affected by overcrowding merely to the 1.8 million pupils enrolled in excess of capacity throughout the Nation, we have a figure approaching 8 million.
>
> We know, however, that this is by no means the total number of pupils affected by crowding since it does not take into account additional pupils affected in this way in any high school or in any rural school, either elementary or secondary, anywhere in the country.
>
> Even this is not the only disturbing effect of the classroom shortage. For in addition to pupils reported as excess in the national study, there are more than 2 million others estimated as housed in obsolete or otherwise inadequate buildings. By these measurements alone, therefore, the number of pupils whose education is being impaired in varying degrees by the classroom shortage is about 10 million.

In his testimony, the Senator from Arizona also raised the question: "How serious is the teacher shortage?" He began his answer to this question with the following sentence:

> Here again we are confronted with highly suspect statistics.

He later adds:

> They indicate to me that much of the so-called data consists of poetry and propaganda rather than objective research. At any rate, if we use these dubious statistics, they point only to the conclusion that the so-called need for Federal aid to education has been greatly exaggerated by its proponents.

The Senator then offered some statistics of his own of which he said:

> Actually, the figures seem to indicate that education has made great strides in meeting its manpower needs. Over the past 30 years, the number of employees in all forms of public education, both lower and higher, increased 140 percent while employment in private industry rose by only 45 percent; but employment in public education rose at the same rate as the population of the United States as a whole—45 percent.

Exactly what these increases in percentages are intended to contribute to clarifying the present shortage of teachers is impossible for me to see. The Senator's entire comparison is completely irrelevant to the question that he raises of "How serious is the teacher shortage?" Comparing the percentage of increase of employment of teachers with the percentage of increase in private industry over the past 30 years, tells absolutely nothing about the seriousness of the present shortage of teachers.

The Senator from Arizona in his testimony completely ignored the careful work of the research division of the National Education Association in attempting to develop accurate and reliable estimates on teacher supply and demand of the public schools of the Nation. For the past 13 years the NEA Research Division in close cooperation with the authorities in the State departments of education in the various States have attempted to estimate, as accurately as possible, the shortage of teachers on an annual basis. The latest report estimates that the Nation's public elementary and secondary schools were short approximately 135,000 classroom teachers in September 1960.

It is impossible to say that this 135,000 figure is the actual shortage of classroom teachers in the Nation. However, it is reasonable to say that this is a reliable estimate of the classroom shortage. Certainly the existence of a shortage of classroom teachers is widely recognized throughout the Nation. Every major survey of education that has been made in recent years has pointed to the shortage of well-qualified teachers as a deterrent to quality education of American children. For example, the Rockefeller Brothers Fund report on education, "The Pursuit of Excellence—Education, the Future of America" stated:

> No educational system can be better than its teachers. Yet we face severe problems both in supply of teachers at all levels and in their quality (p. 23).

There can be no reasonable doubt that a chronic shortage of well-qualified teachers exists in this country, that it has existed since at least the start of World War II. Prompt action by the Congress is needed to help eliminate this shortage by providing grants to the States that can be used for teachers' salaries. But my colleague from Arizona by using a familiar technique of selecting the base year of 1929 in comparing the increases of teachers' salaries with those of other workers implies that the teachers are being paid adequately at the present time. He says nothing about the relative increase in the professional qualifications required of teachers in 1960

as compared to 1929 or of their relative standing in 1929 to their relative standing compared with other professions in 1960. Actually these comparisons like his former comparisons tell nothing about whether or not teachers are being paid adequately at the present time. The question that confronts the Senate is: Are teachers being paid adequately today? The answer is "No."

Ample testimony has been presented to the Subcommittee on Education to show that other professions with similar educational requirements to teaching have averaged earnings that are double the average teacher's salary. It is true, teachers' salaries average slightly higher at the present time than the average of all workers, but school boards are not competing for the average worker with less than 12 years of schooling. As Dr. Sam M. Lambert, director of the research division of the National Education Association, recently stated before the Subcommittee on Education:

The typical teacher in the United States is no longer a sweet young thing in her early twenties who lives with her mother and father at no cost to herself. She is not a person with only 2 years of college training. Her working day is not a 6-hour arrangement, and she doesn't always have a 3-month vacation, even without pay.

This typical teacher in the American public school is both mature and well educated. This person is about 43 years of age, has gone to college 4.7 years, and has taught school for 13 years. One summer in three this teacher goes back to college at his or her own expense. During the school year this teacher averages a 45-to-50-hour week in teaching, grading papers, and planning work for the days ahead. With this much college training and experience, and at an age when the worker should be getting somewhere, the typical teacher's salary is likely to be $5,200.

In his testimony, Dr. Lambert went on to point out that despite improvements in teachers' salaries in recent years, we are not as well off in recruiting able persons for teaching as we have been in former years. As teachers' salaries have increased so have the salaries of other occupations which tend to attract potential teachers. We must remember that teachers' salaries must be compared to professions where, like teaching, 46 percent of the professionals have 4 years of college and 35 percent have 5 years or more of college training. How does teaching compare with other professions in terms of salaries? Dr. Lambert answered this question by providing the latest comparable figures available from the U.S. Bureau of the Census, for 1958. He stated:

The average earnings of physicians, lawyers, and dentists was $13,457. The average for engineers was $9,647. The composite average for 17 professions requiring college graduation was $9,439. The comparable figure for public-school teachers the same year was $4,827.

Persons in other professions not only start out with higher earnings, they are much farther ahead after 10 years on the job. Men engineers just out of college, for example, start at an average of $6,120; accountants at $5,352; sales personnel at $5,280; but teachers at only $3,900.

Truly, in light of such evidence, to contend that teachers are paid adequately and commensurate with their responsibility, their training, and their experience is to have a sustained and determined will not to see the facts that are before one's eyes.

It is surprising indeed to find such lack of vision Every major study of educational needs in recent years has called special attention to the need for increased teachers' salaries. In a press release dated May 24, 1959, acompanying the President's Science Advisory Committee report entitled, "Education for an Age in Science," President Eisenhower stated:

One subject discussed in this report warrants special emphasis—the importance of raising the standards of our teachers in their communities. Higher salaries are a first requirement, but we need also to recognize the great importance of what teachers do and to accord them the encouragement, understanding, and recognition which will help to make the teaching profession attractive to increasing numbers of first-rate people.

The need for increased teachers' salaries as they relate to the professions was emphasized in the Rockefeller Brothers Fund report on education, "The Pursuit of Excellence—Education and the Future of America." The report stated:

The root problem of the teaching profession remains financial. More perhaps than any other profession, teaching needs dedicated men and women to whom pay is not an overriding consideration, but until we pay teachers at least as well as the middle echelon of executives we cannot expect the profession to attract its full share of the available range of talents. Salaries must be raised immediately and substantially (pp. 25–56).

There can be no doubt that teachers' salaries are far too low for the present and future good of our Nation. And the future outlook for the possibilities of moving to significantly higher salaries for teachers in the immediate future is dim indeed. With the backlog of demands on State and local governments and with the increasing impact of their taxes on their ability to attract and to keep industry, States are not prepared to pay teachers the going rate for the high quality college trained persons needed. Help from the Federal Government through a broad support program is imperative. This is the only logical conclusion that one can draw from the facts when they are considered calmly, impassionately, and objectively. However, my colleague from Arizona comes not to this conclusion but to the following conclusion, and I quote from his testimony:

To me it is plain that, judged from any of the relevant criteria which I have set forth above, there is no "crises in education" and no justification for extending the activities of the Central Government into that area as the administration's bill, S. 1021, would do.

Yet after denying that any need exists, the Senator from Arizona declared that his proposal would meet it better.

My friend from Arizona said, in reference to the proposal he supports, that—

I shall take Secretary Ribicoff at his word and describe to you a program which will make available to every community in the United States sufficient funds to enable each of them, if their citizens so desire, to meet all of their school needs even as determined on the basis of the Secretary's own estimates. That program is embodied in title II of my bill, S. 991. Its enactment would make all the alternative plans for Federal aid to education which are under serious consideration by this committee irrelevant and unnecessary.

Mr. President, I have studied carefully S. 991 introduced by the Senator from Arizona. I have heard his testimony, I have read it, and have gone back to study S. 991 again. And I must confess to you that I am puzzled as to the purpose that my friend from Arizona had in introducing this bill in the U.S. Senate. It has very aptly been described as offering Federal control of education with no Federal aid.

The distinguished Senator from Arizona described title II of S. 991 in the following words:

My proposal will provide the means for solving additional school problems, if they really exist, but it will leave the determination of this question where it properly belongs—with the State and local communities—and not with the Federal Government. The basic problem, if there is one, is financial. If State and local governments in some parts of the country are unable to keep pace with their school needs it is because the Federal taxing power has preempted State and local sources of revenue. Hence, the proper approach is to compel the Federal Government to restore to the States and localities at least a portion of the tax resources which it has taken away. This is precisely what my measure will do.

The proposal is a simple one. Every homeowner, every owner of real estate in the United States pays a real property tax to his local community government. In most cases, a substantial part of this tax is used to meet the primary and secondary school needs of the community whether for new construction or for maintenance, teachers' salaries or other past or current school costs. It would merely provide that every taxpayer who pays a school tax on his real property or as a part of his real estate tax, shall after having calculated the amount of Federal income tax which he must pay Uncle Sam, be permitted to subtract from the Federal income tax which he owes, the full amount of such school property tax, or such proportion of it as will result in a total additional tax benefit to these taxpayers of between $3 and $4 billion.

The Senator went on to say that in his bill the tax credit would be limited to $100 against the taxpayers net Federal income tax. This tax credit would be in addition to the amount that the taxpayer would have retained as a result of previously counting the $100 as a tax deduction in the same manner that he would have deducted his other State and local taxes. The Senator used the following example of how his program would work:

A taxpayer who has paid $200 in school taxes as part of the local real property tax on his home, and is in the 20-percent Federal income-tax bracket, realizes a saving of $40. My proposal would retain this present practice, but, in addition, would permit him to take a $100 credit against what he owed Uncle Sam, i.e., against his net Federal income tax. Hence, instead of a saving of $40, the homeowner under my proposal would save $140 of the $200 he paid in school taxes on his home.

The Senator then went on in his testimony to state:

The concrete advantages of this approach are overwhelming.

The concrete advantages of this approach are overwhelming.

He then enumerated several of these so-called advantages, and herein, if we are to believe that our friend from Arizona is serious, lies the fallacy in S. 991 and an amendment. For it would fail to do the things which its author claims for it.

First of all, the bill is proposed as an aid-to-education measure which, as the Senator from Arizona claimed in his testimony, "would make all the alternative plans for Federal aid to education which are under serious consideration by this committee irrelevant and unnecessary."

Actually title II of S. 991 and the amendment is not an aid-to-education measure. There is nothing in this title of the substitute which would assure that $1 of the Senator's estimated $3 to $4 billion loss in Federal tax revenue would be spent for improved educational benefits for children.

As my friend points out:

The tax benefits provided would go directly to approximately 40 million taxpayers, including about 34 million homeowners.

Of course, the Senator does not say anything about the more than 20 million other American families who either rent or lease their homes. It might be argued that there would be tax relief for the landlords but one would have to stretch a point pretty far to see the landlord, after subtracting $100 from his Federal income tax bill, passing the savings along to his tenant.

The Senator states indirectly that under his bill the money subtracted from Federal income tax returns would not necessarily go to education but if the local citizens decided, they could use the funds to pave their streets, improve their fire or police departments, expand their medical facilities, if this is what they believe their State and locality needs to do most urgently. It would have been more appropriate for the Senator to have said that the Federal revenue lost under this program need not be spent for any public service of any kind and in all probability this would be exactly what would become of the $3 to $4 billion loss to the Federal Treasury.

Thus, it would require an actual increase in the Federal tax rates to make up for this revenue loss. And at the same time property tax rates would also have to be increased in local communities if any of the Federal taxes given to local taxpayers were to find their way into school budgets. This is about as cumbersome and unrealistic a procedure as could be devised. The possibilities of realistically meeting school needs by such an arrangement are small.

One of the biggest claims made for the substitute by its author is that—

With the Federal Government completely excluded from the program, there would be no danger of Federal control over education.

In this statement the Senator is referring to title II. But I caution my colleagues not to be misled by protestations that there would be "no danger of Federal control over education" if it were enacted into law.

Read the entire bill, read title I as well as title II of the amendment, and then see if you agree with the assertion by the Senator from Arizona. Read for yourselves title I and you will see it to be one of the surest and swiftest ways to bring about a subtle but effective control of the secondary schools of our Nation.

Title I would provide a national scholarship program of 1,000 scholarships annually. It would establish a national scholarship board appointed by the President with the advice and consent of the Senate to be composed of the following: First, five members who were recognized scholars in any of the following fields: engineering, mathematics, or science; second, five members who were recognized scholars in the field of humanities; third, three members from such fields of endeavor as the President deems appropriate. It would be the duty of the board to make rules and regulations as it deemed necessary to carry out the bill. The board would be responsible for setting up and administering an achievement test for testing the scholarship applicants. Those who receive the highest awards on the test would be awarded national scholarships.

But I call the careful attention of Senators to the fact that to be eligible to compete for a national scholarship an individual would have to be in his last academic year of secondary school or hold a certificate of graduation from a secondary school and most important, he must have completed—or be completing—the following:

First. Four academic years of study in English.

Second. Three academic years of study in mathematics.

Third. Three academic years of study in history.

Fourth. Three academic years of study in foreign language.

Fifth. Three academic years of study in science, in Greek, or in Latin.

In his statement printed in the CONGRESSIONAL RECORD of February 20, 1961, upon the introduction of S. 991, the Senator stated in reference to these scholarship provisions that they were primarily designed to establish a set of voluntary secondary school scholastic standards which can serve as a guide and a beacon for both the high schools of the Nation and for the parents of America. Referring to the alleged educational benefits of the scholarship provision the Senator stated:

Most important, it will expose the weaknesses in some of our secondary schools while at the same time revealing the strength in others.

The American public will assess the results of these examinations. A school which consistently fails to qualify its students for participation in the examination, or whose students consistently fail to secure any of the scholarships will come under intensive critical scrutiny.

It is important to remember that the 1,000 Federal scholarships awarded annually would be sufficient to average less than 1 to every 18 high schools in the country.

The substitute amendment has further defects.

First. It would encourage fiscal irresponsibility in that it would tend to give the impression that citizens in local communities were passing on to the Federal Government the cost of building school buildings.

Second. It would tend to put money where the wealth is; not where the children are to be educated. In effect, it would be the equivalent of a Federal appropriation of $3 or $4 billion—according to the Senator's estimate—distributed not to States but to localities on the flat grant basis of $100 per local property taxpayer on the average. No consideration would be given to the fiscal capacity of the locality or the State to support education.

Only the number of property taxpayers would be considered in distributing these funds, not the number of children to be educated. No measure of the fiscal capacity of the State or school district would be taken into consideration in distributing this vast amount of Federal funds. No equalization of educational opportunity would be considered either among States or among localities within States.

Third. It would tend to disrupt State school construction programs in States where school construction is financed by State funds. Thus, it would tend to disturb State aid programs designed to raise the level of education in many of the poor school districts. It would tend to discourage State support of school construction, since taxpayers could not subtract such State funds from their Federal income tax return.

Fourth. It would offer little or no relief to school districts in States which have complicated legal structures or constitutional debt or millage limits. In some cases it would be impossible for a single dollar of this program to go for increased school funds. Statutory and constitutional millage limits and debt limits would have to be overhauled to permit sizable increases in property taxes. Such changes would be virtually impossible in many cases. But where property tax rates were at or near their maximum limit, there would be no way that additional property taxes could be collected.

Fifth. It would tend to exaggerate both the local and the Federal tax rates and to keep the overall tax figures high. At best, one must conclude that the amendment goes the long way around to do nothing for schools and as I have pointed out before, it would provide no assurance that any of the money given away in the tax credit plan would be added to education.

After studying the amendment, I am surprised to find my friend from Arizona, whom I have heard so many times denounce Federal aid programs as being giveaway programs and programs designed to promote fiscal irresponsibility, come up with a scheme whereby the Federal Government becomes a donor of the sum of $3 to $4 billion to be given to property taxpayers in every

community across the Nation. Furthermore, I am surprised to find that my friend would propose a measure which he asserts would aid education but which would not assure that a single dollar would be spent to strengthen the schools of our Nation. Moreover, I am surprised that my friend declares that State and local control of education must be maintained but provide a Federal prescription of the curriculum of secondary schools and of a board designed to set standards for secondary schools.

Mr. President, to sum up major points of title II of the Goldwater substitute. It proposes to allow an income tax deduction—not to exceed $2,000—for college expenses paid by a taxpayer for himself, his spouse, or his dependents. Expenses would cover tuition and fees, books and supplies, and meals and lodging—up to $90 a month for an individual living away from home and up to $45 for an individual living at home. Expenses taken into account would be reduced by the amount of any scholarships.

The amount allowable as a deduction would be reduced by the amount by which the "taxable income" of the taxpayer exceeds $10,000 if single or married and filing a separate return, or $20,000 if married and filing a joint return, or a head of household, or surviving spouse. Thus, no deduction would be allowed to single taxpayers whose "taxable income" reaches $12,000 and to married persons whose "taxable income" reaches $22,000.

Since "taxable income" is income after deductions and personal exemptions, the $10,000 and $20,000 levels at which the deduction would begin to be reduced would be the equivalent in terms of an adjusted gross income of almost $12,000—$11,777—for a single individual and almost $25,000—$24,888—for a married person with two children, assuming deductions were about 10 percent of gross income. Since the bulk of taxpayers are below these income levels most taxpayers would be able to deduct college expenses, without reduction, up to the maximum $2,000 limit. It is estimated that the annual revenue loss to the Federal Government at present income levels resulting from the proposed deduction would be about $800 million.

As President Kennedy indicated in his special message on education, our desire is that every talented young person who has the ability to pursue a program of higher education be able to do so, if he chooses, regardless of his financial means. An estimated one-third of our brightest high school graduates are unable to go to college principally for financial reasons. It is highly doubtful, however, that a deduction for college expenses along the lines proposed by the amendment would be the best means of helping these talented and needy young persons in meeting the financial problem. A study made in recent years points out that it is two and a half times as likely that a child will go to college if his parents' income is in excess of $9,000 than if it is less than $5,000. Further, the striking fact was revealed that if a youth were academically in the lower half of his high school graduating class, and his family was in the income group of $9,000 or more, he was more likely to go to college than if he were in the upper one-fourth of his class and a member of a family with an income of less than $5,000.

Families not financially able to send their children to college even with the tax allowance would receive no benefit under the amendment. In many cases the tax benefit derived from even as generous a deduction as proposed would not be sufficient to be a deciding factor in whether the child goes to college. Moreover, persons whose incomes do not exceed their present exemptions and deductions could not receive any benefit from the new deduction. This would include many students who supplement scholarships by vacation and part-time employment while attending college.

Large families with low incomes would receive little or no benefit while families of fairly substantial means who would send their children to college in any event would get the most relief. The effect of the deduction proposed by the Goldwater substitute amendment in savings to taxpayers would vary with the taxpayer's bracket rate. For single persons and married persons the tax saving would range from 20 cents on the dollar at the bottom bracket to about 38 cents on the dollar in the highest income brackets eligible to receive any deduction. For a head of household the range is from 20 to 47 cents on the dollar.

If the Federal Government is to give assistance to talented and needy young people, a program of direct aid along the lines proposed by President Kennedy would be the most efficient and economical means of providing such assistance. The President has proposed specifically a 5-year program of State-administered scholarships for talented and needy young people which will supplement the private and public scholarships and loan programs established by numerous States, private sources, and the student loan program under the National Defense Education Act. These scholarships would be open to all young persons, solely on the basis of their ability—as determined on a competitive basis—and their financial need. The President's program would provide 25,000 scholarships the first year, 37,500 the second year, and 50,000 for each succeeding year. The amendment proposes in title I a small scholarship program of 1,000 scholarships a year beginning in 1962.

Also, in recognition of the fact that tuition and fees do not normally cover the institution's actual expenses in educating the student, additional allowances to the college or university attended would accompany each scholarship to enable these institutions to accept the additional students without charging an undue increase in fees or suffering an undue financial loss. It has been generally recognized that the full benefits of a deduction for college tuition would not necessarily accrue in the long run to taxpayers since colleges could be expected to increase their tuition charges. In fact, some proponents of a deduction for college tuition have urged its adoption on the grounds that such a deduction would make it possible for colleges to increase their tuition without additional costs to parents and others who pay the tuition.

Mr. President, title II of the amendment proposes a tax credit against Federal income tax, limited to $100, for real property taxes paid for support of public elementary and secondary education. The tax credit would be allowed in addition to the present deduction for property taxes allowed under the income tax and therefore would be available to taxpayers whether they itemize their deductions or use the standard deduction. If the amount allowed as a credit plus the saving by reason of the deduction exceeds the total amount of the property tax, however, the credit is reduced by the amount of the excess.

The bill does not limit the credit to individuals, but since a tax credit of $100 would be of little significance to corporations, the discussion here is directed toward the effect of the credit upon individuals.

Under the present Federal income tax an individual who itemizes his deductions is allowed to deduct from gross income all State and local property taxes, including those for school purposes. The benefit which a taxpayer derives from the deduction depends upon his income tax bracket and ranges from 20 cents on the dollar in the lowest bracket to 91 cents in the top bracket.

The amendment proposes that an individual be allowed, in addition to the present deduction, a dollar for dollar offset against his Federal income tax for property taxes—up to $100—paid for the financing of public schools. For example, a taxpayer who has paid $200 of taxes and is in the 20-percent Federal income tax bracket has a $40-tax saving under the present deduction and under the proposal would have in addition a $100 credit against his income tax.

The Federal Government in effect would reimburse the taxpayer $140 of the $200 he paid in school taxes. Thus, a significant portion of the costs of public schools would be shifted to the Federal Government. All homeowners, who are contributing to the support of public schools, however, would not be able to benefit fully from the proposed credit. Many persons who own property incur no Federal income tax liability because their incomes are below taxable levels. Older persons, for example, who own a home may pay no Federal income tax because of low incomes or because of the double exemption and other special relief provisions for the aged.

Some property taxpayers would not be able to take advantage of the credit because school revenues in many jurisdictions are from general fund appropriations and the taxpayer cannot identify the amounts derived from property taxes.

In States which finance schools largely from sources other than the property

tax, taxpayers who are supporting the schools through payment of nonproperty taxes may not pay as much as $100 of property taxes for school purposes, and therefore would not get full benefit of the credit. The extent to which State-local school revenues are derived from property taxes varies widely from State to State. For the country as a whole a little more than 50 percent of total State-local school revenues comes from property taxes. This includes taxes on both real and personal property. The proposed tax credit relates only to real property taxes. In the various States the percentages ranged from 5.2 percent in Delaware to 91.3 percent in Nebraska in 1957–58—table 1.

States in which less than 20 percent of total State-local school revenues was derived from property tax were New Mexico, 15 percent, and North Carolina, 18 percent. Dependence on the property tax was in the range of 20 to 30 percent in 6 States, all of which are Southern States with the exception of Washington—Alabama, Georgia, Louisiana, South Carolina, and Tennessee. Other States which are below the national average of 50 percent are Arkansas, Maryland, Florida, Kentucky, Mississippi, and Pennsylvania.

This wide variation in reliance on the property tax for school revenues results from a number of factors. Some States have taken over large responsibility for financing of schools and the States' revenues are derived from nonproperty tax sources. In Delaware, for example, 94 percent of total school revenues is provided by legislative appropriation from the State general fund none of which is derived from property taxes. In North Carolina 69 percent of total school revenues is provided from State general fund appropriations. In Alabama and New Mexico where more than 70 percent of total school revenues is provided by the State, the State's school revenues are almost entirely derived from earmarked nonproperty taxes. Even though the local share of school revenues may be financed mainly by property taxes in some of these States, many homeowners will not pay as much as $100 of property taxes for school purposes.

Some States have authorized local boards of education to secure school revenues from local nonproperty taxes, including income, sales, and various other types of taxes. In Alabama, for example, several counties levy sales taxes and gasoline taxes for specific school purposes which are shared with any independent city school system within their borders. In Pennsylvania local districts of the second, third, and fourth classes are authorized to levy any tax of the nonproperty kind which is not being levied by the State. Revenues from nonproperty tax sources now account for approximately 23 percent of local school revenue. These nonproperty taxes include such taxes as income, per capita, amusement, severance, real estate transfer, mercantile, and occupational.

From what I have said, it is obvious that the proposed tax credit would discriminate against residents of States which over the years have developed sources other than property taxes as a means of financing schools. If such a credit were allowed, there might be some tendency for State and local governments to make more use of the property tax in school financing in order to make certain that their taxpayers got the full benefit of the tax credit against Federal income taxes.

The proposed tax credit would also be inequitable in that it would be available only to owners of property and not to renters, even though renters may pay the tax.

A further disadvantage of the proposed tax credit would be the fact that the relief granted to taxpayers in particular States and localities by the proposed tax credit would bear no direct relation to the current need for Federal assistance to public schools in the States. It is estimated that the credit would cost the Federal Government about $2 billion annually at present income levels. This amount of Federal funds if distributed along the lines proposed in the administration's program of Federal aid would give a considerable amount of assistance where most needed.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point a table showing the percentage of public school revenues derived from property taxes.

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

Percentage of public school revenues (State and local) derived from property taxes, 1957–58

[Percent from property tax]

State:	
U.S. aggregate	54.1
70 percent and over:	
Arizona	70.0
Colorado	74.5
Connecticut	72.2
Illinois	70.0
Indiana	70.0
Iowa	85.5
Kansas	77.7
Montana	72.9
Nebraska	91.3
New Hampshire	84.6
New Jersey	72.0
Rhode Island	71.3
South Dakota	81.4
Wisconsin	78.2
50 to 70 percent:	
California	58.6
Idaho	68.0
Maine	67.0
Michigan	50.7
Minnesota	55.2
Missouri	55.4
Nevada	51.9
New York	58.7
Ohio	67.8
Oklahoma	51.2
Texas	51.0
Utah	54.4
Vermont	66.0
Virginia	59.8
Wyoming	66.9
30 to 50 percent:	
Arkansas	44.8
Maryland	48.3
Florida	35.2
Kentucky	36.3
Mississippi	34.1
Pennsylvania	37.9

Percentage of public school revenues (State and local) derived from property taxes, 1957–58—Continued

[Percent from property tax]

State:	
20 to 30 percent:	
Alabama	22.0
Georgia	24.0
Louisiana	25.0
South Carolina	27.7
Tennessee	28.4
Washington	26.1
Less than 20 percent:	
Delaware	5.2
New Mexico	14.9
North Carolina	18.2

Source: Office of Education "Public School Finance Programs of the United States," 1957–58.

Mr. President, I ask the Senate to reject the Goldwater amendment on the basis of the broad principles of opposition I have raised to it; namely, the philosophic approach of the amendment, the tax remission theory of the amendment, the fact that there is no guarantee that any money which is saved to the individual person will actually be added to what the State would otherwise spend for educational purposes. There is no assurance it will not go for some other purpose.

In my judgment, it also does not have what I call a principle of sound uniformity in the application of the equalization formula.

Mr. MORSE. Mr. President, I yield back the rest of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the substitute amendment of the Senator from Arizona [Mr. GOLDWATER], as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT (when his name was called). On this vote I have a pair with the junior Senator from Texas [Mr. BLAKLEY]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. McGEE], and the Senator from Oklahoma [Mr. MONRONEY] 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 the Senator from Texas [Mr. BLAKLEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Wyoming [Mr. McGEE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. CARLSON] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN] is absent because of illness.

The Senator from Wisconsin [Mr. WILEY] is detained on official business.

On this vote the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Illinois [Mr. DIRKSEN]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 10, nays 79, as follows:

[No. 49]

YEAS—10

Bennett	Eastland	Stennis
Bridges	Goldwater	Thurmond
Capehart	Hruska	
Curtis	Schoeppel	

NAYS—79

Aiken	Hartke	Morton
Anderson	Hayden	Moss
Bartlett	Hickenlooper	Mundt
Beall	Hickey	Muskie
Bible	Hill	Neuberger
Boggs	Holland	Pastore
Burdick	Humphrey	Pell
Bush	Jackson	Prouty
Butler	Javits	Proxmire
Byrd, W. Va.	Johnston	Randolph
Cannon	Jordan	Robertson
Carroll	Keating	Russell
Case, N.J.	Kefauver	Saltonstall
Case, S. Dak.	Kerr	Scott
Church	Kuchel	Smathers
Clark	Lausche	Smith, Mass.
Cooper	Long, Mo.	Smith, Maine
Cotton	Long, Hawaii	Sparkman
Dodd	Long, La.	Symington
Douglas	McCarthy	Talmadge
Dworshak	McClellan	Williams, N.J.
Ellender	McNamara	Williams, Del.
Engle	Magnuson	Yarborough
Ervin	Mansfield	Young, N. Dak.
Fong	Metcalf	Young, Ohio
Gore	Miller	
Hart	Morse	

NOT VOTING—11

Allott	Chavez	McGee
Blakley	Dirksen	Monroney
Byrd, Va.	Fulbright	Wiley
Carlson	Gruening	

So Mr. GOLDWATER'S amendment in the nature of a substitute, as modified, was rejected.

Mr. GOLDWATER. Mr. President, I offer my amendment 5-16-61—D, and ask that it be stated and made the pending business.

The PRESIDING OFFICER. The amendment of the Senator from Arizona will be stated.

The LEGISLATIVE CLERK. On page 2, lines 5 through 7, it is proposed to strike out "to employ needed additional public school teachers and pay them adequate salaries".

On page 13, lines 19 through 25, strike out all of paragraph (2) and insert in lieu thereof the following:

(2) provides that such allotment, except for sums used in accordance with sections 108 and 109, shall be used exclusively for the construction of public school facilities.

On page 14, lines 5 and 6, strike out "to be used for school facilities construction".

On page 14, beginning with the comma on line 11, strike out everything down through line 16 and insert in lieu thereof a period.

On page 16, lines 3 and 4, strike out "or for the payment of teachers' salaries".

On page 16, lines 8 and 9, strike out "with respect to funds specified for school construction or teachers' salaries, as the case may be".

On page 22, lines 5 through 10, strike out paragraphs (10) and (11).

LEGISLATIVE PROGRAM

Mr. KUCHEL. Mr. President, will the Senator from Arizona yield, in order that I may propound a question to the majority leader?

Mr. GOLDWATER. I am happy to yield.

Mr. KUCHEL. I desire to ask the able majority leader what his plans are for the remainder of the evening and for the work of the session tomorrow.

Mr. MANSFIELD. Mr. President, in response to the questions raised by the acting minority leader, there will be no more yea-and-nay votes tonight. It is my intention, after discussing this subject with the distinguished Senator from Arizona [Mr. GOLDWATER] and other Senators, at this time to propound a unanimous-consent request that on the pending amendment, 2 hours be allowed, 1 hour to each side, 1 hour to be controlled by the Senator from Arizona [Mr. GOLDWATER] and 1 hour by the Senator from Oregon [Mr. MORSE].

Mr. JAVITS. Mr. President, reserving the right to object, is a morning hour scheduled for tomorrow?

Mr. MANSFIELD. There will be a morning hour.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. CASE of South Dakota. Will the 2 hours begin to run tomorrow, or will it start tonight?

Mr. MANSFIELD. No, the 2 hours will start tomorrow at the conclusion of the morning hour.

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

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That further debate on the Goldwater amendment numbered 5-16-61—D, be limited to two hours, after the conclusion of morning business on Wednesday, May 24, 1961, to be equally divided between the Senator from Arizona [Mr. GOLDWATER] and the Senator from Oregon [Mr. MORSE] May 23, 1961.

Mr. KUCHEL. May I ask the Senator from Montana at what hour he intends to convene the Senate tomorrow?

Mr. MANSFIELD. Nine o'clock.

Mr. KUCHEL. Will there be a morning hour, and then thereafter the 2-hour time limitation which has been agreed to?

Mr. MANSFIELD. Yes. The time limitation will begin at the conclusion of the morning hour.

SCHOOL ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (S. 1021) to authorize a program of Federal financial assistance for education.

Mr. MORSE. Mr. President, I wish the attention of the Senate for a moment in order to have the RECORD show that we sought to hold up the announcement of the vote for an additional 30 seconds so that the Senator from Oklahoma [Mr. MONRONEY] could reach the floor. We were unable to do so. I know very well that if I ask for unanimous consent to permit the Senator from Oklahoma to be registered on that last vote, Senators may think it would set a bad precedent, although I think this case is extraordinary.

At least my comment leaves no room for doubt as to the presence in the Chamber of the Senator from Oklahoma. I assume that, irrespective of what his vote would have been—and I assume his vote would have been "nay" on the amendment—I would like the RECORD to show that he is now present. If we could have the charity of the brotherhood for a moment, I would be tempted to suggest that we grant unanimous consent to have the Senator from Oklahoma recorded as voting.

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

The PRESIDING OFFICER. Under the rule the Chair is not permitted to entertain such a request.

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

Mr. MORSE. I yield.

Mr. MONRONEY. I thank my distinguished colleague. Unfortunately I could not leave for the Capitol from an important meeting in time, but I would not wish to be recorded as being present in the Chamber and not voting at the regular time. The rule must always be observed. I would not permit the exception if it were requested.

Mr. MORSE. Mr. President, I have 2 brief items I wish to place in the RECORD in order to complete the RECORD on the day of debate.

Earlier there was some discussion of what the administration costs of the bill would be. There was an argument made that Federal collection of taxes for the program would be much more costly than if the money were collected by State administrative agencies.

A statement was presented at our hearings, to which there was no successful rebuttal in our hearings—and I know of no evidence to the contrary—that the collection cost of Federal taxes is approximately one-half cent per dollar. The collection costs of State taxes is 1½ cents per dollar. Local collection cost is about 5 cents per dollar.

That statement is my answer to the claim that we are supporting a bill which will prove to be administratively costly to the American taxpayer when the opposite is true. It is the most economical method of collection.

It is the most economical way of collecting taxes so far as administrative costs are concerned for school purposes that we could have provided. That is borne out further by the testimony of Secretary Ribicoff, which is found at page 157 of the hearings, when the question was raised as to what the administrative cost of the bill would be.

The Secretary said:

So when you consider a program such as this where the administrative cost would be

some one-tenth of 1 percent, I do not believe that that is an excessive administrative cost.

Neither do I, Mr. President.

Lastly, I invite attention to very important information which the Senator from Indiana [Mr. HARTKE] placed in the RECORD yesterday, which is found at page 8504 of the CONGRESSIONAL RECORD for May 22, 1961. It is a very interesting questionnaire which the Senator from Indiana sent to the school administrators of his State, bearing upon the question of alleged interference with local school districts in connection with Federal aid under Public Law 874 and Public Law 815. This bears on the view expressed by former Representative Barden, of North Carolina, that under Public Law 874 there was a great deal of interference with local school districts.

I said that there was not a scintilla of evidence presented to our committee which established or documented any such opinion expressed by Mr. Barden. The material which Senator HARTKE put in the RECORD yesterday gives further support to this contention, which I have made throughout the debate. It is easy to allege that there is Federal interference, but when we come to examine the expenditures of the Federal Government over the decades—whether we speak of Public Law 874 or Public Law 815 or the National Defense Education Act—we find there has been no Federal interference with the educational process.

Certain Senators have tried to point out instances in the debate that for some special pieces of legislation, such as the National Defense Education Act, there have been limitations. However in the National Defense Education Act the Congress specified for defense purposes what the money was to be used for. It was to be used to strengthen science teaching or mathematical training or linguistic training. In such cases it has been argued that because we set that out as the purpose of the expenditure of the money it represents Federal interference in education. This is a non sequitur. It falls to the floor by the weight of its own fallacy.

Furthermore, concerning the opinion expressed by Representative Barden, quoted in the debate, it should be borne in mind that he was referring to a school on a military reservation. It was the case of a determination not to take the school off the base, because if it were maintained on the base it would be an integrated school.

There were those who did not like to have it remain on the base and who would have liked to remove it from the base. Therefore it was easy to contend that when the Air Force took the position that the school was not to be removed it was improper Federal interference with education. Not at all, Mr. President. That action was certainly within the defense powers and duties of the Air Force, because it was consistent with a well-established Federal constitutional authority and power.

I ask Senators to look at the Hartke evidence which was put in the RECORD yesterday. I thank the Senator from Indiana for placing that information in the RECORD. I am sorry that he is not present at this moment so that I might thank him on the floor for supporting the work of our subcommittee in reinforcing what I have said many times on the floor.

In the hearings we took testimony on the bill at great length. Those who charge that there is any interference in connection with the administration of Public Law 815 or Public Law 874 simply do not make their case, because they have not produced any evidence to substantiate their case.

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

Mr. MORSE. I yield.

Mr. GOLDWATER. I wish to direct a question to the Senator from Oregon. He refers to Public Law 874 and Public Law 815 as Federal Education Acts. They are not such acts. Under those acts schools are paid for services which have been rendered. There is no contract. Under Public Law 815 a school district is paid for educating Indians. Under Public Law 874 payments are made in lieu of taxes in impacted areas. It is not Federal aid to education under either act.

Mr. MORSE. The Senator from Arizona and I have debated the issue before, and we could debate it all night and not reach agreement. The Federal money is paid to the schools and the schools use it in carrying out the educational processes.

Many Senators appeared before us as witnesses or filed statements. I do not see how anyone can doubt what their testimony showed; namely, that the States considered the Federal money that they were getting from the Federal Treasury as very important and vital Federal aid money in the operation of their educational systems. In round numbers it amounts to helping the school districts which educate about a third of the public elementary and secondary school pupils throughout the country. As I have said before, if we can thus aid these students, we should not hesitate to pass the pending bill so as to give general aid to all the States.

Mr. GOLDWATER. Those two acts can under no circumstances be considered Federal aid to education. The schools do not even have to take the children if they do not want to do so. They take them and the Government pays the money in lieu of taxes. I can cite an example in my own State, where Hughes Aircraft had taken five sections of tax exempt land and thus created an impacted area. The school district said:

> We will take these children only if you will pay us after we send you a bill for the services.

Along the perimeter of the Navajo Reservation in my State Indian children were sent to white schools, and those schools were paid after the services had been performed. Several times I have introduced bills with the Senator from Minnesota [Mr. HUMPHREY] which would require the payment of money in lieu of taxes. For example, in the Grand Canyon area there are only two taxpayers and there is need for a high school. Each year the Federal Government provides the money. There is a great deal of difference between that and having to make an application to the Commissioner of Education in Washington, and having to comply with any number of requirements, as in the pending bill, before the money can be given. I do not believe there was a witness who appeared before our committee who claimed that under Public Law 874 and Public Law 815 there was any Federal aid to education.

Federal aid to education is what we are trying to provide in S. 1021. It is not what is provided under the two public laws we have been discussing. Under those acts the Federal Government pays for services where the Federal Government by preemption has not allowed the local tax collector the right to collect taxes.

Mr. MORSE. If I were the treasurer of an impacted area school district operating under either Public Law 815 or Public Law 874, I would know when I made my report that I was making my report on a considerable amount of Federal aid money. After all, this is the money which pays many of the bills, and there is no doubt as to the source of the money.

The Senator from Arizona and I could argue this matter all night, and he could not get me to agree with his definition of Federal aid to education. We are apart on that.

Mr. GOLDWATER. It is very simple, if the Senator from Oregon will let me explain it.

In one case there is a provision relating to what must be done before the money can be had. In the second case, under the public law the Senator and I are talking about, the act has been performed. The services have been purchased. There are no ifs, ands, or buts about it. The school board, the county school superintendent, or the State superintendent, as the case may be, merely sends a bill to the Federal Government based on the average daily attendance of pupils covered by the bill. Under section 106 it is provided:

> The sum otherwise allocable to any State under section 105 for any fiscal year after the fiscal year beginning July 1, 1961, shall be reduced if such State's efforts for such fiscal year is not at least equal to such State's base effort for such year. The amount of such reduction shall be the difference between the State's public school expenditures in such year and the public school expenditures it would have made in such year had it exerted the State's base effort for such year.

That is the control with which a State must comply before it can get the money. That is the difference between Federal aid money and lieu money, the latter being paid for services which have been rendered. There are no strings attached; the bill is submitted, and the money is collected.

Mr. MORSE. I am certain there is one thing on which the Senator from Arizona and the Senator from Oregon will agree, namely, that we will not reach an agreement on this subject, because, as the Senator himself has pointed out, the school district does not

have to accept the money. If the school wants it, it takes it. Under S. 1021, a State will not have to accept Federal aid unless it wants it. But we would not be able to hold the States back from wanting it.

Mr. GOLDWATER. Under S. 1021, it will have to comply with many regulations which under Public Law 874 it does not have to comply with.

Mr. MORSE. Oh, but under Public Law 815 and Public Law 874 they must comply with the standards provided in those acts.

Mr. GOLDWATER. I had hoped that the Senator from Oregon, with his broad, elastic mind would take the description I have given. I regret, I cannot accept the Senator's assumptions.

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

Mr. MORSE. I yield.

Mr. HUMPHREY. Public Law 815 contains a title for school construction in areas of Federal activities. I know; I was the author of the act. Public Law 874 has as its title Federal Aid for Maintenance and Operation.

As an old pharmacist, I can say that what is on the label generally tells what is in the bottle.

Mr. GOLDWATER. As an old pharmacist, the Senator from Minnesota ought to know better than that.

Mr. HUMPHREY. As a new one, I make the same statement.

DR. TOM DOOLEY

Mr. PELL. Mr. President, I knew Tom Dooley for some years and was, in fact, vice president of the International Rescue Committee at the time we established Medico as a division of our organization.

If ever a man was driven by the desire to help his fellow man, to give himself to the cause in which he believed, and to again make whole and healthy the maimed and sick, it was Tom Dooley.

Through his village hospital medicine, he brought American humanitarianism and personal care to the remote villages of Laos. No matter what obstacles developed abroad in Laos or at home in the United States, Tom Dooley rose to the challenge and defeated them.

Neither the rigors of his work nor the looming shadow of cancer were able to make him lag or wilt. He died, figuratively, with his boots on and his scalpel in his hand. And, as he was in life, so in death, he will live on as an inspiration and spur to free men everywhere. Specifically, he will live on through Medico, which does so much with so little money, but with heart and dedication, in bringing the real humanity and concern of Americans for their fellow man in the newly emergent nations. Medico does what others preach—it stops communism in its tracks.

JOURNALIST CON EKLUND DOCUMENTS PENTAGON USE OF CALCULATED LEAK

Mr. PROXMIRE. Mr. President, Mr. Lawrence C. Eklund, Washington correspondent of the Milwaukee Journal, recently wrote a thoughtful interpretive report on the widespread practice of "leaking" secret Government information to serve the ends of various policies or programs. His article observes that while the press is often blamed for such security violations, the fact is that newspapers do no more than print information deliberately leaked by Government officials, agencies, or the military services.

The use of the calculated, controlled leak is nothing new to Washington. Members of our military services, including highly placed officers, have repeatedly shown themselves willing to break security barriers in order to win popular—and congressional—support for their pet projects, and to demean those advocated by their rivals in the annual appropriations scramble.

It may well be that such leaks have provided our Nation's enemies with useful information. If so, this constitutes a most serious and sobering reflection on the attitudes of the officials who are responsible. At the very least, it reveals a grotesquely wrong sense of proportion and values to willingly reveal information which for sound reasons has been declared secret in order to push one program at the expense of another. Even the promoter, P.R. man, and flack have an obligation to observe the legitimate security requirements of our Nation's defenses.

The existence of these calculated leaks should not divert attention from the serious, continuing problem of unnecessary governmental secrecy. The right of the public, and Congress, to know what is going on, what is being done by the Government in their name, is only modified, not diminished by the proper demands of national defense. It would indeed be a bitter irony if attempts to curb the self-serving leakers of confidential data are used as an excuse to throw a stifling wet blanket over freedom of Government information, which already stands in serious need of protection and extension.

During his many years in Washington, "Con" Eklund has established a distinguished record for perceptive, painstaking, and responsible newspaper reporting. His article in the Milwaukee Journal of May 14, 1961, relating to deliberate security violations by military personnel, is in that fine tradition. I ask unanimous consent that it be printed in the RECORD.

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

PENTAGON CHIEFS, AIDES ACCUSED OF DELIBERATE SECURITY BREACHES—WRITER ALSO CHARGES THAT SELF-SEEKING POLITICIANS USE THE PRESS FOR OWN ENDS

(By Laurence C. Eklund)

WASHINGTON, D.C.—While the Kennedy administration tends to blame the press for breaches of national security, the fact is that the newspapers have merely published material deliberately leaked by persons in Government.

In his speech to the American Newspaper Publishers' Association last month, President Kennedy implied that some of our difficulties in fighting communism were caused by the newspapers. He said:

"The facts of the matter are that this Nation's foes have openly boasted of acquiring through our newspapers information they would otherwise hire agents to acquire through threft, bribery, or espionage; that details of this Nation's covert preparations to counter the enemy's covert operations have been available to every newspaper reader, friend and foe alike; that the size, the strength, the location, and the nature of our forces and weapons, and our plans and strategy for their use, have all been pinpointed in the press and other news media to a degree sufficient to satisfy any foreign power."

RUSSELL IS IRATE

In testimony made public last week, Chairman RUSSELL, Democrat, of Georgia, of the Senate Armed Services Committee was quoted as expressing "an almost unspeakable contempt" for any man in politics "who would be frightened by newspapers telling him they would attack him because he was not giving them intimate details about defense planning."

RUSSELL produced no examples of editors threatening politicians in efforts to extract military secrets.

In fact, the record of this young administration and of the Eisenhower administration is replete with instances of unfrightened politicians and military men planting classified information with the press, for reasons best known to themselves.

The politicians in some cases were interested in self-aggrandizement. The generals and admirals and their subordinates at the Pentagon have used the "leak" to gain advantage for their own branches of the service. Newspapers didn't have to resort to "theft, bribery or espionage," to use the President's own words, to get the information.

MOSS PLANS PROBE

After Mr. Kennedy made his request for self-restraint on the part of the newspapers—some insisted he was asking for censorship—Chairman Moss, Democrat, of California, of the House Government Information Subcommittee promised to look into the matter.

"In the past our subcommittee has investigated repeated charges that information damaging to the national security has been published in the press," Moss said.

"In almost every past instance the so-called security breach has turned out to be a carefully controlled leak of information favorable to the viewpoint of some Government official, Federal Agency, or military service."

CUBA, U-2 CITED

Senator MORSE, Democrat, of Oregon, told the Senate last week that the American people had a right not to be lied to by their Government. Senator PROXMIRE, Democrat, of Wisconsin, insisted in the Senate that the Government be frank and honest in dealing with the press.

The two Senators were referring to the Government's apparent debasement of the press in the Cuban fiasco and in the U-2 incident a year ago.

Reporters were given contradictory information about the size of the Cuban invasion force and were told an untruth a year ago in the U-2 incident when the State Department said, "there was no deliberate attempt to violate Soviet space and there never has been."

Last fall the Moss subcommittee inquired into the publication in the New York Herald Tribune in September of eight articles by Earl Mazo purportedly based on the secret conversations between Vice President Nixon and Nikita Khrushchev in July 1959.

Chairman FULBRIGHT, Democrat, of Arkansas, of the Senate Foreign Relations Committee had tried vainly to get a copy of the

transcript of the conversation. He was told by the State Department that this was a highly classified diplomatic document.

NIXON IS BLAMED

Two members of the Moss subcommittee staff called on Edwin M. J. Kretzmann, then Deputy Assistant Secretary of State for Public Affairs, to learn the significance of this statement in Mazo's first article: "The secret reports of the Nixon-Khrushchev talks make a fascinating and enlightening profile of the Soviet chief."

Kretzmann told the staff members that these reports were highly classified and had not been made available to anyone outside the State Department. He said he had determined that Mazo had had a number of private talks with Nixon, but that he did not know what the former Vice President had done with his copy of the State Department notes on the meeting.

"The issue for the subcommittee would appear to be an indication that highly classified diplomatic documents were made available by the Vice President to his official biographer so that a partisan complimentary version of the historical incident involved could be prepared and published," said a Moss subcommittee staff memorandum.

CITE EARLIER LEAK

"The obvious inference that the Vice President has leaked this highly secret information to a sympathetic biographer fits in with an earlier performance in which the Vice President announced at a political breakfast the fact that two Soviet spies had been apprehended earlier in the year.

"It was widely held at the time that Nixon's premature and unauthorized disclosure had compromised security measures then being employed for surveillance of other suspected Soviet agents in the United States."

The Moss subcommittee has traced innumerable leaks of secret military information to the Pentagon.

One of the earliest leaks of the Kennedy administration occurred when the Army slipped to a reporter a secret report by Secretary of State Rusk downgrading nuclear warfare and recommending development of a greater capacity for limited, conventional means of waging war.

Another security breach traceable to interservice rivalry occurred February 20, when the Air Force made public classified information concerning plans for a Congo air and sea lift, including details of the forces needed and operating costs.

The generals and admirals for years have leaked information in connection with the Army-Air Force fights for a bigger share of the defense dollar, the Navy-Air Force feud over the B-36 bomber and the conflict over supercarriers and military unification. There is no evidence that they have ever been punished for their indiscretions.

One of the most flagrant leaks to come to the attention of the Moss subcommittee occurred in May 1956, when the Air Force surreptitiously took pictures purporting to show the vulnerability of Navy carriers.

Included in the pictures turned over to the press were one of the supercarrier *Forrestal* and a radar picture made from a reconnaissance plane at 32,500 feet, showing how an enemy might see the *Forrestal* in its radarscope.

WILSON ORDERED STUDY

Rivalry between the services reached a peak in 1956. Charles E. Wilson, then Secretary of Defense, publicly proclaimed his concern over leaks of information revealing sharp disagreements among the services, but the leaks continued.

A story in the New York Times on May 19, 1956, by the late Anthony Leviero, began: "Grave interservice differences are afflicting the armed services." It outlined in detail the major conflicts and quoted from staff papers.

Two months later Leviero revealed a proposal before the joint chiefs to cut the Nation's military manpower by 800,000 men by 1960. Wilson then appointed a five-man committee to find ways to plug what he claimed were leaks threatening national security.

Charles A. Coolidge, Boston attorney who was chairman of the committee, testified before the Moss subcommittee that this particular leak of classified information damaged the security of the United States by upsetting the West Germans terrifically and ending up with their reducing their term of military service down to 1 year.

URGED HALT TO PRACTICE

The Coolidge Committee, which cited numerous other instances, recommended an attack on the deliberate unauthorized disclosures which it said constituted a major shortcoming in the operation of the classification system at the Pentagon.

But the leaking of secret material has continued right down to the present, as evidenced by angry outbursts by members of the Senate Armed Services Committee in the testimony made public last week.

Senator SALTONSTALL produced a story from the Journal-Every Evening of Wilmington, Del., of April 1, which revealed that the United States "now has 59 missiles with hydrogen bomb warheads ready, if needed, to hurl against enemy targets." The story said this country's combat ready missile force soon would increase to 91.

Senator THURMOND, Democrat of South Carolina, objected to a recent magazine article telling the exact number of bombers and missiles we had ready to hurl at an enemy. Defense Secretary McNamara explained the information for this detailed story came from the Defense Department and Defense contractors.

COMPLAINS ABOUT ADS

RUSSELL objected to the publication, "time and again," of the fact that Charleston, S.C., is "the only place where we can load a Polaris submarine." He protested the disclosure of military information in the advertisements of defense contracts.

Senator FRANCIS CASE, Republican of South Dakota, complained that the taxpayers pay the bill twice for those advertisements, "once in the cost and next in the tax deduction for the ads as business expense," and he proposed the disallowance of that cost.

Senator STENNIS, Democrat of Mississippi, acknowledged that there had been leaks of secret military information by Members of Congress of both Houses and that such leaks "doubtless will continue to some extent."

RUSSELL said he had complained about this situation to at least four Secretaries of Defense.

So now the present Secretary has asked Lt. Gen. Joseph F. Carroll, Inspector General of the Air Force, to see what he can do about plugging the leaks, which is where the Coolidge Committee came in 5 years ago.

PURE MILK COOPERATIVES OF WISCONSIN

Mr. PROXMIRE. Mr. President, the Pure Milk Products Cooperative of Wisconsin enjoys a membership of more than 15,000 dairy farmers. It is a remarkably active organization and is especially responsive to its membership.

Pure Milk is ably represented by Bill Eckles, its general manager, and Paul Affeldt, its president. These two men appeared before the Senate Committee on Agriculture and Forestry last week to give vigorous support to President Kennedy's farm bill.

The testimony was forthright and convincing, but most impressive in this Senator's experience in committee hearings was the way in which these men backed up the support of their organization for the President's farm program with a compendium of resolutions passed by the membership of this fine organization supporting the position its leaders have taken.

Mr. President, too often leaders of big organizations come before committees and offer emphatic opinions on legislation when their membership has not expressed the vaguest position on that legislation.

Because this testimony is such a fine model of testimony that truly represents the viewpoints of the constituent members of the organization, I ask unanimous consent that both the statement by Mr. Eckles and Mr. Affeldt and the appendix which supports the statement be printed at this point in the RECORD.

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

STATEMENT OF PURE MILK PRODUCTS COOPERATIVE OF WISCONSIN, BEFORE THE SENATE COMMITTEE ON AGRICULTURE, IN SUPPORT OF THE AGRICULTURE ACT OF 1961, S. 1643

(Presented by W. C. Eckles, general manager, and Paul Affeldt, president)

Honorable Chairman ELLENDER and Senate Agricultural Committee Members, we first would like to thank you for the opportunity of appearing before your committee. We would especially like to compliment the chairman for the early hearings and opportunity for offering various interests a chance to express their views on the Ellender-Cooley farm bill, or technically the Agricultural Act of 1961 (S. 1643) and (H.R. 6400).

On behalf of more than 15,000 Wisconsin dairy farmers who belong to Pure Milk Products Cooperative with offices at Fond du Lac, Wis., we would like to state that this Ellender bill (S. 1643) conforms very closely to many policy resolutions enacted over the past several years by the members of Pure Milk Products Cooperative at their annual meetings. Copies of several of these resolutions have been added as an appendix to this presentation to indicate the agricultural policy and programs desired by the organization membership.

These were not developed by employees and officers. But they came up from the grassroots of P.M.P.C.'s membership. Each local (77 in number) considers drafts and recommends resolutions at their 77 local meetings. These in turn are considered by an overall committee from all locals. They are debated, changed and finally enacted by members at the annual meeting or organizationwide convention each fall.

The organization Pure Milk Products Cooperative has long recommended that the farm problem be attacked and solved by action:

1. On a commodity by commodity basis, with all programs finally correlated into an overall program.

2. On which the advice and consideration of real farmers be heard even though in advisory capacities when such programs are being drafted and developed.

3. In which farmers are finally given an opportunity through referendum to approve or reject programs if quotas or marketing limitations are considered.

4. In which domestic consumption and use of our agricultural abundance is in maximum use to better feed, clothe and house our own citizens.

5. That permits our other production in agriculture beyond a reasonable reserve for domestic safety, to be used to promote better relations between the other nations who are our allies and who also need more food and fiber.

6. That permits farm organizations and cooperatives to do as much of the management, processing, distribution and development of new outlets as is reasonable and consistent with American business methods.

7. That programs contributing to improved general health and well-being be charged at least partially to departments other than agriculture. That food programs contributing to better allies and improving international relation be "tabbed" or charged to the appropriate category and not the farm program.

We strongly support the Ellender-Cooley bill as enabling legislation through which agricultural programs could be developed that would begin moving farmers incomes toward a party-of-income level.

TITLE I

Set up machinery through which advisory committees could be designated for assisting in developing programs. Of these, a substantial majority (66 percent) would have been nominated by farm vote. Consumers and farm organization specialists would also be given consideration.

It is our opinion that programs as are developed should, if they are to be effective, provide for supply adjustments if such are needed to maintain a reasonable balance between production and marketing of agricultural commodities.

We strongly support these provisions that provided quotas, marketing limitations, etc., if they are applied across the board to all producers following a referendum or vote where a two-thirds majority of farmers have approved such.

The extension of marketing order authorization to all commodities as proposed we believe to be sound. Many years of experience with Federal milk orders by our and other organizations have proven successful. Classes based on grade and use for establishing minimum prices to be shared in and pooled to various producers has proven sound when used. On several agricultural products, marketing order and regulatory programs for other commodities than those presently eligible for protection should be given the chance to come under such minimum pricing programs. Orders have operated successfully on several commodities. Other branches of agriculture should be given a chance for similar protection.

We have found order programs most useful in stabilizing and marketing milk. Other commodities might have similar success if authority were granted through new or amended legislation.

We presume some groups who now have such orders will be reluctant to support amendment of the laws under which they operate fearing some lessening of the effectiveness of their program. We believe the umbrella or protection provided by the Agricultural Agreements Act of 1937, as amended, should be extended to other commodities. If this is too strongly opposed, similar market order legislation might be enacted to extend the protection and voice in marketing to more of agriculture than that which in the past has been enjoyed by fluid milk markets and some fruits and vegetables, etc.

Quotas or marketing allotments are not new to agriculture or businesses. They should be on effective unit basis if used. Their application under orders should be effective and reasonably efficient to administer. We repeat, that in our judgment their introductions and uses should follow a referendum process by affected producers.

The provisions that would permit only congressional review and veto prior to introduction of a farm program under these bills seem to be the cause of major disagreements. We would hope that appropriate amendments satisfactory to the legislative and executive branch of our Government might be developed so that this type of legislation might be made available to American Agriculture.

TITLE II

We strongly support Title II of the Ellender-Cooley bill that would substantially increase funds for and lengthen the period of operation of Public Law 480.

This program has successfully moved agricultural products into international channels where needed. Assurance of longer range programs could materially improve the program in our opinion.

TITLE III

Title III providing for consolidating and improving the lending authorities to agriculture is quite important in our opinion. Much of agriculture needs expanded credit to move it out of a position of inefficiency due to limited sized units.

As the American population explosion continues more efficient agricultural units must be developed. This demands reasonable priced and available credit for farmers.

There is urgent need for reasonable loans to farmers to improve facilities, production units and living standards. Farm people use moneys for purchasing commercial products. Increased credit would stimulate and improve business and the national output.

TITLE IV

Title IV providing for expanding the school milk program and improvements in the bargaining position of cooperatives is strongly urged by Pure Milk Products Cooperative.

Farmers with larger cooperatives properly financed could in time, we believe, reduce the need of agriculture for so much dependence on Government. The legislation providing for merging and consolidating cooperatives into more effective units could, in our opinion, result in a more efficient movement of food and fiber to consumers after a period of time.

We believe the Ellender-Cooley bill would be excellent because:

(a) It can cut the cost of farm programs to Government and still assure consumers adequate food at the cheapest relative price.

(b) It would let farm selected groups have a major voice in developing and suggesting farm programs to the Department of Agriculture and Congress.

(c) The program would be most democratic by having farmers, consumers, the executive and legislative branches of Government all involved in its promulgation and activation or use.

(d) The wide powers presently delegated to the Secretary of Agriculture would be reduced. Less bureaucracy and governmental red tape would be involved.

(e) It would mean less government in agriculture by giving farmers an opportunity to expand cooperatives and do a more effective job in producing for market needs. Farmers would make major decisions on programs, quota enactments, etc.

(f) It is enabling legislation through which a variety of approaches to improving farm income could be developed and effectuated.

In conclusion, honorable chairman and committee members, we believe this enabling legislation of S. 1643 through which farm income could be materially improved, our agricultural abundance could be efficiently utilized and American farmers given more of a voice to help develop programs they desire, is most sound and very good legislation.

We, of Pure Milk Products Cooperative, would again urge the reconciling of difference between branches of Government and political parties to make such adjustments as will make the legislation acceptable to Congress for early enactment.

We believe you will have done a great service to America's farmers and the economy.

We believe it to be basically the soundest and finest agricultural legislation to ever come before Congress. We think farmers will heartily approve its use and reduce governmental costs and materially improve farmers' income and living standards.

We are honored at Pure Milk Products Cooperative to have had you kindly, and as usual, objectively listen to our views and suggestions on this very important matter. We hope this presentation has been of value in transmitting the views of a large segment of America's organized agricultural producers and dairymen to Congress.

Our policy resolutions attached are indicative that what we have presented has been the views of those we represent and work for.

Again, thanks for granting us time to present our views to you.

APPENDIX TO PRESENTATION BEFORE SENATE AGRICULTURE COMMITTEE PURE MILK PRODUCTS COOPERATIVE RESOLUTIONS REGARDING MEMBERS' POLICY ON FARM PROGRAMS

DAIRY PRICE SUPPORT POLICY (ENACTED 1960)

Pure Milk Products Cooperative believes that the solution to the price support problem must come from a commodity approach. We believe the abundance of our American food supply has been a blessing to the Nation, but it has worked a serious hardship on the farmers in the form of low prices which have meant low farm income and decreasing farm purchasing power. We deplore the misunderstanding and erroneous opinions of farm prices and farm prosperity which consumers have drawn as a result of increasing marketing margins which have taken an ever larger share of consumer food expenditures. We believe it is imperative that farm income be high enough to provide a living standard for farmers equal to that of nonfarm people, and to maintain our Nation's food production economy in a sound and healthy condition in order that it may adequately meet our future food needs.

We stand ready to support and abide by effective controls on dairy farm marketings whenever such supply management is approved by a two-thirds vote of all dairy farmers. We insist, however, that marketing controls must be imposed on an effective quota basis and applied to all dairy farmers across the board and that such controls are applicable to effectuate a price level which will result in equality of income for dairy farmers in accordance with our national income.

In the event other methods do not, in the opinion of the State board, adequately support dairy farm income, we stand ready to accept direct payments to producers as a means of price support for milk. These payments may come from Government appropriations, assessments against producer marketing, or a combination of the two. We feel that direct payments should be limited to manufactured milk marketings subject to quality standards as may be prescribed in minimum quality regulations. Such payments should be limited to that portion or pro rata share of manufactured milk which is consumed on the domestic market at prices high enough to maintain full parity of income to producers who meet the required standards.

We believe that the Government should continue the purchase of nonfat dry milk

and other dairy products for relief, school lunch, foreign disposal, and other similar outlets.

DAIRY PRICE SUPPORT POLICY (ENACTED 1959)

I. Pure Milk Products Cooperative believes that the solution to the price support problem must come from a commodity approach.

II. We reaffirm our belief and support of the principles of "Self-Help" which were formulated by the conventions in past years.

III. In the event that the State Board finds it inadvisable or impossible to secure the adoption of "Self-Help" this cooperative stands ready to accept direct payments as a means of price support for milk. These payments may come from Government appropriations, assessments against producer marketing or a combination of the two. We feel that direct payments should be limited to manufactured milk marketings subject to quality and other standards as prescribed in minimum quality regulations.

Further, such payments should be limited to that portion or pro-rata share of manufactured milk which is consumed on the domestic consumer market at prices high enough to maintain full parity of income to the producer who meets the required standards.

IV. We believe that it is advisable for the Government to continue the purchase of skim milk powder for relief, school lunch, foreign disposals, and other similar outlets.

SUBSIDY DIRECT TO FARMERS (1959)

Resolved that if the Government is going to support dairy prices, the subsidy should be paid direct to the producer instead of the big processors.

MARKETING CONTROLS AND QUOTAS (1959)

Pure Milk Products Cooperative stands ready to support and abide by effective controls on dairy farm marketings whenever such controls are approved by a two-thirds vote of all dairy farmers. We insist, however, that marketing controls must be imposed on an effective quota basis and applied to all dairy farmers across the board and that such controls are applicable to effectuate a price support level which will result in equality of income for dairy farmers in accordance with our national income.

DAIRY PRICE SUPPORT POLICY (ADOPTED 1958)

I. Pure Milk Products Cooperative believes that the solution to the price support problem must come from a commodity approach.

II. We reaffirm our belief and support of the principles of self-help which were formulated by the convention of 1957.

III. In the event that the State board finds it inadvisable or impossible to secure the adoption of self-help this cooperative stands ready to accept direct payments as a means of price support for milk. These payments may come from Government appropriations, assessments against producer marketing, or a combination of the two. We feel that direct payments should be limited to manufactured milk marketings subject to quality and other standards as prescribed in minimum quality regulations.

Further, such payments should be limited to that portion or pro rata share of manufactured milk which is consumed on the domestic consumer market at prices high enough to maintain full parity of income to the producer who meets the required standards.

IV. We believe that it is advisable for the Government to continue the purchase of skim milk powder for relief, school lunch, foreign disposals, and other similar outlets.

FEDERAL ORDERS (1960)

Resolved, That Pure Milk Products Cooperative give consideration to hearings and orders of markets in other sections of the Nation which might affect Midwestern milk prices and outlets for our milk. We express special concern that some Federal orders price grade A milk used in certain manufactured products at levels far below prices paid in Wisconsin for manufacturing grade milk going into similar products. The interests of Pure Milk Products Cooperative members should be protected either by direct participation in such hearings or by representation through affiliated groups.

FEDERAL ORDERS AND SUPPORT PRICES (1958)

Pure Milk Products Cooperative believes in the principle of Federal milk orders. However, we believe that in the event of direct or other incentive payments as a means of support for manufactured milk, such payments should be incorporated with quoted prices for manufactured milk which may be used as basic formula prices in Federal orders.

FEDERAL ORDERS (1959)

Resolved, That Pure Milk Products Cooperative give closer study and consideration to hearings and orders of markets in other sections of the Nation which might affect midwestern milk prices and outlets for our milk. The interests of Pure Milk Products Cooperative's members should be protected either by direct participation in such hearings or by representation through affiliated groups.

DAIRY IMPORTS (1960)

Pure Milk Products Cooperative believes Congress should maintain rigid import quotas on all dairy products until such time as domestic production and consumption warrant further imports. We are shocked that our Government has seen fit to make sharp increases in import quotas of several foreign types of cheese recently, while domestic prices for manufactured milk were still at the low levels maintained by the dairy price support program.

Be it resolved that as long as we have a surplus of dairy products, we should maintain a strict curb on imports.

DAIRY IMPORTS (1959)

Pure Milk Products Cooperative believes that Congress should maintain rigid importation quotas on all dairy products until such time as domestic production and consumption warrant importations.

DAIRY IMPORTS (1958)

Pure Milk Products Cooperative believes in the expansion of America's foreign trade and especially trade with our friendly allies, but we believe that all trade treaties must be negotiated for the mutual benefit of buyer and seller. The importation of dairy products should in no way impair or interfere with Government farm support programs or dairy farm price levels. We, therefore, urge the Congress to maintain rigid import quotas on all dairy products (containing butterfat and/or milk solids-not-fat) until such time as domestic production and consumption warrant importations.

STATE MILK ORDERS (1960)

Resolved, That Pure Milk Products Cooperative continue efforts toward improved marketing conditions for its members through the increased use of marketing orders, both State and Federal, including manufactured as well as fluid milk.

MANUFACTURED MILK ORDERS (1959)

Resolved, That Pure Milk Products Cooperative reevaluate past work and give new consideration to the possibility of market orders, State and Federal, for manufactured milk.

MILK PRICE CONTROLS (1958)

Because of the tendency for some corporations to use unfair competitive methods to obtain even larger shares of the milk market and the consumers milk dollar, and because such acts tend to reduce milk prices to farmers and ultimately eliminate many local producers and local distributors from our markets, we urge our State board to work for the establishment of minimum fluid milk prices at both producer and resale level and for sound and workable fair trade practice regulations for both milk and dairy products offered to consumers.

FOREIGN DISPOSAL OF DAIRY PRODUCTS (1960)

Pure Milk Products Cooperative urges careful consideration in foreign disposition of our daily surplus to insure that the methods used do not jeopardize world dairy markets. We are pleased with recent suggestions that such foreign disposals be made at least in part through United Nations agencies which are in position to evaluate foreign needs and requests.

FOREIGN DISPOSAL OF DAIRY PRODUCTS (1959)

Pure Milk Products Cooperative urges careful consideration in foreign disposition of our dairy surplus to insure that methods used do not jeopardize world dairy markets.

INCREASED USE OF DAIRY FOODS BY GOVERNMENT AGENCIES (1958)

Resolved, That we favor still further increased use of dairy products in our Armed Forces, Veterans' Hospitals, State, county and city penal institutions, and expansion of the use of dairy products in school lunch programs. We therefore urge our State board to urge this expansion wherever possible, thus supplementing the work of the American Dairy Association.

FREE INTERSTATE MOVEMENT OF GRADE A MILK (1960)

Resolved, That Pure Milk Products Cooperative continue its support of the National Milk Sanitation Act to provide for free interstate movement of grade A milk and encourage its support by all other interested groups.

FREE INTERSTATE MOVEMENT OF GRADE A MILK (1959)

Resolved, That Pure Milk Products Cooperative support the National Milk Sanitation Act to provide for free interstate movement of grade A milk.

INTERSTATE DAIRY QUALITY STANDARDS (1958)

We urge Pure Milk Products Cooperative to work to establish effective Federal minimum quality standards for milk and dairy products imported or moved in interstate commerce. Such standards are important to the protection of health and have been so recognized in the procurement of milk and dairy products for consumption by our Armed Forces and Federal agencies. We believe, however, they are of equal importance to the health of our civilian population and especially to our children, invalids, and aged. We believe effective regulations should be secured and enforced and made applicable to all milk and dairy products marketed in interstate commerce.

WORK WITH OTHER COOPERATIVES (1960)

We compliment previous delegates for urging the Board and Management of Pure Milk Products Cooperative to take the leadership which resulted in the organization of Federated Dairy Cooperatives. Dairy farmers supplying milk to the Chicago market have realized substantial returns because that organization had been developed and was ready to take over price negotiations when needed. Therefore, the State Board and Management shall continue to maintain a watchful eye toward every possibility for increasing bargaining power and influence of Pure Milk Products Cooperative members in the dairy industry through affiliation,

federation or merger with other cooperatives, or to improve and increase its service by contractual relationships with other dairy organizations.

STUDY POSSIBILITY OF MERGING PMPC WITH OTHER DAIRY ORGANIZATIONS (1959)

Resolved, That the State board of directors of Pure Milk Products Cooperative study the possibilities of merging or federating with other dairy organizations in the State and Nation so that we could have more bargaining power and influence on the dairy industry.

WORK WITH OTHER COOPERATIVES (1959)

Resolved, That Pure Milk Products Cooperative give continued consideration and effort to the possibility of affiliating with and providing services for other cooperative groups.

AGRICULTURAL INTEGRATION (1958)

Pure Milk Products Cooperative views with alarm some developments toward vertical integration in agriculture. We urge our board to keep a watchful eye on such developments and to keep the membership informed as to developments which may endanger the family type farms.

IMITATION DAIRY PRODUCTS (1960)

Pure Milk Products Cooperative reaffirms its stand to exert all efforts to strengthen and maintain present laws regulating the production, advertising and merchandising of all dairy product imitations. We urge increased Government action to prevent fraudulent misrepresentation of such imitations to consumers by promoting their sale within the general classification of dairy products.

DAIRY PRODUCTS IMITATIONS (1959)

Pure Milk Products Cooperative reaffirms its past stand to exert all efforts to strengthen and maintain present laws regulating the production, advertising and merchandising of all dairy product imitations, and should seek legislation to prevent discrimination against dairy products in the use of preservatives.

DAIRY PRODUCTS IMITATIONS (1958)

Pure Milk Products Cooperative reaffirms its past stand to exert all efforts to strengthen and maintain present laws regulating the production, advertising, and merchandising of all dairy product imitations, and should seek legislation to prevent discrimination against dairy products in the use of preservatives.

EMPHASIS ON MARKETING (1959)

Whereas overproduction has become the major problem of agriculture today: Now, therefore, be it

Resolved, That the U.S. Department of Agriculture, through the county agents office and otherwise place more emphasis on the marketing, advertising, and distribution of farm products in the future.

Resolved that Pure Milk Products Cooperative should go on record recommending that the Federal Government should spend a larger part of research funds for marketing and less on increasing production.

PARITY COMPUTATIONS (1958)

Pure Milk Products Cooperative favors continued use of the parity index as a measure of farm price supports. However, we reaffirm our position that parity equivalent for manufactured milk should be computed by the method used prior to April 1954, namely, according to the relationship between manufactured milk prices and prices of all milk which existed from July 1946 to December 1948, or a ratio of 88.5 percent of all milk.

ECONOMIC FORMULA (1958)

Pure Milk Products Cooperative is directed to formulate, propose, and support at hearings under various milk orders through which our members' milk is marketed, an economic formula for class I pricing. The formula should reflect into the price, business activities, farm costs, and the ability of consumers to pay for milk.

FEDERAL INVESTIGATION (1959)

Resolved, That Pure Milk Products Cooperative demand a Federal investigation of the Chicago milk market because of the vast differential between the producer price and the consumer price.

DAIRY PRICE SPREADS (1958)

In view of the continuously widening spread between the farmer's price and the price charged consumers for dairy products, Pure Milk Products Cooperative's board of directors and employees are directed to immediately request a congressional investigation of such spreads to determine whether or not consumers are being charged unreasonable prices for the products of the farm and to further determine whether or not monopolistic pricing and marketing practices are being used by the processing and distribution industry. Pure Milk Products Cooperative should solicit the cooperation of other dairy farm interests in instituting and developing evidence to submit to the congressional committees so that this problem can be thoroughly studied.

DAIRY COUNCIL PARTICIPATION (1958)

The board of directors and employees of Pure Milk Products Cooperative are directed to work to secure contributions for dairy council work and its activities in all markets in which they are interested, not only from cooperative members but from nonmembers and all producers supplying these markets. If this necessitates amendments to the Agricultural Agreement Act of 1937 to provide for such, employees and the State Board are directed to propose such amendments to the act and to vigorously work to secure their enactment.

FEDERAL ORDER CLASS PRICES (1960)

Resolved, That Pure Milk Products Cooperative seek prices for manufactured milk sold in Federal order markets which are more nearly in accord with the value of such milk as indicated by grade B milk prices.

IMITATION DAIRY PRODUCTS PRESERVATIVES (1960)

Resolved, That Pure Milk Products Cooperative exert every possible effort to eliminate the use of preservatives in imitation dairy products which may aid in the use of inferior ingredients and eliminate the need for refrigeration of such imitations.

BLUE CHEESE IMPORT RESTRICTIONS (1960)

Resolved, That Pure Milk Products Cooperative use every possible means to prevent the increase in import quotas for blue cheese as recently requested by the Danish Government.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

JOINT RESOLUTION OF WISCONSIN LEGISLATURE

Mr. PROXMIRE. Mr. President, the Wisconsin State Legislature recently adopted a joint resolution memorializing the Congress to appropriate funds so that the memorial over the U.S.S. *Arizona* may be completed as a national shrine for the men killed at Pearl Harbor on December 7, 1941.

I ask unanimous consent that the joint resolution be printed in the RECORD, and referred to the appropriate committee.

There being no objection, the joint resolution was referred to the Committee on Appropriations, as follows:

JOINT RESOLUTION 49

A joint resolution memorializing the Congress to appropriate the necessary funds so that the memorial over the U.S.S. *Arizona* may be completed as a national shrine for the men killed at Pearl Harbor on December 7, 1941

Whereas the project to build a permanent memorial over the hull of the U.S.S. *Arizona*, sunk in the December 7, 1941, attack on Pearl Harbor and still containing the bodies of 1,102 servicemen entombed within it, is slowing because of lack of funds although the project is nearing completion; and

Whereas the Navy Club of the United States of America, one of the originators of the plan to enshrine the *Arizona* and its gallant dead as a memorial to all who died at Pearl Harbor on the day of infamy in 1941, has been responsible together with the Pacific War Memorial Commission for raising $250,000 privately toward the $500,000 needed; and

Whereas the Hawaii Legislature has appropriated an additional $50,000 toward the memorial leaving an additional $200,000 still needed; and

Whereas the completion of this memorial is in the interest of the Nation as a whole as a shrine to the men who gave their lives and as a symbol for future eternal vigilance: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Congress is memorialized by the Legislature of the State of Wisconsin to appropriate the necessary $200,000 in additional funds so that the memorial over the U.S.S. *Arizona* may be completed at an early date as a national shrine for the men killed at Pearl Harbor on December 7, 1941, and that suitable copies of this resolution be forwarded by the secretary of state to the President of the United States and the Members of Congress from this State.

W. P. KNOWLES,
President of the Senate.
LAWRENCE R. LARSEN,
Chief Clerk of the Senate.
DAVID J. BLANCHARD,
Speaker of the Assembly.
ROBERT G. MAROTZ,
Chief Clerk of the Assembly.

ADDITIONAL BILLS INTRODUCED

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

By Mr. FULBRIGHT:

S. 1948. A bill to provide for the issuance of a special postage stamp in commemoration of the 100th anniversary of the Battle of Pea Ridge; to the Committee on Post Office and Civil Service.

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

By Mr. WILLIAMS of New Jersey:

S. 1949. A bill for the relief of the State of New Jersey; to the Committee on the Judiciary.

By Mr. BRIDGES (for himself, Mr. SCHOEPPEL, and Mr. COTTON):

S. 1950. A bill to extend for 4 years the temporary provisions of Public Laws 815 and 874, 81st Congress, relating to Federal assistance in the construction and operation of schools in areas affected by Federal

activities; to the Committee on Labor and Public Welfare.

By Mr. BYRD of West Virginia:

S. 1951. A bill for the relief of Dr. Gerardo L. Yubero, his wife, Luz Fortuny de Lopez, and their two minor children, Gerard Lopez Fortuny and Fernando Lopez Fortuny; to the Committee on the Judiciary.

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

S. 1952. A bill to provide for an additional benefit factor for flood control projects located in labor surplus areas; to the Committee on Public Works.

ISSUANCE OF A SPECIAL POSTAGE STAMP IN COMMEMORATION OF CENTENNIAL OF BATTLE OF PEA RIDGE, ARK.

Mr. FULBRIGHT. Mr. President, I introduce, for appropriate reference, a bill to authorize and direct the Postmaster General to issue a special postage stamp in commemoration of the centennial of the Battle of Pea Ridge, Ark.

Pea Ridge is located in Benton County in the northwest corner of Arkansas. It was the site of what is considered by historians of the period to be the most significant engagement of the Civil War fought west of the Mississippi River. The battle took place on March 6, 7, and 8, 1862, and involved a total of over 26,000 men. As a result of the fighting, the northward push of the Confederate forces was halted and the State of Missouri remained in Union hands.

By an act of the 84th Congress, a national military park was created to preserve the historical value of the landscape and buildings touched by the fighting. Nearly 4,000 acres have been acquired for the park—largely through the efforts of State and local authorities and residents of the area. It is contemplated that the Park will be ready for public use on the 100th anniversary of the battle next March. Dedication ceremonies are planned for the occasion and those in charge foresee a large gathering. The issuance of this commerorative stamp would be proper recognition of the significance of the battle and a tribute to those who fought at Pea Ridge. I hope that the Congress will see fit to act expeditiously on this legislation in order that there will be sufficient time for the design and production of the stamp prior to the centennial.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1948) to provide for the issuance of a special postage stamp in commemoration of the one-hundredth anniversary of the Battle of Pea Ridge, introduced by Mr. FULBRIGHT, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

SCHOOL ASSISTANCE ACT OF 1961—AMENDMENTS

Mr. COOPER (for himself, Mr. BUSH, Mr. CASE of New Jersey, and Mr. JAVITS), submitted amendments, intended to be proposed by them, jointly, to the bill (S. 1021) to authorize a program of Federal financial assistance for education, which were ordered to lie on the table and be printed.

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, under the previous order, I move that the Senate adjourn until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 56 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, May 24, 1961, at 9 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 1961:

U.S. CIRCUIT JUDGE

Albert A. Ridge, of Missouri, to be U.S. circuit judge for the eighth circuit, vice Archibald K. Gardner, retired.

U.S. MARSHAL

Gibson Greer Ezell, of Georgia, to be U.S. marshal for the middle district of Georgia for the term of 4 years, vice William K. Holt, Jr.

BUREAU OF CUSTOMS

A. Bayard Angle, of Florida, to be collector of customs for Customs Collection District No. 18, with headquarters in Tampa, Fla.

Mrs. Edna M. Scales, of Oregon, to be collector of customs for Customs Collection District No. 29, with headquarters in Portland, Oreg.

Dr. Ernest I. Murai, of Hawaii, to be collector of customs for Customs Collection District No. 32, with headquarters in Honolulu, Hawaii.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298.

To be first lieutenants

Carper, Robert R., O91180.
Dobson, Benjamin F., O91578.
Edwards, Tom R., O91815.
Emigh, Edward W., O83706.
Frye, Norman E., O91831.
Gauntner, Donald E., O91196.
Johnston, Jerry M., O91891.
Jung, Paul T., O91164.
Ney, Leland E., O88461.
Redman, David E., O92117.

To be first lieutenant, Army Nurse Corps

Nattier, Carolyn M., N3001.

The following-named person for appointment in the Regular Army by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be second lieutenant

Yeatts, Frederick L. (MSC), O87985.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be major

McCrady, Richard T., O733936.

To be captains

Bessler, Felix J., O1930372.
Creed, William H., O1885200.
Curry, Jerry R., O1936019.
Glunn, Franklin J., O1341660.
Holland, Raymond, O4009817.
Mooneyham, Bill M., O2263072.
Roper, Devrix S., O4011978.
Sauberan, Robert L., O4005262.
Seeley, Wayne L., O1924841.
Small, Harold I., O1936075.

To be first lieutenants

Bannister, Barry B., O4010665.
Born, Edward G., O4031063.
Bowen, Cecil R., O2287796.
Brill, James H., O4066030.
Crompton, William B., Jr., O1935429.
Daly, Frederick R., O2287600.
East, Kenneth E., O5405012.
Fratzke, Walter E., Jr., O4074382.
Griggs, Carlvin J., O5300527.
Hill, Gene P., O5301758.
Kollhoff, Ronald K., O4084486.
Leister, Glenn A., O4026287.
Mascia, Donald J., O4074719.
Merritt, Sylvester A., Jr., O5301779.
Pace, Linwood A., Jr., O4031247.
Pfeiffer, Richard W., O2302243.
Piff, Walter F., Jr., O4085203.
Pitts, Walter E., Jr., O5402878.
Sonnier, Robby J., O5400198.
Vail, Nathan C., O4030766.
Willis, Raymond E., O4047918.

To be second lieutenants

Bentley, Robert G., O5505798.
Bettge, Darryl A., O5404275.
Blake, William, O5510651.
Burley, Edward B., O5212011.
Clark, Vernon L., O5403491.
Copeland, Richard L., O5213693.
Covington, Dwight H., O5305871.
Curren, William F., III, O5307553.
Daly, Charles F., O5208003.
Durham, William D., O5207175.
Ellerthorpe, Donald O., O5304200.
Estes, Glen A., O5403212.
Goff, DeWayne B., O5206205.
Gray, Robert M., III.
Herms, Alfred M., O4049144.
Howard, Jimmie B., O5404377.
Kiely, Kendall F., O5006681.
Kouril, Robert F., O4204565.
Leary, Paul E., O5403653.
Luzietti, John E., O5402034.
McGranahan, Kenneth L., O5303767.
McQuaid, Ronald J., O5308165.
Miller, Wayne R., O5509175.
O'Connell, Thomas R., O5006237.
Ondecker, Lawrence W., O5207128.
Parr, Gary K., O5403061.
Peterson, Humphrey L., Jr., O5305198.
Ranney, Thomas A., O5506014.
Roy, Daniel S., O5002875.
Schwartz, Paul R., O5507752.
Simpson, Felix D., O5208831.
Simpson, Robert M., O5505986.
Sinkler, Paul F., O5509765.
Smith, Marcus D., Jr., O5306005.
Smith, Robert D., O5208084.
Stainback, William C., O5311193.
Strong, Edward M., O5307409.
Taylor, Vernon K., O5704354.
Vogl, Raymond E., O5507911.
Walton, James F., O5308508.
Winterbottom, Rodney L., O5511272.

The following named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3294 and 3311:

To be captains, Medical Corps

Darlak, Joseph J., O4065011.
Dyer, John T., O2295027.
Mayfield, Gerald W., O1940721.
Miller, Louis V., AO3001700.
Nowosiwsky, Taras, O5004238.
Stansifer, Philip D., O2238665.

To be captains, Medical Service Corps

Dysart, Stanley H., Jr., O4005988.
Evans, Wayne O., O1929872.

To be first lieutenants, Army Nurse Corps

Clark, Anna M., N2244275.
Dixon, Georgia M. F., N901442.
Donnelly, Gwendolyn N., N805773.

Garmon, Betty L., N792333.
Hernandez, Nilza R., N2291970.
McCormack, Winifred R., N5003710.

To be first lieutenants, Medical Corps

Andrews, Frank B., Jr., O2300486.
Epling, John P., Jr., O2300464.
Ewald, Roger A., O2298304.
Feagin, John A., Jr., O72048.
Herrington, Jack K., O2300465.
Raffety, John E., O2300495.
Rapoport, Morton I., O5206067.
Stambaugh, Roy A., O5501070.

To be first lieutenant, Veterinary Corps

Voelker, Richard W., Jr., O2297929.

To be second lieutenants, Medical Service Corps

Carnahan, Robert P., O5306173.
Fulton, William R., Jr., O5409958.
Harling, John T., O5300471.
Heaton, Billy A.
Lanham, Richard H., Jr., O2300453.

To be second lieutenants, Women's Army Corps

Ball, Elizabeth C., L2298584.
Kelly, Jacquelin J., L2300221.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade and corps specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

To be second lieutenants, Medical Service Corps

Dawley, Donald D., Jr.
Fladd, Frederic H.
Foulds, David G.
Reilly, William F., Jr.
Schultz, Paul L.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenants, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Aikman, Peter R.
Allred, James R.
Atkinson, John M.
Avery, John, Jr.
Bailey, Fred E.
Biggers, Homer L. H., Jr.
Bissell, Norman M.
Blanke, Richard C.
Bone, David M.
Bossart, Walter R.
Bradley, Sylvan K.
Burns, Frederick A.
Burwell, Rodney P. O5513516
Byrn, Noel R.
Campbell, Larry D.
Cavezza, Carmen J.
Chester, Michael Q.
Chronis, Nicholas N.
Corson, John R.
Crigger, Donald E.
Cundiff, Brian H.
Dickinson, Curtis L.
Dierking, Irwin S., Jr.
Dittmar, Richard S.
Dougherty, Charles H.
Eckman, Philip L.
Eian, John N.
FitzPatrick, Thomas
Flory, Richard A.
Fox, Edwin F., Jr.
Fryday, Jack C.
Garrison, David M.
Goldman, Paul J.
Harbach, David V.
Harmon, Charles E.
Harper, Jack R.
Hill, George R.
Hitchcock, Dickey
Hitt, Gary C.
Holder, Arthur T.
Howard, Barry
Ioanidis, Gabriel
Jones, William L.
Kelly, Benjamin E., Jr.
Lane, Stanley W.
Larens, James M.
Luff, Gary M.
Mack, Donald J.
Malone, William K.
Matz, Stanford
McCormick, Allen L., III
McGough, Robert E.
McLaughlin, Charles, III
McNamara, William P.
Meek, John E.
Miner, Ellis D., Jr.
Modine, Kent A.
Moore, John K.
More, Angus S., Jr.
Natkowski, Leonard J.
O'Connell, Joseph
Osterman, Gerard D.
Patterson, Freddie L.
Ragin, William D. H.
Sager, David W.
Shimer, Preston L.
Simpson, William A.
Skiles, Carl L.
Smock, Jimmie E.
Spencer, James I.
Stewart, Michael O.
Sulzen, Robert H.
Taylor, Hazel H., Jr.
Thompson, Charles R.
Weaver, Kenneth J., Jr.
Westerbeke, John H., Jr.
Williamson, Robert F.
Zerby, John G., Jr.

EXTENSIONS OF REMARKS

The Cost of Health Care

EXTENSION OF REMARKS

OF

HON. CLINTON P. ANDERSON

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1961

Mr. ANDERSON. Mr. President, I ask unanimous consent that a review which appeared in the Washington Post of May 21 be printed in the CONGRESSIONAL RECORD. It was written by the junior Senator from Oregon and relates some of the most significant points in "Doctors, Patients, and Health Insurance," by Herman Somers and Anne R. Somers. I also ask that a news report on this book from the Washington Post of May 22 be printed in the RECORD.

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

TOTTING UP THE COST OF HEALTH CARE

(Reviewed by MAURINE B. NEUBERGER)

Medical and health care costs now total over $25 billion annually and take 5.4 percent of our Nation's total gross national product.

These figures are likely to rise, with medical care costs since World War II increasing far more rapidly than the general cost of living. In the last decade the increase was twice as fast as all prices and between June 1958 and June 1960 the rate was three and a half times. The American people are showing a growing concern with the organization and financing of medical care.

To help supply some of the answers in this complex field, Mr. and Mrs. Herman Somers have written a particularly valuable and penetrating analysis of the organization, distribution, and financing of personal medical care. I do not believe that anyone should argue the pros and cons of the Kennedy administration's proposed health coverage legislation for the retired under the social security system until he has read this book.

The problem of providing adequate health coverage for the aged has aroused public opinion and controversy. The aged in the population are increasing at the rate of more than 1,000 per day and by 1970 there will be nearly 20 million persons 65 and over.

Three-fifths of the aged had less than $1,000 in total income in 1958, according to the Bureau of the Census, and nearly four-fifths had income of less than $2,000 the same year.

In a well-reasoned chapter the Somers argue that the social security financed health coverage will best meet the needs of the aged. They point out that meaningful insurance must meet at least 75 percent of an aged person's health expenses and should embrace 85 percent of the aged population. They also argue that it is unreasonable to expect older persons to spend more than 12 percent of their incomes for medical care, which is double the national average. The husband and wife team says:

"The probable average level premium required for 75 percent protection with 12 percent of income would exclude more than three-quarters of this age group. This makes no allowance for the additional 25 percent costs to be met out of pocket. Even allowing a substantial margin for error, the situation reveals a dead end."

Dr. Basil C. McLean, recently retired president of the Blue Cross Association, is quoted as saying that "a lifetime's experience has led me at last to conclude that the costs of care for the aged cannot be met, unaided, by the mechanisms of insurance or prepayment as they exist today. The aged simply cannot afford to buy from any of these the scope of care that is required, nor do the stern realities permit any carrier, whether nonprofit or commercial, to provide benefits which are adequate at a price which is feasible for any but a small proportion of the aged."

One of the most interesting and rewarding sections of the book deals with the changing pattern of medical practice and the doctor-patient relationship. The technological revolution in medicine, growing specialization in the profession, the role of clinics and combined practice have all done much to change the image of the traditional doctor-patient relationship.

The authors conclude that an inversion of some popular slogans with respect to the relationship between the quality of medical care, medical financing and the optimum doctor-patient relationship is clearly in order.

Federal employees will be reassured by the comments on the Federal employees health benefits program administered by the U.S. Civil Service Commission. The authors also endorse the closed-panel, group practice type of health coverage such as is operated by Group Health Association in the Washington area, Health Insurance Plan of New York and the Kaiser Foundation health plans on the west coast.

The entire varied field of personal health care is carefully explored with chapters devoted to the role of modern hospitals, the drug industry, the growing doctor need and shortage, health carriers and the strengths and needs in the medical insurance industry. The book is well documented by extensive footnotes, tables and charts.

The authors carefully chart the pattern of change and direction in medical care and have produced a valuable study in a highly complex and controversial field. I am sure this volume will be carefully read by all those dealing with medical care problems.

STUDY BACKS EXPANDED MEDICAL AID

(By Lewis Hawkins)

Mounting public pressure for providing adequate medical care to all Americans makes expanded Federal aid inevitable, it was reported in a research study released yesterday.

Part of this aid should be old age health insurance under the social security system but this is no sound basis for alarm among physicians or private insurance systems, the book says.

"Doctors, Patients and Health Insurance," released by the Brookings Institution, is a 534-page volume resulting from 3 years' research by Herman M. Somers and his wife, Anne R. Somers. Somers is head of the political science department at Haverford College, Haverford, Pa., and was a member of President Kennedy's preinauguration Task Force on Health and Social Security.

FORD BACKED STUDY

Research and publication were financed by the institution with assistance from the

Ford Foundation. Brookings is a private organization engaged in research and education in the social sciences. As usual, the institution notes that the conclusions reached in studies it finances do not necessarily represent the institution's views.

Much of the book is devoted to reviewing the problems of medical care including mounting costs, especially those in the drug field; the shortages of doctors and supporting personnel; the acute lack of "parahospital" facilities—nursing homes, outpatient clinics, rehabilitation centers, etc.—to care for patients now being sent to regular hospitals.

Advances in private insurance plans are praised but it is reported that about 49 million persons—28 percent of the population—remain without any protection. Most of these are in the medically indigent group who are otherwise self-supporting but cannot provide for medical care.

GENERAL AGREEMENT

Insofar as the aged are concerned, the authors find there is already general agreement on the need for public action. The main question is said to be whether it should be under Federal-State subsidy or private insurance—as provided under a 1960 Federal law—or insurance within the present social security system—which is what the Kennedy administration seeks.

The authors say:

"The latter appears simpler, more economical and more equitable as well as involving less Government intrusion in the affairs of private carriers, and greater dignity for the beneficiaries."

Interstate Compacts for Library Service

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1961

Mr. FOGARTY. Mr. Speaker, I have today introduced a bill which would grant the consent of Congress to interstate agreements for the purpose of developing or operating library facilities and services.

Libraries, like all other governmental agencies, are searching for ways to provide service effectively and economically for all people regardless of where they live. While State, county, town, and municipal library systems are serving a large segment of the Nation, population expansion and shifts within recent years have created new groupings, bound by economic, topographic, and social considerations, but separated politically by the intrusion of State lines. Like transportation and other public services, most efficient library operations in many cases would follow these natural patterns rather than those of the more artificial political boundary lines. Interstate planning is the next step which should be taken in many localities. It appears timely, therefore, that Congress give consent in advance so that progress may be encouraged and it is for this purpose that I have introduced the bill.

Article I, section 10 of the Constitution of the United States has apparently been a deterrent to States joining in projects for mutual benefit, yet it appears that educational and library service projects cannot in any way be a "clear and present danger to the sovereignty of the United States"; in any way affect the powers delegated to the National Government; or affect the political balance within the Federal system. However, some attorneys general have ruled otherwise, and many States appear to be reluctant to pass legislation which will permit joint action on library matters.

There are two distinct areas where library service might be improved through interstate agreements—one is the great metropolitan district, and the other sparsely settled rural areas where boundaries hinder development of an area large enough to provide modern library services.

Of the 25 largest metropolitan districts 12 are on State borders. The large metropolitan library, chiefly supported by local taxation, is faced with demands for service from the entire area. Developing library service programs for the entire area could be best undertaken by the large metropolitan library and would result in a well coordinated and strengthened service for the entire district but a compact of some type would appear to be necessary.

The general statute, New York General Municipal Law, sections 460–473—supplement—interlocal agreements with governmental units of other States, in its statement of purpose clearly defines the problem for both rural and urban areas:

> To permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with governmental units of other States on a basis of mutual advantage and thereby to provide services and facilities in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Since the great change in transportation, and especially since the automobile has become a regular means of private transportation, populations have shifted to a point where the self-contained local village hardly exists. Shopping centers have made great changes in our way of life, as has the development of industrial centers centralized and decentralized.

We have discovered that a village library cannot provide all the information and books its residents need and desire. Television and other media are arousing interest in many subjects and problems our onetime small towner was willing to let others be informed about. Now it is necessary for the library to have greater resources than local taxes could ever provide. The centralized reference service at the State library and the bookmobiles which move from town to town leaving collections of current books of interest to all ages and groups are permitting our towns to provide the needed broader library services.

Since State boundaries are artificial at best and frequently ignore topographical limits, as well as population distribution and economic developments, it seems appropriate that every opportunity taken be given for successfully bridging these boundaries.

There are many library services which are possible on an interstate basis. Those of the large metropolitan district may be somewhat different but many of our smaller cities might effectively expand service to more rural areas in neighboring States.

A group of small libraries on a State border could jointly employ a cataloger, pool their book funds and buy and catalog their books not only with a saving of money, but with an improvement in the quality of the cataloging.

Every library of any size, particularly if it is a reference library, has a stock of books and journals which should be preserved but which are seldom used. In small States such as ours a depository could be established by several States for these seldom used materials and operated for the benefit of all. This would release valuable shelf space and permit disposal of all but one copy or set of these resources.

There will be many problems for individual States to work out ranging from methods by which State aid is to be applied to a service jointly operated at the local level, the selection of governing boards for these agencies and tax support. But if we have cleared the way by achieving the consent of Congress, then we can tackle the purely local problems.

Needed: Stronger Effort To Halt Expansion of Communism

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1961

Mr. WILEY. Mr. President, today, the free world is, as it should be, reexamining its policies designed to halt the outspreading of communism.

In Laos, Cuba, Vietnam, and elsewhere, we are witnessing the devious tactics employed by the Communists.

Over the weekend, I was privileged to discuss the situation over radio station WGN, Chicago.

During the address, I reviewed some possible ways in which we might strengthen our policies to halt Red aggression.

I ask unanimous consent to have the text of the address printed in the RECORD.

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

TEXT OF SENATOR WILEY'S ADDRESS OVER RADIO STATION WGN

Around the globe the Communists are engaging in a powerful offensive to further their aims of world conquest. They control about one-third, or nearly 1 billion, of the people of the world.

In Laos and Cuba, the Reds are strengthening their grip on the reins of government.

Will Thailand, Vietnam, Cambodia be next?

How long can the non-Communist nations permit this gobbling up, piece by piece, of more people and territory?

If this expansion continues, the scale of world power, and voting strength in the United Nations will eventually tip toward the Reds. We must not forget Mr. Khrushchev's threat to bury us.

Now what can be done?

We must "stiffen our backbone."

We must take a new look at Communist aggressions, particularly their success, and determine how to cope with the Red offensives.

Should we adopt Monroe Doctrine type policies with our allies for areas like southeast Asia? What would be involved? The following steps:

Determine a defensible line against Red aggression;

Provide forces capable of stopping the Communists at that line;

Warn the Reds that if they commit aggression against such territories, either political, military, or economic, they can expect to pay a price, war;

Develop a capability for more effectively fighting brush-fire wars;

Increase the capability of NATO, SEATO, CENTO and ANZUS to expand political, sosocial and economic efforts to strengthen the free world and assist noncommitted nations to ward off the attempted inroads by the Reds;

Finally, but most important, create a more effective nonmilitary counteroffensive involving (1) designing blueprints for freedom for the nations of the world to counter communistic blueprints for takeover; (2) more strongly challenge the Reds' control of subjugated people behind the Iron and Bamboo Curtains; and (3) engage in a more effective political, economic, social, cultural offensive on all fronts.

Regrettably, the free world alliances, including SEATO, have not yet developed the kind of firm, strong policy that would evoke confidence for example of the southeast Asia nations in warding off the Red offensive. Currently, countries such as Thailand are reportedly toying with the idea of adopting a "neutralist" policy.

To me, this is untenable. Why? Because a small nation, in my judgment, by itself cannot repel the concerted military, economic, political, social pressures which the Communists will be concentrating for a takeover. For the Reds, a declaration of neutralism is a sign of "open hunting season."

While India, a large country, has been able to maintain a policy of relative neutralism, she has stiffened her backbone.

In the East-West contest, the Reds have been substantially helped by lack of realistic workable plans of the West for the triumph of freedom.

In Laos, let's face it, the Reds have the upper hand.

* * * * *

While we are talking about Laos and Cuba and South America, don't forget to keep our powder dry and our eyes also focused on Berlin and the rest of the world.

Persuasion of the Amish (To Join Social Security)

EXTENSION OF REMARKS

OF

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1961

Mr. SCHNEEBELI. Mr. Speaker, many of us have been made aware of the recent seizure and sale of the horses owned by an Amish farmer in Pennsylvania. This act, undertaken by the Internal Revenue Service to collect delinquent social security payments was a matter of concern so that I requested the Commissioner of Internal Revenue to explain the action. I have just received the Commissioner's reply and I believe that, because of the interest which the case has stimulated, this correspondence should be called to the attention of all Members of Congress.

For the benefit of my colleagues, I submit the following letter to Commissioner Caplin, the Pittsburgh Press editorial referred to in the letter, Commissioner Caplin's reply, and an excellent editorial from the Berwick Enterprise of May 2, 1961.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 9, 1961.

Hon. MORTIMER M. CAPLIN,
Commissioner of Internal Revenue,
Washington, D.C.

DEAR MR. COMMISSIONER: I am writing to you in regard to recent action by the Internal Revenue Service against Mr. Valentine Byler of New Wilmington, Pa., in regard to a Federal tax lien amounting to $308 for unpaid taxes under the Federal Insurance Contributions Act.

I am enclosing herewith an editorial from the Pittsburgh Press of Wednesday, May 3, 1961. One of the things not mentioned in the editorial is the fact that some of Mr. Byler's fellow citizens have joined together to help him with his spring plowing.

I recognize that the payment of this tax like all other taxes is mandatory and that you and your associates have the responsibility for enforcing the payment of any Federal tax liability. However, I am very concerned with the manner which this particular problem was handled. I particularly question the timing—during the plowing season—and the particular property confiscated. I believe that you may well be concerned that this is an instance where the Federal Government got its tax dollar but where very serious damage has been done to the public attitude toward our Federal tax system. I would sincerely appreciate receiving from you some information as to the endeavors made to collect this tax prior to seizing Mr. Byler's horses. I would also like to know the reason for the timing of this particular seizure and the reason for selecting the particular assets that were involved. Your comments on the extent to which recognition was given to the restrictions on levy contained in section 6334 of the Internal Revenue Code will be appreciated. Whether or not you regard draft horses as livestock is another question that I would like to have answered.

In closing I would make it clear that I am not criticizing anyone for enforcing the law, but I am seeking information as to the rationale for doing it in the particular way that it was done.

Sincerely yours,

HERMAN T. SCHNEEBELI,
Member of Congress.

U.S. TREASURY DEPARTMENT,
COMMISSIONER OF INTERNAL REVENUE,
Washington, D.C., May 16, 1961.

DEAR CONGRESSMAN SCHNEEBELI: This is in reply to your letter of May 9, 1961, concerning the collection of the delinquent social security taxes of Valentine Y. Byler for the years 1956 through 1959.

As you are aware, Public Law 761, 83d Congress, which became effective on January 1, 1955, extended social security coverage to additional groups of self-employed persons, including farm operators.

For religious reasons a minority group of Amish farmers were opposed to paying the tax on self-employment income, although they properly reported such tax on their income tax returns. The Service, being aware of the sincerity of these individuals' convictions, undertook a program of education and persuasion by which we hoped to collect the taxes involved on a voluntary basis.

In the fall of 1956 the District Director in Cleveland held meetings with Amish farmers and their church officials in an effort to solicit cooperation and voluntary compliance with the 1954 amendment. The major point which was stressed at these meetings was that the social security levy was a tax rather than an insurance premium, and that the Revenue Service was responsible for the enforcement of this legislation.

As a result of these meetings and of letters sent to the individuals involved, emphasizing their duty to comply with the tax laws, payment, in the majority of cases, was voluntarily remitted. Out of the 2,000 to 3,000 Amish farmers filing taxable returns there remained a number whose refusal to pay continued, and in approximately 130 cases over the last 2 years, collection was enforced by levying on bank accounts and from the proceeds of farm produce. In a few cases enforcement in this manner was not possible, because of the inability of Internal Revenue officials to locate bank accounts or sources of income subject to the levy process.

The instant case arose with respect to one of the more conservative members of the Amish faith. Mr. Byler, at the time of the recent seizure, owed the following self-employment taxes:

Year	Tax	Interest
1956	$82.60	$19.91
1957	76.57	17.08
1958	32.98	7.05
1959	65.63	7.14

For some time efforts to secure voluntary payment of the above taxes had been made without success. On July 13, 1960, a duly executed summons, requesting Mr. Byler to appear before a revenue officer to answer questions concerning his financial condition, was issued. Mr. Byler failed to respond to this summons. On August 2, 1960, an assistant U.S. attorney wrote Mr. Byler with regard to the summons, but there was no compliance. Subsequently, a civil contempt proceeding was brought before the U.S. District Court for the Western District of Pennsylvania. After a number of continuances, this proceeding was dismissed on motion of the U.S. attorney on January 20, 1961.

On April 18, 1961, a notice of seizure was handed Mr. Byler. In seizing the horses recognition was duly given the provisions of section 6334 of the Internal Revenue Code concerning property exempt from levy. The Internal Revenue officials who handled this matter were as considerate as possible of Mr. Byler's interests in seizing three of his six horses in deference to other personalty. At all times it had been the intent of the Service to avoid the imposition of any undue hardship which might arise.

On May 1, 1961, a sale was conducted in accordance with the provisions of section 6335 of the Internal Revenue Code. The gross proceeds of the sale amounted to $460.

The expenses (drayage, boarding, insurance, and advertising) amounted to $113.15. Since the liability amounted to $308.96, the surplus, $37.89, was refunded to him.

The collection of the Federal self-employment tax from Mr. Byler and other Amish people who are opposed to social security

coverage for themselves has been an unpleasant and difficult task for our people. With patience in their dealings, however, we have been successful in persuading most of them to pay their taxes voluntarily. I have been advised by our attorneys that there is nothing under the present law which would represent an exemption for individuals who would otherwise be covered, who are opposed to participation on grounds of religious belief. Since the Internal Revenue Service has no authority to relieve the Amish farmers of their liability for the Federal self-employment tax, when Mr. Byler remained adamant in his refusal to pay the tax, it was incumbent on the Pittsburgh office to proceed with collection enforcement.

I can personally assure you that the seizure of Mr. Byler's property was not timed with any malice in mind. It was merely the culmination of extended administrative proceedings. As you are aware, the Amish do not surround themselves with many of the comforts of our present-day society, so that the choice of property to levy upon was not an easy one. The selection of three horses was based upon the fact that Mr. Byler owned six horses at the time.

In recognizing the status of property exempt from levy, the revenue officer seizing the property set aside to Mr. Byler that portion of property aggregating $500 in value under section 6334(a)(2). Therefore, the question as to whether draft horses are regarded as livestock was never reached. Although the word "livestock" is not defined in section 6334, common usage would imply the inclusion of draft horses. This, of course, would be restricted to the $500 limitation set out in the section.

If additional information is desired, I would be most happy to accommodate.

Sincerely,

MORTIMER M. CAPLIN,
Commissioner.

THE STUPIDITY OF THE LAW

You don't have to go behind the Iron Curtain to find an example of the heartless and inhuman use of the power of government against the individual citizen. You need go no farther than New Wilmington, Pa.

It was there that the power and majesty of the Federal Government was invoked to show one Valentine Byler the necessity of conforming to the dictates of the Central Government.

Mr. Byler is a member of the Amish sect, whose way of life is part of their religion. They are a frugal farming people who eschew modern machinery and use horse-drawn equipment. Their religion forbids them to make war or to accept anything from government. In case of need, they take care of their own. They are entirely self-reliant.

Among other things the Amishman won't touch is the social security system. In their way of life, there is no need for old-age pensions, and some 250 Amish families around New Wilmington therefore make no payments into the social security trust fund.

But the Government contends that, as self-employed farmers, they are obligated by a 1955 law to pay 4½ percent of their gross earnings into the social security fund. In essence, this contention is that they must save for their old age whether they want to or not and whether they ever draw a nickel's worth of benefits, which no Amishman will do.

So, one W. K. Shaw of the regional Internal Revenue Service, figured out a way to teach the Amish obedience to the law. He selected Valentine Byler as the first candidate and seized his three workhorses on a lien of $308.

The other day the animals were sold, harness and all, for $460. Not a single Amishman was present at the auction sale. The IRS plans to proceed in a similar manner against other members of the Amish sect.

This is a legal atrocity and it calls for review by officials of the Internal Revenue Service, or by higher Government officers. And if relief from such a stupid enforcement policy cannot be gained that way, Congress should act promptly to amend the law.

For what the Government is saying to Valentine Byler and his neighbors is: "You'll join the social security system whether you want to or not, and if you refuse we'll take away the horses you need to make a living by tilling the soil."

This is on a par with the old vaudeville skit of a Communist orator declaiming that "Come the revolution, the workers will eat strawberries and cream." When one bystander objected that he didn't like strawberries and cream, the orator persists: "Come the revolution, you will eat strawberries and cream and you'll like strawberries and cream."

The Federal Government will look just as ridiculous if it continues seizing the horses of peaceful Amishmen to dragoon them into a forced welfare system.

[From the Berwick Enterprise, May 2, 1961]

AN OUTRAGE

Another outrage has been perpetrated in our socialistic state, and it is socialistic, whatever you care to think.

The latest outrage is the confiscation of three fine horses, owned by an Amish farmer, at New Castle, in default of $308 in back social security payments.

The Amish and Mennonites, we have said before and we repeat again, are our most admirable Pennsylvanians in these crackpot days. They pay their own way, live sensibly and ask no favors of anyone. Their beliefs do not permit them to become wards of the State in any manner, not even to the extent of social security.

Now understand, we have no fault to find with social security and we only hope there is still some of it available for pension use when we reach pension age. However, we don't feel that social security or any other socialistic idea should be forced upon those who do not want it and the Amish do not.

A tragic angle of this is that at least a dozen Amish families in the New Castle area have decided they have had enough, not only of Pennsylvania but of the United States itself, for it is the Federal Government which is attempting to force social security taxing on the Amish. So those dozen-plus families are going to sell their Pennsylvania farms and move to Canada where people still enjoy some of the freedoms that those who had the spirit of '76 fought for.

There are a lot of citizens we could well do without but the Amish are not among those. The State government has made a mess of things in attempting to force our school ideas on these people. Now the Federal Government is making a mess of things by attempting to force social security on them.

Somewhere there should certainly be a lesson in all this, but what's the use. The powers that be wouldn't believe it anyway.

Tourism—The New Economic Frontier for West Virginia

EXTENSION OF REMARKS

OF

HON. ROBERT C. BYRD

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1961

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address which I was provileged to make before the second annual travel clinic, sponsored by the Upper Monongahela Valley Association, at Blackwater Lodge, Davis, W. Va., on May 12 of this year. The glories of my State of West Virginia are so many that I believe Americans in all walks of life should have the opportunity to become acquainted with them, and I trust that a reading of my remarks will spur them to do so.

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

When God created the earth, He richly endowed West Virginia with natural resources, not the least of which is an abundance of scenic beauty, with unparalleled mountain views, cool green forests, sparkling streams and lakes, and fertile valleys. He also gave it four distinct seasons, for He must have had in mind that these would one day provide for the people who inhabited this area a variety of opportunities for the development of a recreational center for the eastern half of these United States.

And God is infinitely wise and farseeing, for today 55 percent of the Nation's population is within a 500-mile radius of the borders of West Virginia, and I, for one, believe that all of those millions of people would welcome the opportunity to see God's handiwork in West Virginia. It remains for us to find the ways and means of stimulating them to do so.

The tourist and recreation industry in the United States is big business. Although complete statistics for recreational expenditures are not available, the size and importance of the industry is evident from the estimates of annual recreational spending, which vary from $18.3 billion to $42 billion, depending on the definition of what is to be included as recreational expenditures.

It is interesting to note, however, that in 1959, the latest year for which statistics are available, American workers took 77.7 million weeks of vacations, compared to only 54.3 million weeks in 1949. All the signs point to further increases in leisure time and all types of recreational spending. The outlook for the sixties is for an additional population of about 30 million persons, a gross national product expanded by about $256 billion, a total employment of more than 80 million compared to the present 64.5 million, and comparable increases in per capita and disposable family incomes.

Moreover, the United States is shifting from a production oriented economy to a consumption oriented economy, with increasing emphasis on services, cultural activities, travel, and recreation of all types.

Outdoor recreation, in particular, has a larger role in the life of most Americans. The tremendous increase in usage of Federal parks, State parks, and other public recreational facilities in the last decade clearly illustrates the growth trend in outdoor recreation. From 1950 to 1958, attendance at public parks and recreation areas increased as follows: National parks, by 76 percent; national forest lands, by 150 percent; Bureau of Reclamation projects, by 195 percent; Corps of Engineer reservoirs, by 492 percent; State parks by 108 percent; TVA lakes by 120 percent; and wildlife refuges by 165 percent.

The actual use of these public recreational areas has far exceeded the planning estimates made over 10 years ago, and there is every indication that this growth will continue and probably accelerate. In 1959 alone, the number of people visiting national parks and national monuments had surpassed the

highest pre-World War II total by about 14 million.

Americans have taken to spending more time and money in a variety of outdoor recreational pursuits which include: hunting, fishing, boating, skiing, and swimming. In 1955, a U.S. Fish and Wildlife Service survey estimated that there were 25 million sportsmen in the United States. The executive secretary of the Sport Fishing Institute, Mr. Robert N. Pavel, estimates the number of fishermen in the United States today at 28 million. The Fish and Wildlife Service survey showed that there were one or more sportsmen in one out of every three households, and that 18 percent of all persons over 12 years of age in our country fished, and that 10 percent hunted. Today, collectively, the Nation's sportsmen spend from $2 billion to $10 billion a year on this form of recreation.

The rise in the number of fishing and hunting licenses issued annually is another indication of the growing number of people who have joined the ranks of the country's sportsmen. Since 1950, the number of fishing licenses sold increased by 30.4 percent nationally, and the number of hunting licenses rose by 20.2 percent. In addition, more sportsmen are going outside their home State to pursue these sports. This is attested to by the fact that the number of nonresident fishing and hunting licenses sold during this same period increased by 40.9 percent and 132 percent, respectively.

Boating has been called the Nation's fastest growing family sport. Between 1948 and 1958, retail expenditures for boating increased by 167 percent, the number of recreational boats in use increased by 144 percent, and the number of participants in recreational boating increased by 196 percent. A 1960 Department of Commerce estimate placed spending on boating in our country at $2.7 billion, and the average annual expenditure of each boatowner at $146.

A number of factors are responsible for the boom in all types of outdoor recreational activity. In addition to the population explosion expected in this country in the next decade, during which some 30 million more persons will be added to our population figures, there is a trend toward shorter workweeks, toward longer vacations, toward earlier retirements, and a longer lifespan. Then, too, higher standards of living give further impetus to the growth of a recreation industry.

What does all of this mean, and what should all of this mean to West Virginia? To answer this question, I think it is important that we examine what tourism means to some of our neighboring States. Travel expenditures amounted to $654 million in 1960 in Virginia, and $360 million in North Carolina. Maryland expects to reach a $300 million tourist business by the end of this year, and says that $12 million of this will be in sales of gasoline, out of which the State will also realize taxes and fees. In West Virginia, the State industrial and publicity commission estimated that tourists spent $270,569,477 in 1959. The commission is now the department of commerce.

The figures which I have just quoted show that our State experienced a smaller income from tourism than did our neighboring States, despite the fact that West Virginia has far more to offer in the way of scenic beauty and water resources than our neighboring States.

In West Virginia, the number of visitors dropped from a high of 8,115,429 in 1955, to 7,378,218 in 1958, and then increased slightly to 7,450,625 in 1959. There are several indicated reasons for the fact that there has been no substantial increase in tourism in our State, at a time when our neighboring States have been enjoying solid spurts in this business.

One major deficiency is the fact that our State lacks adequate accommodations for tourists either inside or outside the parks and forest areas—and this includes 20 State parks, 12 State forests, 2 national forests, 2 reservoir areas, as well as 63,000 acres in public hunting areas which are owned or leased by the State conservation commission. In 1959, 114,313 visitors stayed overnight in the State parks, which was a substantial increase over the prior year. But, although attendance at State park and forest areas now exceeds 2 million annually, there are overnight cabin accommodations for only 1,200 people. Tent and trailer camping facilities are also desperately needed, but at present there are only about 150 sites available.

As a result of these shortcomings in accommodations, hundreds of people must be turned away from West Virginia's recreational areas for lack of overnight lodging facilities. In comparison, I might add, California has furnished some 30,000 camping sites for its citizens and tourists.

Another major problem confronting our State, insofar as tourism is concerned, is the pollution of our streams and rivers. Although the State issued more than 487,000 fishing and hunting licenses in 1959, this number could be substantially increased if the ugly pollution in our water resources were remedied in some parts of the State.

West Virginia has many public land areas stocked with an abundance of game—deer, bear, quail, and wild turkeys, to mention some. But out-of-State hunters have been finding it difficult to arrange for sleeping accommodations during hunting season. A few years ago, a program was started to encourage farmers and other local residents to provide housing for sportsmen during hunting season. This program needs to be augmented by an educational campaign, because every additional sportsman we can accommodate means anywhere from $50 to more than $100 spent in our State.

The historical attractions of West Virginia are surpassed only by its impressive scenic beauties. But here again, full use has not been made of the potentialities of, say, the Civil War sites around Keyser and in other sections of the State, nor of the antebellum homes and other historic attractions. Better roadside markings and more publicity on West Virginia's rich heritage might bring many more visitors to our State, particularly during this Civil War Centennial period. Moreover, the establishment of a national monument near Parkersburg, Point Pleasant, and Charles Town, would further emphasize the historic significance of our State and its valleys since before the Revolutionary War days.

Other possible means of attracting tourists to West Virginia include augmenting the spectator sports facilities of our State. These now include four horseracing tracks, and various baseball, football, and basketball events. However, ice hockey, and skiing, which are becoming more and more popular, offer excellent opportunities for expansion of the off-season tourist trade. West Virginia is one of the few States south of the Mason-Dixon line which offer skiing on a commercial basis, and I want to say that the management of Black Water Lodge has done a notable job in acquainting out-of-Staters with the excellence of ski slopes hereabouts.

An equally notable job in attracting tourists to West Virginia has been done by the communities and organizations which sponsor local festivals. I have in mind the Buckhannon Strawberry Festival, the Spencer Walnut Festival, the Forest Festival at Elkins, the Folk Festival at Glenville, and the Preston County Buckwheat Festival. These events are unique to the culture and resources of West Virginia, and every effort should be made to advertise them more widely, at least throughout the eastern half of the United States.

In connection with advertising, one possible explanation for the decrease in the number of visitors to the State since 1955 is the lack of adequate promotion or advertising. State appropriations for this purpose amounted to $375,000 in North Carolina, $501,000 in Virginia, and only $20,000 in West Virginia, according to the American Automobile Association. Moreover, additional amounts are spent in adjoining States by private interests in the promotion of tourism. This is a matter which I am certain Governor Barron's administration will correct. But beyond what the State may attempt to do, I believe that more can be done through an association of all resorts, hotels, motels, and restaurants, because in the final analysis they get the largest share of the tourist dollar.

Finally, I want to say that if the construction of the proposed scenic highland road through the Monongahela National Forest can be undertaken and completed, the tourist potential of West Virginia will increase by leaps and bounds. The road would open up scenic panoramas of breathtaking beauty, and would afford access to presently inaccessible streams and lakes, camping and picnic sites, richly gamed hunting areas, and numerous other attractions.

The existence of the Skyline Drive in Virginia is said to be largely responsible for that State's having grossed approximately $645 million in tourist business last year. I feel that if our scenic highland road becomes a reality, tourism will suddenly become the biggest business in our State. But until ways and means are found for the task of getting this road built, let us concentrate on the many little ways of increasing tourism in West Virginia—for if we take care of all the little ways, the growth of tourism and its effect upon the economy of our State may prove to be the greatest of all blessings which the natural resources of West Virginia have afforded our people.

Federal, State, Municipal Cooperation—An Address by Joe L. Evins, Member of Congress from Tennessee

EXTENSION OF REMARKS

OF

HON. JAMES B. FRAZIER, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1961

Mr. FRAZIER. Mr. Speaker, my friend and colleague, the Honorable JOE L. EVINS, recently addressed a meeting of the Tennessee Municipal League in my hometown of Chattanooga. His remarks were particularly fitting and they are significant for the great amount of information regarding Federal spending in Tennessee and for the excellent illustrations of Federal-municipal cooperation contained in them.

Mr. Speaker, I ask unanimous consent that the remarks of our distinguished colleague be reprinted in the RECORD.

The address follows:

REMARKS BY HON. JOE L. EVINS, OF TENNESSEE, TENNESSEE MUNICIPAL LEAGUE, CHATTANOOGA, TENN., MAY 15, 1961

President McInturff, Mayor Olgiati, Judge Frost, distinguished guests, members of the Tennessee Municipal League, my fellow Ten-

nesseans, and friends, certainly it is a pleasure to be able to meet with you again. When your able and energetic executive secretary, Herbert Bingham, invited me to meet with you again, I accepted without hesitation for I had never forgotten my enjoyable visit with the Municipal League here in Chattanooga a few years ago. I consider your invitation for this repeat visit as indeed a compliment.

I always enjoy the bracing air of Chattanooga and certainly am pleased to visit in the hometown of my colleagues, Tennessee's senior Senator ESTES KEFAUVER and Congressman JAMES B. FRAZIER, both of whom represent Chattanooga, this district and our State so ably in the Congress.

I respect the membership of the Municipal League of Tennessee. This organization is composed of a body of men who are among the leaders of our State and experts in the science of Government.

There are those who say that we in the Congress have not introduced scientific methods in the Federal Government, that we are falling behind and slipping backward.

We have our debates and difficulties and, like you, our problems, but I take the affirmative side that we are moving forward and making progress.

This year, in just a few months, we have succeeded in passing a lot of legislation and even in putting a man into space.

However, we all recognize there is much yet to be accomplished.

I must confess that perhaps the greatest satisfaction of serving in Government is found among your group, those on the local level who see progress each day, who see great programs put into effect and materialized. We in the Congress deal in policies and plans, programs in the abstract, and, I should add, appropriations. Whereas you, our mayors and municipal officials, see many of these programs materialize. It is you who put them into operation and actually see the improvements completed.

Our cities and towns are being improved with interstate highway systems and municipal airports constructed.

Many additional projects are financed by both the local and Federal Governments. The building of great housing projects, programs of slum clearance, urban renewal, sewage disposal plants, local National Guard armories, and, yes, many local industrial developments are aided by federally financed programs. All are made possible by local initiative, some local financing, but largely by appropriations passed by the Congress, all to serve our people, the public needs, through matching fund programs and cooperation.

As you know, there are those who attack the Congress and those who cry against Federal aid and Federal spending, but in this day I believe that the mayors of our cities recognize perhaps more than others that it takes the combined energies, imagination and dedication of all our elected officials, at all levels of government, cooperating and working together to achieve progress and to advance freedom in our civilization.

While we speak nationally of New Frontiers, I know that here at home in Tennessee we have our own new frontiers—problems pressing for solution. Our work and efforts are so entwined, the destiny of the people we represent are the same, so there exists a real need for a closer cooperation, better working relationships at all levels of government and particularly between our municipalities and the Federal Government.

With the complexities and the problems of our day, perhaps the best Government that can be evolved in America is a partnership government, involving partnership action between our cities and State officials and the Federal Government.

I must admit a partiality toward our municipal officials and interest in city government.

My father, who for 16 years was mayor of my hometown of Smithville, has had a very great influence on my attitudes, naturally.

He gave me an early start toward the forming of philosophical ties with individuals whose principal concern is the building of the community. My interests, growing out of this experience, have been of inestimable value to me in my work as a Member of Congress. They have served to focus attention constantly on the basic consideration of government, whether it be in Washington, Chattanooga, Smithville or elsewhere, and that basic consideration is that what is happening on the local level is what is important. How our laws and programs affect the local community is of the greatest importance, for local government is the bedrock of our society.

As you gentlemen are aware and know all too well, there has been an increasing demand over the years from locally elected officials for more and more programs of aid and assistance from the Federal Government. This has grown out of the fact that the local tax base has to a large extent been exhausted and because there exists a need for additional skills and finances to provide the services which our modern-day cities and municipalities require and the public demands.

While we have had change, one thing has not changed, with which I am sure you will all agree, the demands for more service and more appropriations.

I am reminded that our position collectively as a city and a nation is like the multimillionaire who, on being interviewed, was asked about his good fortune and he commented, "I never hesitate to give full credit to my wife and her assistance." "In what way did she help?" the reporter asked. "Well if you want the whole truth," the man replied, "I married her because I was curious to find out if there was any income she couldn't live beyond."

Many of our cities are requested to provide services which require living beyond their incomes and they are calling on the Federal Government for help and assistance. It is only in recent months that some say that this era of Federal aid has been enhanced.

In almost every bill that comes before the Congress the question is raised, How will it affect our States and cities and municipalities?

In the consideration of legislation we are interested in knowing what you are doing, what you are thinking, and what our municipal leaders are planning and accomplishing. Your programs have a tremendous bearing on legislation in Congress.

The Appropriations Committee on which I serve, and, yes, the House Select Committee on Small Business, on which I also serve, are almost daily made aware of the growing concentration of problems facing our local communities and States. These problems of local governments, on an increasingly extensive scale, are reflected in the many requests for Federal appropriations.

When I spoke to the Municipal League several years ago, our country was engaged in the Korean war, and the Federal Government necessarily was concerned with measures affecting our war effort—shortages, rationing, priorities and allocations.

Today we are engaged in the cold war and a war on slums, poverty, unemployment, surplus labor in our cities and idle plant capacity.

AREA REDEVELOPMENT ACT

The Area Redevelopment Act is the most recent example of dual action, action which calls for increasing our joint energies to help solve these problems, to arrest unemployment, to provide for a greater and more satisfactory rate of national growth.

This new act, recently signed into law by President Kennedy, sets up a fund totaling $394 million for use in treating some of our Nation's economic ills.

The Depressed Areas Act is largely a loan program, and essentially a local self-help program.

The Federal Government has been directed by Congress to carefully confine its participation to measures which will encourage local initiative and stimulate local leadership in this effort over the next 4 years.

The new law, considered in perspective, provides a relatively small amount of money to do a large and vitally important job. For example, the total outlay authorized represents less than half of 1 percent of our total Federal budget, and about one-tenth of what we have been spending on foreign aid annually for many years. It should be pointed out that this measure is designed to help our own country and will provide assistance in alleviating our own problems in distressed areas and underdeveloped areas throughout the United States.

From the marshaling of such attention will come large benefits not only to the communities receiving direct assistance but to all America.

The Secretary of Commerce is authorized to cooperate with leaders in designated areas of need for a well-planned attack on the increasingly complex problems of local communities.

It puts a new challenge to every community to make more careful assessment of community needs, to make larger plans, to exert greater efforts for public improvements, to organize its own industrial corporations.

The new law focuses attention upon the needs, opportunities and rewards of local industrial development.

It provides aid and expert advice for the development of long-range planning at the local level.

It encourages the local community to engage in the important work of technical training and retraining, which is increasingly essential in this day of automation.

In a word, the Area Redevelopment Act is designed to give real impetus to industrial decentralization which must be speeded up in the interests of a stable national economy and to promote our free enterprise system.

This program has been rather aptly described as operation "seed corn" for the American community. Federal loan funds are provided in cases where adequate private financing is not available, and Federal grants are authorized in cases where communities are unable to finance public works for themselves.

Specifically, the bill provides $100 million for each of two revolving funds, one to be used for loans in industrial areas and the other for rural areas.

Community and regional development agencies may borrow up to 65 percent of the cost of clearing land, building plants, and, in special cases, the cost of equipment and machinery to attract new plants.

The new legislation also permits the Federal Government to make grants to pay up to two-thirds of the net cost of clearing slum areas. This supplements the urban renewal program previously in effect.

In addition to making the urban renewal grants, the Secretary of Commerce is empowered to make up to 10 percent of any future capital grant for urban renewal for nonresidential slum clearance projects in designated areas. This will make it possible for these communities to provide industrial sites and to bolster their tax bases.

SMALL BUSINESS ADMINISTRATION

The Small Business Administration, now a permanent agency of the Government, with a loan authority of approximately $1 billion

serves our cities and small business communities in an increasingly wide range of public service.

The SBA has been empowered to make loans to State and local development corporations for plant construction, conversion, and expansion. This authority was about to expire in 6 weeks but the Congress included a proviso in the Area Redevelopment Act removing the time limitation, and thus extending this program which is beginning to be more widely understood and appreciated.

Congress has thus made available some valuable tools for municipal use. These programs are not imposed upon anybody. They are simply available and cities may use them if they wish to do so. If any of you experience any difficulty in obtaining information as to how to participate and take advantage of the provisions of SBA services, let me know and I shall try to be of helpfulness.

A few figures from the Small Business Administration will serve to show how the services of this agency may be locally utilized.

SBA has well been called a little RFC. Loans are made available direct to small business, to local development corporations, and in times of disaster, to all residents of the community.

Since 1958, when this agency was created, direct loans amounting to $17.5 million have been made and another $26.5 million in loans committed; for a total of approximately $43.5 million.

In Tennessee alone, SBA has made business loans exceeding $21 million.

Recently, SBA Administrator John E. Horne announced the lowering of interest rates to 4 percent on loans to companies located in surplus labor areas, and pointed out that funds were available to local industrial development companies for this purpose. He urged and invited wider use of this type of financial assistance.

The State and local development companies have not used the credit facilities of this agency as much as expected. Mr. Horne, SBA Administrator, tells me that to date 123 industrial development corporation loan applications have been received, 99 have thus far been approved for a total of about $12 million.

The House Small Business Committee has exerted constant pressure for greater use of the Small Business Administration's capacities in this and other phases of our economic life—and now a heartening change has come under the new administration. Fresh vigor and broader purpose are being evidenced in all SBA operations under the direction of the new Administrator, John E. Horne, a native of Alabama.

Real opportunities which exist for the development corporation are illustrated by the experience of a development corporation of North Carolina, which borrowed $1 million from SBA. This loan made up about one-fifth of the corporation's financial backing, the remainder coming from commercial banks, life insurance companies, building, savings and loan associations. Since 1956 this one industrial development corporation has approved 131 loans for $16 million for new plants and expansions, and for purchase of machinery and equipment. The new business activity sparked by this enterprise resulted in maintaining employment for at least 8,000 persons and created jobs for 14,000 more, a total of 22,000 jobs resulting from the work of this one development corporation.

SBA's major function, that of providing financial assistance to small firms, is now being brought into the full exercise which the Congress prescribed for it.

The Subcommittee on Organization and Operation of the Small Business Administration, which I have the honor to serve as chairman, held extensive hearings during the last session of Congress. We attempted to focus the spotlight on the deficiencies in SBA's loan policies. Our hearings were significant in pointing up the negative loan policies and the many instances of discouragement offered business and community initiative.

Our congressional committees spearheaded a drive to reverse policies of the last administration under which the small business share of total military purchases of goods and services declined from 25.3 percent in 1954 to 16 percent in 1960.

Today I believe this trend has been reversed and conditions have improved.

Now there is both congressional and administrative support for steps giving small business a larger voice in Government procurement policy.

The President has set as an administrative goal an increase of at least 10 percent in the amount of defense work, defense contracts going to small business.

Only last week in hearings before our Appropriations Committee I heard and saw evidence of this policy being put into effect. The Chief of Engineers testified that the number of construction contracts awarded to small business is being stepped up and that the Corps of Engineers is now setting aside for small business virtually all construction contracts under $500,000.

ASSISTANCE FROM OTHER FEDERAL AGENCIES

There are other Federal agencies, as you gentlemen are aware, which offer both financial and technical assistance in community development programs—such as the Housing and Home Finance Agency, including especially its Community Facilities Administration, the Federal Aviation Agency, the Department of Agriculture, the Department of Commerce, among others.

The Federal Interstate Highway System is one of the most outstanding examples of Federal-State cooperation and of the vast benefits which Tennessee and the Nation receive as a result of an excellent program of cooperation.

Since the interstate program was enacted by Congress there has been allocated to Tennessee more than $415 million of Federal funds for the highway program in our State. Last August $80.7 million became available for fiscal years 1961–62 alone.

Two weeks ago we passed in the House a bill authorizing funds to complete the 41,000-mile Interstate Highway System and put the program back on schedule. Seventy-eight million dollars additional has been earmarked for Tennessee for fiscal 1963.

The services of the Community Facilities Administration, Housing and Home Finance Agency, are well known to you gentlemen. Certainly much has been accomplished through the advances made available for public work planning and loan programs of this branch of our Government which is especially set up to assist and serve the needs of our cities and municipalities.

During this year, the Community Facilities Administration has approved or now has before it for approval 21 loan applications from cities in Tennessee.

This agency is asking for an appropriation of $4 million for next year for payment to the revolving fund out of which planning advances to cities are made.

Grants are made by CFA for drawing of architectural plans for a variety of types of community improvements, including water or sewer, health facilities, public buildings, roads and streets, among others.

The U.S. Public Health Service also has a program of making grants to cities, but specifically designed for another purpose; namely, water pollution protection and community public health needs.

So far during the current year, the Public Health Service has made grants of $1,286,000 for nine projects in Tennessee which will cost $6 million plus when completed.

The very recently enacted Water Pollution Control Act is designed to augment the work of the Public Health Service and increases the authorization for sewage treatment plants from $50 to $100 million annually.

The demand and need for this increase has been clearly shown and demonstrated in the public interest.

The Public Housing Administration, under the Public Housing Act of 1949, has certified 164 low rent housing projects for Tennessee. There are today in our State 57 local housing authorities serving 70 communities with grants to our large- and medium-sized communities.

The latest figures show that currently there are 18,018 units completed and under local management, with 550 units under construction and 1,685 additional units in the planning stage.

Local housing authorities in our State have received more than $30,700,000 in contributions and, in fiscal year 1960 alone, payments have exceeded $4.5 million.

The urban renewal program has also been well received by the cities of our State.

On the national scale more than $1,871 million has been spent for urban renewal programs with more than $67.7 million going to 21 cities in Tennessee for 31 urban renewal projects. President Kennedy in a recent message to the Congress called for acceleration of this program to help clear our cities of slums. He has requested an authorization of $2.5 billion to be used over the next 4 years. Since 1949 total expenditures for urban renewal projects have been $1.8 billion. The President's new program thus calls for a 30-percent increase in this field during the next 4 years.

This money is matching-fund money and will require the city and State combined to match available Federal funds for urban renewal projects.

Federal grants for airport construction in Tennessee have amounted to almost $15 million.

Thirty-one airports in our State have been built or partially built by Federal grants.

There are a number of uncompleted and planned other airport projects for Tennessee.

FAA's revised budget for 1962 calls for an appropriation of $75 million for an accelerated airport modernization and improvement program on a matching fund basis.

We in Tennessee are all familiar with and certainly proud of the work and contributions of the Tennessee Valley Authority.

One of the brighter aspects of the new Washington picture appears in the field of conservation and water resource development.

New long-range policies on water and power development and conservation are in the making.

The "no new starts" era has ended. The TVA spirit is soaring. The 1,000-mile-long Tennessee River with its many untapped and unused industrial sites should, in my view, be acquired and made ready for future industrial growth needs. Our cities and State should purchase these sites in cooperation with private industry and the TVA to insure requirements for the future.

The revised budget of the Corps of Engineers and the Bureau of Reclamation calls for 57 new starts and the completion of 36 other great dams and reservoir projects throughout the Nation.

The Department of Agriculture's small watershed project program and the rural development program are encouraging and assisting some 200 such projects in 40 States, including 10 in Tennessee.

Many large-scale programs having an immense bearing on the future of our cities,

towns, and rural areas are now before the Congress.

Today our cities are offered challenging opportunities for planning for future growth needs.

With initiative, imagination, and a spirit of cooperation and working together we can move forward to eliminate slums and depressed areas, revitalize underdeveloped areas, promote industry and employment, beautify our cities, raise the level of our community life and make our cities more prosperous and a better place in which to live throughout our beloved State.

Our future progress will depend, to a large degree, on the extent of cooperation we each give to our several levels of government. Each is interrelated to the other. All local, State, and Federal agencies are concerned for the common good and the promotion of health, education, safety, and welfare of all our citizens in Tennessee.

I find myself among old friends, those who are interested in public affairs and dedicated to public service. This makes it abundantly clear that our joint purposes will not falter nor fail for lack of local leadership.

I take from you increased purpose in our mutual task of community building. Best wishes as you go forward in community building.

Thank you very much.

Address by Representative Frank Boykin, of Alabama, at Dedication of Jackson Lock and Dam on the Warrior-Tombigbee Waterway, April 7, 1961

EXTENSION OF REMARKS

OF

HON. ARMISTEAD I. SELDEN, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1961

Mr. SELDEN. Mr. Speaker, the completion of another vital step in the modernization of Alabama's Warrior-Tombigbee Waterway was observed on April 7, 1961, with the dedication of the Jackson lock and dam on the lower reaches of that great river system. On that important occasion, Representative FRANK BOYKIN, dean of the Alabama delegation in the House of Representatives, made the main address at the dedication ceremonies held before an audience of several thousand interested Alabamians. Included below are the timely remarks made by Congressman BOYKIN on this occasion:

We are gathered here this afternoon to commemorate a major step forward in the modernization of one of Alabama's most important, most valuable and potentially most useful natural resources—the Warrior-Tombigbee Waterway. The river system, more than 460 miles in length, extends from the deep-water port of Mobile into the very heart of the State. It has been a significant factor in the growth and development of this area since the earliest pioneer settlement, but its greatest value and service are yet to be realized.

Jackson lock and dam which we dedicate today is one of the keys that will open the way for maximum utilization of the Warrior-Tombigbee Waterway and transform it into a fully productive, wealth-creating instrument of progress. Jackson lock and dam is an essential and integral part of the master plan conceived by the Army's Corps of Engineers to harness the river system to the needs of Alabama and the Southeast for the next half century or more.

The program envisioned by the Army Engineers, carried to a successful completion, will pay enormous dividends. It will provide an efficient, low-cost avenue of transportation; it will give us new sources of hydroelectric energy; it will assure greater supplies of water for home, farm and factory; it will alleviate floods, abate pollution, and create unexcelled opportunities for healthful recreation.

The vast impact of the waterway's development already is being felt. Construction of new industrial plants and the expansion of existing manufacturing and service facilities along the Warrior-Tombigbee are taking place at a multimillion-dollar pace. Announced investments for capital growth by industry in the Warrior-Tombigbee Basin have totaled more than $380 million over the past 6 years, and this amount does not include additional millions spent for improvements to transportation systems, expansions by utilities and the construction of military installations.

These investments are of benefit, directly and indirectly, to the entire State. In addition to the generation of additional tax dollars for much needed enlargement of essential public services, they have produced several thousand new jobs in many fields and skills for our people.

The economic expansion fostered by the modernization of the Warrior-Tombigbee is not concentrated in one area. Rather, it is occurring throughout the valley, and is being carried on by a variety of industries. During the past few years, we have seen new coal mines opened along the upper waterway; we have seen the establishment and growth of paper-producing plants at Tuscaloosa, Naheola, Demopolis, and Mobile; we have seen more than $150 million invested in chemical plants in the Washington County area; we have seen a major steam electric generating plant built at Barry; we have seen the lumber, shipbuilding, textile, and metal fabricating industries increase their productive capacities.

Yet, even with these gratifying developments, we have hardly scratched the surface. Other areas of the Nation are growing at an even faster rate—as evidenced by the fact that we shall lose one of our Congressmen on the basis of the 1960 census.

Yes, we still have a lot of catching up to do. And if we are to move ahead, one of the things we must do is press for the wise conservation, development, and use of the water resources Nature has so abundantly bestowed on Alabama.

Our State is practically framed by rivers. To the north is the Tennessee, which carries more than 12 million tons of commerce annually. To the east is the Chattahoochee, a part of the Apalachicola-Chattahoochee-Flint system which is now under development. To the west are the Mobile and Tombigbee Rivers, and to the south is the Gulf Intracoastal Waterway which, while not a river, is an improved navigation channel. And running diagonally across the State is the Alabama-Coosa system.

In all, Alabama has 1,500 miles of authorized waterways with depths of 9 feet or more. Of this total, approximately 750 miles have been completed.

We must press forward with all our energy to insure that the remaining mileage is improved as rapidly as practicable. We cannot afford to do otherwise.

This is not a matter of concern for the few. It is a matter of concern for every man and woman who lives and works in Alabama. All of us must remain keenly alert to the progress being made in the conservation, development, and use of our water resources. We must all gives these programs our active support, for only this way can we hope to accomplish our objective.

As General Barney has indicated, considerable progress has been made in recent years in carrying out the modernization of the Warrior-Tombigbee Waterway. Demopolis lock and dam was completed in 1955 to eliminate four obsolete navigation projects; the Warrior lock and dam between Eutaw and Greensboro was finished 2 years later to remove two deteriorated, inadequate structures, and today we dedicate still another new facility.

In the headwaters of the Warrior River, the Alabama Power Co., always in step with the needs and ambitions of the State, has built with private capital the Lewis Smith Dam on the Sipsey Fork, thereby becoming an active partner in carrying forward the waterway's improvement. The Alabama power project, representing one of the three headwater dams urged several years ago by the Corps of Engineers, was designed and built so as to fit into the comprehensive program for the Warrior-Tombigbee.

Our next step in modernizing the waterway is construction of Holt lock and dam in the district of my colleague, ARMISTEAD SELDEN. By replacing four old locks and dams, it will extend above Tuscaloosa the modern waterway dimensions which the Warrior, Demopolis, and Jackson projects provide between that city and Mobile.

The Corps of Engineers will be in a position to use initial construction money for Holt lock and dam in fiscal 1962, which begins July 1. We are encouraged by the fact that the budget now being considered by Congress recommends $750,000 for that purpose. But let us remember that it's a long way between a budget recommendation and an appropriation. And even then, we will have money only for the first year's construction. It will be necessary for us to fight year by year for subsequent appropriations to complete the project in an orderly manner.

The urgent need for Holt lock and dam is demonstrated by the Warrior-Tombigbee's steady growth in commerce, which has more than doubled during the past decade, reaching 5,756,227 tons in 1959 to set a record high for the seventh consecutive year.

Accompanying the continued rapid growth in movements has been a change in the pattern of traffic that makes early completion of the Holt project even more vital. In 1949, only a little more than 800,000 tons or 38 percent of the Warrior-Tombigbee's total commerce moved in that reach to be improved by Holt lock and dam. In 1959, however, this portion of the river carried almost 2,900,000 tons or 50 percent of the total.

Major difficulty encountered by navigation above Tuscaloosa is caused by the small size of the existing locks, built between 1905 and 1915. These structures are only 52 feet wide and about 285 feet long, as compared with lengths of 600 feet and widths of 110 feet at the new locks.

Only four 500-ton barges can transit these four locks at one time, and as a consequence multiple barge tows must break their formations and transit the structures in two or three operations. A double lockage tow spends about 1½ hours in passing each of the structures or a total of 6 hours. A triple lockage spends a total of more than 9 hours in lockages alone.

The Holt lock and dam with its single large chamber will accommodate all size tows in one operation of about half an hour.

Overall, it is estimated that the new project will save an average tow more than 21 hours per voyage. Such economies will make the waterway still more advantageous for the transportation of bulk commodities

and heavy finished and semifinished goods, and thereby greatly improve our position in attracting industry.

Construction of Holt lock and dam is the next logical step in the waterway's modernization and unless we obtain an initial construction appropriation for the coming fiscal year a serious interruption will occur in our timetable. The Corps of Engineers has carefully studied the need for the project and has solid proof of its economic merit. We have made and shall continue making every effort to see that it is undertaken without delay.

I assure you that the Alabama congressional delegation is unanimously behind the plan to improve the Warrior-Tombigbee Waterway. I can say without fear of contradiction that no other State in the Union has a congressional delegation that is more dedicated to the development of our natural resources. And I can say that we in the delegation will work for every meritorious program to make all of Alabama's rivers fully useful and productive.

But to do this, we need your help. With your assistance and your interest, we shall surely succeed.

How To Get More Gold

EXTENSION OF REMARKS

OF

HON. CLAIR ENGLE

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1961

Mr. ENGLE. Mr. President, anyone interested in gold—and who is not?—should read the story told to the Mining Subcommittee of the House Interior Committee recently by Congressman HAROLD T. JOHNSON, of California.

It clearly shows, as I have often argued, that one good way to correct our troublesome international gold imbalance is to produce more gold at home. It can be done. Congressman "BIZZ" JOHNSON, who represents the Mother Lode District of California, tells how and why it should be done.

His statement relates specifically to House Joint Resolution 185, of which he is the author. It is equally pertinent to Senate Joint Resolution 44, of which I am the author with the cosponsorship of Senator CASE, of South Dakota, and Senator KUCHEL, of California. I ask unanimous consent that the statement of Congressman JOHNSON be printed in the CONGRESSIONAL RECORD.

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

STATEMENT OF HON. HAROLD T. JOHNSON, MEMBER OF CONGRESS, OF CALIFORNIA, BEFORE MINES AND MINING SUBCOMMITTEE OF HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. Chairman, the Second Congressional District of California contains the mother lode and major California gold-producing counties which made our State famous in the days of the forty-niners. For myself and on behalf of the gold-mining industry of California, I want to express my sincere appreciation for the opportunity to be heard and discuss with you the critical conditions which exist in the gold-mining industry.

Gold was one of the first metals used by man and has been valued above all others because of its beauty, scarcity, and imperishability. It has become the standard of our world monetary systems. The search for gold has led to the settling of new lands. As I mentioned a moment ago, discovery of gold in California gave tremendous impetus to the great westward movement in our own country.

During the last half of the 19th century, the United States was the leading producer of gold in the world. Yet today it produces only 3 percent of the world's gold.

What happened to change the picture so drastically? Several things happened. The goldfields of Africa developed rapidly, and this restless nation became the world's leading producer of gold in 1905. The United States held onto second place until about 1930, when it was displaced by Canada, and then a few years later the Soviet Union became the world's second largest producer of gold, relegating this country to fourth place.

This was a relative comparison, because the U.S. production continued to climb through the years spurred by President Roosevelt's proclamation of January 31, 1934, increasing the price of gold from $20.67 to $35 per ounce. Production reached an all-time record of 4,869,949 ounces in 1940. This record was achieved even though at that time—two decades ago—profit margins had become so narrow that extremely efficient operations were required.

Gold mining became a casualty of World War II. War Production Board Order L-208 and other official restrictions denied goldmines equipment, supplies, and manpower. Mines were closed down. When order L-208 was lifted on July 1, 1945, 2½ years of idleness had left its toll. Many of the mines had watered up. Equipment had deteriorated from lack of use, and rehabilitation required great investment. Companies with closed mines had suffered financial losses from which they never were able to recover. Higher prices for equipment, and supplies, and higher wages combined with the difficulties of recruiting efficient labor forces made former operators reluctant to reopen mines, especially when profit margins were even narrower than those existing in 1940.

During the war years of 1943–45, for the first time on record, over half of the domestic gold output was recovered from base-metal ores, and a pattern was established. Today 28 percent of our gold production still is the byproduct harvest of the base-metal industry. The Nation's second largest individual gold producer is a copper mine.

In spite of these difficulties, production staged a modest comeback from the depths of 1945 when the yield was only one-fifth of the 1940 record, until the critical year of 1947 when domestic production reached 2.1 million fine ounces. From that time on, the trend has been downward due to continuously rising costs of gold-mine operations and cutbacks in base-metal production. The production dropped to 1.7 million ounces, valued at about $58 million in 1960. This is only 3 percent greater than the 1959 production, which was the peacetime low of the century.

Mr. Chairman, we hear much of depressed industries. I think you would have to agree that the gold mining industry of the United States is one of the most depressed industries in our Nation's economy. Throughout the gold producing areas of the United States, and especially in the gold producing areas of California, the number of producers has declined steadily as more and more go out of business. Two decades ago there were 4,000 placer mines in operation in this country; by 1958 there were only 250. In 1940 there were about 5,000 lode mines; in 1958 there were only 300. World production has been following the opposite trend—upward. In 1959, alltime record yields were realized throughout the world. A total of 42.8 million ounces valued at nearly $1.5 billion was produced.

Mr. Chairman, the trends are shown by the following production chart:

Year	U.S. mine production	World production
	Fine ounces	*Fine ounces*
1945	954,572	26,100,000
1946	1,574,505	27,500,000
1947	2,109,186	28,900,000
1948	2,014,257	29,600,000
1949	1,991,783	31,000,000
1950	2,394,231	32,700,000
1951	1,980,512	33,500,000
1952	1,893,261	34,300,000
1953	1,958,293	33,700,000
1954	1,837,310	35,100,000
1955	1,880,000	36,300,000
1956	1,827,000	38,400,000
1957	1,794,000	39,600,000
1958	1,739,000	40,600,000
1959	1,604,000	42,800,000

Source: Minerals Yearbook, Department of the Interior, Bureau of Mines.

You will note that when our national production of gold started its postwar downturn, world production continued to climb. About the same time other major gold producing nations realized the seriousness of this situation and took action.

Canada, for instance, adopted a subsidy program which went into effect January 1, 1948. The immediate result was a 15-percent increase in production. Production of gold in Canada has been stable throughout the postwar years with the result that today the United States is buying nearly $275 million worth of gold annually from Canada. You will note this is five times the amount of our domestic production. United States mines could produce much of this supply if our domestic mining industry was given the opportunity.

In this country, however, the opposite approach was taken. In 1947, the Treasury Department established new regulations under the Gold Reserve Act of 1934 with a view of curbing international gold transactions by domestic producers who could receive premium prices at international free markets. This was done at the request of the International Monetary Fund, although most other major gold producing countries of the world did and still permit a limited amount of this premium business in order to meet costs of operations.

I might note here also that the International Monetary Fund, in its annual report of April 30, 1948, took a dim view of subsidies being initiated in Canada. The Fund expressed a fear that the subsidy would undermine the exchange relationships. After 12 years of operation, it appears that the Canadian program improved the Canadian balance of payment situation.

On the other hand, it would seem to me that the requirement which the United States has placed upon itself by restricting domestic production of gold to such a point that the United States must import the great preponderance of the gold it uses, has harmed the United States balance of payment situation.

I believe it would be far more appropriate to correct our balance-of-payment problems by increasing the production of domestic gold mines than by any proposal to prevent families from joining servicemen overseas, or by making more restrictive import duties on travelers returning home to the United States, or even by spending millions to attract foreign visitors to our shores.

This then is the situation the mining industry finds itself in.

I would like to emphasize that this is not the result of a reduced demand for gold. The

steadily increasing amounts of gold being imported into this country are proof of this.

Gold imports to United States

Year:	*Ounces*
1955	2,930,000
1956	3,730,000
1957	7,701,000
1958	8,120,000
1959	8,485,000

Source: Minerals Yearbook, 1959.

Consumption in this country is increasing steadily. In 1959 gold used by the arts and industries increased 38 percent over the previous year, reaching a total of 2½ million ounces. This is 57 percent more than the total domestically mined production. This has been due to increased uses in the markets of jewelry, art, dental supplies and others, along with a tremendous increase in industrial use of gold.

There are ever increasing national defense and scientific uses of gold. Gold coatings on missile and aircraft sections are unequaled for reflecting infrared radiation. A gold solution sprayed on vulnerable surfaces and baked to form a thin metallic film reduces the rate of heat transfer on engine shrouds, drag-chute containers, tailcone assemblies and blast shields. A gold solution is applied to porcelain-enamel, stainless steel, fiberglass laminates, and other heat-resistant materials.

A transparent conductive film of gold deposited electrically on safety glass was developed to overcome the hazards of obstructed vision caused on occasion by fog and frost on windows in transport vehicles. Increased quantities of high-purity gold are employed in fabricating silicon transistors and diodes for use in computers, aircraft missiles, and satellites. For silicon devices, gold is alloyed with silica, antimony, germanium, and other elements. Gold plating applied to microwave vacuum tubes improves the operation of communications equipment. Radioactive gold is used as a source of heat in a thermionic converter to produce an electric current for use in space vehicles.

In view of the increasing importance of gold for scientific and defense uses, I would call to your attention once again the fact that the Soviet Union and Africa, whose political future is anything but stable, are the leading producers in the world.

If there is a demand for this precious metal, why is production steadily decreasing? An artificial price of $35 per ounce has been maintained since 1934. None of us has to be told how much the cost of operation, labor and materials has increased since 1934. Thus, the gold industry is faced with fixed prices and rising costs, with constantly declining reduction resulting. At the same time, we have had a substantial increase in the demand, due to these new industrial uses, many of them required for the defense of our Nation.

In the words of your own committee (H. Rept. No. 708, 86th Cong.; 1st sess., "Depressed Domestic Mining and Mineral Industries" p. 53):

"Whereas gold mines in some countries have been aided by subsidies, tax concessions, currency devaluation, and/or sales of their product at premium prices on the 'free market,' domestic miners have been held down to a price which brought prosperity to the industry through the 1930's but which does not reflect inflationary trends of later years."

That same report (p. 55) quotes one of the most distinguished gold mining experts from the mother lode district I represent, L. L. Huelsdonk, of Downieville, Calif., as pointing out that the U.S. Treasury still sells gold to industrial consumers at approximately $35 per ounce whereas the cost of producing gold has increased 300 percent since that price was established.

And again, that report takes note of evidence that the $35 an ounce price—while it may have to be maintained for world monetary and economic reasons—is not realistic when it comes to the actual production of gold.

Barron's (July 6, 1959) quotes a Soviet economic journal statement that the cost of Russian gold runs to about 660 rubles per ounce. This is equivalent to $165 at the official rate of exchange, $66 at the tourist rate.

It would seem appropriate at this point to comment on what some of the other gold-producing nations are doing to keep their gold industries alive.

The nearest and most important country, of course, is Canada. The Emergency Gold Mining Assistance Act was first enacted in 1948 and has operated continuously ever since. It has been extended until 1963.

To be classified as a gold mine under the act, a mine must meet the following requirements:

1. The value of gold produced must be 70 percent or more of the total value of output of the mine.

2. The mine or operation must produce at least 50 troy ounces of gold in a designated year.

3. The cost of production, computed on all ounces of gold produced from the mine during a calendar year or less, must exceed C$26.50 per ounce.

In a designated period, e.g., a quarter, the mine must sell all its production to the mint to qualify for aid. Exporting the gold is considered the same as sale to the mint for the purposes of the act. The mine cannot both sell to the mint and to the free domestic market in the same designated period if it is to receive aid.

The formula for calculating assistance payable under the act consists of two factors: the "rate of assistance" and the "assistance ounces." The rate of assistance factor is based on the cost per ounce of gold produced while the assistance ounces factor is a specified proportion of the total ounces of gold produced.

The rate of assistance factor is determined by taking two-thirds of the amount by which the cost to produce an ounce of gold exceed C$26.50 up to a maximum of C$12.33. The number of assistance ounces factor equals two-thirds of the total ounces produced. The amount of assistance payable is calculated by multiplying the rate of assistance by the assistance ounces.

To the foregoing, the 1958 extension of the act added an extra 25 percent of the amount payable in computing the final amount to be paid. This extra 25 percent is continued in the present bill.

The Minister of Mines and Technical Surveys, Paul Comtois, says that the Canadian gold mining industry employs over 16,000 men directly in dependent communities with population in excess of 70,000 persons. In 1958 the industry expended C$106 million in salaries and wages, fuel, electric power and supplies and equipment, and produced a total of C$155 million in gold, most of which was sold to the United States.

A summary of the payments made during 1959 under this program follows:

Cost per ounce	Number of mines	Percentage of total production	Assistance payable	Assistance payable per ounce produced
A. Lode gold mines:				
$26.50 to $34	10	53.35	$3,548,901.97	$3.32
$34 to $41	12	24.45	2,776,600.43	5.69
$41 to $45	7	10.52	1,837,545.39	8.68
$45 and over	11	11.57	2,337,313.88	10.27
	40	99.89	10,500,361.67	5.26
B. Placer gold mines	2	.11	23,590.05	10.27
Total	42	100.00	10,523,951.72	5.26

Source: Department of Mines and Technical Surveys, Government of Canada, "Report on Administration of the Emergency Gold Mining Assistance Act."

Australia, whose production (1.07 million ounces in 1959) nearly equaled that of the United States in 1959 extended its Gold Mining Assistance Act for 3 more years. At the same time, the maximum assistance was raised from $7.70 an ounce to $9.10 an ounce. Gold output in the Philippines (402,600 ounces in 1959) is supported at the price of 150 pesos per ounce, equivalent to $75. In the Union of South Africa, the world's leading producer of gold, tax concessions are extended as additional amortization allowances to deep mines. The Ghana gold fields are benefited directly through a program of financial assistance to mining companies for development of new properties and expanding operations and through a 3-year mines training course supported by the government to educate Africans in mine operation. Ghana also is reported considering a subsidy program.

Colombia, the major South American gold producer which had a 397,900 ounce yield in 1959, also has a subsidy program in effect.

In international gold production, subsidy or incentive payments are not uncommon. In fact, it appears this is the only way that production levels can be maintained.

Certainly, in our own national picture, subsidies are no strangers. In addition to the more common agricultural subsidies, there are Federal assistance programs for many industries, including transportation by air, rails, and sea, and many others.

The Joint Economic Committee prepared a report on subsidy and subsidylike programs of the U.S. Government" during the 2d session of the 86th Congress. In reporting the scope of subsidies, this report included a list of the types of subsidies granted by the Federal Government. These cover seven full pages, listing everything from school lunch programs to disaster loans for small businesses.

So broad and complex is the scope of the subsidy program, that the committee report (p. 18) states "It is probably impossible to make an estimate of the total subsidy payments of the Federal Government during any single year that would receive general acceptance."

The committee did, however, attempt to make an estimate covering agriculture, business, labor, homeowners, tenants and civilian and national defense stockpiles. These added up to $7,460 million in 1960.

In the minerals subsidy review, the Joint Economic Committee listed many commodities, from aluminum to zinc. Gold was not among the minerals whose industries were receiving benefits through tax amortizations, loan guarantees, subsidy or other assistance programs.

This study concluded: "It is apparent from the foregoing discussion that, in the course of our history, the Federal Government has engaged in a great variety of subsidy and subsidylike programs. Originally

they were limited substantially to assistance to transportation interests, to encourage foreign trade and domestic expansion and development; more recently subsidies have expanded to the point where few segments of our economy are completely unaffected by them. Diverse as these subsidy programs are, it is unrealistic either to condemn or to praise Federal subsidies as such. Each particular program which is determined to contain an element of subsidy must be judged independently, taking into account the economic, social, and political conditions prevailing at the time."

And in conclusion, I would like to point out an indirect subsidy we are making to the economies of foreign nations. Some of this economic assistance, I am sure, will find its way to the mining industries.

I speak now of our Public Law 480 grants to other countries. Two examples are the recently approved agreement with Brazil whereby that nation acquires some $70 million worth of grain from this country. All of the grain will be paid for in Brazilian currency and all the Brazilian cruzeiros will stay in Brazil.

Twenty percent of the $70 million—some $14 million—will be given back to the country as a direct grant for economic development. Sixty-five percent—$47,500,000—will be loaned back to Brazil for economic development.

A similar situation exists in India where $1 billion in farm commodities has been authorized for delivery. Of the $1 billion India is paying for these farm commodities, $420 million is being given to India as an economic development grant. Another $427 million is being loaned to India for similar economic development.

The cost of this gold mining incentive program, which would benefit one of our own industries, would help our own economy, would be slight compared to these tremendous and great grants and loans.

In return for our investment, this country would be aiding unemployment in reviving a badly distressed industry, would be stabilizing our own economy and would be building up our own gold reserves.

This is a statement by Congressman HAROLD T. JOHNSON supporting House Joint Resolution 185 and H.R. 6734.

A Selected Chronology on Cuba and Castro

EXTENSION OF REMARKS

OF

HON. DON L. SHORT

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1961

Mr. SHORT. Mr. Speaker, in view of the verbal beating the United States has taken around the world in the wake of the Cuban defeat, I feel we should soberly assess in the Congress and in this country America's foreign relations. I realize this is now being attempted by the semisecret hearings which have been taking place in the Senate Foreign Relations Committee, and the not-so-secret comments being made by many public officials, commentators, columnists, and so on.

In an effort to keep the facts straight and to help me in a personal evaluation, I some time back asked the Legislative Reference Services to provide me with a chronological listing of the sequence of events in Cuba which brought us to this sorry state of embarrassment.

The latest addition to this chronology, of course, is the present blackmailing exchange of prisoners for 500 bulldozers program suggested by Castro over the past weekend. Needless to say, I feel this would be compounding all our former errors were we to do this as an official act of our Government.

I would like to ask special permission that this chronology of events, as prepared by the Library of Congress, be inserted in the RECORD in toto—for the enlightenment and use of those concerned with this problem. It most emphatically tells a story—a continued story—and should prove to be a convincer—as well as a shocker—to many who lost sight of what was transpiring, and who we feel should not have done so. We of the Congress who are not privileged to sit in on the private councils, and the general, do not wish a repeat performance.

The chronology follows:

A SELECTED CHRONOLOGY ON CUBA AND CASTRO [1]

March 10, 1952: Fulgencio Batista ousts President Prio Socarras (elected on June 1, 1948) in a military coup. Batista was a candidate for the presidential elections scheduled for June 1952.

July 26, 1953: A band of rebel youths (led by Fidel Castro Ruiz) attacks the Moncado Barracks in Santiago de Cuba. About 100 students and soldiers are killed. (This is the origin of the name of the "26 de Julio" movement.) Castro is sentenced to 15 years in prison (for his release, see below Nov. 1, 1954; for the revolt led by Castro, see below Nov. 30–Dec. 4, 1956).

November 1, 1954: General Fulgencio Batista is elected President (inaugurated on Feb. 24, 1955) for another 4 years. (He was the only candidate.) Presidential amnesty lets Castro out of prison. He goes abroad, where he begins to organize the "26 de Julio" movement (see below Nov. 30–Dec. 4, 1956).

April 29, 1956: Government forces put down an uprising in Cuba. (A group of rebels try to seize an army post in Matanzas, 60 miles east of Havana.) President Batista suspends constitutional guarantees for 45 days, and imposes press and radio censorship.

June 2, 1956: President Batista announces that press and radio censorship will be terminated as of June 3, 1956.

November 30-December 4, 1956: Revolutionary uprising against the Batista regime, in the Cuban Province of Oriente. Fidel Castro, at the head of a group of approximately 40 rebels, lands in Cuba from Mexico. The uprising is reported crushed by the Cuban Army and Castro killed. A number of rebels retreat to the Sierra Maestra (at the southern tip of the island). Hundreds of opposition leaders are arrested. "Fidel Castro and his 26th of July movement are the flaming symbol of opposition to the regime. The organization is formed of youths of all kinds. It is a revolutionary movement that calls itself socialistic. It is also nationalistic, which generally in Latin America means anti-Yankee. The program is vague and couched in generalities, but it amounts to a new deal for Cuba, radical, democratic and therefore anti-Communist. The real core of its strength is that it is fighting against the military dictatorship of President Batista." (Herbert L. Matthews in New York Times, Feb. 24, 1957).

December 18, 1956: New wave of terrorism breaks out throughout Cuba. By January 18, 1957, the violence results in 70 deaths and hundreds of arrests.

March 11, 1957: New wave of violence breaks out in Oriente Province.

July 31, 1957: Anti-Government demonstrations in Santiago de Cuba (capital of Oriente Province), during a visit by U.S. Ambassador Earl T. Smith. Ambassador Smith is reported to have described as "excessive police action" the use by police of fire hoses to disperse the demonstrators.

August 1, 1957: Constitutional guarantees suspended for 45 days throughout Cuba. Censorship of the press and radio is imposed. A general strike is called in Santiago de Cuba in protest against the dispersal of the demonstrators on July 31.

August 9, 1957: Cuban Army announces that two encounters have taken place between rebels and Government troops in Las Villas Province (central Cuba). "This is the first time there has been an official report of rebels operating in Las Villas." (New York Times, Aug. 10, 1957).

September 4, 1957: President Fulgencio Batista reaffirms his decision to hold general elections on June 1, 1958.

September 5–6, 1957: Units of the Cuban Navy and maritime police revolt in Cienfuegos. The uprising is suppressed by the Cuban Army, supported by tanks and aircraft, after a 2-day battle. One hundred persons are reported killed.

September 12, 1957: President Batista announces he will not be a candidate for reelection. On the same day, Cuban Government extends the suspension of constitutional guarantees (imposed on Aug. 1, see above, July 21 and Aug. 1, 1957).

November 1, 1957: Cuban Liberation Council consisting of the seven major groups opposing Batista formed in Miami.

November 19, 1957: U.S. customs authorities seize a yacht loaded with arms and medical supplies, in Florida. Thirty-one Cubans are arrested aboard the yacht, which was preparing to sail for Cuba.

November 29, 1957: U.S. customs authorities in Miami seize another arms shipment destined for Cuba.

December 30, 1957: Letter from Castro (dated Dec. 14) to Cuban Liberation Council in Miami made public. Castro asserts that the 26th of July Movement is alone in carrying on the entire revolutionary struggle inside Cuba and calls the unity pact signed by the council "fraudulent." He insists on naming Dr. Manuel Urrutia provisional president (the council had previously excluded Urrutia from its list of candidates) and calls for elections within 18 months. Orthodox Party follows 26th of July Movement's walkout from council. Authentic Party, principal remaining force in the council, soon agrees to accept Castro's terms.

January 14, 1958: Rebels raid the port of Manzanillo in Oriente Province.

January 25, 1958: Constitutional guarantees are restored, except in Oriente Province.

February 3, 1958: Censorship of press and radio is lifted in Oriente Province.

February 13, 1958: Former Cuban President Carlos Prio Socarras and eight other Cubans are indicted by a U.S. Federal grand jury on charges of conspiring to set up a military expedition to invade Cuba.

February 20, 1958: Rebel leader Fidel Castro declares (to a correspondent of the New York Times), that he would be ready to end the civil war and agree to general elections under President Batista under the following two conditions: if military forces are withdrawn from Oriente before the elections, and if the elections are supervised by the Organization of American States.

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[1] Based chiefly on excerpts from Deadline Data; reproduced with the permission of Deadline Data on World Affairs.

March 14, 1958: U.S. Government imposes embargo on shipment of arms to Cuba.

March 17, 1958: Rebel leader Fidel Castro issues a manifesto setting April 1 as the date for commencement of total war against the regime of President Batista. According to the manifesto, a strike, backed by armed action, is to be called at a later date, to lead to overthrow of the Government.

March 20, 1958: Superior Electoral Tribunal Cuba announces postponement of presidential elections (scheduled for June 1) until November 3.

April 2, 1958: Communists issue manifesto stating intention to join with "all Cubans to end tyranny."

April 9, 1958: Rebels to call for general strike and clash with armed forces in Havana and other sections of Cuba.

June 26–July 1, 1958: Cuban rebels in Oriente Province kidnap 3 Canadian and 45 United States citizens, including 30 sailors and marines from the U.S. Guantanamo Naval Base.

July 28, 1958: Marines from the U.S. Guantanamo Naval Base land in Cuba (with approval of the Cuban Government) to guard a pumping station, 6 miles away, which supplies the base with water. (The pumping station is in an area from which Cuban Government forces have been withdrawn.)

July 30, 1958: Rebel leader Fidel Castro demands "immediate withdrawal" of U.S. Marines.

August 1, 1958: U.S. Marines are withdrawn from Cuban territory.

August 2, 1958: Cuban Government announces its forces have resumed guard duty at the pumping station.

August 28, 1958: Outlawed Cuban Communist Party issues open letter to Cuban rebels, calling for "united front" against the Batista regime.

October 20, 1958: Rebel leader Fidel Castro orders confiscation of property of British companies and citizens in territories controlled by the rebels, in reprisal for the sale of jet planes by Britain to the Batista government.

On the same day, October 20, Cuban rebels kidnap (near Santiago de Cuba) two Americans and seven Cubans employed by the Texas Oil Co. (For previous kidnapings of U.S. citizens by the rebels, see above 1958, June 26–July 1.) All nine men are released 3 days later.

October 23, 1958: U.S. Government orders evacuation of dependents of U.S. employees working at U.S.-owned Nicara nickel plant in Oriente Province.

November 3, 1958: Elections for President, Vice President, Senate, one-half of the House of Representatives, and Governors of the six provinces. Andres Rivero Aguero, candidate of the four-party government coalition, is elected president. (Voting in Cuba is obligatory, however, approximately 40 percent of the electorate failed to vote.)

November 12, 1958: Cuban rebels announce beginning of an offensive in Oriente Province.

November 27, 1958: Government forces announce offensive in Oriente Province.

December 1, 1958: Rebel forces cut off water supply of the Preston sugar mill, owned by the United Fruit Co.

December 24, 1958: Rebel forces capture Sancti Spiritus in Las Villas Province.

December 30, 1958: House-to-house fighting between rebel and government forces in Santa Clara, capital of Las Villas Province. On the same day, a powder magazine explodes in Havana.

January 1, 1959: President Fulgencio Batista resigns and appoints a ruling junta, headed by Gen. Eulogio Cantillo, which designates Dr. Carlos Piedra, the oldest judge of the supreme court, as provisional president in accordance with the constitution of 1940. General Cantillo assumes duties as chief of staff of the armed forces. On the same day, General Batista flees to exile in the Dominican Republic. Mob violence breaks out in Havana.

January 2, 1959: Castro proclaims Manuel Urrutia Provisional President of the Cuban Republic.

January 3, 1959: Urrutia is sworn in as Provisional President in Santiago (provisional capital of the rebel government). On the same day, Urrutia appoints Fidel Castro commander in chief of Cuban armed forces, and announces composition of new Cabinet.

January 6, 1959: Provisional President Manuel Urrutia dissolves Cuban Congress and assumes legislative powers until new elections are held. On the same day, Urrutia orders the removal from office of all Governors of provinces, mayors, and aldermen.

January 23, 1959: Public trial of Major Jesus Blanco opens in Havana sports stadium. Since the beginning of the new regime large-scale summary trials by military tribunals and executions of ex-Batista officials have taken place. By mid-January the published total of executions reached 150. Castro, in reply to statements made in United States deploring these executions, charged that the protesters never voiced any objections to the years of killing and torture by the Batista regime and insisted that the trials would continue.

February 16, 1959: Fidel Castro is sworn in as Premier (replacing Jose Miro Cardona).

April 15, 1959: Premier Castro arrives in the United States on an 11-day unofficial visit (by invitation of the American Society of Newspaper Editors). The unofficial total of executions in Cuba reaches 509.

May 13, 1959: Cuban Government orders the confiscation of the holdings of 117 companies and 18 individuals charged with crimes against national economy and with enriching themselves illegally under the Batista regime.

May 17, 1959: President Manuel Urrutia Lleo signs into law the agrarian reform bill. (The law is published in the Official Gazette on June 5.) The law provides for distribution of unused lands.

June 11, 1959: U.S. note to Cuba delivered: the Cuban agrarian law "gives serious concern to the Government of the United States with regard to the adequacy of the provision for compensation to its citizens whose property may be expropriated."

June 29, 1959: Chief of Cuban Air Force, Maj. Pedro L. Diaz Lanz, resigns. He charged "there was Communist influence in the armed forces and Government." (N.Y. Times, July 1, 1959).

July 14, 1959: President Manuel Urrutia in a press conference states: "I reject the support of the Communists, and I believe that any real Cuban Revolutionary should reject it openly."

July 17, 1959: Fidel Castro announces his resignation as Premier. On the same day, President Manuel Urrutia resigns after being accused by Castro of actions "bordering on treason." Also on July 17, the Cabinet appoints Osvaldo Dorticos Torrado as new President.

July 18, 1959: Osvaldo Dorticos Torrado is sworn in as President. He announces that the Council of Ministers has refused to accept Fidel Castro's resignation.

July 26, 1959: Fidel Castro resumes duties as Premier.

October 21, 1959: Two unidentified planes fly over Havana dropping anti-Castro leaflets. One person is killed and several wounded in bomb explosions in Havana.

October 22, 1959: Premier Fidel Castro declares (in a television broadcast) that the planes involved in the October 21 "bombing" are based in the United States. Castro calls the "attack" "base and unpardonable."

October 26, 1959: Mass rally (attended by an estimated 300,000) to protest U.S. "aggression." Premier Castro (in a speech) attacks the United States, announces the reestablishment of military courts to try "traitors" and "counter-revolutionaries."

October 28, 1959: President Eisenhower declares (at a news conference) that the United States is using "every single facility that is available" to prevent illegal flights from the United States to Cuba.

November 2, 1959: Government seizes nearly 75,000 acres of foreign-controlled agricultural and mineral lands in Oriente Province. "The seizures included nearly 10,000 acres on which the Bethlehem Steel Corp. held mineral concessions." (AP, November 2, 1959).

November 10, 1959: U.S. Department of State issues statement on Cuban campaign of "inaccurate, malicious and misleading reports" on the alleged bombing of Havana October 21.

November 22, 1959: Cuban Confederation of Labor withdraws from the Inter-American Regional Organization of Labor (a branch of the International Confederation of Free Trade Unions).

November 26, 1959: Maj Ernesto Guevara is appointed president of the National Bank of Cuba.

November 30, 1959: Trials by military courts are resumed in Cuba.

January 11, 1960: United States note to Cuba delivered, protesting against "numerous actions" taken by the Cuban Government "which are considered by the U.S. Government to be in denial of the basic rights of ownership of U.S. citizens in Cuba—rights provided under both Cuban law and generally accepted international law." According to the note, these actions "involve principally the seizure and occupation of land and buildings" of U.S. citizens "without court orders and frequently without any written authorization whatever."

On the same day (January 11), Cuban Government rejects the U.S. note and states that "* * * the revolutionary Government [will] accelerate the works of agrarian reform, applying equal methods of expropriation and indemnification to nations and foreigners." Hundreds of millions of dollars worth of American property has already been seized with little or no formality."

January 21, 1960: U.S. Ambassador Philip Bonsal was ordered back to Washington for consultation by Secretary of State Herter after Premier Castro accused the United States of waging a campaign of hostility against Cuba. Secretary Herter characterized the speech as Castro's "most insulting" attack on "the American Government and the American people" since he came to power a little more than a year ago.

January 26, 1960: President Eisenhower (at a news conference) rejects Cuban charges against the United States, reaffirms U.S. policy of nonintervention in Cuban domestic affairs and declares that "We are not going to be a party to reprisals or anything of that kind." "The President underlines U.S. amity for Cuba in reply to a question whether it would be desirable to cut the quota of Cuban sugar imported to the United States. This quota amounts to a third of U.S. consumption." (New York Times, Jan. 27, 1960.)

February 4–13, 1960: Soviet First Deputy Premier Anastas I. Mikoyan in Cuba. (Cuba does not have diplomatic relations with the Soviet Union.)

February 5, 1960: Mikoyan opens Soviet cultural exhibition in Havana.

February 10, 1960: Military court in Havana sentences 104 persons to prison terms ranging from 3 to 30 years on charges of conspiracy against the Cuban Government.

February 12, 1960: Mikoyan announces that the Soviet Union is willing to sell military aircraft to the Cuban Government.

February 13, 1960: Mikoyan and Premier Castro sign an agreement under which the Soviet Union is to buy 5 million tons of sugar at world market price, over a 5-year period, and to grant Cuba a credit of $100 million "for the acquisition of equipment, machinery, and material." The credit is repayable in 12 years at 2½ percent interest. (The sugar agreement makes the Soviet Union the second largest buyer of Cuban sugar, after the United States.)

February 18, 1960: Premier Castro announces (in a television-radio address) that two American flyers were killed (on Feb. 18) in a crash on Cuban soil of a U.S.-based plane which attempted to attack a sugar mill in Matanzas Province.

February 19, 1960: U.S. Department of State acknowledges that the plane took off from Florida and relays "sincere regrets" over the incident to the Cuban Government. "The United States welcomed Cuba's acceptance of Washington's offer to send technical experts to help determine the cause of the crash [Department of State spokesman], Mr. White said. * * * [The incident] lent considerable weight to numerous past charges by Cuba that planes from [the United States] had been setting fire to sugarcane fields on the island." (New York Times, Feb. 20, 1960.)

February 20, 1960: Central Planning Board is established by the Government. Its function is to supervise and coordinate the economic affairs of Cuba and to fix the general regulations of guidance for private enterprise. The board is headed by Premier Castro.

February 21, 1960: Unidentified plane drops several bombs on an industrial suburb of Havana, according to a statement by the Cuban Government. The windows of an Esso oil refinery are damaged.

February 22, 1960: Cuban Government (in a note delivered to the U.S. chargé d'affaires in Havana) expresses its willingness to renew negotiations through diplomatic channels concerning the differences between Cuba and the United States—the Cuban Government stated that it wished to clarify that the negotiations would be contingent on abstentions by the United States from any unilateral action that would prejudge the results of these negotiations or might cause damage to the Cuban economy or the Cuban people. Unilateral action refers to any possible reduction of Cuba's sugar quota at approximately 2 cents above the world market rate. (New York Times, Feb. 23, 1960.)

February 25, 1960: Premier Castro announces that the Cuban Government will spend 152 million pesos ($152 million) in 1960 on the first phase of a program to industrialize Cuba and make it economically independent.

February 26, 1960: Ernesto Guevara, president of the National Bank of Cuba, declares (in a speech to cane planters) that the Cuban Government intends to use a system of cooperatives, as opposed to individual effort, in the development of Cuban economy.

March 4, 1960: French freighter loaded with ammunition and explosives for the Cuban Army explodes in Havana Harbor. Seventy-five to 700 persons were killed and more than 200 injured.

March 5, 1960: Premier Castro, at the mass funeral of 27 dockworkers killed yesterday, implied that the United States was involved in the sabotage of the munitions ship which exploded in Havana Harbor. The United States issued a vigorous protest against the Premier's accusation.

March 7, 1960: Secretary of State Herter told Cuba's chargé d'affaires that Premier Castro's implication that the United States was involved in the munitions ship explosion was baseless, erroneous, and misleading. Mr. Herter protested strongly against the Premier's unfounded and irresponsible attitude and added that such statements could only contribute further to the unhappy deterioration of United States-Cuban relations.

March 8, 1960: Cuba rejects the U.S. protest as "insulting," made in an "aggressive tone," and "derogatory to our national dignity."

March 16, 1960: President Eisenhower submits to Congress proposals for new legislation to replace the Sugar Act (due to expire at the end of 1960).

March 17, 1960: On the same day (Mar. 17), Rufo López-Fresquet resigns as Finance Minister. The resignation removes the last anti-Communist from the Castro Cabinet.

March 20, 1960: U.S. Secretary of State Christian A. Herter declares (in a television interview) that although some Communist sympathizers hold high offices in Cuba, and some of Premier Castro's acts appear to follow a Communist pattern, "I don't think anyone could say affirmatively that Cuba is Communist at the present time."

U.S. Ambassador to Cuba Philip W. Bonsal returns to Havana.

March 21, 1960: A U.S.-based private plane is shot down over Cuban territory by Cuban Government troops. The American pilot and copilot are captured.

March 29, 1960: Premier Castro announces that he will not send the Cuban Ambassador back to Washington unless the United States modifies its unfriendly policies toward Cuba.

Premier Castro announces (in a television address) that his Government will "not be bound by the inter-American pact against communism because it did not sign the pact."

March 31, 1960: Poland and Cuba sign a trade agreement under which Cuba is to receive industrial plants, and equipment, ships, planes, and helicopters on credit and in exchange for goods. The agreement also provides for technical and scientific assistance to Cuba by Polish experts.

April 8, 1960: U.S. Secretary of State Herter declares (at a news conference): "There is one very disturbing development that is taking place in Cuba, and that is that anticommunism is now being made synonymous with antirevolution, and that those who express concern about Communist influence are now being accused of being antirevolution, and anti-Castro. This is obviously an effort to stop any anti-Communist criticism that might arise within the country itself." "Asked later whether he felt his anti-anticommunism was being done with the active support and aid of some of the officials of the Cuban Government, Mr. Herter replied, 'Yes, I think very definitely.' "

April 25, 1960: Agrarian Reform Institute expropriates more than 170,000 acres owned by the United Fruit Co. in eastern Cuba.

On the same day Guatemala asked the Organization of American States to investigate Cuban charges that Guatemala is planning an invasion of Cuba.

April 28, 1960: Guatemala severs diplomatic relations with Cuba.

April 29, 1960: Cuban police announce arrest of opposition leaders accused of a conspiracy to overthrow the Castro government.

May 8, 1960: Foreign Ministry announces that the Soviet Union and Cuba have renewed diplomatic relations at Embassy level.

May 11, 1960: Two progovernment unions seize the Diario de la Marina, Cuba's oldest and largest newspaper.

May 16, 1960: Presna Libre, a Havana daily, is seized by union workers.

May 17, 1960: Archbishop of Santiago de Cuba, Enrique Perez Serrentes, attacks communism in a pastoral letter. Referring to communism, he says: "It cannot be said that the enemy is at the gates because in reality it is within the gates."

May 23, 1960: United States and British oil companies in Cuba will be required (according to Cuban official sources) to refine Soviet crude oil, instead of the crude hitherto obtained from Venezuela.

May 27, 1960: U.S. State Department announces that the U.S. economic aid program to Cuba (which has been running at between $150,000 to $200,000 a year) will be terminated on December 1, 1960. U.S. military aid (presently consisting of training of a few Cuban air cadets in Texas) will be terminated in June 1960.

June 1, 1960: U.S. House of Representatives' Agriculture Committee rejects the administration request (see above March 16, 1960) to authorize the President to cut Cuba's share of U.S. sugar imports, and votes a 1-year extension of the present Sugar Act, which authorizes cuts in the Cuban sugar quota only if Cuba fails to fill its quota of sugar imports to the United States. The committee chairman declares that the administration proposal would enable the President to commit "an act of economic aggression against Cuba" which would endanger U.S. relations with the rest of Latin America.

June 7, 1960: United States and British oil refineries in Cuba reject Cuban Government's demand that they refine Soviet crude oil.

June 10, 1960: Czechoslovakia and Cuba sign trade agreement providing for the building of eight factories in Cuba by the end of the year, each costing about $4 million. The factories are to turn out refrigerators, sewing machines and other consumer goods. Under the agreement Czechoslovakia will grant Cuba credits of about $20 million, repayable in 10 years at 2½ percent interest.

June 11, 1960: Cuban Government seizes four hotels, among them the American-operated Nacional and the Havana Hilton, the two largest luxury hotels in Havana. The Tropicana nightclub is also seized.

June 16, 1960: Cuban Government orders two attachés of the U.S. Embassy in Havana to leave the country within 24 hours. They are accused of "conspiring with counter revolutionaries."

June 18, 1960: U.S. Government orders two Cuban consular officials to leave the country within 48 hours. They are Carlos Manuel Lazaro Feliz Sanchez y Basquet, assistant to the Cuban Consul at Miami, and Dr. Berta Luisa Pla y Badia, Cultural Attaché at the Cuban Consulate in New York.

June 26, 1960: Army ammunition dump in the Havana Harbor area explodes, killing 2 and injuring at least 200 persons.

June 27, 1960: U.S. House of Representatives' Agriculture Committee unanimously approves a 1-year extension of the present Sugar Act and includes authority for the President to reduce the Cuban sugar quota in 1960 and to eliminate it in 1961.

On the same day, U.S. Government submits memorandum to the Inter-American Peace Committee, a unit of the Organization of American States. In the memorandum (made public on June 29) the United States accuses the Cuban Government of contributing to tensions in the Caribbean by waging a campaign of lies and slander against the United States. Stating that it had responded to "hostile attitudes and actions of the Cuban Government with patience and forbearance," the U.S. Government declares that this "exercise of restraint, however, has been in vain," and goes on to present an inventory of aggressive acts and statements of the Cuban Government. The memorandum ends with the remarks that "the Cuban Government's systematic and provocative campaign of slander and hostile propaganda against the United States, of which various examples have been cited in this memorandum, is a major contributor to international tensions in the area of the Caribbean and of the hemisphere as a whole."

June 29, 1960: Cuban Government seizes Texas Co. petroleum refinery in Santiago de Cuba.

July 1, 1960: Cuba seizes the United States-owned Esso oil refinery and the British-controlled Shell refinery, the last two foreign-owned oil refineries in Cuba.

July 3, 1960: U.S. Senate and House of Representatives pass a compromise sugar bill which authorizes the President to "determine the quota for Cuba for the balance of the calendar year 1960 and for the 3-month period ending March 31, 1961, in such amounts as he shall find to be in the national interest."

July 5, 1960: The Cuban Ambassador-designate to the United States, José Miro Cardona (who was first Cuban Premier of the Castro regime), resigns because of "ideological divergencies" with the Castro government, and takes refuge in the Argentine Embassy in Havana.

July 6, 1960: The Cuban Cabinet authorizes the expropriation of all United States-owned property in Cuba, "when deemed necessary in the national interest."

July 9, 1960: Soviet Premier Khrushchev threatens the United States with rockets if the United States intervenes militarily in Cuba. President Eisenhower declares that the United States will not "permit the establishment of a regime dominated by international communism in the Western Hemisphere." He also says: "There is irony in Mr. Khrushchev's portrayal of the Soviet Union as the protector of independence of an American nation when viewed against the history of the enslavement of countless other peoples by Soviet imperialism."

July 10, 1960: President Osvaldo Dorticos announces that the Soviet Union has offered to buy the 700,000 tons of sugar which the United States cut from Cuba's quota for the rest of the year.

July 11, 1960: Cuba asks the U.N. Security Council to take action on her charges that the United States has been guilty of "repeated threats, harassments, intrigues, reprisals, and aggressive acts" against Cuba.

July 12, 1960: Soviet Premier Khrushchev declares that the Soviet Union will support Cuba in any attempt to oust the United States from its naval base at Guantanamo. He denounces President Eisenhower's declaration that the United States will prevent the establishment of a regime dominated by international communism in the Western Hemisphere, and says: "We consider that the Monroe Doctrine has outlived its time, has died."

July 13, 1960: Peru calls for a meeting of the foreign ministers of the Americas to consider the Soviet threat to inter-American unity.

July 14, 1960: Argentine Note to Cuba calls on the Castro government to dissociate itself from the Khrushchev offer to protect Cuba with rockets in the event of U.S. aggression. (The Note is vehemently rejected by the Cuban press and radio as "Argentine meddling.")

July 15, 1960: Two Latin American members of U.N. Security Council (Ecuador and Argentina) recommend that the Security Council refer to Cuba's charges against the United States to the Organization of American States. On the same day, the Brazilian Foreign Ministry recommends the same procedure.

July 16, 1960: OAS Council meeting in Washington. 16 out of 17 delegates who speak (including the United States and excluding only Cuba) favor the Peruvian call for a "coordination of will to reject the interference of any extracontinental power or of any totalitarian ideology."

July 18, 1960: OAS Council (meeting in Washington) agrees unanimously to hold a foreign ministers' meeting on the United States-Cuban dispute.

July 19, 1960: UN Security Council refers Cuba's charges against the United States to the Organization of American States. The vote on the Argentine-Ecuador resolution is nine to zero, with the Soviet Union and Poland abstaining.

July 21, 1960: Defense Minister Raul Castro leaves Moscow after a 4-day visit. In a joint statement with Premier Khrushchev, Raul Castro expresses "the profound gratitude" of the Cuban Government and people for Soviet support. Khrushchev promises that the Soviet Union will deliver "oil and other goods in amounts fully meeting the requirements of Cuba" in order to surmount the United States "economic blockade."

July 23, 1960: Communist China signs agreement (in Havana) with Cuba to buy 2.5 million long tons of sugar during the next 5 years, at an average of 500,000 tons a year. Communist China agrees to grant Cuba a credit (reported to be about $70 million) to buy "complete factories" in China.

July 29, 1960: OAS Council (in Washington) votes to hold a meeting of American Foreign Ministers in San José, Costa Rica, beginning August 16. The agenda will include the Venezuelan charges against the Dominican Republic, the United States-Cuban dispute, and the threat of Communist interference in the affairs of the Western Hemisphere.

August 7, 1960: Premier Castro nationalizes all remaining U.S.-owned property in Cuba.

On the same day, the United States (in a memorandum to the Inter-American Peace Committee) makes a violent attack against the Cuban Government, and declares that it is "now in open league with the Soviet Union and Communist China."

On the same day (August 7), the Roman Catholic hierarchy of Cuba expresses concern (in a pastoral letter read in all Cuban churches) over "the increasing advance of communism" in Cuba and over the close relations between the Soviet Union and Cuba.

August 8, 1960: OAS Council (in Washington) adopts by a vote of 20 to 1 over Cuban objections the revised agenda for the American Foreign Ministers' meeting in San José, on August 16. A new agenda item will be the "defense of the democratic American institutions against the subversive activities of any organization, government, or their agents."

August 16–29, 1960: Conference of OAS Foreign Ministers in San José, Costa Rica, to consider the Dominican and Cuban questions.

August 19, 1960: U.S. Government announces it will not allow other countries to use U.S. loans to buy sugar from Cuba.

August 24, 1960: In an address to the OAS conference, U.S. Secretary of State Herter declares that Cuba is being led "in the Communist direction." He declares that what is happening in Cuba is "part of a determined effort by the Sino-Soviet powers to extend their control over an American state," and he asks the conference to take "the necessary positive decisions to meet the threat."

August 28, 1960: Cuban delegation walks out of the OAS meeting prior to a unanimous vote of the remaining Foreign Ministers approving the Declaration of San José, which condemns Sino-Soviet intervention in the affairs of any American state. Cuba is not mentioned specifically in any part of the declaration.

September 5–13, 1960: Inter-American Economic Conference in Bogotá. Cuba is represented by her Minister of Economy. On September 11, the Act of Bogotá, which incorporates a wide-ranging U.S. social and economic development aid plan for Latin America, is signed by 19 American republics. (The Dominican Republic did not attend the conference.) Cuba alone refuses to sign the act. On September 7, the Cuban delegate attacks the U.S. aid plan as an attempt "to silence the militant hope awakened in the people of Latin America by the Cuban revolution."

September 13, 1960: Cuban Government announces that Premier Castro and Foreign Minister Raul Roa will attend the U.N. General Assembly session which opens in New York on September 20. Foreign Minister Roa declares that Cuba will support the following aims in the U.N. General Assembly: A U.N. seat for Communist China; Algerian independence; the position of Patrice Lumumba as premier of the Congo; denunciation of U.S. "imperialistic policies."

September 14, 1960: United States restricts Premier Castro to Manhattan during his proposed visit to the U.N. General Assembly—the same restriction as that imposed on Soviet Premier Khrushchev.

September 16, 1960: The Cuban Government seizes control of the tobacco industry and of all U.S. banks in Cuba.

September 18, 1960: Premier Castro arrives in New York for the U.N. General Assembly session.

September 20, 1960: Soviet Premier Khrushchev pays a call on Castro in Harlem.

September 24, 1960: Cuba formally recognizes Communist China and North Korea (the first Latin American state to do so).

September 25, 1960: President Nasser of the United Arab Republic calls on Castro in Harlem.

September 29, 1960: United States advises American citizens in Cuba to send home their wives and children.

October 9, 1960: Cuban Government announces that it has crushed an anti-Castro revolt in south-central Cuba, and accuses the United States of supplying the rebels with arms and ammunition.

October 14, 1960: Cuban Government nationalizes all major companies and banks.

October 18, 1960: Cuba asks the U.N. to consider the question of U.S. "aggression" against Cuba.

October 19, 1960: United States puts an embargo on all exports to Cuba, except medical supplies and various food products. The State Department announcement declares that "this step has been reluctantly taken by the United States in order to carry out the responsibility of this Government to defend the legitimate economic interests of the people of this country against the discriminatory, aggressive, and injurious economic policies of the Castro regime."

October 20, 1960: U.S. Ambassador to Cuba, Philip W. Bonsal, is recalled to Washington for "an extended period of consultations."

October 25, 1960: Cuban Government nationalizes 166 more United States-owned enterprises, valued at about $250 million.

October 28, 1960: U.S. note to the Organization of American States asks for an investigation of large-scale arms shipments to Cuba. The note says: "With the notorious assistance of extracontinental powers, specifically those of the Soviet bloc, Cuba is expanding rapidly its capacity to give armed support to the spread of its revolution in other parts of the Americas."

November 1, 1960: President Eisenhower issues a statement reiterating U.S. determination to defend the Guantanamo Naval Base. He declares that "because of its importance to the defense of the entire hemisphere, particularly in the light of the intimate relations which now exist between the present Government of Cuba and the Sino-Soviet bloc, it is essential that our position in Guantanamo Bay be clearly understood."

November 1, 1960: On the same day, the U.N. General Assembly rejects Cuban and Soviet-bloc demands for an immediate Assembly debate on "U.S. aggression." The Assembly votes to send the Cuban complaint to the Assembly's Political Committee.

November 9, 1960: Premier Castro informs a mass meeting in Havana that Cuba has prevented the United States from attacking the island by denouncing U.S. aggression in the U.N., by making great military preparations, and by alerting world opinion.

November 14, 1960: Cuba withdraws from the World Bank.

November 18, 1960: U.S. State Department issues statement: "Since Fidel Castro came into power, Cuba has created and armed a military force 10 times the size of that of ex-President Fulgencio Batista and far larger than any army in Latin America. Total Soviet-bloc arms provided to the Castro government amount to at least 28,000 tons."

November 27, 1960: Premier Fidel Castro (in a speech at a student rally in Havana University) makes a bitter attack against the Roman Catholic clergy in Cuba, accusing them of being "counterrevolutionaries."

November 30, 1960: Communist China agrees to buy a million tons of Cuban sugar in 1961, thereby doubling the annual amount in the earlier agreement. Communist China also provides Cuba with an interest-free loan of 240 million rubles (about $60 million). The agreements are announced at the end of a visit of Maj. Ernesto Guevara, head of Cuba's National Bank, to Communist China.

December 2, 1960: U.S. Government officially designates Cuba for the first time as "Communist-controlled." This was done when the White House made a determination that refugees from Cuba from now on qualify under that section of the Mutual Security Act which provides assistance for persons displaced from Communist-ruled lands. A White House announcement said that President Eisenhower had released $1 million worth of mutual security funds for assistance of 30,000 Cuban refugees in Florida." (New York Herald Tribune, Dec. 3, 1960.)

December 3, 1960: Roman Catholic hierarchy of Cuba (in an open letter to Premier Castro) rejects Castro's attacks against the Church. The letter also declares that the Government's revolutionary indoctrination has been following "purely Marxist lines."

December 8, 1960: Cuba nationalizes the Royal Bank of Canada (in Cuba), which has 23 branches in the country.

December 10, 1960: Major Ernesto Guevara, head of the Cuban National Bank, declares (in Moscow) that the Cuban Government "wholeheartedly" endorses the Communist manifesto, drawn up by the leaders of 81 Communist parties at their recent meeting in Moscow. He declares that in accordance with the manifesto, Cuba will serve as a model for armed revolution in Latin America.

December 16, 1960: President Eisenhower cuts to zero the import of Cuban sugar into the United States for the first 3 months of 1961.

December 19, 1960: Soviet-Cuban communique is signed (in Moscow) by Soviet First Deputy Premier Anastas I. Mikoyan and Major Ernesto Guevara, head of the Cuban National Bank. The Soviet Union promises to help Cuba build an iron and steel mill, an oil refinery, electric power stations and other industrial units. The communique says that the Soviet Union will buy from Cuba "2,700,000 tons of sugar if the United States carries out its threat not to purchase Cuban sugar."

December 21, 1960: Government decree dismisses 17 out of 32 justices of the Cuban Supreme Court.

December 31, 1960: Foreign Minister Raul Roa flies to New York and calls for an immediate meeting of the UN Security Council, to take action on a Cuban charge that the United States is ready to "carry out, within a few hours, direct military aggression" against Cuba.

January 1, 1961: Security Council agrees to meet on January 4 to consider the Cuban charge against the United States.

January 2, 1961: Premier Castro declares (in a speech to a crowd of over 100,000 in Havana) that the U.S. Embassy will have to reduce its staff within 48 hours to 11, the number in the Cuban Embassy in Washington.

January 3, 1961: United States severs diplomatic and consular relations with Cuba, and asks Cuba to withdraw all its diplomatic and consular personnel from the United States. President Eisenhower issues a statement, in which he declares: "The Government of Cuba has decided to limit the personnel of our Embassy and consulate in Havana to 11 persons. Forty-eight hours was granted for the departure of our entire staff with the exception of 11. This calculated action on the part of the Castro government is only the latest of a long series of harassments, baseless accusations, and vilifications. There is a limit to what the United States in self-respect can endure. That limit has now been reached. Our friendship for the Cuban people is not affected. It is my hope and my conviction that in the not-too-distant future it will be possible for the historic friendship between us once again to find its reflection in normal relations of every sort. Meanwhile our sympathy goes out to the people of Cuba now suffering under the yoke of a dictator."

January 4, 1961: Swiss Government agrees to handle U.S. diplomatic and consular affairs in Cuba.

January 5, 1961: U.N. Security Council declines to act on Cuba's charge that the United States plans a military invasion of the island.

January 15, 1961: Press reports from Havana indicate that Premier Castro's armed forces have launched a major offensive against anti-Castro insurgents in the Escambray Mountains in south-central Cuba.

January 16, 1961: United States bans travel of American citizens to Cuba except by special permission of the State Department.

January 30, 1961: Kennedy declares (in his state of the Union message): "In Latin America, Communist agents seeking to exploit that region's peaceful revolution of hope have established a base on Cuba, only 90 miles from our shores. Our objection with Cuba is not over the people's drive for a better life. Our objection is to their domination by foreign and domestic tyrannies.

"Cuban social and economic reform should be encouraged. Questions of economics and trade policy can always be negotiated. But Communist domination in this hemisphere can never be negotiated."

February 3, 1961: Cuban Government dismisses 119 judges in a purge of the courts.

On the same day (Feb. 3), President Kennedy allocates $4 million to help Cuban refugees in the United States up to the end of the fiscal year on June 30.

February 11, 1961: Premier Castro denounces U.S. aid for "Cuban counterrevolutionary exiles." He says that "if the United States believes it has the right to promote a counterrevolution in Cuba, Cuba believes it has the right to promote a revolution in Latin America." He accuses the United States of parachuting large quantities of arms and food to anti-Castro rebels in the Escambray Mountains.

February 14, 1961: Premier Castro declares (in a press interview) that he would like to "normalize" relations with the United States, but that this would depend on the United States ending its "direct military support" of his opponents.

February 24, 1961: U.S. State Department declares that there can be no improvement of relations between Cuba and the United States until "the Cuban people may freely choose their own destiny."

On the same day, Cuban Government transmits notes to all Latin American Governments with which Cuba maintains relations, urging them to resist any U.S. attempts to induce them to break relations with Cuba, and assuring them that Cuba does not intend to export its revolution to other Latin American countries.

Cuban Government announces administrative reorganization. A central planning junta is set up, headed by Premier Castro and with his brother, Raul (Armed Forces Minister), as vice president of the junta. Maj. Ernesto Guevara, president of the National Bank of Cuba, is given effective control over Cuba's economy by his appointment as head of a new Ministry of Industry, which will direct a 4-year industrialization plan. New Ministries of Foreign Trade and Interior Commerce are also established.

February 26, 1961: Government sources in Havana declare that the rebel movement in the Escambray Mountains has been crushed.

March 1, 1961: El Salvador announces it has severed relations with Cuba, effective January 25. El Salvador is the eighth nation of the Western Hemisphere to sever relations with Cuba.

March 22, 1961: Anti-Castro Cuban exile groups in the United States announce formation of a "Revolutionary Council" headed by Dr. José Miró Cardona, who was the first Premier of the Castro regime in Cuba. The Council issues a statement calling on Cubans "to overthrow the Communist tyranny."

March 29, 1961: U.S. Congress agrees to extend the President's authority to prohibit Cuban sugar imports until June 30, 1962, and to share its quota among other foreign and domestic producers.

April 3, 1961: U.S. State Department issues pamphlet on Cuba which declares: "We call once again on the Castro regime to sever the links with the international Communist movement, to return to the original purposes which brought so many gallant men together in the Sierra Maestra, and to restore the integrity of the Cuban revolution. If this call is unheeded, we are confident that the Cuban people, with their passion for liberty, will continue to strive for a free Cuba."

April 5, 1961: Foreign Minister Raul Roa (in a press interview in New York) denounces the State Department's pamphlet on Cuba as a "formalization of the undeclared war which the United States is making against us." He also accuses the United States of arming and training in Florida and Guatemala a "so-called liberation army of 4,000 to 5,000 counterrevolutionaries, mercenaries and adventurers."

April 8, 1961: Dr. José Miró Cardona, head of the Cuban Revoluntionary Council, issues a statement (in New York), calling all Cubans to arms to overthrow the regime of Premier Fidel Castro. He declares that the revolt must come from within the country.

April 12, 1961: President Kennedy declares (at a press conference) that U.S. Armed Forces will not intervene "under any conditions" in Cuba, and that the U.S. Government "will do everything it possibly can to make sure that there are no Americans involved in any actions inside Cuba." He says that he would be opposed to any attempt by Cuban exiles to mount an anti-Castro offensive from the United States.

April 15, 1961: Three Cuban military air bases are attacked by three bombers manned by anti-Castro personnel. Seven Cuban militiamen are reported killed and 47 wounded. An arms dump is hit at Camp Libertad near Havana. One of the rebel pilots lands at Miami International Airport, and declares (in a statement issued to the press) that the three planes belonged to the Cuban Air Force and were manned by Cuban pilots who defected from the Cuban Air Force.

On the same day, Premier Castro orders a general mobilization of the armed forces and civilian militia. In a communique issued after the bombing attack, he declares: "Our country has been the victim of a criminal imperialist aggression which violates all norms of international law. If this air attack is a prelude to an invasion, the country, on a war basis, will resist and destroy with an iron hand any force which attempts to disembark upon our land."

At an emergency session of the U.N. General Assembly's Political Committee, Foreign Minister Raul Roa accuses the United States of having instigated the bombing attack on Cuba. He denies that the pilots defected from the Cuban Air Force and asserts that they were "mercenaries bought by the United States." U.S. delegate to the U.N., Adlai E. Stevenson, denies the Cuban accusations, and reasserts that the United States will not intervene in Cuba. Soviet Delegate Valerian A. Zorin expresses "deep indignation" over the "barbarian attacks" launched against Cuba by the United States.

April 16, 1961: Premier Castro accuses the United States of responsibility for the air raid on Cuba and of deliberately trying to deceive world opinion by declaring that the fliers were defectors. He challenges President Kennedy to present before the U.N. the fliers who bombed Cuba.

On the same day, the United States grants political asylum to the three fliers, but the identity and whereabouts of the three men are kept secret.

April 17, 1961: Invasion of Cuba by anti-Castro forces begins. Rebel troops land on the southern coast in Las Villas Province. Rebel landings are also reported in Oriente Province in the southeast and in Pinar del Rio Province in the extreme west.

U.S. Secretary of State Dean Rusk (at a press conference in Washington) expresses the sympathy of the American people for the anti-Castro movement, but reiterates that U.S. forces will not intervene in Cuba.

In the U.N. General Assembly's Political Committee, Foreign Minister Raul Roa declares that Cuba has been invaded "by a force of mercenaries, organized, financed, and armed by the Government of the United States." He says that the attacks were launched from the United States and Guatemala. Both countries deny this assertion.

President of the Cuban Revolutionary Council, Dr. José Miró Cardona, issues a statement in New York, calling on "freedom-loving peoples" of the Western Hemisphere to support the attack on Cuba.

April 18, 1961: Soviet Premier Khrushchev sends a message to President Kennedy in which he charges the United States with responsibility for the invasion of Cuba. He warns that the Soviet Union will "render the Cuban people and their government all necessary assistance in beating back the armed attack on Cuba."

On the same day, President Kennedy sends a reply to Khrushchev in which he states: "I have previously stated and I repeat now that the United States intends no armed intervention in Cuba. In the event of any military intervention by outside force we will immediately honor our obligations under the inter-American system to protect this hemisphere against external aggression. I have taken careful note of your statement that the events in Cuba might affect peace in all parts of the world. I trust that this does not mean that the Soviet Government, using the situation in Cuba as a pretext, is planning to inflame other areas of the world. I would like to think that your government has too great a sense of responsibility to embark on any enterprise so dangerous to general peace. I believe that you should recognize that free peoples in all parts of the world do not accept the claim of historical inevitability for Communist revolution. The great revolution in the history of man, past, present, and future, is the revolution of those determined to be free."

April 19, 1961: Cuban rebel invading forces give up their beachhead on the southern coast of Cuba, in an attempt to join guerrillas in the nearby Escambray Mountains. Rebel communique announces that the invaders have suffered "tragic losses" while being attacked by "Soviet tanks and artillery [and] Russian Mig aircraft."

April 20, 1961: President Kennedy declares (in a speech to the American Society of Newspaper Editors) that U.S. "restraint is not inexhaustible," and that the United States does not intend to abandon Cuba to communism. He says: "Should it ever appear that the inter-American doctrine of noninterference merely conceals or excuses a policy of nonaction; if the Nations of this hemisphere should fail to meet their commitments against outside Communist penetration, then I want it clearly understood that this Government will not hesitate in meeting its primary obligations, which are the security of our Nation."

On the same day, April 20, Prime Minister Nehru of India accuses United States (in a statement in the Indian Parliament) of having encouraged the invasion of Cuba.

April 21, 1961: U.N. General Assembly's Political Committee adopts (by a vote of 61 to 27 with 10 abstentions) a resolution sponsored by seven Latin American Nations (Argentina, Chile, Colombia, Honduras, Panama, Uruguay, and Venezuela) which calls on members of the Organization of American States "to lend their assistance with a view to achieving a settlement [of the United States-Cuban crisis] by peaceful means." The 7-power proposal is supported by the United States, its Western European allies, most of the Latin American States, and 15 Afro-Asian States. The only two Latin American countries to vote against it are Cuba and Mexico. The committee also endorses (by a vote of 42 to 31 with 25 abstentions) a Mexican proposal which would call on all states to "insure that their territories and resources are not used to promote a civil war in Cuba."

April 22, 1961: U.N. General Assembly eliminates the reference to the OAS in the 7-power resolution, and approves a resolution (by a vote of 59 to 13 with 24 abstentions) which calls on all U.N. member states "to take such peaceful action as is open to them to remove existing tensions" between Cuba and the United States.

April 22, 1961: Former President Eisenhower confers (at Camp David, Md.) with President Kennedy on the Cuban situation. Eisenhower says to newsmen after the meeting: "I am all in favor of the United States supporting the man who has to carry the responsibility for our foreign affairs."

On the same day (April 22), Soviet Premier Khrushchev sends President Kennedy a reply to Kennedy's message on the Cuban situation. Khrushchev declares that in spite of all official U.S. denials, "it has now been proved beyond doubt that it was precisely the United States that prepared the intervention [in Cuba], financed the invasion and transported the gangs of mercenaries, which invaded the territory of Cuba. U.S. Armed Forces also took a direct part in the realization of the gangster attack on Cuba. American bombers and fighters supported the operations of mercenaries who landed on Cuban territory, and took part in military operations against the armed forces of the lawful government and the people of Cuba."

April 23, 1961: Premier Fidel Castro (in a 4½-hour television speech in Havana, his first public appearance since the invasion of April 17) declares that no clemency will be shown to the 458 rebel prisoners captured in the April 17 landings, unless the United States ceases its aid to Cuban rebels. He warns the United States that if it tries to intervene directly in Cuba, "a conflagration of incalculable proportions" will be started which will be the "beginning of the end of the Yankee empire," Castro says: "We shall not fight alone."

April 24, 1961: U.S. Presidential Press Secretary Pierre Salinger declares (in a statement to the press) that President Kennedy assumes "sole responsibility" for the U.S. role in the action against Cuba.

On the same day, Honduras becomes the eighth Latin American State to sever diplomatic relations with Cuba.

April 26, 1961: Inter-American Defense Board (composed of military representatives of the 21 American Republics) votes to bar the Cuban representative from all secret sessions of the Board and to deny him access to all classified documents dealing with hemispheric defense plans, "as long as there exists the present evident alliance of Cuba with the Soviet bloc." The ban (proposed by the United States) is approved by a vote of 12 to 1 (Cuba) with 4 abstentions (Chile, Ecuador, Mexico, Venezuela) and one vote reserved (Brazil).

April 30, 1961: State Department advises all U.S. citizens in Cuba to leave the island.

May 1, 1961: Premier Castro in a May Day speech in Havana declared Cuba a Socialist nation and said there would be no more elections. He asserted that henceforth his revolutionary government would rely on the direct backing of the people as expressed in such demonstrations as the May Day rally.

On the same day Secretary of State Dean Rusk told the Senate Foreign Relations Subcommittee on Latin American Affairs that the United States had no plans now "to proceed in any way in armed intervention in Cuba" but if the Castro regime engaged in acts of aggression this country "will defend itself."

May 2, 1961: U.S. State Department described Cuba as a full-fledged member of the Communist bloc. The statement said: "Let there be no confusion regarding Castro's use of the word "Socialist" instead of "Communist." The use of the word "Socialist," in fact, meant that "Castro considers Cuba further along the Communist road than other countries in the bloc."

May 3, 1961: Twenty-two rebels, including Capt. Manuel Artime, a leader of the April 17 invasion attempt, were captured by Cuban Government troops. The Government announced that this brought the number of captured rebels to 1,122.

May 5, 1961: An anti-Castro Cuban volunteer declared that the Central Intelligence Agency had held him and 16 others prisoner and incommunicado for 11 weeks before and during last month's abortive invasion.

May 9, 1961: Cuban Revolutionary Council declares that its forces in last month's action had been "overcome by Soviet tanks and Migs; that is to say, by the Russian Empire," and that it was "preparing new plans" to win its fight.

May 17, 1961: Premier Castro offers to exchange his prisoners of the April 17 invasion of Cuba for 500 bulldozers from the United States, or else they would be sentenced to hard labor. "Of course," Castro said, "those among them who have committed murder cannot be exchanged for anything."

The Cuban Revolutionary Council called on the United States and Latin America to "take effective action" under inter-American pacts to support the council's efforts to overthrow Premier Castro.

On the same day, the U.S. House of Representatives passed a resolution declaring Cuba to be a "clear and present danger" to this hemisphere and urged the Organization of American States to take collective action against Castro.