A. Horace White, Post Office Box 5241, Baltimore, Md.
B. International Union of Mine, Mill & Smelter Workers, 941 East 17th Avenue, Denver, Colo.

A. Donald S. Whyte, 1102 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
A. Wilmer & Broun, 616 Transportation Building, Washington, D.C.
B. Columbia Gas System Service Corp., 120 East 41st Street, New York, N.Y.

A. Henry B. Wilson, 1612 K Street NW., Washington, D.C.
B. Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y.

A. William W. Woodruff, 1730 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.

A. Alexander W. Wuerker, 1025 Connecticut Avenue, Washington, D.C.
B. American Waterways Operators, Inc., 1025 Connecticut Avenue, Washington, D.C.

SENATE

TUESDAY, JUNE 13, 1961

The Senate met at 12 o'clock noon, and was called to order by the Honorable HERMAN E. TALMADGE, a Senator from the State of Georgia.

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

Eternal spirit, whom we seek in vain without, unless we first find Thee within, may the healing hush of Thy presence in this hallowed moment fall upon our feverish and driven lives.

In a time for greatness, save us from small choices and from dwarfed perspectives. Deliver us from inner cowardice which makes us unwilling to pay the high price of better things. Teach us, this day, in all our dealings with others, to enthrone wisdom upon our tongues and kindness within our hearts.

Grant to us to dream great dreams and not to disobey the heavenly vision, and though the hope sometimes seems forlorn, may we be found without stumbling and without stain, facing, unafraid, unnumbered foes.

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

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, June 13, 1961.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. TALMADGE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, June 12, 1961, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 5486. An act to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity, without the consent of the party to such communication;

H.R. 6775. An act to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences;

H.R. 7053. An act to provide for the admission of certain evidence in the courts of the District of Columbia, and for other purposes;

H.R. 7154. An act to authorize the Commissioners of the District of Columbia to regulate the keeping and running at large of dogs; and

H.R. 7218. An act to provide that the authorized strength of the Metropolitan Police Force of the District of Columbia shall be not less than 3,000 officers and members.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 5486. An act to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity, without the consent of the party to such communication;

H.R. 7053. An act to provide for the admission of certain evidence in the courts of the District of Columbia, and for other purposes; and

H.R. 7154. An act to authorize the Commissioners of the District of Columbia to regulate the keeping and running at large of dogs; to the Committee on the District of Columbia.

H.R. 6775. An act to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences; to the Committee on Commerce.

LIMITATION OF DEBATE DURING MORNING HOUR

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

The Internal Security Subcommittee of the Judiciary Committee.

The Committee on Interior and Insular Affairs.

The Committee on Government Operations.

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Research and General Legislation of the Committee on Agriculture and Forestry was authorized to sit during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar, under the new reports.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Ben S. Stephansky, of Illinois, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary to Bolivia.

By Mr. BIBLE, from the Committee on the District of Columbia:

John Joseph Gunther, of the District of Columbia, to be a member of the District of Columbia Redevelopment Land Agency.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the new reports on the Executive Calendar will be stated.

U.S. REPRESENTATIVES TO INTERNATIONAL ATOMIC ENERGY AGENCY

The legislative clerk read the nomination of Henry DeWolf Smyth, of New Jersey, to be a representative of the United States of America to the International Atomic Energy Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William I. Cargo, of Maryland, to be deputy representative of the United States of America to the International Atomic Energy Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

PERMANENT IMPROVEMENTS TO FEDERAL-STATE UNEMPLOYMENT COMPENSATION SYSTEM

A communication from the President of the United States, transmitting a draft of proposed legislation to provide for the establishment of a permanent program of additional unemployment compensation, to provide for equalization grants, to extend coverage of the unemployment compensation program to establish Federal requirements with respect to the weekly benefit amount and limit the tax credits available to employers in a State which does not meet such requirements, to establish a Federal requirement prohibiting States from denying compensation to workers undergoing occupational training or retraining and deny tax credits to employers in a State which does not meet such requirements, to increase the wage base for the Federal unemployment tax, to increase the rate of the Federal unemployment tax, to establish a Federal additional compensation and equalization account in the Unemployment Trust Fund, and for other purposes (with accompanying papers); to the Committee on Finance.

AMENDMENT OF CAREER COMPENSATION ACT OF 1959, RELATING TO INCENTIVE PAY FOR CERTAIN OFFICERS

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend the Career Compensation Act of 1949 to authorize the payment of an accrued portion of incentive pay to certain aeronautically rated or designated officers who have been eligible to such pay for a minimum of at least 10 years and who subsequently are removed from the status to such eligibility due to the fact that a determination has been made that the requirement for them in this capacity is no longer necessary in the interest of national security (with accompanying papers); to the Committee on Armed Services.

GEORGE W. ROSS, JR.

A letter from the Director, U.S. Information Agency, Washington, D.C., transmitting a draft of proposed legislation for the relief of George W. Ross, Jr. (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"SENATE JOINT RESOLUTION 36

"Joint resolution relating to the Office of Saline Water of the U.S. Department of the Interior

"Whereas the Office of Saline Water of the U.S. Department of the Interior has requested Congress for $1,755,000 in appropriations to continue its program of research and development of sea and brackish water conversion processes; and

"Whereas in testimony before the House of Representatives Appropriations Subcommittee, officials of the Office of Saline Water said that construction of larger plants and incorporation of additional improvements can lower present costs considerably, and research 'holds promise of developing entirely new methods which may permit the attainment of a major breakthrough;' and

"Whereas the Office of Saline Water, by contracts with private industrial firms authorized in their program by Congress, will complete construction in the summer of this year a demonstration plant to convert sea water into fresh water at Point Loma, near San Diego; and

"Whereas the Chief of Basic Research of the Office of Saline Water testified before a House of Representatives Appropriations Subcommittee, 'I think we are approaching economically competitive converted water'; and

"Whereas all these signs point to the fact that the future municipal and industrial water needs of the southern California coastal shelf could soon be served economically and feasibly from the bordering Pacific Ocean; and

"Whereas an economic process to treat brackish waters so as to improve their quality and permit their reuse would be of great benefit to a number of areas of California; and

"Whereas water conversion processes, when applied in an economically feasible manner, will help permit the State of California to go to the bond market to finance other needed programs in addition to water development: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Legislature of the State of California respectfully endorses the aims and purposes of the program of the Office of Saline Water, and urges the California delegation in the Congress to support the appropriations requested by the Office of Saline Water, Department of the Interior; and be it further

"Resolved, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 42

"Joint resolution relative to Federal income taxation of the interest derived from public bonds

"Whereas the State of California and the political subdivisions thereof have in the past and are now currently engaged in financing, through the issuance of bonds, needed public improvements such as the building of schools, highways, water and sewer distribution systems and other projects for the promotion of the health, safety, and welfare of the people; and

"Whereas the interest income which the owner derives from such bonds has in the past and is now currently exempt from the imposition of any Federal income tax; and

"Whereas the Federal taxation of the interest of such bonds, as income, would result in the curtailment of construction of needed public improvements, and would result in either an increase of taxes imposed by the State of California and any political subdivision thereof in order to pay higher interest costs, or the assumption by the Federal Government of the responsibility of financing such improvements; and

"Whereas there is currently a national movement to permit the imposition of the Federal income tax on the interest income from the bonds issued or to be issued by the several States and their political subdivisions; Now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to oppose any amendment of the Constitution of the United States, or any other action by the Congress of the United States, or the executive branch thereof, which would have the effect of subjecting the income from State and local bonds to a Federal tax or to cause the tax to be increased because of such bond holdings by a taxpayer whether or not the increase is in fact titled a tax; and be it further

"Resolved, That the secretary of the senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION 45

"Joint resolution relative to establishment of a Youth Conservation Corps

"Whereas the Senate and House of Representatives of the United States are now considering legislation to establish a Youth Conservation Corps; and

"Whereas among the most pressing and depressing problems of today are the rise in unemployment, rising relief costs, and increase of juvenile delinquency; and

"Whereas it has been established that a Youth Conservation Corps would be a most important resource of combating all of these three undersirable phases of our national life; and

"Whereas such a Youth Conservation Corps could achieve essential public improvements, worth more than the cost entailed; and

"Whereas the work most needed to be done generally lies in national forests, in national parks, or in such projects as flood prevention and prevention of soil erosion, far removed from the cities or States where most of the youths enrolled for such programs now reside; and

"Whereas the State of California and several of the counties of this State have camp programs for youths already under sentence by the courts, and the Federal Youth Conservation Corps would provide for voluntary enrollment: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly) That the Legislature of the State of California respectfully urges Congress to enact legislation as proposed in S. 404, which would authorize the establishment of a Youth Conservation Corps to provide healthful outdoor training and employment for young men and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas; and be it further

"Resolved, That the secretary of the senate is hereby directed to transmit a copy of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A letter from the Harlingen (Tex.) Chamber of Commerce, signed by J. E. Bell, manager, transmitting a resolution adopted by the House of Representatives of the State of Texas, relating to the closing of the Harlingen Air Force Base; to the Committee on Armed Services.

(See the above resolution printed in full when presented by Mr. YARBOROUGH on June 12, 1961, p. 9941, CONGRESSIONAL RECORD.)

Two resolutions adopted by the Alaska Carriers Association, at Fairbanks, Alaska, relating to the regulation of the Alaska Railroad, and regulation of transportation between the original 48 States and points in Alaska; to the Committee on Commerce.

A resolution adopted by the American Bar Association, relative to reorganization plans affecting Federal agencies; to the Committee on Government Operations.

A resolution adopted by the Council of the City of New Orleans, La., relating to the transfer of certain land located at the naval ammunition depot, to the city of New Orleans; to the Committee on Government Operations.

Resolutions adopted by the Bad River Band of Lake Superior Chippewa Indians, at Odanah, Wis., relating to Indian problems; to the Committee on Interior and Insular Affairs.

The petition of Henry M. Henderson, of Atlanta, Ga., relating to civil rights; to the Committee on the Judiciary.

RESOLUTION OF RHODE ISLAND GENERAL ASSEMBLY

Mr. PELL. Mr. President, on behalf of my colleague, the senior Senator from Rhode Island [Mr. PASTORE], and myself, I ask unanimous consent that a resolution memorializing the Congress of the United States to enact S. 986, a bill to assist in the reduction of unemployment through the acceleration of capital expenditure programs, passed by the General Assembly of the State of Rhode Island and Providence Plantations, be inserted in the RECORD, and appropriately referred.

As a cosponsor of S. 986, introduced by my distinguished colleague, the senior Senator from Pennsylvania [Mr. CLARK], I am particularly pleased to have the honor of submitting this resolution for the RECORD. There is no doubt in my mind that the passage of S. 986 would help to relieve unemployment in States like mine which have long been particularly hard hit. Moreover, the passage of S. 986 would help provide some of the much needed public facilities for many of our hard-pressed towns and cities.

For all these reasons, I am indeed heartened to know of the support of the General Assembly of Rhode Island and Providence Plantations for S. 986.

There being no objection, the resolution was referred to the Committee on Labor and Public Welfare, and, under the rule, ordered to be printed in the RECORD, as follows:

Whereas the problems of labor distressed areas are national in scope and a national solution is required; and

Whereas any surplus labor area which has a hard core of unemployment will benefit immeasurably as a result of the enactment of Senate 986; and

Whereas it is vital to the economy of the country that implementation be given to the principle of full employment by providing for the use of federally enacted legislation to contribute to a sound and substantial labor force; and

Whereas the State of Rhode Island, which has been classed as a labor surplus area, would benefit substantially by the enactment of this legislation: Now, therefore, be it

Resolved, That the General Assembly of the State of Rhode Island and Providence Plantations hereby urges the Congress of the United States to enact Senate 986, legislation that would assist in the reduction of unemployment through the acceleration of capital expenditure programs; and be it further

Resolved, That duly certified copies of this resolution be transmitted forthwith by the secretary of state to the Members of Congress from the State of Rhode Island in the Congress of the United States earnestly requesting that each use his best efforts to carry out the purposes of this resolution.

TRACTORS FOR FREEDOM—PETITION

Mr. SCOTT. Mr. President, I present a petition signed by 214 citizens of Oley, Pa., relating to the proposal of tractors for freedom. I ask unanimous consent that the petition be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, without the signatures attached as follows:

PETITION TO HALT TRACTORS FOR FREEDOM

As voters, taxpayers, and interested citizens of the United States of America, who still hold democracy as the best way of government, we are signing this petition to halt the tractors-for-freedom movement.

We ask our representatives in the Federal Government to carry out the wishes of the American people by exercising their duties as our representatives to halt this outrageous blackmail on the part of Castro and the Communists.

Signed by Lyda R. Strock, and 213 other citizens of Oley, Pa.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

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

S. 1371. A bill to amend subsection (e) of section 307 of the Communications Act of 1934, as amended, to permit the Commission to renew a station license in the safety and special radio services more than 30 days prior to expiration of the original license (Rept. No. 370).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 884. A bill to authorize the Secretary of Commerce to procure the services of experts and consultants (Rept. No. 369).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. RUSSELL (for himself and Mr. TALMADGE):

S. 2065. A bill to authorize the construction of the Goat Island and Carters Island Dams on the Savannah River, Georgia and South Carolina, for flood control, power, and other purposes; to the Committee on Public Works.

By Mr. KEATING (by request):

S. 2066. A bill to amend the Agricultural Adjustment Act of 1933, as amended, relative to marketing of apples; to the Committee on Agriculture and Forestry.

By Mr. ERVIN (for himself, Mr. EASTLAND, Mr. JOHNSTON, Mr. MCCLELLAN, and Mr. BYRD of Virginia):

S. 2067. A bill to make voluntary admissions and confessions admissible in criminal proceedings and prosecutions in the courts of the United States and the District of Columbia; to the Committee on the Judiciary.

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

By Mr. CASE of South Dakota:

S. 2068. A bill for the relief of Frank Lamb; to the Committee on the Judiciary.

By Mr. WILLIAMS of Delaware (for himself, Mr. AIKEN, and Mrs. SMITH of Maine):

S. 2069. A bill to further amend the Internal Revenue Code of 1954, as amended; to the Committee on Finance.

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

By Mr. DODD:

S. 2070. A bill for the relief of Kabalan Farris; to the Committee on the Judiciary.

By Mr. CASE of South Dakota:

S. 2071. A bill to amend title II of the Career Compensation Act of 1949 so as to provide that members of the Armed Forces who engage voluntarily in any activity or conduct while a prisoner of war which results in the giving of aid or comfort to an enemy of the United States shall not be entitled to receive any pay or allowances from the United States; to the Committee on Armed Services.

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

By Mr. RANDOLPH:

S. 2072. A bill for the relief of Rebecca A. Harrison; to the Committee on Foreign Relations.

By Mr. HILL:

S. 2073. A bill to authorize two additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. KEATING:

S. 2074. A bill to prescribe a method by which the Houses of Congress and their committees may invoke the aid of the courts in compelling the testimony of witnesses; to the Committee on the Judiciary.

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

By Mr. DIRKSEN:

S.J. Res. 103. Joint resolution to amend sections 4(a) and 6 of the Immigration and Nationality Act of September 11, 1957, as amended; to the Committee on the Judiciary.

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

RESOLUTIONS

DISAPPROVAL OF REORGANIZATION PLAN NO. 5 OF 1961

Mr. DIRKSEN submitted a resolution (S. Res. 158) opposing Reorganization Plan No. 5 of 1961, which was referred to the Committee on Government Operations.

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

ADMISSIBILITY OF VOLUNTARY ADMISSIONS AND CONFESSIONS IN CERTAIN CRIMINAL PROCEEDINGS

Mr. ERVIN. Mr. President, on behalf of the senior Senator from Arkansas [Mr. MCCLELLAN], the senior Senator from Mississippi [Mr. EASTLAND], the senior Senator from South Carolina [Mr. JOHNSTON], the senior Senator from Virginia [Mr. BYRD], and myself, I introduce for appropriate reference a bill

to make voluntary admissions and confessions in criminal proceedings and prosecutions in the courts of the United States and the District of Columbia admissible against defendents.

Mr. President, the rising tide of crime within the District of Columbia points up once again the need for legislation to clarify the Supreme Court ruling of 1957 in the *Mallory* case (354 U.S. 449). That ruling, as you will recall, held inadmissible the voluntary statement of a convicted and self-confessed rapist because of the delay in taking him before a committing magistrate. The Court held that a delay of 7½ hours in arraigning the prisoner violated rule 5(a) of the Federal Rules of Criminal Procedure which requires that an arrested person be taken before a committing officer without "unnecessary delay."

The Mallory ruling and the decision in the earlier case of *McNabb* v. *United States* (318 U.S. 332), have resulted in abolishing an old and fundamental rule of evidence regarding the admissibility of a confession. Prior to these decisions, the sole test of the admissibility of a confession was whether it was made voluntarily. Under this rule, if a confession was freely and voluntarily made, it was deemed to be trustworthy. Of course, if there was a showing that delay itself constituted sufficient inducement to elicit an involuntary confession, the court would adjudge such confession inadmissible. But, the point is, that mere delay in itself was not enough to invalidate a confession.

In the Mallory case, time alone was the deciding factor. There was no showing that any duress was used in extracting the confession from the prisoner. Indeed, there was no allegation on the part of the prisoner that any force whatever was used to get him to confess to the crime. There was nothing to indicate that the confession was anything but voluntarily given. But, despite the voluntary nature of the confession and despite the fact that the confession was substantiated by all the facts of the crime charged to the prisoner, it was invalidated merely by the passage of time.

Mr. President, I contend that to apply time alone as the test of admissibility of a confession is both unsound and unreasonable. It subverts a statute relating to the duty of an arresting officer into a rule of evidence. Because a police officer fails to observe the requirements of rule 5(a) a self-confessed murderer, rapist, or armed robber may be turned loose on society. In other words, the supposed sins of the policeman are visited upon an innocent society.

I submit, Mr. President, that Congress did not intend to throw on the scrapheap the time-honored test of voluntariness as to the admissibility of a confession when it approved the promulgation of the Federal Rules of Criminal Procedure. I submit that Congress had no intention of loosing convicted murderers and rapists upon a hapless public merely because a police officer failed to take a prisoner before a committing magistrate before the lapse of 7½ hours.

As chairman of the Subcommittee on Constitutional Rights, Mr. Chairman, I am not unmindful of the many protections which the Constitution of the United States bestows upon persons accused of crimes. But, in the words of Judge Alexander Holtzoff, U.S. district judge for the District of Columbia, who testified at subcommittee hearings on the subject of "Confessions and Police Detention," in 1958:

> We must bear in mind that the purpose of the criminal law is to protect the public. On the one hand, it is essential that no innocent person be convicted of a crime and that oppressive methods be not used against the guilty. On the other hand, it is equally indispensable that victims of a crime and potential victims of possible future crimes receive protection. The victim must not become a forgotten man. As was said by Mr. Justice Cardozo in *Snyder* v. *Massachusetts* (291 U.S. 97, 122), "Justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true."

In considering the effect of the Mallory decision, Mr. President, we should keep in mind that the Supreme Court did not base its decisions on any constitutional issue. It did not suggest that to admit Mallory's confession into evidence would be a violation of due process. The Court based its decision on its interpretation of the will of Congress as expressed in rule 5(a) of the Federal Rules of Criminal Procedure. I do not believe that the Court has correctly interpreted the will and intent of Congress in this matter. It is for this reason that I introduce, for appropriate reference, a bill to make voluntary admissions and confessions admissible in criminal proceedings and prosecutions in the courts of the United States and the District of Columbia. I ask unanimous consent that the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2067) to make voluntary admissions and confessions admissible in criminal proceedings and prosecutions in the courts of the United States and the District of Columbia, introduced by Mr. ERVIN (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,* That, notwithstanding the provisions of rule 5 of the Rules of Criminal Procedures for the United States District Courts or any other rule or statute of like purport, a voluntary admission or a voluntary confession of an accused shall be admissible against him in any criminal proceeding or prosecution in the courts of the United States or of the District of Columbia, and the finding of the trial court in respect to the voluntariness of the admission or confession shall be binding upon any reviewing court in the event it is supported by substantial evidence.

REDUCTION OF OIL DEPLETION ALLOWANCE AND REDUCTION OF MAXIMUM EFFECTIVE RATE LIMITATION ON INDIVIDUAL INCOME TAXES

Mr. WILLIAMS of Delaware. Mr. President, on behalf of the Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mrs. SMITH], and myself, I introduce for appropriate reference a bill, the purpose of which is to reduce the oil depletion allowance over a 3-year period from 27½ to 20 percent and simultaneously to reduce the maximum effective rate limitation on individual income taxes from its present 87 to 60 percent. Under the bill the changes would be made as follows:

Beginning January 1, 1962, the oil depletion allowance would be reduced from 27½ to 25 percent. This would produce a revenue gain of $75 million over present law. On that same date, January 1, 1962, the overall limitation on individual income taxes would be reduced from 87 to 75 percent. This latter action would result in a loss in revenue of $25 million and, taken together, would leave the Treasury Department with a net gain of $50 million for this year.

Effective January 1, 1963, the oil depletion allowance would be further reduced from 25 to 22½ percent, and simultaneously the effective rate limitation on individual income taxes would be reduced from 75 to 65 percent. The reduction in the oil depletion allowance from 27½ to 22½ percent would bring the revenue gain to $160 million against a loss in revenue of $80 million as the result of reducing the effective rate limitation of individual taxes from 87 to 65 percent. Thus the Government during the taxable year in which the second adjustment is made would gain $80 million in revenue.

The third year, beginning with January 1, 1964, the depletion allowance on oil would be reduced another 2½ percent, bringing it to 20 percent, and on that date the maximum effective rate limitation on individual income taxes would be reduced to 60 percent. Reducing the oil depletion allowance from 27½ to 20 percent would provide an estimated revenue gain of $250 million annually. Reducing the maximum effective rate limitation on individual incomes from its present 87 percent to 60 percent would result in a loss in revenue of $130 million annually, leaving the Treasury with a revenue gain of $120 million.

Thus we find that these two long overdue corrections in our basic revenue laws can be made, and still the Government after taking both into consideration would have an increased revenue of $120 million annually.

I recognize and respect the oil industry as one of the important segments of our American free enterprise system, but the 27½-percent oil depletion rate is too high. This rate was established at a time when our maximum corporate rates and the maximum individual income tax rates were both well below 20

percent and at a time when the cost of operating our Government was only about 3 percent of what it is today.

With the corporate rate now fixed at 52 percent and individual rates running as high as 87 percent, I do not think the oil industry is paying its proportionate part of the $80 billion annual budget.

On the other hand, to allow the U.S. Government to take 87 percent of a taxpayer's income is confiscatory; furthermore, it retards the growth and expansion of the American private enterprise system. Evidence that this rate has been advanced beyond the point of diminishing returns is borne out by the fact that reducing the effective rate limitation from 87 to 60 percent would result in a revenue loss of only $130 million annually.

These two proposed changes are being coupled together since they both deal largely with incomes of taxpayers in the upper brackets. Taken together, both corrections can be made and the Federal Treasury still can pick up an additional $120 million in revenue from an industry which under existing law is not paying its proportionate part of the operating costs of the Government.

In introducing the bill, it is recognized that legislation of this nature must originate in the House or be offered as an amendment to some revenue measure previously enacted in the House. Therefore, this proposal will be resubmitted as an amendment to the first appropriate revenue-producing measure which comes before us. I do not consider either the Federal-aid highway bill, H.R. 6713, which has a revenue-producing section, or the bill to extend the excise and corporate tax rates beyond the June 30 deadline, H.R. 7446, as appropriate measures for this amendment, but there will be other bills to which this can be offered.

Mr. President, I ask unanimous consent to have printed as a part of my remarks a letter dated June 7, 1961, signed by Colin F. Stam, Chief of Staff of the Joint Committee on Internal Revenue Taxation, in which he outlines the loss in revenue from the successive changes in the maximum effective rate limitations as well as the gains in revenue which will result in the three reductions in the oil and gas depletion rates.

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

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, June 7, 1961.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: As you requested the staff has prepared a draft of an amendment (attached) to reduce the overall maximum limitation on individual income tax from 87 percent at present to 60 percent over a 3-year period, and to lower the rate of percentage depletion in the case of oil and gas wells from 27½ percent at present to 20 percent, also over a 3-year period.

With respect to the overall limitation on individual income taxes, the draft provides for a three-step reduction, at 1-year intervals, commencing in 1962. For taxable years beginning in 1962, the rate would be 75 percent; for taxable years beginning in 1963, the rate would be 65 percent; and for taxable years beginning in 1964 and thereafter, the limitation would be 60 percent. The staff estimates that these changes in the overall limitation would cause a reduction in revenues to the Federal Government in the amounts shown in the following table:

Revenue loss
[In millions]

Maximum effective rate limitation, percent:	
75	$25
65	80
60	130

The draft also provides for a three-step reduction in the 27½-percent depletion allowance for oil and gas, at 1-year intervals, commencing in 1962. Under the draft, for taxable years beginning in 1962, the rate would be 25 percent; for taxable years beginning in 1963, the rate would be 22½ percent; and for taxable years beginning in 1964 and thereafter, the rate would be 20 percent.

It is extremely difficult to estimate the effect of small changes in the depletion rate for oil and gas, because we do not have the data we need concerning the present effect of the 50-percent limitation, and because the data on depletion claimed on individual income tax returns is incomplete. Consequently, our estimates for your proposal are rough.

Tax year	Proposed depletion rate for oil and gas	Estimated revenue gain over present law
	Percent	*Million*
1962	25	$75
1963	22½	160
1964	20	250

I hope this will be helpful to you.

Sincerely yours,

COLIN F. STAM,
Chief of Staff.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2069) to further amend the Internal Revenue Code of 1954, as amended, introduced by Mr. WILLIAMS of Delaware (for himself, Mr. AIKEN, and Mrs. SMITH of Maine), was received, read twice by its title, and referred to the Committee on Finance.

DISALLOWANCE TO TURNCOATS OF RECOVERY OF BACK PAY AND ALLOWANCES

Mr. CASE of South Dakota. Mr. President, I introduce for appropriate reference a bill which will make it unnecessary to pay soldiers who become turncoats hereafter. This situation was brought into focus by the decision of the Supreme Court in the case of Bell against United States, handed down on May 22, 1961.

Regardless of the correctness of that particular decision from a legal standpoint, I am sure that to permit a turncoat to recover backpay during the time when he had defected to the enemy is, as Chief Judge Jones, fo the U.S. Court of Claims, stated, "to put a premium on dishonor."

The decision of the U.S. Supreme Court which permits the awarding of military backpay was a tribute to the objectivity of our traditional system of justice; but to continue the legality would make a mockery of the principles of loyalty and devotion to the country that we all hold dear.

The bill I am introducing, of course, could not have a retroactive effect. I would hope that legislation applying prospectively would never have need for application, but we must recognize that this situation could recur, and it would be folly not to take positive action to avoid liability for pay to turncoats in the future.

I hope that the bill can be given early consideration.

Mr. President, I ask unanimous consent that the text of the decision of the Supreme Court in the case of Bell and others against United States, delivered on May 22, 1961, be printed at this point in the RECORD. I do not ask that the footnotes be printed, but that the decision itself, as delivered by Mr. Justice Stewart, be printed.

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

Mr. Justice Stewart delivered the opinion of the Court.

The petitioners were enlisted men in the U.S. Army who were captured during the hostilities in Korea in 1950 and 1951. In the prison camps to which they were taken they behaved with utter disloyalty to their comrades and to their country. After the Korean armistice in the summer of 1953 they refused repatriation and went to Communist China. They were formally discharged from the Army in 1954. In 1955 they returned to the United States. Later that year they filed claims with the Department of the Army for accrued pay and allowances. When these claims were denied they brought the present action in the Court of Claims for pay and allowances from the time of their capture to the date of their discharge from the Army. The Court of Claims decided against them, stating that "[n]either the light of reason nor the logic of analysis of the undisputed facts of record can possibly justify the granting of a judgment favorable to these plaintiffs" (181 F. Supp. 668, 674). Judge Madden dissented. We granted certiorari to consider a seemingly important statutory question with respect to military pay (363 U.S. 837).

The Court of Claims made detailed findings of fact with respect to the petitioners' conduct as prisoners of war, based upon a stipulation filed by the parties. These circumstances need not be set out in minute detail. They are adequately summarized in the opinion of the Court of Claims, as follows:

"[D]uring the period of their confinement each of the three plaintiffs became monitors for the 'forced study groups,' the sessions of which the prisoners were compelled to attend. Armed guards attended these sessions. The programs included lectures picturing what were declared to be the bad aspects of life in the United States as contrasted with idyllic life under communism. As monitors, they procured and distributed propaganda literature, and threatened to turn in names of any prisoners who refused to read and discuss favorably these propaganda handouts.

"Each of the plaintiffs made tape recordings which were used as broadcasts and over the camp public address system. Each of

them wore Chinese uniforms and were permitted to attend meetings outside the camp. The details of the plaintiffs' consorting, fraternizing, and cooperating with their captors and the devious ways in which they sought favors for themselves, thus causing hardship and suffering to the other prisoners, are set out in our findings. * * *

"Two of Bell's recordings were broadcast over the Peiping radio, stating among other things that on the orders of his platoon leader, his men had killed North Korean prisoners of war, and that President Truman was a warmonger. In written articles for the camp newspaper he alleged that American troops had committed atrocities and he personally had been ordered to kill women and children and not to take prisoners of war, and that if given the opportunity he would run a tank over the President's body.

"Bell was paid money to write these articles. He also delivered lectures before his company and to the camp on American aggression. He appeared voluntarily in a motion picture and appeared in bimonthly plays. He stated that if given a weapon he would fight against the United States. He sold food intended for the sick to other prisoners of war. By making reports to the Chinese, he caused one man to be bayonetted and others to be placed in solitary confinement.

"Cowart did many similar things, wrote propaganda articles accusing American soldiers of atrocities and of using germ warfare. He drew posters and cartoons for the enemy, acted in plays, walked and talked with the Chinese officers, guards, and interpreters, lived part of the time at Chinese regimental headquarters, stated he hated America, desired to study in China and to return to the United States in 5 years to help in the overthrow of the Government.

"Griggs did many similar things, attended enemy parties, visited Chinese headquarters frequently, referred to the Chinese as comrades, was accorded special privileges, made broadcasts, signed leaflets, wrote articles accusing the American soldiers of atrocities and declared the United States had used germ warfare."

As stated in their brief, the petitioners "do not admit to the alleged acts of dishonor contained in the stipulation and the findings of fact, but rather demur to them on the grounds that such facts are irrelevant and immaterial in a civil action for military pay provided by statute." The statute upon which the petitioners rely is an ancient one. It was first enacted in 1814 and has been reenacted many times. It provides:

"Every noncommissioned officer and private of the Regular Army, and every officer, noncommissioned officer, and private of any militia or volunteer corps in the service of the United States who is captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled while in the actual service of the United States; but this provision shall not be construed to entitle any prisoner of war of such militia corps to any pay or compensation after the date of his parole, except the traveling expenses allowed by law" (37 U.S.C. 242).

Although the plain language of this law appears to entitle the petitioners to their Army pay and allowances during their imprisonment in Korea, the Government has urged various grounds upon which we should hold that the provisions of the statute are inapplicable. We have concluded that none of the theories advanced by the Government can serve as a valid basis to circumvent the unambiguous financial obligation which the law imposes.

The Army's refusal to pay the petitioners was based upon an administrative determination that all prisoners of war who had declined repatriation after the Korean armistice "advocate, or are members of an organization which advocates, the overthrow of the U.S. Government by force or violence." In refusing to honor the petitioners' claims upon this ground, the Army was apparently relying upon a statute enacted in 1939 which made it unlawful to pay from funds appropriated by any act of Congress the compensation of "any person employed in any capacity by any agency of the Federal Government" who was a member of "any political party or organization which advocates the overthrow of our constitutional form of government in the United States." That this statute was the basis of the Army's decision is evident not only in the language employed in rejecting the petitioners' demands, but also in the pleadings filed in the Court of Claims. We need not, however, now decide the applicability of this statute to members of the Armed Forces, for the reason that the statute was repealed more than a year before the Army relied upon it in refusing to pay the petitioners.

Although this was the only ground ever advanced for the administrative denial of the petitioners' claims, the Government's brief in this court, for understandable reasons, does not even mention this repealed statute. Instead, the Government now relies upon other grounds to avoid the provisions of title 37, United States Code, section 242. It says that the petitioners violated their obligation of faithful service, and points to the principle of contract law that "one who willfully commits a material breach of a contract can recover nothing under it (4 Williston, 'Contracts' (1936 ed.), sec. 1022, pp. 2823–2834; 5 Williston, 'Contracts' (1936 ed.), sec. 1477; 5 Corbin, 'Contracts' (1951 ed.), sec. 1127, pp. 564–565; see also 'Restatement Contracts,' sec. 357(1)(a))."

In accord with this principle, the Government argues that in the Missing Persons Act, a statute first enacted in 1942, Congress provided a statutory basis for denying the petitioners' claims. We do not so construe that statute.

Preliminarily, it is to be observed that common-law rules governing private contracts have no place in the area of military pay. A soldier's entitlement to pay is dependent upon statutory right. In the Armed Forces, as everywhere else, there are good men and rascals, courageous men and cowards, honest men and cheats. If a soldier's conduct falls below a specified level he is subject to discipline, and his punishment may include the forfeiture of future but not of accrued pay. But a soldier who has not received such a punishment from a duly constituted court-martial is entitled to the statutory pay and allowances of his grade and status, however ignoble a soldier he may be.

This basic principle has always been recognized. It has been reflected throughout our history in numerous court decisions and in the opinions of Attorneys General and Judge Advocates General. "Enlistment is a contract; but it is one of those contracts which changes the status; and, where that is changed, no breach of the contract destroys the new status or relieves from the obligations which its existence imposes. By enlistment the citizen becomes a soldier. His relations to the State and the public are changed. He acquires a new status, with correlative rights and duties; and although he may violate his contract obligations, his status as a soldier is unchanged," (*In re Grimely* (137 U.S. 147, 151, 152)).

Almost 100 years ago Attorney General Hoar rendered an opinion to the Secretary of War regarding the right to pay of a Major Herod, who had been charged with murder, arrested, tried by a court-martial and sentenced to be hung. The Attorney General stated:

"It was not expressly a part of the sentence that Herod should forfeit his pay from the date of his arrest, and I know of no staute imposing a forfeiture of pay from the date of arrest in a case like this of Herod's. The sentence that he be hung necessarily implied a dismissal from the service, but not, as it seems to me, the forfeiture of backpay. I can find no authority for the opinion of the Comptroller that, as Herod was withdrawn from actual military service by his arrest made on acount of a crime committed by him, on the general principle that pay follows services, he should not be paid for the time he was under arrest. The monthly pay of officers of the Army is prescribed by statute, and so long as a person is an officer of the Army he is entitled to receive the pay belonging to the office, unless he has forfeited it in accordance with the provisions of law, whether he has actually performed military service on not" (13 Op. Atty. Gen. 103, 104).

A similar opinion was rendered by Attorney General Alphonso Taft a few years later. He rejected the theory of the second Comptroller of the Treasury that "[i]f the man, by his misconduct and necessary withdrawal from service, does not perform his part of the contract, the Government cannot be held to the fulfillment of its part thereof." The Attorney General said:

"The Comptroller has, I think, misconceived the true basis of the right to [military] pay. * * * In the naval, as in the military service, the right to compensation does not depend upon, nor is it controlled by, 'general principles of law'; it rests upon, and is governed by, certain statutory provisions or regulations made in pursuance thereof, which specially apply to such service. These fix the pay to which officers and men belonging to the Navy are entitled; and the rule to be deduced therefrom is that both officers and men become entitled to the pay thus fixed so long as they remain in the Navy, whether they actually perform service or not, unless their right thereto is forfeited or lost in some one of the modes prescribed in the provisions or regulations adverted to" (15 Op. Atty. Gen. 175, 176).

This principle has received consistent recognition in the Court of Claims. "It would, we think, be an anomalous proceeding to permit resort to the courts to ascertain whether, under all the various provisions with respect to pay and allowances of officers and men of the Army, Navy, and Marine Corps, investigations should obtain to determine as a matter of fact whether the soldier involved had by conscientious service earned what the statutes allow him" (*White* v. *United States*, 72 Ct. Cl. 459, 468). "[T]he mere fact that an officer or soldier is under charges does not deprive him of his pay and allowances, * * * such forfeiture can only be imposed by the sentence of a lawful court-martial" (*Walsh* v. *United States*, 43 Ct. Cl. 225, 231).

The statute upon which the petitioners rely applies this same principle to a specialized situation. A serviceman captured by the enemy and thus unable to perform his normal duties is nonetheless entitled to his pay. The rule has commanded unquestioned adherence throughout our history, as two cases will suffice to illustrate.

In 1807 a sailor named John Straughan was a member of the crew of the American frigate *Chesapeake*. After that vessel's illstarred engagement with the British man-of-war *Leopard* off Hampton Roads, Straughan was taken aboard the *Leopard* and impressed into service in the British Navy. There he served for 5 years and 9 days before he finally was repatriated. Years later his widow sued for his pay and rations as a member of the U.S. Navy during the period he had been held by the British. The Court of Claims ruled that, even though we had not been at war in 1807, the *Chesapeake* had nevertheless been taken by an enemy, and that Straughan's widow was en-

titled to the U.S. Navy pay and allowances that had accrued while he was serving with the British (*Straughan* v. *United States*, 1 Ct. Cl. 324).

In October 1863, a lieutenant in the Union Army named Henry Jones was taken prisoner by Confederate guerrillas near Elk Run, Va. Jones was confined in Libby Prison until March 1, 1865, when he was exchanged and returned to the Union lines. Upon his return he found that he had been administratively dismissed from the service in November 1863, because he had been in disobedience of orders at the time of his capture. When the Army for that reason refused his demand for pay and allowances, he filed suit in the Court of Claims. The court entered judgment in his favor, stating that "[t]he contrary would be to hold that an executive department could annul and defy an act of Congress at its pleasure" (*Jones* v. *United States*, 4 Ct. Cl. 197, 203).

It is against this background that we turn to the Government's contention that the Missing Persons Act authorized the Army to refuse to pay the petitioners their statutory pay and allowances in this case. The provisions of the act which the Government deems pertinent are set out in the margin. Originally enacted in 1942 as temporary legislation, the act was amended and reenacted several times, and finally was made permanent in 1957. So far as relevant here, this legislation provides that any person in active service in the Army "who is officially determined to be absent in a status of captured by a hostile force" is entitled to pay and allowances; that "[t]here shall be no entitlement to pay and allowances for any period during which such person may be officially determined absent from his post of duty without authority; that the Secretary of the Army or his designated subordinate shall have authority to make all determinations necessary in the administration of the act, and for purposes of the act determinations so made as to any status dealt with by the act shall be conclusive.

We are asked first to hold that "[s]ince the Missing Persons Act is later in time, is comprehensive in scope, and includes within its provisions the whole subject matter of Revised Statutes 1288 [the statute upon which the petitioners rely], any inconsistency or repugnancy between the two statutes should be resolved in favor of the Missing Persons Act." This step having been taken, we are asked to decide that the petitioners, because of their behavior after their capture, were no longer in the "active service in the Army * * * of the United States," and that they were therefore not covered by the act. It is also suggested, alternatively, that the Secretary of the Army might have determined that each of the petitioners after capture was "absent from his post of duty without authority," and, therefore, not entitled to pay and allowances under the act. We can find no support for these contentions in the language of the statute, in its legislative history, or in the Secretary's administrative determination.

The Missing Persons Act was a response to unprecedented personnel problems experienced by the Armed Forces in the early months after our entry into the Second World War. Originally proposed by the Navy Department, the legislation was amended on the floor of the House to cover the other services. As the committee reports make clear, the primary purpose of the legislation was to alleviate financial hardship suffered by the dependents of servicemen reported as missing.

To hold that the Missing Persons Act operated to repeal the statute upon which the petitioners rely would be a long step to take, for at least two reasons. In the first place, the record of the hearings of the Senate Committee on Naval Affairs clearly discloses that at the time the Missing Persons Act was being considered, the committee was made fully aware of the 1814 statute, and manifested no inclination to disturb it. Secondly, it is not entirely accurate to say, as does the Government, that the Missing Persons Act is "later in time." After the original passage of that act in 1942, the statute upon which the petitioners rely was recodified in 1952 and again in 1958.

But the question whether there was a repeal by implication is one that we need not determine here, for it is clear that under either statute the petitioners are entitled to the pay and allowances that accrued during their detention as prisoners of war. The Missing Persons Act unambiguously provides that any person "in the active service * * * officially determined to be absent in a status of * * * captured by a hostile force * * * [is] entitled to receive or to have credited to his account the same * * * pay [and allowances] to which he was entitled at the beginning of such period of absence. * * *" It affirmatively appears on this record that the petitioners were in the active service of the Army, that they were in fact captured by the enemy, and that they were later officially determined to be "absent in a status of * * * captured by a hostile force." The terms of the Missing Persons Act are therefore expressly applicable.

The argument that it was open to the Secretary of the Army to determine that the petitioners in the prison camps to which they were taken were thereafter "not in the active service" cannot survive even cursory analysis. In the Armed Forces the term "active service" has a precise meaning, a meaning not dependent upon individual conduct (10 U.S.C. 101). Moreover, the verbal structure of the act, reenforced by common sense, clearly leads to the conclusion that "active service" refers to a person's status at the time he became missing. Nothing in the legislative history of the original statute or of its many reenactments offers support for any other construction. That history simply reflects a continuing purpose to widen the classes of persons to whom the benefactions of the law were to be extended, from the time those persons became missing.

The Government's alternative argument seems, as a matter of statutory construction, equally invalid. The legislative history discloses that the provision denying pay to a person officially determined to have been "absent from his post of duty without authority" was enacted to cover the case of a person found to have been "missing" in the first place only by reason of such unauthorized absence. Moreover, desertion and absence without leave are technically defined offenses (10 U.S.C. 885, 10 U.S.C. 886; see Manual for Courts-martial, United States, p. 315 (1951)). It is open to serious question whether the conduct of the petitioners after their capture could conceivably have been determined to be tantamount either to desertion or absence without leave (see Avins, Law of AWOL, p. 167 (1957); Snedeker, Military Justice Under the Uniform Code, p. 562 (1953)).

These are questions which we need not, however, pursue. We need not decide in this case that the Secretary of the Army was wholly without power under the statute to determine administratively that the petitioners after their capture were no longer in active service, or that they were absent from their posts of duty. Nor need we finally decide whether either such determination by the Secretary would have been valid as a matter of law. The simple fact is that no such administrative determination has ever been made. The only reason the Army ever advanced for refusing to pay the petitioners was its determination that they had "advocated, or were members of an organization which advocated, * * * the overthrow of the U.S. Government by force of violence." That determination has now been totally abandoned. The Army has never even purported to determine that the petitioners were not in active service or that they were absent from their posts of duty. The Army cannot rely upon something that never happened, upon an administrative determination that was never made, even if it be assumed that such a determination would have been permissible under the statute and supported by the facts. (See *Service* v. *Dulles*, 354 U.S. 363; *Vitarelli* v. *Seaton*, 359 U.S. 535.) For these reasons we hold that the petitioners were entitled under the applicable statutes to the pay and allowances that accrued during their detention as prisoners of war.

Throughout these proceedings no distinction has been made between the petitioners' pay rights while they were prisoners and their rights after the Korean armistice when they voluntarily declined repatriation and went to Communist China. Since both the Army and the Court of Claims denied the petitioners' claims entirely, no separate consideration was given to the petitioners' status after their release as prisoners of war until the date of their administrative discharges. Nor did the petitioners in this court address themselves to the question of the petitioners' rights to pay during that interval. Yet, it is evident that the petitioners' status during that period might be governed by considerations different from those which have been discussed. Other statutory provisions and regulations would come into play. Accordingly we express no view as to the petitioners' pay rights for the period between the Korean armistice and their administrative discharges, leaving that question to be fully canvassed in the Court of Claims, to which in any event this case must be remanded for computation of the judgments.

The disclosure of grave misconduct by numbers of servicemen captured in Korea was a sad aftermath of the hostilities there. The consternation and self-searching which followed upon that disclosure are still fresh in the memories of many thoughtful Americans. The problem is not a new one. Whether the solution to it lies alone in subsequent prosecution and punishment is not for us to inquire. Congress may someday provide that members of the Army who fail to live up to a specified code of conduct as prisoners of war shall forfeit their pay and allowances. Today we hold only that the Army did not lawfully impose that sanction in this case.

The judgment is reversed, and the case is remanded for further proceedings consistent with this opinion.

Reversed and remanded.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2071) to amend title II of the Career Compensation Act of 1949 so as to provide that members of the Armed Forces who engage voluntarily in any activity or conduct while a prisoner of war which results in the giving of aid or comfort to an enemy of the United States shall not be entitled to receive any pay or allowances from the United States, introduced by Mr. CASE of South Dakota, was received, read twice by its title, and referred to the Committee on Armed Services.

REVISION OF CONGRESSIONAL CONTEMPT PROCEDURES

Mr. KEATING. Mr. President, yesterday's decision of the Supreme Court reversing the contempt of Congress conviction of Bernard Deutch emphasizes

again the need for new procedures in contempt cases.

It is evident that the courts are reviewing these cases under very strict standards. Moreover, years can elapse between the time the issue arises in the course of a committee investigation and the time it is resolved by the courts. Bernard Deutch refused to answer the questions involved in his case in 1954—and now, 7 years later, we finally learn that the questions were not pertinent to the committee's inquiry.

For some time I have sponsored a bill to improve the existing procedures. My bill would expedite the hearing and disposition of such cases, avoid the necessity of criminal charges against witnesses whose refusal to answer is justified, and aid the committees of Congress in obtaining information they should have at the time it is required.

Under the present law, if a witness refuses to appear or to testify before an investigating committee, the particular subcommittee must make a report to the full committee, the full committee must then report the matter to the Senate or House. The legislative body must then resolve to cite the witness for contempt, after which the President of the Senate or the Speaker of the House, as the case may be, must refer the matter to a U.S. attorney, who in turn must present the case as a criminal matter to a Federal grand jury. If an indictment is returned, a full-scale trial in a Federal district court must follow. Finally, months, or sometimes even years later, there may be a conviction and punishment. Meanwhile, in most instances, the original investigation has been closed without ever having obtained the testimony for which the witness was originally called.

My proposal would greatly improve the complicated and time-consuming procedures under the present law by authorizing immediate resort to the courts for aid in requiring the attendance and testimony of a reluctant witness. Under the provisions of the bill, when a witness refuses to testify before a congressional committee, he could be required to appear that very same day in the district court in whose jurisdiction the investigation is being conducted. Upon his appearance before the court, the witness would be subject to judicial jurisdiction, and a further refusal to testify in accordance with the order of the court would be punishable as a contempt of court. This procedure should bring home to a witness that he could immediately be punished for contempt if he decides, without justification, not to testify before a committee of Congress. At the same time, if the witness is justified in refusing to testify, his vindication will be prompt and he will be spared the opprobrium of a criminal prosecution.

Two other cases of rather recent origin served to highlight the need for congressional action in this area. One example is the prosecution of Austin Tobin, Executive Director of the Port of New York Authority, for refusing to produce some of the records of his agency before the House Judiciary Committee. His refusal was based entirely on jurisdictional grounds. A procedure such as I have outlined would have enabled an expeditious resolution by the courts of the issue without the necessity for criminal proceedings.

Another recent case involved Dr. Linus Pauling, a Nobel Prize physicist, who was called before the Senate Internal Security Subcommittee to testify about the circulation of petitions calling for an immediate ban on nuclear testing. Dr. Pauling refused to tell the subcommittee the names of the people who helped him to circulate the petitions. He did so on the grounds that the information was not pertinent to the congressional inquiry. In the Pauling case, contrary to that of Mr. Tobin, no contempt citation was sought. If a similar course had been followed, Dr. Pauling would have been involved in a seemingly unending legal controversy with the U.S. Government. Had my proposal been the law at the time of Dr. Pauling's hearing, the matter might have been resolved by an appearance in the Federal district court and a ruling by an impartial Federal judge. In neither the Port Authority case nor the case of Dr. Pauling has the information requested been supplied.

In individual views I presented as a part of the Internal Security Subcommittee's report on Dr. Linus Pauling, I emphasized that the main effect of this procedure would be to restrain unauthorized inquiries and to facilitate compliance with proper legislative demands for information. I fully recognize that there may be occasions where the Congress has absolutely no right to elicit information from a witness. At the same time there may be other occasions where witnesses refuse to cooperate with the Congress because they are well aware of the delay and cumbersome procedure used to obtain contempt citations and final judgments in these matters.

It is my firm belief that this proposed legislation represents a forward step in the safeguarding of the rights of citizens by leaving it up to a court and not each committee to finally determine whether certain questions that might be asked are material, relevant, pertinent to the inquiry and legislative purpose, and do not deprive any witness of his constitutional rights. The net effect of this procedure would be to fully comply with the language of the Supreme Court of the United States in *Watkins* v. *United States* (354 U.S., 178), where the Court said:

> It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. It is their unremitting obligation to respond to subpenas, to respect the dignity of the Congress and its committees, and to testify fully with respect to matters within the province of proper investigation. This, of course, assumes that the constitutional rights of witnesses will be respected by the Congress as they are in a court of justice. The Bill of Rights is applicable to investigations as to all forms of governmental action. Witnesses cannot be compelled to give evidence against themselves. They cannot be subjected to unreasonable search and seizure. Nor can the first amendment freedom of speech, press, religion, or political belief and association be abridged.

The courts even now must ultimately decide the question of whether a witness' appearance is necessary and in line with the proper legislative functions of the Congress. The procedure that I have just outlined would serve to expedite the determination of this question without intolerable delay and the imposition of criminal liability.

Mr. President, in the past, I have often pointed out the need for constructive and positive congressional action to correct inadequacies in our laws brought to light by court decisions. Whether the courts have been right or wrong on the facts in a particular case becomes a question of academic interest. The important thing for us to consider is that when a weakness appears in the effectiveness of Federal laws, it is the responsibility of the Congress to act in a manner which will be in the best interests of the American people. Early consideration of this proposal by the Senate would be most helpful in removing some of the unreasonable obstacles which now impede congressional investigations.

Mr. President, I introduce for appropriate reference a bill to prescribe a method by which the Congress may invoke the aid of the courts in compelling the testimony of witnesses. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2074) to prescribe a method by which the Houses of Congress and their committees may invoke the aid of the courts in compelling the testimony of witnesses, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) either House, any committee or subcommittee of either House, and any joint committee of the two Houses of Congress may, by an affirmative vote of a majority of its actual membership, invoke the aid of the United States district courts in requiring the attendance and testimony of witnesses and the production of evidence, in furtherance of any inquiry such House, committee, subcommittee, or joint committee is authorized to undertake.

(b) The United States district court for the district within which the inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person by either House, any committee or subcommittee of either House, or any joint committee of the two Houses of Congress, issue an order requiring such person to appear (and to produce evidence if so ordered) and give evidence relating to the matter in question before such House, committee, subcommittee, or joint committee, as the case may be; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(c) Attorneys of the Department of Justice shall furnish legal assistance in invoking the aid of the United States district courts under subsection (a) to either House, or any committee, subcommittee, or joint committee which requests it.

ADMISSION INTO THE UNITED STATES OF ORPHAN CHILDREN

Mr. DIRKSEN. Mr. President, on the 30th of this month the act of September 11, 1957, which deals with the admission of orphan children, will expire. Under that act I believe roughly 9,000 of such orphan children have been admitted. Those who are administering the program hope and desire that the admissions may be continued for at least another year. So I propose directly a joint resolution that would amend the act so as to make the act terminate on June 30, 1962.

There is a second section in the proposal which deals with those who have been granted visas in some cases and then could not enter because of a tubercular condition, if they are members of a family, all of whom would otherwise be admitted.

That act, which made possible special dispensation for cases of that kind, also expires on June 30, 1961. The joint resolution that I now introduce for appropriate reference would extend the Act until June 30, 1962.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 103) to amend sections 4(a) and 6 of the Immigration and Nationality Act of September 11, 1957, as amended, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on the Judiciary.

DISAPPROVAL OF REORGANIZATION PLAN NO. 5 OF 1961

Mr. DIRKSEN. Mr. President, I submit, for appropriate reference, a resolution that the Senate does not favor Reorganization Plan No. 5 transmitted to the Congress by the President on May 24, 1961. As the Members of the Senate know this reorganization plan for the NLRB will become effective 60 days after it was transmitted to the Congress, unless it is disapproved by a vote of either House.

At this time, I should like to call the attention of the Senate to two features of this reorganization plan, though there are other aspects of the plan which the Members of the Senate will also undoubtedly wish to consider carefully and to debate at the time that the plan is considered by the Senate.

The first point I would like to raise is common to all of the five reorganization plans transmitted up to this time to the Congress by the President. Each of these plans would permit the legislative function of each of the agencies to be redelegated by the agency. I believe that this should be most carefully considered by every Member of the Senate. When the Congress created these agencies and delegated its own legislative function to them, it retained the safequard that this delegated power would be exercised by a group of men who were not only selected and nominated by the President but also confirmed by the Senate after an opportunity to judge them carefully. The power which the agencies have over the life of every citizen is very vast and the Congress has thought it appropriate to study carefully the qualifications of the men who would exercise this delegated power.

However, this Reorganization Plan No. 5, and the other reorganization plans, provide that the vast legislative powers of this Government as they have been delegated to the particular agencies may be exercised by men who have been subjected to no scrutiny whatsoever, except perhaps by the personnel officer of an agency or his subordinate. The Constitution granted the legislative power to the Congress and Congress delegated a portion of that power to individuals who were approved by the Senate. I do not believe that the Members from either side of the aisle in this House would wish to see that legislative power exercised, instead, by any agency employee with unknown qualifications hired by some unknown man or by some unknown process.

The second point which I wish to emphasize at this time concerns the decisions in individual matters. As I have said before on the floor of the Senate and in my individual views in the reports of the Subcommittee on Administrative Practice and Procedure, of which I am a member, I believe, after a long and careful study, that the volume of administrative matters now before the various agencies has reached such proportions that it is no longer possible for the agency members to make the decision in each case. The duty of deciding cases must be delegated. If this decisionmaking duty is delegated by the agency, however, I believe that the parties should have a right of review by the agency.

This right of a party to have a review of the decision made by a subordinate is taken away by the reorganization plans. To be sure, the plans retain for the agency the right to review a matter if it so desires, or rather if the majority less one vote for such a review, but the right of the party to a review before the decision becomes final is completely taken away. Now I do not believe that we should permit a party to abuse the right of review, but I believe that the right should exist.

I shall speak at greater length on the various aspects of all the reorganization plans at a later date, but I did wish to call to the attention of the Senate these two features which appear in the NLRB reorganization plan as well as in each of the other reorganization plans: First, that the plans will permit the delegation of the legislation authority to any employee, and second, that the right of a party to have the decision of a hearing officer reviewed by the agency is completely taken away.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 158) was received and referred to the Committee on Government Operations, as follows:

Resolved, That the Senate does not favor the Reorganization Plan Numbered 5 of 1961 transmitted to Congress by the President on May 24, 1961.

ENCOURAGEMENT OF PRIVATE INVESTMENT IN THE DEVELOPMENT OF A STABLE ECONOMY—AMENDMENT

Mr. SMATHERS submitted an amendment, intended to be proposed by him, to the bill (S. 1983) to encourage the flow and utilization of private investment to assist in the development of a stable economy and promote private home ownership, which was referred to the Committee on Foreign Relations and ordered to be printed.

FEDERAL-AID HIGHWAY ACT OF 1961—AMENDMENTS

Mr. JAVITS (for himself, Mr. HUMPHREY, Mr. BUSH, and Mr. KEATING) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 6713) to amend certain laws relating to Federal-aid highways, to make certain adjustments in the Federal-aid highway program, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. DOUGLAS submitted amendments, intended to be proposed by him, to House bill 6713, supra, which were ordered to lie on the table and to be printed.

Mrs. NEUBERGER. Mr. President, I submit an amendment for printing under the rule. This is a proposed amendment to H.R. 6713, which the Senator from Kentucky [Mr. COOPER], I, and other Senators are cosponsoring. We intend to call up the amendment, to extend for 2 more years the existing national policy for regulation of billboards along the Federal Interstate Highway System, for consideration.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment, submitted by Mrs. NEUBERGER (for herself and Senators COOPER, PROUTY, LONG of Hawaii, MUSKIE, GRUENING, YOUNG of Ohio, SCOTT, KUCHEL, FONG, LAUSCHE, CLARK, and JAVITS) to House bill 6713 is as follows:

On page 4, between lines 11 and 12, insert the following:

"SEC. 105. EXTENSION OF TIME FOR AGREEMENTS WITH RESPECT TO AREAS ADJACENT TO THE INTERSTATE SYSTEM.

"Subsection (c) of section 131 of title 23 of the United States Code is amended by striking out '1961' and inserting in lieu thereof '1963'.

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

Mrs. NEUBERGER. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I am very happy that the Senator from Oregon [Mrs. NEUBERGER] has submitted the amendment, which, as the Senator has said, would extend for 2 years the period in which States can take advantage of

the so-called billboard legislation enacted in 1958. I am particularly pleased that the Senator from Oregon [Mrs. NEUBERGER] is following in the tradition of one we knew and loved very much—her husband. We remember the great fight made by the late Senator Neuberger along with the Senator from California [Mr. KUCHEL] for the adoption of the legislation.

Mr. President, I offered the amendment in the Committee on Public Works, and it was defeated on a voice vote. There was not a very large attendance at the meeting that morning. Curiously, since that time it has appeared that a majority of the members of the Committee on Public Works support the amendment.

I wish to say, so that it will be very clear for those who read the RECORD, that the amendment does not propose any change in policy. It would continue the existing policy.

Three States have taken advantage of the legislation. Nine legislatures have passed legislation which will enable the States to take advantage of the 1958 act. Eleven other States have legislation pending before the legislatures.

Contrary to propaganda which has already started, the provisions apply only to the Interstate and Defense Highway Act. There are about 700,000 miles of Federal-aid highway which billboard advertisers can now use.

President Eisenhower recommended the provision. President Kennedy has recommended the extension of the act. I believe that the Senator from Oregon [Mrs. NEUBERGER] will lead a successful fight, as her distinguished husband led the successful fight in 1958.

Mrs. NEUBERGER. Mr. President, I wish to invite to the attention of the Senate the fact that the great State of Kentucky has shown its good judgment in sending a renowned Republican Senator in the person of Senator COOPER to the Senate, and has also passed enabling legislation to enable the State to conform to the Federal highway regulations in respect to signs.

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

Mrs. NEUBERGER. I yield.

Mr. JAVITS. I do not know whether my name is on the amendment, but if the good Senator will allow me to do so I should like to join as a cosponsor of the amendment.

Mrs. NEUBERGER. We shall be honored to include the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be joined as a cosponsor of the amendment.

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

Mr. JAVITS. My State also has passed enabling legislation. I think the Senator is striking a blow for beauty in our country, which is as important as almost anything else we have, in terms of domestic values and for decent respect of the sensibilities of people who use the highways.

I am delighted to join the Senator from Oregon. I join the Senator from Kentucky [Mr. COOPER] in the affirmation that the Senator from Oregon will carry the battle as nobly and ably as did her great husband, who was such a sincere friend of all of us. It will be an honor to join with her, and I hope we shall be victorious.

Mrs. NEUBERGER. I thank the Senator from New York.

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

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

By Mr. COTTON:

Commencement Day Address by Senator BRIDGES at St. Anselm's College, in Manchester, N.H., where he received the degree of honorary doctor of laws.

By Mr. BYRD of West Virginia:

Address delivered by him on June 11, 1961, at a dinner meeting celebrating the 50th anniversary of the Christopher Columbus Lodge of Fairmont, W. Va., setting forth a picture of the impact and influence which Italians of all classes have had on American civilization.

LIPPMANN AND JOHNSON DENOUNCE DESPAIR OF FREE WORLD

Mr. PROXMIRE. Madam President, if there is one sure way to destroy a man or a nation, it is to undermine self-confidence. If we do not believe in ourselves, who is going to believe in us?

Strangely enough, this is exactly what is being done today by some of the finest and most dedicated Americans.

The news from abroad has been bad. Khrushchev has been making advances in Laos and Cuba and elsewhere. But this country is still the most powerful country in the free world. And the free world still has massive superiority over the Communist world, on the basis of every objective criterion: economic power, skilled manpower, and potential military power.

Our only weakness is in willpower. And here, in contradistinction to the fanatic Communist indoctrination in the inevitability of communism, too many Americans—including some of the most fervently patriotic—are shouting that we already have lost most of the world, and even much of America, to the Communists; that the Red march is inevitable and overwhelming.

This is nonsense. Within the last 24 hours, two great voices of freedom have spoken out on this issue—Walter Lippmann and the Vice President of the United States, LYNDON JOHNSON.

In his syndicated column this morning, Mr. Lippmann says in part:

> There are altogether too many of us who in dismay and disappointment are ready to admit that Khrushchev is right in predicting that communism is sweeping the world and that, short of war, we have no means of stopping it.
>
> * * * * *
>
> The root of the error is to equate, instead of to differentiate between the communistic movement which owes allegiance to Moscow and Peiping and the worldwide movements of social reform and social revolution, which almost everywhere seek national independence and nonalinement with the great powers.
>
> Mr. Khrushchev's hope and belief is that he will lead and direct all the reforming and revolutionary movements. We play right into his hands when we identify ourselves with the opponents of change rather than with the leaders of change.

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

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Is there objection?

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

THE FOLLY OF DESPAIR

(By Walter Lippmann)

We have had a run of bad news and the time has come when we must make up our minds whether to face it and learn from it, or to shrink from it into a nervous breakdown with suicidal tendencies. There are altogether too many of us who in dismay and disappointment are ready to admit that Khrushchev is right in predicting that communism is sweeping the world and that, short of war, we have no means of stopping it.

They are like the man who, as an experienced diplomat once put it many years ago, is so worried that he will fall off the top floor of the Empire State Building that he stops the elevator and jumps out of the ninth floor window. I believe this defeatism to be profoundly mistaken and unwarranted. It is based on a misreading and a misunderstanding of what has happened since the Second World War and what is happening now. The root of the error is to equate, instead of to differentiate between, the communistic movement which owes allegiance to Moscow and Peiping and the worldwide movements of social reform and social revolution, which almost everywhere seek national independence and nonalinement with the great powers.

Mr. Khrushchev's hope and belief is that he will lead and direct all the reforming and revolutionary movements. We play right into his hands when we identify ourselves with the opponents of change rather than with the leaders of change.

For those who think that Laos and southeast Asia are "gone" and that like the dominoes all the Asian nations and the Pacific will "go" too, I should like to call attention to Egypt. It was not so many years ago—in fact it was in 1955—when we were told that Egypt and Syria and Iraq, and all the oil of the Persian Gulf, and the Suez Canal, were "gone" or "going." Egypt had gotten arms from Czechoslovakia; it got Soviet help in building the Aswan Dam; it nationalized the Suez Canal, and all was "lost."

Yet look at it now. Syria and Iraq and the Persian Gulf states are not Communist. Egypt continues to put its Communists in jail. Mr. Khrushchev has attacked Egypt publicly. President Nasser is calling a congress of the neutrals who do not take their directions from Moscow. Egypt has played a decisive part in preventing the flow of Soviet arms to the rebels in the Congo.

After Egypt and the Middle East, look at Africa, look at Guinea, which 6 months ago was written off as "gone." It is not gone despite the several hundred Soviet technicians who are there. Probably it is not "gone" in part at least because the Soviet technicians who are there have made themselves so unpopular. In any event the chances are good that Guinea in the end will line up with the rest of independent Africa as a neutral state.

There is now a great likelihood that the whole of north Africa, all the way from Mo-

rocco to Egypt, will take a neutral line, refusing to be dominated by Moscow or to take direction from Paris or Washington.

Moreover, I do not believe that Cuba is "gone," and I have a very strong impression that Mr. Khrushchev does not begin to think Cuba is "gone" as, let us say, Senator SMATHERS thinks it is. For Cuba is as far from Moscow as Laos is from Washington. In time, not necessarily in a very long time, the Cuban revolution will rejoin the community of American States. It will do this because it has no other place to go.

The wave of the future is not Communist domination of the world. The wave of the future is social reform and social revolution driving toward the goal of national independence and equality of personal status. In this historical tendency Mr. Khrushchev will be, as Mr. Alsop tells us he is supposed to have described himself, "the locomotive of history" only if we set ourselves up to be the roadblocks of history.

What is the lesson of all these experiences? At bottom the lesson is that there is, as the President said the other day, a worldwide social upheaval which the Communists did not create but which they hope to capture. If we make our own policy one of opposition to this worldwide movement of social change, we shall lose the cold war and Mr. Khrushchev's hopes will be realized. If, on the other hand, we befriend and support with active measures the movements of social change, their leaders will not submit to Moscow because they do not have to submit to Moscow. They do not wish to submit to Moscow because what want they want is independence.

Mr. PROXMIRE. Madam President, yesterday the distinguished Vice President of the United States, the former majority leader of the U.S. Senate, LYNDON JOHNSON, delivered a most remarkable speech to the Capitol Page School. In the speech, likewise, the despair in America was deplored—this time by the Vice President, who pointed out the ridiculousness of charges that America is losing, that "America is being outwitted, outmaneuvered, and outflanked," or that we should "withdraw from the world and abandon the outposts of freedom." To do so, said the Vice President, would be to doom ourselves "to finish out our days in the foxholes of fools here on our own shores."

I wish to quote what the Vice President quoted from Winston Churchill, when he laid down this rule of conduct:

Never give in. Never give in. Never. Never. Never. Never—in nothing great or small, large or petty, never give in except to convictions of honor and good sense.

That was the theme of the fine remarks by the Vice President; and I ask unanimous consent that his speech be printed at this point in the RECORD.

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

DAY OF DECISION

(Address delivered by Vice President LYNDON B. JOHNSON before the graduating class, Capitol Page School, Washington, D.C., June 12, 1961)

Twenty years ago, in England, Winston Churchill spoke to an audience of young men about your age. In those remarks, he laid down this rule of conduct:

"Never give in. Never give in. Never. Never. Never. Never—in nothing great or small, large or petty, never give in except to convictions of honor and good sense."

For these days and times, those are strong words. Some might say they are old-fashioned. But I commend them to you and would like to take them as text for my brief remarks today.

In each of our lives, this is the time of decision. What you are to be the rest of your days depends upon choices you make now and during the next few years. Not just your choice of career is involved. You will, in the highest sense, be choosing character, reputation, purpose and, ultimately, your worth in life out of the many decisions these years thrust upon you.

You might wish—and your parents and friends might wish for you—more time, more experience, and less pressure in which to reach decisions of such lasting consequence. But that wish is idle. Delay itself shapes the future as surely as decisiveness.

With the precepts and values you already have, there is but one sure way: "* * * in nothing great or small, large or petty—never give in except to convictions of honor and good sense."

As an American clergyman of the last century put it: "Let men laugh, if they will, when you sacrifice desire to duty—you have time and eternity to rejoice in."

IN THE BALANCE

As it is for you, so it is for your country.

This is the time of decision for America. What America is to be for the rest of her days depends upon choices made now and within the next few years. Our national character, our world reputation, our historical purpose, our ultimate worth in the world—all are in the balance. It is idle to wish for more convenient times to decide a far more comfortable option to choose. Delay only shapes the future against us.

I say this pointedly and purposefully.

There is abroad among some Americans today a contagion of despair; a belief that our country is being outwitted, outmaneuvered, and outflanked by an adversary both irresistible and implacable. From this belief, there comes a rising cry for America to withdraw from the world, retreat from our opportunities, surrender our gains, and turn inward on ourselves with suspicion and distrust.

Outwardly and ostensibly—this doctrine is directed against elements of our national policy: against foreign aid and foreign trade, against military assistance and exploration of space, against economic growth and human welfare, against progress toward equality of rights and opportunities for all who bear the name, "American." But in a real sense the attack is not upon the policy but upon the institutions from which our policy flows: the Congress, the courts, the Executive, the military command, the Department of State, the Department of Justice—and beyond the Government, the churches, the universities, the unions of laboring men, the corporations of the businessmen, the enterprises of our farmers, and even upon the quality of our youth.

A TIME TO SPEAK

I do not propose—in these few minutes—to undertake the refutation of accusations unworthy of serious consideration. I do propose that it is time for responsible Americans—without regard to party—to make their voices heard, first, against irresponsible attacks upon the policies which have built our strength and secured our liberties, and, second, against ill-considered assaults upon the fundamental institutions of our free society.

There is a time to be silent and a time to speak. This is a time for responsible men to speak—and to be heard.

It has been said that "our ignorance of history makes us libel our own times." The libel of our policies—the slander of our free institutions—stems today from ignorance of history and of our own times as well.

America is not a nation in flight, fleeing before the advances of some irresistible foe. America is a nation—and freedom is a cause—much nearer to being victorious than to being vanquished. In the years of your lifetime, communism has failed—and freedom has succeeded—in Greece, Turkey, Italy, Western Europe, and the Middle East. Communist guerrillas have failed—and freedom has succeeded—in the Philippines, Malaya, Burma, and elsewhere in southeast Asia. Communist governments have been unseated in Latin America. Communism has been rejected in the most troubled lands of Africa. Those victories have been won by men who cherished their own freedom and fought for it—and were able to fight for it because of the very American policies now under blind attack by some here at home.

Doubting men may say we are overcommitted, overextended, and overburdened. But let me say, there is only one position where we would be fatally overcommitted, where our capacity would be hopelessly overextended, where our resources and our people would be perilously overburdened. The one sure position of American folly would be to withdraw to Honolulu and San Francisco on the Pacific and New York and Boston on the Atlantic, Houston and New Orleans on the gulf and attempt to withstand communism from a fortress America.

It is time for responsible Americans to raise their voices against the nonsense of American withdrawal from the world. If we should abandon the outposts of freemen, we would be doomed to finish out our days in the foxholes of fools here on our own shores.

Likewise, I say it is time for responsible Americans to raise their voices against the nonsense of these attacks upon the loyalty and integrity of the institutions of our free society.

OUR ENEMY IS WITHOUT

The enemy of our freedom is without—not within. But no nation, no society, can long stand when it is encouraged to distrust itself. Those who recklessly sow the weeds of suspicion among us do no service to the cause of freedom.

We have—as you well know—a Congress with a passion for keeping freedom strong. We have courts with a passion for protection of human rights—and God help us if it should be otherwise. We have ministers with a passion for human decency. We have professors with a passion for seeking and teaching truth. We have labor unions with a consuming desire to better the lot of the working man. We have businessmen with a scrupulous respect for law and ethics unexcelled in the commerce of the world.

There is strength in the institutions of our society as well as the policies of our Government. We must not allow that strength to be dissipated under blind attack or diluted by the poison of irresponsible assault.

Fear of passing censure, or abusive criticism, must never cause responsible men to remain silent before irresponsibility. To repeat the words with which I began: "Never give in. Never give in. Never, never, never, never—in nothing great or small, large or petty—never give in except to convictions of honor and good sense."

In this time of decision for America, what America is to be will depend in large measure on how faithfully responsible men live by that code.

OUR HIGHEST IDEALS

In affairs of the world—in concerns here at home—we are on the right course. Our highest goals are within our reach. We must not turn back. We must not give in.

The challenge to all Americans—whatever their age—is to accept a sense of duty in

facing the opportunities to which courage has brought us.

It is that responsible sense of duty—not a sense of irresponsible despair—that will carry our country to greatness and our cause to success.

I speak as I do before you because I remember Emerson's words: "So near is God to man, when duty whispers low 'thou must,' and youth replies, 'I can.'"

You have been privileged to serve in one of freedom's greatest institutions—the Congress of the United States. You know the frailties of its Members, but you know the vastly greater strengths of the institution. You know as few young Americans are privileged to know the strengths of all the institutions of our Government and our country.

I urge you: stand against those who doubt and despair and never give in. Stand with those who believe and keep faith and never give in. Your strength is great. Give of it—all your days. Duty whispers to each of you, "Thou must," and I am sure each of you will answer, "I can."

REORGANIZATION OF THE MARITIME ADMINISTRATION AND MARITIME BOARD

Mr. LONG of Hawaii. Madam President, on May 8, I made a statement in the Senate regarding the need for reorganization of the Federal Maritime Administration and Federal Maritime Board.

Yesterday, the Senate received a plan to achieve that reorganization; and I wish to commend the administration for the soundness of its approach to this vital question and the promptness with which it has recognized the urgency of the problems involved.

With a revitalized Federal Maritime Commission not concerned with subsidies and related promotional activities, I am sure we can look forward to sound regulation of shipping that will be truly in the public interest.

Some days ago, I wrote to President Kennedy on this matter, urging him to press forward in correcting the administrative deficiencies connected with the regulation of shipping as soon as the reorganization is completed. I have assured the President of my support of his efforts to improve this vital service, and have suggested that the selection of Board members of dedication and ability is the key to our efforts.

I have further suggested that it would be most appropriate to appoint to the new Board a citizen of my own State of Hawaii.

There is, Madam President, no place in the United States with so vital a concern in maritime regulation as Hawaii. To us, the sea is the equivalent of the highways and rails that serve our sister mainland States. Our people are aware of the necessity of both public regulation and sustaining frequent and efficient service, and we have able and dedicated persons who would fill with distinction a position on the new Federal Maritime Commission. I sincerely hope President Kennedy will support this view.

To explain further my position on this matter, Madam President, I ask unanimous consent that my letter to President Kennedy be printed at this point in the RECORD.

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

MAY 29, 1961.

HON. JOHN F. KENNEDY,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I would like to express my hope that you soon will send to the Congress a proposal for reorganization of the Federal maritime agencies. As my previous remarks in the Senate indicate, I have long taken a deep interest in maritime matters and have felt that one of the fundamental problems involved therein is the undesirable association of promotional and regulatory functions in a single agency. I am confident that we can look forward to your taking steps to correct this situation.

There are, however, other aspects of the administration of offshore shipping matters that concern me. Clearly, something must be done. To paraphrase the legal maxim, regulation delayed is regulation denied, and recent experience with matters concerning Hawaii's freight rates has been most discouraging. Neither the public nor the carriers benefits from the delays, and neither has been able to recognize the standards or the philosophy of the Board sufficiently to give them the guidelines they need in planning for the future.

The scope of the Board's activities, the powers of examiners, the staffing of the agency, the rules of practice, the suspension of proposed rates, and the question of subsidy for offshore carriers are all involved. There have been, as I am sure you know, many suggestions made in these areas and some of the suggestions have been the subject of hearings before the Senate Committee on Commerce. On some subjects legislation is required; on others administrative changes is possible. I know you will follow the hearings with interest, and I am confident that the Congress and your administration working together can achieve major improvements in this service which holds virtual life or death power over the island economy of the State of Hawaii.

There is no doubt that the most important single step in improving regulation of shipping will be the appointment of a vigorous and public-spirited Board to head the agency charged with regulation of carriers. It is my belief that the members must be endowed with a will to regulate in the public interest, including the realization that continuation of service to Hawaii and other offshore areas is an absolute necessity.

I know of no domestic issue more directly affecting my State than maritime regulation, and I know of no field in which the people of Hawaii have more interest or a greater right to be heard. Similarly, I know of no other place in the United States where the public interest and the awareness of the legitimate needs of water carriers exceed that of our people. The people of Hawaii live in an environment in which the regulation of sea and air transportation plays an indispensable part in their lives, but they are represented on none of the agencies involved. I feel that a new regulatory agency will present a unique opportunity to correct this inequitable situation. I assure you there are highly qualified citizens of Hawaii from whom an outstanding member of the Board could be selected. I urge you therefore to give serious consideration to such an appointment.

Sincerely yours,

OREN E. LONG,
U.S. Senator.

GENERAL EISENHOWER VERSUS CHAIRMAN MILLER

Mr. SYMINGTON. Madam President, 2 days ago, the new chairman of the Republican National Committee was reported to have said President Kennedy had made a "tragic mistake" when he "rescinded and revoked" an Eisenhower administration plan to provide U.S. air cover for the move against Cuba.

Yesterday, according to the press, General Eisenhower denied that he had any specific plan to provide air cover for an invasion attempt, since there was no exact operation set for such a move.

I am confident that as between the two statements, the American people will believe the statement of the former President.

Mr. SYMINGTON subsequently said:

Mr. President, shortly after I commented earlier today with respect to contradictory statements incident to the Cuban invasion I read an editorial from the Washington Evening Star entitled "Bits and Pieces." The editorial appears logical and I, therefore, ask unanimous consent it be printed in the RECORD after the remarks I made on the subject a few minutes ago.

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

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

BITS AND PIECES

The Cuban invasion story, with definite partisan overtones, is coming out bit by bit.

Representative MILLER, Republican national chairman, says the fiasco resulted from President Kennedy's decision against using American air power to cover the landing attempt. Senator CLARK, Pennsylvania Democrat, thinks that somehow it was all Mr. Eisenhower's fault in the first place, and that Mr. Kennedy saved us from the "doghouse."

The trouble with this sort of thing is that it tends to distort an already distorted picture for the sake of some hoped-for political advantage. If Mr. Kennedy decided to withhold air support, which we understand to be the case, that doomed the invasion. And at that point the whole project should have been called off. For it was foolhardy to permit a handful of men to land in the face of Castro's air superiority.

To his credit, Mr. Kennedy has never tried to dodge the assumption of responsibility. On the contrary he has specifically accepted it, and he has tried to curb the alibi artists within his administration. But there is only one way to silence a Senator or a Member of the House—gentlemen who at various times have sought to pin the blame on the Joint Chiefs of Staff, the CIA and the preceding administration. The way to silence them is to tell the whole story of the Cuban affair. The American people are entitled to hear the truth from an authoritative source. They ought not to be required to depend on possible garbled bits and pieces for their information. And certainly there is not now any valid security reason for denying them the facts.

SOVIET ULTIMATUM

Mr. SYMINGTON. Madam President, on the floor of the U.S. Senate yesterday I made some observations with respect to the nuclear test cessation.

Now the Soviet Communists have given the United States and the rest of the free world an ultimatum. This morning, the press says:

GENEVA, June 12.—The Soviet Union served notice today that the negotiating stage was

finished at the conference on the projected treaty to ban nuclear tests.

Mr. Tsarapkin made it clear that the Soviet terms for agreement were not negotiable. He emphasized that the West would have to accept the Soviet Union's demand for a three-man council to administer test ban controls.

Whereupon, Mr. Arthur Dean, chief negotiator for the United States, is reported to have stated:

It only serves to confirm the impression of the last few weeks that the Soviet Union's real purpose is "not to negotiate but to dictate."

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

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

[From the New York Times, June 13, 1961]

SOVIET ULTIMATUM ON ATOMIC PARLEY IS GIVEN TO WEST—RUSSIANS DEMAND OWN PACT OR TRANSFER INTO BROADER CONFERENCE ON ARMS—UNITED STATES DENOUNCES STAND—DEAN SAYS TSARAPKIN SEEKS TO DICTATE, NOT DISCUSS, AGREEMENT IN GENEVA

GENEVA, June 12.—The Soviet Union served notice today that the negotiating stage was finished at the conference on the projected treaty to ban nuclear tests.

The United States and Britain, the other conferees, were given the choice of accepting the Soviet Union's terms for a treaty or of having the 2½-year-old talks merged into broader disarmament negotiations.

Only by electing one of the alternatives can the West salvage the talks from the present impasse, Semyon K. Tsarapkin, the Soviet delegate, declared.

MOVE CALLED ULTIMATUM

The Western nations viewed the Soviet demands as an ultimatum.

(The administration was under pressure from two sides to take action. Gen. Dwight D. Eisenhower said that the United States could not go on much longer without an agreement on nuclear testing, and several congressional Democrats urged that President Kennedy break off the talks in Geneva or resume atomic tests.)

KHRUSHCHEV'S DECISION

The Soviet demands were presented in the form of the memorandum on the test ban conference that Premier Khrushchev handed President Kennedy at their meeting in Vienna earlier this month.

The memorandum, which President Kennedy said "struck a serious blow" to hopes for agreement here, was offered by Mr. Tsarapkin today at the 317th session of the talks.

The negotiations began October 31, 1958.

Mr. Tsarapkin made it clear that the Soviet terms for agreement were not negotiable. He emphasized that the West would have to accept the Soviet Union's demand for a three-man council to administer test ban controls.

The Soviet plan, which calls for a Russian, a westerner and a representative of the uncommitted countries to run the control system by unanimous decision, has been rejected repeatedly by the West.

The West does not believe that the system would work with a power of veto in the hands of each of the three coadministrators.

Mr. Tsarapkin also said that the Soviet Union could never agree to the West's proposal for 12 to 20 annual inspections of earth tremors that could be caused by nuclear explosions in the Soviet Union. He denounced the Western demand as "excessive" and inspired only by a desire to get spies into the Soviet Union.

Mr. Tsarapkin said the Soviet Union would be "more flexible" on controls in the context of an agreement on "general and complete disarmament."

MORATORIUM AN ISSUE

But he said the West must also give ground on the moratorium on the smaller underground nuclear tests that would not be included in the formal ban until ways to detect them are found by science.

He said that the West, in asking that the moratorium pledge be limited initially to 3 years, after which the question would be reviewed, was seeking an out to resume testing.

The Soviet Union wants the West to agree to continue the moratorium indefinitely even if effective controls to check on violations are not found.

By offering the West the choice between accepting the Soviet positions or of enlarging the test-ban talks into overall disarmament negotiations, the memorandum showed the "elasticity of the Soviet positions and reflected accurately the constructive approach of the Soviet Government," Mr. Tsarapkin said.

Arthur H. Dean, of the United States, was quick to express regret that the Soviet Union had put the memorandum into the conference record as its latest official position.

It only serves to confirm the impression of the last few weeks that the Soviet Union's real purpose is "not to negotiate but to dictate," the U.S. delegate charged.

"Today more blatantly than ever before," he added, "the two Western delegations seem to have been presented with the Soviet position on a take-it-or-leave-it basis."

Sir Michael Wright of Britain bluntly asked the Soviet delegate if the memorandum was an ultimatum. Mr. Tsarapkin showed himself to be too annoyed to answer, a conference source said. The word "ultimatum" was used by one high-ranking Western conference spokesman to describe the Soviet document.

FINANCING FOREIGN PLANE PRODUCTION

Mr. SYMINGTON. Madam President, an article in the Washington Post this morning by John Norris, able commentator on military affairs, states that Canada and the United States have just signed an air defense and plane production exchange agreement; and that as a result of this agreement, "a $200-million order will be placed in Canada for building F–104G Super Starfighters for use by other NATO countries in the defense of Western Europe."

The article states:

The United States will put up $150 million and Canada $50 million to enable the two Governments to make a significant contribution to the collective strength of NATO, the Pentagon announcement said.

The article says:

Deliveries will start in mid-1963, subject to action by the U.S. Congress and Canadian Parliament in providing the military assistance funds required.

That is not all.

An article in the same paper this morning, entitled "NATO Backs Accord on Building Jets," by the Herald Tribune News Service, dateline Paris, June 12, states:

A 4-year program to build F–104 Starfighter jets in Belgium, West Germany, Italy, and the Netherlands was approved today by the Permanent Council of the North Atlantic Treaty Organization.

The four NATO members signed an agreement with the United States last December to build the jet fighter and interceptor.

Now, several things disturb me about these two newspaper stories.

The article says it must be "subject to action by the U.S. Congress."

Despite that fact, plus the fact treaties go to the Foreign Relations Committee, and foreign military assistance is defended before the Foreign Relations Committee, no notice of this transaction or comment of any kind has been received by the Foreign Relations Committee, although a letter was sent to the Armed Services Committee.

Secondly, as everyone knows, the unit cost of any product depends in large measure upon the volume.

The United States produces F–104's. Apparently the plan is to have us pay $150 million to have them also produced in Canada; and more, to have them now produced in four additional countries.

How can six assembly lines in any way give a unit price comparable to what would be the cost off one assembly line? It would seem this is especially pertinent to the American people because, in effect, they are putting up the money.

Finally, today there are thousands of unemployed airplane workers in my State, and tens of thousands in other States. Only yesterday a representative of these people was in my office protesting bitterly about the current heavy unemployment incident to the heavy reduction of airplane production in the United States.

The designers of this plane, Lockheed Aircraft of Burbank, Calif., do not own the Canadian plant in question; but they will receive a royalty on this Canadian production.

That may be fine for the Lockheed stockholders—but will not help the Lockheed workers who have been laid off.

Why should we make such extensive plans to produce these U.S.-designed planes outside the United States, especially, as I have presented to the Senate before, our unprecedented prosperity is nevertheless now accompanied by great unemployment?

I submit that the five countries in question could in no sense be considered "underdeveloped countries."

Are we now to establish a policy of other countries making the planes, our activities being confined to making the money?

I ask unanimous consent that the two articles in question be printed at this point in the RECORD.

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

[From the Washington Post, June 13, 1961]

UNITED STATES-CANADA AIR DEFENSE PACT SIGNED—AGREEMENT INCLUDES PLANE PRODUCTION EXCHANGE PROGRAM

(By John G. Norris)

Canada and the United States signed an air-defense and plane production exchange agreement yesterday that is aimed at bolstering North American and NATO defenses.

The deal, several years in the making, provides that:

The United States will give 66 F–101B long-range interceptors to the Royal Canadian Air Force to replace obsolete CF–100's in the North American Air Defense Command.

Canada will take over responsibility for the operation of all but 6 of the 33 radar

stations of the Pinetree Line, southernmost of the three chains of warning stations extending across North America.

Both countries enter into a production sharing project, under which a $200 million order will be placed in Canada for building F–104G Super Starfighters for use by other NATO countries in the defense of Western Europe.

The United States will put up $150 million and Canada $50 million to enable the two Governments to make a significant contribution to the collective strength of NATO, the Pentagon announcement said. The F–104 is a 1,400-mile-an-hour American Lockheed fighter being built in Canada and other countries under license.

Deliveries will start in mid-1963, subject to action by the U.S. Congress and Canadian Parliament in providing the military assistance funds required.

Delivery of the 1,200-mile-an-hour F–101 Voodoos will fill a gap in Canadian air defense. Several years ago Canada dropped development of its own high performance interceptor, the CF–105, as a replacement for the subsonic CF–100. At that time the RCAF intended to replace all manned air defense planes with the U.S. Bomarc ground-to-air missile, production of which since has been cut back.

At one time, the just-signed United States-Canadian plane deal tentatively included the transfer of some Canadian CL–44 transports to the U.S. Air Force, but this fell through.

Under the agreement, Canada assumes immediately all costs of operating five Pinetree Line radar stations. These stations—now operated by Canadians—are in Quebec, Nova Scotia, and Newfoundland.

Eleven other radar stations in British Columbia, Manitoba, Ontario, and Nova Scotia, now operated by Americans, will be taken over by Canadians and financially supported by Canada, as soon as arrangements are completed.

NATO Backs Accord on Building Jets

Paris, June 12.—A 4-year program to build F–104 Starfighter jets in Belgium, West Germany, Italy, and the Netherlands was approved today by the Permanent Council of the North Atlantic Treaty Organization.

The four NATO members signed an agreement with the United States last December to build the jet fighter and interceptor.

EARLY CONSIDERATION OF MULTILATERAL EMBARGO AGAINST CUBA URGED

Mr. KEATING. Madam President, from the mail which has arrived at my office in recent weeks, from newspaper, radio, and television commentaries, and from just plain talk with scores of people from New York and other States, it is more than ever apparent that the Nation's No. 1 concern in foreign affairs is Cuba. It is not alone the Cuban fiasco of last April, nor the subsequent tractors-for-freedom negotiation, that has developed this great concern among the American people. It is also a greater realization by Americans that our foreign policy experts are desperately, and up to the present time unsuccessfully, groping for a way to eliminate communism's cancerous growth from Latin America.

Several months ago, I called for a complete embargo against Cuba by the Organization of American States. Many other voices have been raised on this issue. Many of my colleagues on both sides of the aisle have felt that a trade embargo against the Cuban dictator would be an effective instrument for ridding the Western Hemisphere of a threat to every nation of North and South America. Yet, after the passage of several months and the support of an armed invasion by this country, I have been informed by the State Department that the matter is still under study.

For that reason it was heartening to hear support for the position of an embargo against Cuba from a man who has served for over 3 years as the American Ambassador to Mexico and has had a wealth of experience in understanding and dealing with the people of Latin America.

The testimony yesterday of Robert C. Hill before the Senate Internal Security Subcommittee substantiated the urgent need for affirmative action to combat communism throughout the entire southern part of the Western Hemisphere. Mr. Hill gave his wholehearted support to a complete embargo, through the Organization of American States, against all trade with Castro's Cuba.

Madam President, I again repeat my call for the United States to press for an early meeting of the Organization of American States, and at such meeting place high on the agenda the consideration of a multilateral embargo by the Western Hemisphere nations against all trade with Cuba.

DAMMING OUR INDIAN HERITAGE

Mr. KEATING. Madam President, many of us, including my distinguished colleague from New York [Mr. JAVITS] and myself, are unhappy about the impending dislocation of the Seneca Indians and the violation of their historic treaty as a result of the Kinzua Dam now being constructed in Pennsylvania. While I was in the House of Representatives, and last year also in the Senate, I opposed the Corps of Engineers plan and asked that a full study be made of the alternatives proposed by Dr. Arthur Morgan. Nevertheless, despite the long record of opposition by myself and others who recognized the implications of the project, appropriations were voted by the Congress.

More recently, Senator JAVITS and I supported Mr. Basil Williams, president of the Seneca Nation of Indians, in his request for an appointment with the President so that the matter could be fully discussed and reviewed at the highest level before it becomes too late.

Madam President, yesterday an editorial appeared in the New York Times supporting the position of the Indians and urging the President to appoint an impartial and expert committee to examine the Morgan plan and the Corps of Engineers plan and make a full report to Congress on their comparative merits. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

[From the New York Times, June 12, 1961]

Justice for the Senecas

The Philadelphia yearly meeting of Friends (Quakers) has challenged the conscience of the Nation, and President Kennedy's, in its report on the Kinzua Dam. That project would put under water valuable lands of the Seneca Indians despite opposition by the Seneca Nation.

Completion of the dam would be a clear, unilateral abrogation, without negotiation, of a treaty with the United States signed in 1794 which guaranteed the Seneca Nation control of its own lands. It would also violate the pledges of both the major parties, made in the last campaign, to recognize the rights of the Indians. The Democratic platform promised that "free consent of the Indian tribes concerned shall be required before the Federal Government makes any change in any Federal-Indian treaty or other contractual relationship."

The Seneca Nation fully recognizes the urgent public need to control the waters of the Allegheny River. And it has proposed an alternative, Conewango, project designed by Arthur E. Morgan, distinguished engineer and formerly head of the Tennessee Valley Authority, which would allegedly furnish adequate flood control without destruction of the heart of the Seneca lands.

The Philadelphia Friends' report, with excellent documentation, urges President Kennedy to stop further preliminary work on the Kinzua Dam and to appoint an impartial expert committee to examine both plans and make a report to Congress as the basis for a sound congressional decision. We support that request. But, whatever action is taken by the President or Congress must, in all conscience, recognize the treaty rights of the Seneca Nation.

STRENGTHENING THE FEDERAL FIREARMS ACT

Mr. MANSFIELD. Madam President, is Senate bill 1750 at the desk?

The PRESIDING OFFICER. It is.

Mr. MANSFIELD. I move that the Senate proceed to the consideration of Calendar No. 334, Senate bill 1750.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1750) to strengthen the Federal Firearms Act.

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

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, on page 1, at the beginning of line 4, to strike out "(52 Stat. 1250; 15 U.S.C. 901, and the following), is amended by repealing paragraph (6) and renumbering paragraphs (7) and (8) as paragraphs (6) and (7)", and in lieu thereof, to insert "(52 Stat. 1250; 15 U.S.C. 901–909), is further amended by repealing paragraph (6), by deleting the words "crime of violence" in paragraph (7) and inserting in lieu thereof the words "crime punishable by imprisonment for a term exceeding one year", and by renumbering paragraphs (7) and (8) as paragraphs (6) and (7).", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Federal Firearms Act, as amended (52 Stat. 1250; 15 U.S.C. 901–909), is further amended by repealing paragraph (6), by deleting the words "crime of violence" in paragraph (7) and inserting in lieu thereof the words "crime punishable

by imprisonment for a term exceeding one year", and by renumbering paragraphs (7) and (8) as paragraphs (6) and (7).

SEC. 2. Section 2 of such Act is amended by deleting the words "crime of violence" in subsections (d), (e), and (f) and inserting in lieu thereof the words "crime punishable by imprisonment for a term exceeding one year".

The amendment was agreed to.

Mr. MANSFIELD. Madam President, I ask unanimous consent to have printed in the RECORD at this point a portion of the report covering aspects of the legislation.

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

PURPOSE

Among other things, the Federal Firearms Act (52 Stat. 1250; 15 U.S.C. 901 et seq.) prohibits the shipment of firearms in interstate or foreign commerce to or by persons under indictment or convicted of a "crime of violence." This term is defined to mean murder, manslaughter, rape, mayhem, kidnaping, robbery, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than 1 year. The act also prohibits the receipt of firearms by persons convicted of such crimes, or by fugitives who have fled across State lines to avoid prosecution for any of such crimes or to avoid giving testimony in any criminal proceeding. Violations are punishable by fines of not more than $2,000 and/or imprisonment for not more than 5 years.

This legislation would amend the act to make the mentioned prohibitions applicable to persons indicted, convicted, or fleeing with respect to any crime which measures up to the Federal standard of a felony; that is, any crime punishable by imprisonment for a term exceeding 1 year.

STATEMENT

Over the past few years the infiltration of racketeering into our society and the exploding crime rate have increasingly become a cause for national concern. New laws are needed to give the Federal Bureau of Investigation additional jurisdiction to assist local authorities in the common assault against crime. S. 1750, introduced at the request of the Attorney General as an integral part of an anticrime legislative program, would be such a law. Additionally, it would make it more difficult for the criminal elements of our society to obtain firearms.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

HEIRS OF ANTHONY BOURBONNAIS

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of Calendar No. 336, House bill 4500.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4500) to donate to the heirs of Anthony Bourbonnais approximately thirty-six one-hundredths acre of land in Pottawatomie County, Okla.

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

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, line 10, after the word "less", to insert "subject to a reservation to the United States of a right of access across such land whenever needed for public purposes".

The amendment was agreed to.

Mr. MANSFIELD. Madam President, I ask unanimous consent that a portion of the report on the bill be printed at this point in the RECORD.

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

PURPOSE

The purpose of H.R. 4500 is to donate to the heirs of Anthony Bourbonnais in an unrestricted status approximately thirty-six one-hundredths acre of land in Pottawatomie County, Okla.

NEED

The land in question is a narrow strip lying between the Bourbonnais Indian allotment and an adjoining State highway. Until a recent survey indicated the contrary, it was assumed that the acreage was part of the allotment and it was so treated by the Bureau of Indian Affairs. Enactment of the bill is needed to overcome the problems raised by the survey.

AMENDMENT

In order to preclude any claim against the Federal Government by reason of access provided by the land to be donated, the committee has adopted an amendment reserving to the United States a right of access across such land whenever such land is needed for public purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

COMMUNICATIONS SATELLITES

Mr. McCARTHY. Madam President, an editorial in the New York Times of June 1, 1961, expresses a growing concern over the future development and use of satellites for commercial communication.

There is evidence that the Federal Communications Commission is moving toward giving preliminary approval to A.T. & T. and other international common carriers for the exclusive right to construct and to operate a worldwide communication system using satellites.

We all wish to have peaceful use made of the satellites as soon as possible, but we must also be concerned with the grave domestic and international problems which accompany the commercial use of satellites for communications.

The act which established the Space Council in substance provides that it shall be the function of the Council to advise and assist the President, as he may request, with respect to the performance of functions in the aeronautics and space field, including the following functions:

First. To survey all significant aeronautical and space activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;

Second. To develop a comprehensive program of aeronautical and space activities to be conducted by departments and agencies of the United States;

Third. To designate and fix responsibility for the direction of major aeronautical and space activities;

Fourth. To provide for effective cooperation among all departments and agencies of the United States engaged in aeronautical and space activities, and to specify, in any case in which primary responsibility for any category of aeronautical and space activities has been assigned to any department or agency, which of those activities may be carried on concurrently by other departments or agencies; and

Fifth. To resolve differences arising among departments and agencies of the United States with respect to aeronautical and space activities under this act, including differences as to whether a particular project is an aeronautical and space activity.

The decision in this area which it is rumored is about to be made is so important that it should be of concern, I think, to the committees of the Congress. The committees of the Congress should understand, if not approve, the full implications of any decision which is made in this area.

I ask unanimous consent that the editorial from the Times be printed at this point in the RECORD.

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

SPACE COMMUNICATIONS PROBLEMS

The first practical application of recent scientific advances in space appears likely to be the establishment within the next few years of communications satellites which will greatly expand existing facilities for international transmission of information and intelligence.

The decisions made in the development of this field are likely to have far-reaching political and economic implications because they will create precedents for other areas of human activity in space.

Against this background it is astonishing and regrettable that some key decisions have been recently taken with almost no public discussion or debate. One such decision is that of our Armed Forces to create their own satellite communications network. Another such decision is that of the Federal Communications Commission, which has ruled that, insofar as this country is concerned, commercial satellite communication shall be carried out as a joint venture in which only present international communications firms shall participate.

Many questions arise immediately concerning these decisions. Is it really necessary to go to the expense of setting up separate civilian and commercial satellite communications networks? Is the FCC a body with relatively narrow responsibilities, really the group to make fundamental and precedent-setting decisions in an area that

involves so many interests outside the communications fields?

Since most of the technology required to set up a satellite network has been developed at public expense, is there any justification for limiting participation in the final commercial effort to a relatively small number of firms? Should not this Nation set an example for future international cooperation in space by attempting to get worldwide cooperation—perhaps through the United Nations—at the very beginning of such a global communications network? Has enough attention been given to the opportunity presented by satellite communications possibilities to increase competition in this field?

We would offer no dogmatic answers to these and many other similar questions that could be raised. We suggest, however, that the questions involved are too important for the American people to be content with decisions reached by groups of officials—either in the Department of Defense or the FCC—who are unlikely to have considered the full range of implications for this country and all humanity that these matters involve.

GOVERNMENT DEFENSE CONTRACTS

Mr. JAVITS. Madam President, I should like to report to the Senate some progress in my campaign to get more Government defense contracts to labor surplus areas in New York State.

An analysis of defense procurement covering the first 3 months of 1961 shows that nine of New York State's labor surplus areas received more defense contracts then they did during the same 3-month period in 1960. Three areas showed decreases. Two other areas were named labor surplus areas for the first time during this period and, therefore, there is no basis for comparison.

While these new procurement figures indicate some progress, additional action needs to be taken to streamline defense procurement policies so that labor surplus areas will receive a more substantial number of Government contracts.

Government defense orders awarded to New York State's 14 labor surplus areas during the first 3 months of 1961 totaled $50.8 million—an average of $3.6 million per area. For the same period in 1960, a total of $38.5 million was awarded to 12 labor surplus areas—an average of $3.2 million per area.

The nine areas showing increases were: Albany-Schenectady-Troy; Utica-Rome; Amsterdam; Auburn; Elmira; Jamestown-Dunkirk; Ogdensburg-Massena-Malone; Plattsburgh; and Wellsville. The three areas showing decreases were: Buffalo, Gloversville, and Newburgh-Middletown-Beacon.

Total defense contracts awarded to all New York State firms, whether in labor surplus areas or not, amounted to $563.8 million for the first 3 months of 1961. This represents a decrease from the $752.8 million awarded to New York firms for the same 3 months of 1960. For the same period California continued to receive an increase in defense contracts—from $1,123 million to $1,240 million.

The latest defense procurement figures emphasize once again the need to open up procurement opportunities to more intensive competition. Open bidding is now applied to less than 15 percent of the $23 billion awarded in defense contracts. It is time we insisted upon more competition to give everyone a chance to bid for this business.

Madam President, I ask unanimous consent that a table giving facts on this subject may be printed in the RECORD.

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

Trends in prime defense contract awards of $10,000 or more in New York State areas of substantial labor surplus (1st quarter of calendar 1961 and 1960)

[In thousands of dollars]

Major areas and contract awards	January–March		
	1961	1960	1961 as compared to 1960
Albany-Schenectady-Troy, May 1958 [1] to November 1959, March 1960:			
Total	3,641	824	[2] (+2,717)
Preferential	0	0	(0)
Buffalo, March 1958: [1]			
Total	25,028	25,118	−90
Preferential	211	13	+198
Syracuse, January 1961: [1]			
Total	−389		
Preferential	0		
Utica-Rome, January 1958: [1]			
Total	11,593	8,636	+2,857
Preferential	11	87	−76
Amsterdam, [3] March 1958: [1]			
Total	913	703	+210
Preferential	0	35	−35
Auburn, [3] April 1958: [1]			
Total	184	176	+8
Preferential	0	0	0
Elmira, April 1958: [1]			
Total	2,378	558	+1,820
Preferential	0	0	0
Gloversville, [3] April 1958: [1]			
Total	234	239	−5
Preferential	0	0	0
Jamestown-Dunkirk, [3] April 1958: [1]			
Total	665	425	+240
Preferential	0	0	0
Newburgh-Middletown-Beacon, July 1958: [1]			
Total	524	1,422	−898
Preferential	0	84	−84
Ogdensburg-Massena-Malone, [3] November 1959: [1]			
Total	58	12	+46
Preferential	0	0	0
Olean-Salamanca, January 1961: [1]			
Total	0		
Preferential	0		
Plattsburgh, [3] March 1959: [1]			
Total	5,946	322	+5,624
Preferential	18	0	+18
Wellsville, November 1958: [1]			
Total	272	74	+198
Preferential	0	0	0

[1] Date first designated as an area of substantial labor surplus by Department of Labor.

[2] These increases over the previous fiscal year should be noted in light of the fact that Albany-Schenectady-Troy was listed as an area of substantial labor surplus only for part of the previous fiscal year.

[3] Area of substantial and persistent labor surplus.

Mr. JAVITS. Madam President, the battle, friendly but vigorous, in respect to defense contracts, between New York and California continues.

My colleague, the Senator from New York [Mr. KEATING] and I, and our colleagues in the other body, are pressing for more competition in regard to defense orders. We have introduced proposed legislation to that effect.

We appreciate fully the sporting interest which is involved, but we are determined that there shall be more competition, and we are of the belief that if there is more competition, our State will do better, for our business and labor will sharpen up their pencils for that purpose.

NEW YORK STILL LOSING OUT

Mr. KEATING subsequently said:

Mr. President, I should like to commend my colleague from New York on the fine job he has done in presenting to the Senate more of the serious and disturbing facts about defense procurement in New York State. Some progress has been made but as I pointed out last week during the first 100 days of the Kennedy administration, New York's share of overall military prime contract work has fallen 5 percentage points as compared with the same period in 1960. Instead of 15 percent of the total, New York is only getting about 10 percent now. This is quite a drop for a 3-month period. It represents in dollars and cents a loss of nearly $200 million even though overall defense spending for this 3-month period has increased by more than half a billion dollars over the same period last year.

Moreover, Mr. President, it certainly appears that the new administration is taking away with one hand what it is trying to give with the other. What is the value of depressed-area legislation, vocational training programs for areas of labor surplus and a variety of similar measures to be carried on by the Department of Commerce and other Government agencies when at the same time the Department of Defense is deliberately directing its billions of dollars of procurement spending away from such areas? When, in fact, it is apparently shifting most of its work to one State on the west coast?

Furthermore, Mr. President, the Senate recently passed a Federal aid to education bill, the result of which is that New Yorkers will be taxed to pay educational expenses in Texas, California, and a number of other so-called poor States. Why, you may ask, is it necessary for New Yorkers to support schools in other States?

The answer, unfortunately, is that in order to encourage new industries, many of these States maintain very low property and income taxes on their own. In order to attract industry from New York and the Northeast, these States simply do not make use of all of their available tax sources. The result can be reflected in lower costs, lower bids on defense contracts in certain cases, and ultimately in a very serious and unbalanced concentration of defense contracts on the west coast.

So any way you look at it, Mr. President, New York gets the short end of the stick. New Yorkers continue to pay in taxes nearly 20 percent of the costs of the Federal benefits that other States enjoy but New York continues to lose out in the distribution of Federal funds whether for defense contracts or for education or for highway construction, or for a variety of other Government programs.

Mr. President, I ask unanimous consent that these remarks follow those of my colleague, the distinguished senior Senator from New York [Mr. JAVITS].

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

Mr. KUCHEL. Mr. President, I repeat what I have said before on the

floor of the Senate: There are not any more able advocates for the people whom they represent than the two distinguished Senators from New York [Mr. JAVITS and Mr. KEATING]. They have done what they ought to do on the floor of the Senate. They are my friends.

Nevertheless, the fact remains that Congress, again and again and again, has directed the administration and the Department of Defense to utilize defense appropriations solely and singly to provide the most effective defense of the American people. It is against the law to use defense dollars for social purposes, no matter how worthy those social purposes may be. It is against the law of the land to use defense dollars for the purpose of relieving unemployment or for any other social purpose. Congress has said so, and the Comptroller General of the United States recently has confirmed what I have just said.

If the time ever comes when the defense appropriations of the Government of the United States are used for any other purpose than for the establishment and maintenance of our American military system capable of preserving and of defending our country, then God help us.

CONSOLIDATION OF THE EFFECTIVE ECONOMIC POWER OF THE WESTERN WORLD

Mr. JAVITS. Madam President, if no other Senator seeks recognition, I should like to continue speaking for another 3 minutes on another subject, and ask unanimous consent that I may do so.

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

Mr. JAVITS. One of the great initiatives undertaken by this country was the Marshall plan, which represented the consolidation of the effective economic power of what is called the Western World. We have recently had an eloquent call from free Europe for newly implementing the same idea in the face of the intransigence and the implacable demand that we yield or appease, which was made by Chairman Khrushchev of President Kennedy at Vienna the other day. The call to us was sounded by Jean Monnet in a commencement address at Dartmouth College.

Approximately 14 years ago, it will be recalled, Secretary of State Marshall sounded the same type of call in the Marshall plan. May it be remembered that when Britain was in grave danger she wanted to merge with France at the beginning of World War II. We are not in such a dangerous situation now. We are strong and viable, and we represent together with Western Europe close to $1 trillion of annual gross national product which is the greatest bloc of economic power mankind has ever known.

Has anyone ever asked himself what Chairman Khrushchev would do to us if he had $1 trillion in productive resources? We know what he would do. He would pulverize us economically and he probably could. Yet we do not integrate our efforts to enlist this massive production in terms of the struggle for freedom. Why? Because we shrink from the implications of the legal, administrative, and structural forms of the integration of the free world. The whole Atlantic community, which has the main economic power of the free world, can be its agent to win decisively in the struggle for freedom.

I hope in the next few weeks, as we consider the foreign aid program, to propose some independent ideas of my own as to how we can tie the private economic systems of the whole Atlantic community into the foreign aid program, and as to how we can get more help from the European powers which, through the Marshall plan, have now become prosperous and viable on their own.

But mistake it not, Jean Monnet has made a strong historic declaration. We had better listen while it is yet time, for if we wish to call for freedom we must marshal up our economic power. All the fine speeches on the subject will not do it. We cannot marshal the economic power unless we undertake some of the efforts in terms of collaboration of the economic community, which is absolutely essential, and which may run counter to some of the shiboleths to which we have held. But the Russians will not listen or pay attention to these shiboleths.

The Communists will sweep us aside unless we consult what is the ultimate of our economic power, without regard to what has happened in the past, but only with regard to what is necessary for survival from here on. I hope our country will listen to Jean Monnet. I am proud to stand on the floor of the Senate and urge others of my colleagues to do the same thing. We must be brave if we wish to win for freedom, and he is beginning to show us a way.

From the devastation of the Second World War a grand design has been taking on shape and substance: a united Western World. The concept had for centuries formed the basis for discussion among philosophers and statesmen of the West, but it was never realized except in ephemeral forums or in the short-lived and misdirected conquests of a king, an emperor, and a dictator. After 1945, the harsh needs of our times drew the Western World together on a realistic, multilateral basis.

The first great, real step was the Marshall plan, enlisting the United States in the recovery of Western Europe and initiating the powerful forces of European integration. Commitments were made, commitments were kept, and with increasing momentum the tragically divided instruments of Western political ideology and human values were drawn together to create the most powerful economic potential in the history of the world. The question now is not whether or not this integration of the Western World will continue in spite of the remaining divisive issues that remain. The question which has been put before the West with growing urgency during the past decade is: Shall this economic potential be used to preserve and to extend the civilization and the values around which it has taken shape? Only an answer to the second question can provide an answer to the first. The Western World must turn outward, otherwise its continued movement toward integration will lose purpose and meaning and will stop.

Since 1957 the NATO Parliamentarians' Conference Economic Committee, of which I have the honor to be chairman, has devoted itself to working out plans for providing a real, substantive answer. Much of its early work played a role in the creation of the Organization for Economic Cooperation and Development—OECD—which is soon to become a functioning body and to which the United States adhered last March. The purpose of this organization is to turn the strength of the Western World outward for the economic development of the free world's emerging nations so that they may achieve their economic growth in political freedom and so that they may give to their individual citizens a rising standard of life while enhancing his human dignity.

I ask unanimous consent to have the report of Jean Monnet's remarks on June 11, at the Dartmouth College commencement, inserted in the RECORD at the conclusion of my remarks.

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

MONNET BIDS UNITED STATES STRENGTHEN TIES TO THE CONTINENT—DARTMOUTH HEARS THE FRENCH STATESMAN PRESS FOR UNITY AS WAY TO GAIN PEACE

(By John H. Fenton)

HANOVER, N.H., June 11.—Jean Monnet, a French architect of Western unity, called today for an extension of the partnership of Europe and the United States.

He said that the methods of economic and political unity being developed on the Continent pointed the way toward common institutions for an enlarged Atlantic community.

M. Monnet told the graduating class at Dartmouth College:

"Just as the United States in their own days found it necessary to unite, just as Europe is now in the process of uniting, so the West must move toward some kind of union. This is not an end in itself. It is the beginning on the road to the more orderly world we must have in order to escape destruction. The partnership of Europe and the United States should create a new force for peace."

TOTAL OF 588 SENIORS GET DEGREES

The speech by M. Monnet, a former president of the European Coal and Steel Community, combined the baccalaureate and commencement addresses at the exercises marking Dartmouth's 192d year. He was one of eight recipients of honorary degrees.

More than 2,000 persons attended the exercises on the lawn in front of Baker Library. Threatening clouds and a damp breeze dissipated as the seniors went to their places.

Dr. John Sloan Dickey, president of the college, bestowed degrees on 588 seniors, 13 graduate students, 23 medical school graduates and 20 students of the Thayer School of Engineering.

FORESEES SHIFT BY UNITED STATES

M. Monnet discerned an urgent need for the United States and Europe to move toward a true Atlantic community in which

common institutions will be increasingly developed to meet common problems.

Noting the advances toward unity on the continent, he said he was convinced that, ultimately, the United States, too, will delegate powers of effective action to common institutions, even on political questions.

The partnership between Europe and the United States would ultimately make it possible to overcome the differences between East and West, M. Monnet said.

The Soviet objective, as Premier Khrushchev has said many times, is a Communist world, the French statesman said.

"When this becomes so obviously impossible that nobody, even within a closed society, can any longer believe it, then Mr. Khrushchev or his successor will accept facts," M. Monnet said. "The conditions will at last exist for turning so-called peaceful coexistence into genuine peace. At that time, real disarmament will became possible."

As soon as it is clear the West is determined to unite, he said, the world will react to the trend. But he warned: "We must, therefore, take the first steps quickly. The danger increases every day."

In the past, M. Monnet went on, "there has been no middle ground between the jungle law of nations and the utopia of international accord." Now, he said, the steps taken in Europe toward unity have shown the way. The lesson, he said, is "the extraordinary transforming power of common institutions."

"As we can see from American and British reactions to European unity, one change in the road to collective responsibility brings another," he declared. "The chain reaction has only begun. We are starting a process of continuing reform which can alter tomorrow's world more lastingly than the principles of revolution so widespread outside the West."

M. Monnet said that the Atlantic partnership would "give the West the opportunity to deal on a basis with the problems of the underdeveloped areas."

"Just as our own societies would never have found their spiritual and political equilibrium if the internal problems of poverty had not been tackled," he said, "so the liberties which form the best part of the Western tradition could hardly survive a failure to overcome the international divisions between rich and poor, and between black, yellow, and white."

M. Monnet received the honorary degree of doctor of laws. So too did Kent Smith, Dartmouth alumnus of the class of 1915 and a retired industrialist.

Other recipients were Francis L. Childs, Winkley Professor of Anglo-Saxon and English language and literature emeritus, and Yousuf Karsh, photographer and portraitist, doctor of humans letters; Albert W. Tucker, chairman of the mathematics department at Princeton University, and Frank H. Westheimer, chairman of the chemistry department at Harvard University, doctor of science; Phyllis McGinley, the poet, doctor of letters, and James F. Malley, class of 1911, retired industrialist and former member of the New Hampshire Legislature, master of arts.

TO ESTABLISH A WABASH BASIN INTERAGENCY WATER RESOURCES COMMISSION

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of Calendar No. 269, Senate bill 811.

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

The LEGISLATIVE CLERK. A bill (S. 811) to establish a Wabash Basin Interagency Water Resources Commission.

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

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Madam President, I ask unanimous consent to have printed at this point in the RECORD certain excerpts from the report of the Committee on Public Works.

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

PURPOSE

The purpose of the bill is to authorize the establishment of a Wabash Basin Interagency Water Resources Commission which would be responsible for coordination of Federal, State, and local plans for the development of the water and land resources in the Wabash River Basin, Ind. and Ill.; prepare and keep up to date a comprehensive, integrated, joint plan for water and related land resources development in the basin; recommend a long-range schedule of priorities for the collection and analysis of basic data, for investigation and project planning, and for construction of projects in such basin; to foster and undertake studies of water resources problems in the basin; to submit periodic reports to the President, the Federal agencies, and the Governor of each State; and to submit to the President a comprehensive, integrated joint plan, and necessary revisions, for the water and related land resources development in the Wabash River Basin, with views, comments, and recommendations of the interested Federal agencies, Governor of each State, and chairmen of interested interstate commissions.

DISCUSSION

Enactment of S. 811 will provide authority for studies and development of plans for the utilization of the land and water resources in an area of 33,100 square miles in the States of Ohio, Indiana, and Illinois. The entire stream and its tributary areas will be considered in preparing plans for proper development of its resources. The possibilities for economic and population growth of this area is based to a large extent on full and proper use and conservation of its land and water resources. Conservation and control of floodwater is urgently needed for domestic, municipal, and industrial water supply, and protection of people, homes, farms, and improvements from the ravages of devastating floods. The Wabash Basin includes about two-thirds of the State of Indiana, and a large area of the State of Illinois, and yields a large percentage of the waters of those States. At times the flows are of such magnitude that they menace existing developments and discourage improvements in the fertile flat valley lands, and in other instances the erratic flows discourage many potential developments that require an adequate and dependable water supply.

The enactment of this measure would provide for coordinated studies of plans for improvements which have as their purpose the enhancement of opportunities for about 4 million people residing in a rapidly developing area of our Nation. Complete utilization of land and water resources is essential in developing a sound and permanent economy.

Many flood control, navigation, watershed protection, water pollution control, water supply, and other water and land resources development projects have been constructed, are under construction, authorized, and are being planned in this area. The Study Commission would review all existing and proposed projects with a view to fully coordinating the purposes of those projects in existence, under construction, authorized, those being planned, and those under study, so that there will be a final plan with the best utilization of the resources of the area embodied therein.

In his message to Congress on natural resources, printed as House Document No. 94, 87th Congress, the President recommended the establishment of planning commissions for all major river basins where adequate coordinated plans are not already in existence. Enactment of S. 811 will be in accord with this recommendation.

VIEWS OF THE COMMITTEE

Comprehensive water resources development plans have been prepared in the past for certain areas and found to be of great value in the formulation and selection of projects for construction. Examples of these studies are the comprehensive report on the New York-New England region and the equally comprehensive report on the Arkansas-White-Red River Basins in Southwestern United States. Other comprehensive studies, such as those on the Columbia, the Missouri, the Mississippi, and the Ohio, have provided to form an invaluable basis for the development of the water resources in those basins.

The Congress has authorized similar study commissions for the southeastern river basins of the United States and for certain southwestern river basins. The committee is of the opinion that the proposed study of the Wabash Basin will prove of equal value in the future development of the water and related resources of this extremely important area of our Nation.

It is not the purpose or function of the Commission to interfere with or delay improvements already authorized that are urgently needed, but to coordinate and work out arrangements for a plan that will provide for the fullest utilization and development of all the water and land resources of the Wabash River Basin.

The committee therefore recommends enactment of S. 811.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 811) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

WABASH BASIN INTERAGENCY WATER RESOURCES COMMISSION

SECTION 1. There is hereby established a Commission to be known as the Wabash Basin Interagency Water Resources Commission, hereinafter referred to as the "Commission".

DECLARATION OF PURPOSES

SEC. 2. (a) Because a well-integrated and comprehensive plan of development and utilization of water resources in the Wabash River Basin can only be achieved on a cooperative basis with the participation of all affected Federal agencies, States, and local agencies and interests, it is essential that a full and complete investigation, study, and survey be made of the land and water resources and their utilization for the region within the Wabash Basin, consisting of the watershed of the entire Wabash River and its tributaries, located within States of Indiana and Illinois.

(b) It is intended that the Commission, in the performance of its duties will—

(1) serve as the principal agency for the coordination of Federal, State, and local

plans for the development of water and related land resources in the Wabash Basin;

(2) prepare and keep up to date a comprehensive, integrated, joint plan for water and related land resources development in such basin;

(3) recommend a long-range schedule of priorities for the collection and analysis of basic data, for investigation and project planning, and for construction of projects in such basin; and

(4) foster and undertake studies of water resources problems in such basin.

MEMBERSHIP OF THE COMMISSION

SEC. 3. The Commission shall be composed of members to be appointed by the President of the United States as follows:

(1) A Chairman who shall not, during the period of his service on the Commission, hold any other position as an active officer or employee of the United States, but a retired military officer or a retired civilian officer or employee of the Federal Government may be appointed under this clause without prejudice to his retired status and he shall be entitled to the compensation payable under this Act or to his retired pay or annuity, whichever he may elect;

(2) One member from each Federal department or agency determined by the President to have a substantial interest in the work to be undertaken by the Commission;

(3) One or more members, as determined by the President, from each of the States of Indiana and Illinois, to be nominated by the Governor of such State, or, in the event of the failure of the Governor to nominate a person satisfactory to the President within sixty days after a request by the President to make a nomination, by the President upon his own nomination, and unless otherwise determined by the President, the term of each such member shall run for the same period as that of the Governor making the nomination; and

(4) One member from each interstate commission created by a compact to which the consent of Congress has been given, which has jurisdiction over any of the waters of the Wabash Basin, to be nominated by such commission, or, in the event of the failure of such commission to nominate a person satisfactory to the President within sixty days after a request by the President to make a nomination, by the President on his own nomination.

ORGANIZATION OF THE COMMISSION

SEC. 4. (a) The Commission shall organize for the performance of its duties within thirty days after all of its initial members have been appointed and funds have become available for carrying on its work. At such time as he deems appropriate, the President may terminate the Commission, and all property, assets, and records of the Commission shall thereafter be turned over to such agency or agencies of the United States as the President may designate.

(b) The Commission shall elect a vice chairman from among its members.

(c) Vacancies in the Commission shall not affect its powers, but shall be filled in the same maner in which the original appointment was made.

DUTIES OF THE COMMISSION

SEC. 5. (a) It shall be the duty of the Commission—

(1) to engage in such activities and to make such studies and investigations as are necessary or desirable in the accomplishment of the purposes set forth in section 2 of this Act;

(2) to submit to the President a report on its work at least once a year, and such report shall be transmitted by the President to the Congress, and to the head of each Federal department or agency, the Governor of each State, and the chairman of each interstate commission, from which a member of the Commission has been appointed; and

(3) to submit to the President a comprehensive, integrated, joint plan, and any necessary major revision thereof, for water and related land resources development in the Wabash Basin, but before the Commission transmits such plan or major revision to the President, it shall transmit a copy of the proposed plan or revision to the head of each Federal department or agency, the Governor of each State, and the chairman of each interstate commission, from which a member of the Commission has been appointed, and each such department and agency head, Governor, and commission chairman shall have ninety days from the date of the receipt of the proposed plan to report his views, comments, and recommendations to the Commission, and such views, comments, and recommendations shall be transmitted to the President with such plan or major revision after such modification by the Commission as may be necessary because of such views, comments, and recommendations.

(b) Each member of the Commission, other than the Chairman, shall from time to time report on the work of the Commission to the head of the Federal department or agency, the Governor of the State, or the chairman of the interstate commission from which he was appointed, and shall present to the Commission for its consideration any comments or suggestions received as a result of such report.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 6. (a) For the purpose of carrying out its duties under this Act, the Commission may hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; acquire, furnish, and equip such office space as is necessary; use the United States mails in the same manner and upon the same conditions as the departments and other agencies of the United States, employ such personnel as it deems advisable; purchase, hire, operate, maintain, and dispose of such vehicles as it may require; pay in accordance with the standardized Government travel regulations for travel, subsistence, and other necessary expenses incurred by it or any of its members, officers, or employees, in the performance of duties vested in it; and exercise such other powers as are consistent with and reasonably required to perform its functions under this Act.

(b) A majority of the members of the Commission holding office at any time shall constitute a quorum but a lesser number may conduct hearings.

(c) The Chairman of the Commission, or any member thereof designated by him for the purpose, is authorized to administer oaths when it is determined by the Commission that testimony shall be taken or evidence received under oath.

(d) To the extent permitted by law, all appropriate records and papers of the Commission may be made available for public inspection during the ordinary office hours of the Commission.

(e) Upon request of the Chairman of the Commission or any member or employee thereof designated by him for the purpose, the head of any department or agency of the Government is authorized (1) to furnish to the Commission such information, suggestions, estimates, and statistics as it may need or believe to be useful for carrying out its functions and as may be available to or procurable by the department or agency to which the request is addressed, and (2) to detail to temporary duty with the Commission such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, and such department or agency shall be reimbursed for the services of such personnel.

(f) The Chairman shall be responsible for (1) the appointment and supervision of personnel employed by the Commission, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditure of funds available to the Commission. In carrying out his functions under this subsection, the Chairman shall be governed by the general policies of the Commission with respect to the work to be accomplished by it and the timing thereof.

COMPENSATION OF COMMISSION MEMBERS

SEC. 7. (a) Members of the Commission appointed pursuant to section 3(2) of this Act shall receive no additional compensation by virtue of their membership on the Commission, but shall continue to receive, from appropriations made for the agency from which they are appointed, the salary of their regular position when engaged in the performance of the duties vested in the Commission.

(b) Members of the Commission appointed pursuant to section 3 (3) and (4) of this Act, shall each receive compensation at the rate of $75 per day when engaged in the performance of the Commission's duties, but the aggregate compensation received by any such member shall not exceed $7,500 in any calendar year. The per annum compensation of the Chairman shall be at the rate provided for grade GS–16 under the Classification Act of 1949, as amended, or if he is not employed on an annual basis, $75 per day but not to exceed $12,000 in any calendar year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

COMMENCEMENT ADDRESS BY SENATOR NORRIS COTTON AT THE UNIVERSITY OF VERMONT

Mr. DIRKSEN. Madam President, on Sunday the distinguished Senator from New Hampshire [Mr. COTTON] delivered the commencement address at the University of Vermont. On that occasion he was endowed with the honorary degree of doctor of laws. Having known him a long time, I know what an energetic and conscientious public official he has been and what a fine mind he has brought to his responsibilities, both as a Member of the House of Representatives, and as a Member of the U.S. Senate. He is a distinguished lawyer in his own right, and I believe all who know him know his genuine devotion to public welfare. So we extend the hand of congratulation to our friend, the distinguished Senator from New Hampshire.

WE ARE OUR BROTHER'S KEEPER

Mr. DIRKSEN. Madam President, I believe that every Senator is familiar with the benefits of Public Law 480, which generally speaking, has not only merited, but received, bipartisan support. Never have I seen a clearer presentation of the full meaning of the Public Law 480 program than that contained in an address made by one of my constituents, Mr. Ralph G. Golseth, of Danville, Ill., entitled "We Are Our Brother's Keeper."

Incidentally, I regard Mr. Golseth as one of the real authorities of the country on the subject of vegetable fats and oils. His address was delivered to the International Association of Oilseed Crushers in Stockholm, Sweden, on the 6th day of June. I think it is timely and highly informative. For that reason, I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

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

WE ARE OUR BROTHER'S KEEPER

(Remarks of Ralph G. Golseth, president, Lauhoff Soya Co., before the International Association of Seed Crushers, Stockholm, June 6–9, 1961)

I regard it both as a privilege and challenging responsibility to address the International Association of Seed Crushers. This is an organization that is built on the idea of service and mutual interest. It seems to me that service and mutuality of interest are two highly important elements in our endeavor to make our nations and the world a better place to live. You are men of influence, of capabilities, and you represent an intelligent and responsible citizenry. I feel sure that you want to do your part to mold the growth and development of the world along sound and constructive paths. So it is indeed both a privilege and a sobering responsibility to address you.

It was my original thought that any detailed discussion of U.S. statistics would be somewhat superfluous to the tables appended to the copies which have been distributed. And in fact somewhat secondary to more important factors in the world today.

However, our president, Mr. Chipperfield, has wisely suggested that some comment be made as to prospects for the year beginning next October 1 as well as to U.S. farm policy and the results of last fall's election. I am grateful for his suggestion and am glad to comply with his request.

The statistics which you have are quite preliminary as to 1961–62 production and in turn export availabilities. While they in no sense represent official estimates, they were prepared in consultation with Government officials.

Based on these most preliminary indications it now appears that the U.S. total supply of edible oils and fats for 1961–62 will exceed the current year by some 300,000 to 325,000 metric tons in terms of oil. Nearly 100,000 tons of this prospective increase will be required for increased domestic consumption occasioned entirely by the population increase.

Thus, there is prospect of 200,000 metric tons or more for export as oil, or oilseeds, or as addition to carryover stocks on October 1, 1962. I expect some continuing expansion in soybean exports. Any remaining additional oil availability will be needed in the food-for-peace program under either Public Law 480 financing or the oversea charitable donation program. I shall deal with this subject in some detail, but it is certainly appropriate to mention at this point that our new administration is pursuing the food-for-peace program with the vigor it so rightly deserves.

U.S. production and supplies of industrial oils and fats are expected to show little change from 1960–61 with the only significant changes being an increase in tallow and grease production which is about offset by a projected decline in flaxseed. Since the increase in flaxseed price support was not announced until later, there is reason to hope for an acreage of flaxseed somewhat in excess of the March 1 farmers intentions as reported by the U.S. Department of Agriculture.

Mr. Chipperfield also requested a few comments as to the results of our election last fall. I am assuming that he has in mind the effects upon U.S. farm policy and especially as it may relate to our exports of oilseeds, oils and fats. In my opinion many of the farm policy shifts so far made would have come sooner or later by the force of logic and necessity. The results, therefore, might be most briefly summarized by saying they are primarily of degree and not of principle.

We are most fortunate, I believe, in having such a prompt and justifiable change in farm policy as it affects our items of major interest, soybeans and flaxseed. Prompt steps were taken to expand production of these two oilseed crops. The increase in flaxseed price support had the full support of our domestic industry. Soybean processors through the National Soybean Processors Association have yet to take any position on soybean price support. As individuals some processors and some producers did express opinions that the $2.30 support is too high. This is, of course, an item of individual opinion and time alone will tell.

There is no question in my mind but that some increase in soybean supports was justified. Anyone wishing to pass judgment on this question, should, I think, keep in mind the uncontested need for an increase in soybean acreage and production. Soybean acreage has been held down for the past 2 years by an unfavorable support relationship to corn while Government holdings of corn and other feed grains continued to build up and up.

In my opinion we should all be most grateful to our new administration for prompt recognition of this problem and for the prompt action to expand oilseed production. Encouragement has also been extended to the minor crops of safflower, castor beans, and sesame by permitting them to be planted on acreage diverted from feed grains.

The result of this shift in emphasis of farm policy will come to market in October in a soybean crop which, the good Lord willing to let it rain, should exceed 625 million bushels. Surely a happy thought to processors after the short supply of U.S. soybeans in 1960–61, and an equally happy thought to farmer-feeders of protein meals.

Encouragement of further soybean expansion is expected from Public Law 480 oil financing and the charitable oversea oil donation programs.

Now, I shall turn to my prepared paper with some omissions in the interest of brevity.

In our deliberations it is not only fitting—it is imperative—that we emphasize the ideal of brotherhood, the reality of brotherhood, and the responsibility that human brotherhood confers upon us all.

One of the troubles with our world today is that too many people—and too many nations—either reject the ideal of human brotherhood, or regard it not as a fact, but as a petty theory. That is one of the reasons the future is troubled and peace is so elusive.

It is my belief that people are very much alike.

They long for peace.

They love their families.

They want to live better.

They have a basic impulse to do good.

They have, in short, a fundamental appreciation of human brotherhood.

At home those of us who worry about such things are dismayed by the lingering elements of discrimination and lack of fulfillment. Abroad we find our wisdom challenged and our strength and judgment tested. We become aware, even as we take just pride in many accomplishments, that the record of the past is not a guarantee of the future.

What is borne in on us from all quarters is the practical economic and political meaning of the Biblical tenet that we are our brother's keepers. And what is presented to us by virtue of circumstances is an opportunity, an opportunity for leadership in accommodation to orderly change in our domestic society and in the world we inhabit.

It is an opportunity as fresh and exciting as it is rigorous and uncertain. Not all change is automatically desirable, and not all change is within our power to guide or control. But change there will be, and the highest task of leadership is to foresee and shape the forces that, like wind and rain, continually alter environment.

For those whose musings today lead them to weigh concerns along with blessings, there may be some applications in the observations of Francis Bacon some three and a half centuries ago in his essay of Seditions and Troubles:

"The surest way to prevent seditions (if the times do bear it) is to take away the matter of them. For if here be fuel prepared, it is hard to tell whence the spark shall come that shall set it on fire. The matter of sedition is of two kinds; much poverty and much discontentment. And if this poverty and broken estate in the better sort be joined with a want and necessity in the mean people, the danger is imminent and great. For the rebellions of the belly are the worst.

"The first remedy or prevention is to remove by all means possible the material cause of sedition whereof we spake; what is want and poverty in the estate. Above all things, good policy is to be used that the treasure and moneys in a state be not gathered into few hands. For otherwise a state may have a great stock, and yet starve."

Our generation, in the second half of the 20th century has been witness to a conjunction of great historic events:

First, we are seeing the awakening of the underdeveloped nations after many centuries of slumber. This we all should encourage along constructive lines.

Second, we see efforts by both the East and the West to assist these countries in economic development.

Third, we have seen a breakthrough in agricultural technology which may only be the beginning.

Anyone approaching these great historical events in a conventional manner finds in them many grave and difficult problems. Looking at them separately and from a traditional point of view leaves one bleak and baffled. This arises from the human inclination to be problem-prone rather than opportunity-oriented.

What we need to do is to view these historic events not from a conventional attitude, but with a fresh look. We need to see them not separately, but in relationship to one another.

Thus seen, the rapidly advancing agricultural technology affords a primary opportunity to help the developing nations to help themselves, to help build a political, economic, and social structure suited to their aspirations and oriented toward freedom, therewith to strengthen the free world in its struggle with the forces of totalitarianism. In some areas now a cause for international concern, money is secondary in stimulating the work force. Food can be used for wages in taking first steps toward self-sustaining economies.

I used to tell my children the faster airplanes fly, the sooner we get to know one another, the better our chance for survival. Of course, this premise assumes survival is important.

As we examine our food potential, we really find only tremendous opportunities,

not problems. Should we not examine and strive to match abundant agricultural capacity and knowledge with the great needs of the developing countries?

What I am suggesting is the conscious reorientation of our food production, marketing, and distribution policies to the needs and opportunities to be found in a sound and farseeing foreign policy.

This is not a new thought. I claim no originality for it. It has already been partly put into effect. What I am really doing is to provide the logical basis for a recasting and broadening of attitudes toward the opportunities now at hand.

We need programs that accommodate the present needs of people, that recognize the breakthrough in agricultural technology in some areas, and that are designed to meet the worldwide opportunities presented by the great events that I have described.

Many good people have a cautious or critical attitude toward programs designed to move increased amounts of American farm products overseas. This has been reflected in skeptical attitudes toward Public Law 480, so far, the chief legislative means of moving agricultural abundance to consumers who might otherwise have done without. But the experiences of the past 5 years certainly should have removed htis apprehension. The insurance that these special export programs move additional quantities of farm products, beyond what is being absorbed by the normal channels today—this is what distinguishes Public Law 480 from other export programs. It is my feeling that Public Law 480, which has been considered by some to be the province of idealists, might better be considered as subject matter for hardheaded realists.

If a special export program enables us to help meet the food needs of the developing nations, and at the same time permits us to find a useful outlet for our abundant production, isn't this all to the good?

Public Law 480 is such legislation. It is unfortunate that the connotation of surplus disposal has ever been applied to a law which has the basic objective of meeting the needs of friends.

The merits of this approach are increasingly recognized by the countries which receive the products, by the nations of the Soviet bloc, by the various countries of the free world which export agricultural products in competition with us, and by the people of the United States.

Food can be a powerful ambassador of good will and hence an effective instrument for peace. The food exporting nations, and all other nations of the free world, can and should cooperate together helpfully in this endeavor.

This is the purpose of the food-for-peace program. Specifically the program involves an eventual expansion of commercial trade in farm products and a strengthening of special export programs, and the outright donation to the needy.

It may well be that the food-for-peace effort will yield its greatest returns in improved international understanding through providing for more for the less economically favored countries of the world. This, of itself, would be worthwhile.

The food-for-peace program has helped turn a seeming liability into an asset. Not long ago, many looked upon our agricultural surpluses almost wholly as a problem. Now we are beginning to see that part of the abundance made possible by our efficient agriculture is serving us well in the area of foreign policy.

Doesn't it make economic sense for the United States and other exporting countries to share abundance with the millions who are in need of food, rather than store it in bins? Or, reduce production? It seems to me that it well behooves us to use every possible tool we have for the preservation of peace.

It is our opinion that there is no food surplus—simply lack of appropriate means to get the food to those who need it. Preliminary reports of food-for-peace surveys indicate perhaps a shortage of supplies for potential needs in friendly countries.

Now, just exactly what is the food-for-peace program designed to achieve?

First of all, the sharing of abundance with needy people is a highly desirable end in itself. Through this sharing we seek to demonstrate our understanding and friendship for the many millions of recipients in the newly developing areas of the world.

Second, by relieving hunger and promoting economic growth in these areas, we are strengthening their capability and their will to resist aggression and subversion. That is one of the keystones of our American foreign policy.

Third, our food, technical assistance, and other aid are promoting economic development.

Fourth, this economic development means expanding markets for all farmers and all businessmen.

The program that has come to be called food for peace encompasses operations initiated several years ago with strong support from the leadership of both major political parties.

Not only was President Eisenhower, as is President Kennedy, a strong supporter of this program, but also numerous congressional leaders have played a strong role in their continuing support of this constructive program. The Department of Agriculture, the State Department and the International Cooperation Administration have exercised great wisdom in administration.

It should be noted that some 70 percent of U.S. agricultural exports are commercial sales for dollars. These commodities move under straight commercial transactions and include shipment on which export payments are made to keep U.S. support commodities competitive with world prices.

In a sense, these constitute food for peace at its best—mutually beneficial, multilateral trade using the efficiency of commercial trade channels.

In connection with regular commercial sales, I should like to discuss the emerging European Economic Community in relation to food for peace, in its broadest sense. The European Economic Community has had the strong support of the United States for obvious reasons. American agriculture and U.S. oilseed processors are supporting these major objectives. At the same time we have been gratified that the United States is urging the six countries to adopt a liberal and outward looking tariff and trade policy, so that the European Economic Community trade with the United States and the free world in general will be able to expand on a reciprocal basis. No doubt, there will be many problems.

Such a policy will be in the interests also of the six countries themselves. The establishment of a Common Market will offer them great opportunities for expanding production and sales on a competitive basis. Thus, they will be better able to develop their economic strength.

As the competitive strength of the Community grows, its export opportunities will also increase. To be able to expand its export trade, the Community will find it necessary to become more and more liberal in its foreign trade policy. This it will find necessary because trade can be expanded only on a reciprocal basis. This includes the United States. This also includes various import and export restrictions and subsidies of the friendly nations—yes, there will be problems.

The European Economic Community has had to develop its agricultural proposals against the background of the agricultural situation and current policies of the six countries. European agriculture has increased production 31 percent above prewar. This increase was stimulated by high support prices and a multitude of subsidies as well as by technological progress. Import restrictions originally imposed for balance-of-payment reasons have been continued for protective purposes. State trading practices, mixing regulations, skimmings, and a variety of other devices have also been used to protect European farm production and oilseed processors.

Compared with the present agricultural and trade policies of the major European Economic Community countries, the Commission proposals for a common agricultural policy have certain good features.

On the other hand, the proposals would, as a means of supplementing internal price support programs, continue certain protective devices now employed by European Economic Community countries and in some cases extend their use to all six countries.

Is it not time that U.S. soybean oil, cottonseed oil, and other oils and fats enter Western European markets under freely competitive conditions? We ask no special favors for oilseed products except that they enter under the same conditions as the raw material. We are willing to compete on equal terms. As you know we are not subsidized.

We in the United States prefer processing be determined by economics and not by Government intervention. European crushers have completely free access to our raw materials—we should have no duties on our oil to Europe. Economics of freight alone are sufficient to favor raw material so long as the destination market exists for both oil and meal.

What we would like is true reciprocity with the Western European nations.

Failure to provide equal opportunity for these oil imports will fan the flames of protectionism in the United States, already concerned with balance-of-payment problems. This is not helpful. Special advantage does not sow the seeds of brotherhood.

You can help by urging your governments to move in the direction of greater liberalization for mutually beneficial trade. In addition, the special export programs help to support this effort of using food for peace. A small percentage of the foreign currencies being generated under our Public Law 480, title 1 sales are being used in market promotion projects in many of the economically developed countries. All sellers benefit from these market promotion projects.

In our field, the Soybean Council of America, jointly financed by the American Soybean Processors and counterpart Public Law 480 funds, carries on promotional activities in many parts of the world. Promotional activities, I repeat, benefit all producers and processors of oil seeds.

Special Government export activities include Public Law 480 sales for foreign currencies, donations, and barter, as well as Mutual Security Act economic aid and sales for foreign currencies. About 30 percent of total U.S. agricultural exports are moved under the special programs. These constitute the foundation of the food-for-peace program.

Public Law 480 sales for foreign currencies constitute the largest single segment of the special programs. By authorizing such sales of U.S. farm products to countries lacking foreign currencies, Public Law 480 has widened farm market outlets and has increased availability of food and fiber to our friends abroad.

The Mutual Security Act, like Public Law 480, also authorizes sales for foreign currencies. From 1954 through 1959 the United States sold about $1.7 billion worth of food, feed, and fiber at market value under the Mutual Security Act.

These sales generate hard currency markets, too. Witness Spain, now a really large buyer of soybean oil for dollars.

Donations of emergency relief supplies are made to help friends abroad when disaster strikes. In the fiscal year 1960 food was provided for victims of natural disasters in 11 countries. For example, we fed refugees in Hong Kong and the Middle East. We helped typhoon victims in the Ryukyu Islands and Japan, and earthquake victims in Chile and Morocco. We supplied food for charitable institutions and school lunch programs.

The U.S. Government also works voluntary organizations in developing people-to-people food donation programs. These include such agencies as CARE, Catholic Relief Services, Church World Service, Lutheran World Relief, and the American Jewish Joint Distribution Committee. Also participating are the international organizations UNRWA (United Nations Relief and Works Administration) and UNICEF (United Nations International Children's Emergency Fund). Seventy-five million American people support this program through their gifts, their work, and their membership in the voluntary agencies.

In the meantime, other free world nations are rendering vital aid to foreign people in distress. Some of this aid is extended on a country-to-country basis, some through and in consultation with international organizations.

In the latter category is the Wheat Utilization Committee, on which are represented the major wheat-exporting countries—Argentina, Australia, Canada, France, and the United States. This committee, with the United Nations Food and Agricultural Organization as an adviser-observer, is investigating the possibility of increasing and making more effective coordinated use of wheat to promote economic development, improve nutritional standards, and expand world commercial trade in wheat.

With the food-for-peace program we are associating the need for food abroad with our tremendous agricultural technological capability.

In terms of feeding hungry people, results have been highly gratifying.

1. Nutritional levels in the underdeveloped parts of the world have gone up.

2. Agriculture generally has kept abreast of or ahead of population increase in the underdeveloped areas.

But we must keep in mind that even with the sharp advances in agricultural technology, its growth must continue at an increasing rate because of the tremendous increase expected in population in the years ahead and the growing pressures to raise living standards.

The food-for-peace program is promoting economic growth in the newly developing countries. This, too, eventually will mean enlarged, permanent markets. Economic development stimulates sales. Many countries, graduated from sales for foreign currencies to sales for dollars after their war-disrupted economies had been rebuilt.

Today Public Law 480 foreign currencies are contributing to economic development in Asia, the Middle East, southern Europe, and Latin America. Here are a few samples:

India: Power projects, irrigation facilities, schools.

Indonesia: Rehabilitation of railways, highways, harbors, airports.

Israel: Agricultural development, electric power facilities, transportation.

Greece: Roads and bridges, electric power, agricultural development, vocational education.

Brazil: Grain elevators, transportation, electric power.

Economic development, in addition to creating permanent markets is furthering the general foreign policy aims of the United States and the free world. One of the keystones of foreign policy is a strong free world—strong enough to stand against aggression and subversion. Increased economic well-being will go far in achieving that strength.

Following negotiation of the United States-Indian wheat-rice agreement, which was signed on March 4, 1960, the Indian Express editorialized, "The Eisenhower-Patil food agreement stands out as an act of good faith in human relations. It is of high material value enhanced by the terms and the timing. It is of far greater import in terms of the spirit of faith in human ideals and in the striving to retain them."

The image that the United States is building among the hungry peoples of the world is tangible. It cannot be blotted out with propaganda. By using food as a major instrument of foreign policy we are doing what the Communists would like to do but can't.

In the rivalry between East and West, agriculture is one area of many in which we have clearly and without question demonstrated superiority. The food-for-peace program is expanding the opportunity to make that agricultural superiority felt.

The food-for-peace program is not without its hazards.

1. We must not hurt the economies of other agricultural exporting countries by usurping their markets.

2. We must beware of making the developing countries dependent upon us, indefinitely, with their growing populations, for our continuing help.

3. We must avoid flooding the recipient countries with our food, depressing their farm prices and hurting their agriculture.

4. We must not give away, barter, or sell for foreign currency, food, and fiber, that we could otherwise sell for dollars.

However, just because there are hazards, we cannot forego the use of our capability in the agricultural field. We must not bury our talent.

Accomplishments of the program have been demonstrated; the hazards have been avoided in the past. We are confident they will be in the future.

At the same time, overall performance can be improved. Part of this can come from greater understanding of the program's objectives and accomplishments. Above all, better performance will come if all concerned are alert, not only for problems, but for opportunities. Is it not good sense—yes, good business—for you as hard-headed businessmen to study and suggest means of implementing similar programs in your countries? Can we businessmen accept the challenge and make proposals to our Government and other groups to expand food consumption among the less fortunate? Mankind is your business. In the largest sense you are your brother's keeper.

Arnold Toynbee has said: "Our age will be well remembered, not for its horrifying crimes nor its astonishing inventions, but because it is the first generation since the dawn of history in which mankind dared to believe it practical to make the benefits of civilization available to the whole human race."

I am neither a politician nor a scientist, but my guess is that the next major war is the last war for us.

Aren't we our brother's keeper?

TRUST STATUS OF CERTAIN LANDS ON THE CROW CREEK INDIAN RESERVATION IN SOUTH DAKOTA

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of Calendar No. 337, H.R. 3572.

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

The LEGISLATIVE CLERK. A bill (H.R. 3572) to place in trust status certain lands on the Crow Creek Indian Reservation in South Dakota.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committees on Interior and Insular Affairs with an amendment on page 2, after line 5, to insert a new section, as follows:

SEC. 2. It is the policy of Congress that the value of all Federal property heretofore or hereafter given to an Indian tribe, band, or group, including the property granted by this Act, shall be considered by the Indian Claims Commission for setoff purposes in accordance with the provisions of section 2 of the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1050). In order to incorporate that policy in the Indian Claims Commission Act, the third paragraph of section 2 of said Act is amended by deleting the words "the Commission may also inquire into and consider all money or property given to our funds expended gratuitously for the benefit of the claimant" and by inserting in lieu thereof the words "the Commission shall also inquire into and consider all money or property given to or funds expended gratuitously for the benefit of the claimant prior to the Commission's award".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act to place in trust status certain lands on the Crow Creek Indian Reservation in South Dakota, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask that a portion of the report on the bill be printed in the RECORD.

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

PURPOSE

The purpose of H.R. 3572, is to place in trust status 1,276.25 acres of federally owned lands on the Crow Creek Indian Reservation in South Dakota. The committee amendment, set forth in section 2, provides that the Indian Claims Commission shall determine whether the value of these lands, and other lands donated to other tribes, should be an offset against any claim against the United States allowed by the Commission in favor of the tribe that has been the beneficiary of such a gift.

NEED

The land was purchased in 1944 for $5,760 with Federal funds from an account called "Indian money, proceeds of labor." The money was accumulated from the cattle-raising activities at the Crow Creek Indian school which closed in 1954. The General Services Administration will dispose of the acreage if it is not donated to the tribe. GSA has received a firm bid which is being held in abeyance pending early congressional approval of this bill. The tribe plans to lease the land for grazing purposes. This will produce an income of about $1,200 a year for the tribe. The tribe will lose much of its present land in connection with the construction of Big Bend Dam on the Missouri River, and the lands donated by this act will provide some homesites for dislocated Indians.

COST

Enactment of the bill will require no appropriations, but will result in the loss of the amount of the bid ($29,363) which has been received by the General Services Administration.

AMENDMENTS

As passed by the House, H.R. 3572 did not specify how this gift of land would be treated in connection with the claim of the Crow Tribe now before the Indian Claims Commission.

A number of the bills donating surplus Federal lands to Indian tribes which have come before the committee contain language specifying how gifts of lands shall be considered in relation to such tribal claims. In some cases the lands are simply eliminated from the suits. In other instances there is a provision for a setoff against any claim recovered by the tribe of the present market value of the land. In other instances no mention is made of whether a setoff shall apply. Also, there is uncertainty whether gifts of land made subsequent to the cutoff date for filing claims (August 13, 1951) should be considered as offsets.

In an effort to arrive at uniformity in this regard the committee has reported several such bills, amended, to provide for setoffs. However, in order to preclude the need for such amendments, and to establish a policy that all gifts of land are considered, the committee recommends general language directing the Indian Claims Commission to determine, in accordance with the provisions of section 2 of the 1946 Indian Claims Commission Act, the extent to which the value of the property given to the Indians should or should not be set off against any claim against the United States determined by the Commission.

This directive applies not only to the land involved in H.R. 3572 but to all gifts of Federal property to an Indian tribe. It is the committee's belief that the Indian Claims Commission is in the best position to examine all of the factors surrounding the claims of the tribes and to decide on the merits whether any setoff should be made against any judgment awarded the tribes. Moreover, the Claims Commission Act gives the Commission authority to determine setoffs generally, after examining all of the equities involved, and it seems appropriate to leave that function with the Commission, with the clarifying language of the committee amendment, rather than for Congress to attempt to determine the equities.

DEPARTMENTAL REPORT

The favorable report from the Secretary of the Interior dated March 10, 1961, follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C. March 10, 1961.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: Your committee has requested a report on H.R. 3572, a bill to place in trust status certain lands on the Crow Creek Indian Reservation in South Dakota.

We recommend that the bill be enacted.

The bill donates to the Crow Tribe and places in a trust status approximately 1,276.25 acres of federally owned land.

The land was purchased by the Federal Government with funds from an account called "Indian money, proceeds of labor." These are Federal funds (not Indian) derived from Federal operations on Indian reservations which are not required to be disposed of in some other manner. The money in this account may be expended by the Secretary under an indefinite and continuing appropriation for the benefit of the Indians, the agency, or the Indian school on whose behalf the money is collected (25 U.S.C. 155). The money is accumulated from such activities as the operation of a beef or dairy herd in connection with an Indian school.

The purchase was made in 1944 and the purchase price was $5,760. There are no improvements on the land.

The land was purchased for use in connection with the Crow Creek school, which was an agricultural high school specializing in beef cattle production. The school was closed in 1954, and in 1957 the land was declared to the General Services Administration as excess to the needs of the Bureau of Indian Affairs.

The South Dakota Department of Game, Fish, and Parks applied to the General Services Administration on June 16, 1958, for a transfer of the land to it under the act of May 19, 1948 (62 Stat. 240). That act authorizes the transfer if the property is found to be chiefly valuable for wildlife conservation purposes (other than conservation of migratory birds). The State's application was denied by the General Services Administration on the ground that the land is not chiefly valuable for wildlife conservation purposes.

The General Services Administration later offered the land for sale on the open market as surplus property, and we are informed that it has received a bid of $29,363, which is limited to 60 days from January 24, 1961.

The land is located near Fort Thompson, Buffalo County, S. Dak., within the exterior boundaries of the Crow Creek Reservation. The tracts are contiguous to each other (but not in a solid block) and are surrounded by allotted land. The tribe wants the land to lease for grazing purposes. Anticipated rentals are estimated to be about $1,200 per year. The land may also provide a limited number of homesites for some of the Indians who have been forced to move from the taking area of the Big Bend Dam.

We believe that the land should be given to the Indian tribe for grazing and homesite use, rather than sold as surplus property.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

THE JOHN BIRCH SOCIETY

Mr. McGEE. Madam President, I should like to call to the attention of the Senate an interesting book review which appeared in the May 20, 1961, issue of the New Yorker magazine. The title of the review is "The Candy Kid." It attempts to evaluate the so-called blue book of the John Birch Society.

Because of the candidness of the review, because of the broad perspective in which the blue book is assessed, I ask unanimous consent that the review be included in its entirety in the RECORD at this point.

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

THE CANDY KID

(By A. J. Liebling)

In 1922, when I was 18 and it was new, I read James Elroy Flecker's play about Hassan, the confectioner of Baghdad, and it became one of my clandestine addictions, like my taste for Atkinson's Doncaster Toffee. It has a sucrose, glucose, dextrose quality, like warm spun sugar twining itself around the aorta. Hassan, its protagonist, through a chance encounter with the Caliph Haroun-al-Rachid, is removed from the humble but cozy purlieus of his shop to the world of affairs of state. At first the transposition pleases him. "For all these years I have been a humble man, of soft and kindly disposition—such a man as the world and a woman hate," says he. "But now I shall never again be the fool of my fellows." Afterward, though, failing to soften the Caliph's line on capital punishment, he is glad to retire, and withdraws from public life as a pilgrim, marching off stage singing, in chorus with the rest of the caravan, "We take the Golden Road to Samarkand."

For Hassan's sake, I was predisposed in favor of Robert H. W. Welch, Jr., founder of the John Birch Society and author of its Koran, "The Blue Book" (copyright Robert Welch, 1959). Mr. Welch had an early life much like that of my older friend. He was, before he became an author, a candymaker in Cambridge, Mass. The only other American public man I can think of with an equally mellifluent background is Adolf A. Berle, Jr., who was chairman of the board of the America Molasses Co. But whereas Hassan, squatting among his sugar kettles, used to write poetry, Mr. Welch, by his own account, read world history. And while the peppermint popped and the popsicles purred, he became so impressed by the analogies he discovered in his reading that, like Mohammed, he heard a voice saying to him, "Recite." Accordingly, he summoned a number of disciples to meet him at a hotel in Indianapolis, where there are always rooms (except during auto-race week), on December 8, 1958. "The Blue Book" is, its author explains, a record of what he said at the ensuing meeting, as fraught with consequences as a chocolate bar with peanuts. Only 11 disciples attended, leaving him one short of the conventional complement, but they represented 8 States.

It is inspiring to think of that seminal meeting, in a hotel banquet suite, perhaps named for one of the characters of James Whitcomb Riley, the Hoosier laureate—the Little Orphan Annie Room. The Wise Men from afar sit one knee over the other around the manger of the new truth, and Mr. Welch tells them:

"The Gobble-uns'll git you ef you don't watch out."

"With short breaks for coffee, for luncheons, and for brief discussions in between sections of the presentation, it required 2 whole days to set forth the background, methods, and purposes of the John Birch Society. The pages that follow are simply a transcript practically verbatim, of that presentation," Mr. Welch reports. "I personally have been studying the problem (of communism) increasingly for about 9 years," he told the original 11, "and practically full time for the past 3 years. And entirely without pride, but in simple thankfulness, let me point out that a lifetime of business experience should have made it easier for me to see the falsity of the economic theories on which communism is supposedly based, more readily, than might some scholar coming into that study from the academic cloisters; while a lifetime of interest in things academic, especially world history, should have given me an advantage over many businessmen in more rapidly seeing the sophistries in dialectric materialism."

His world history is Neo-Spenglerian, although, he concedes, "there is certainly more Welch than there is Spengler" in it, and he has contributed not a few new details. It was Darius and not Cyrus who, according to Mr. Welch, overthrew the "Neo-Babylonian civilization;" Greek colonists conquered Italy, founded Rome, and "developed Roman civilization;" and the Roman Empire of the West "started dying from the cancer of collectivism from the time Diocletian imposed on it his New Deal."

The notion of conventional historians like Rostovtzeff and Burckhardt has been that

the Roman economy hit the skids a century and a half earlier, and that Diocletian, poor man, was merely trying to pick up the pieces. One of his measures was a system of price controls, and this probably has caused Mr. Welch to confuse him with Franklin D. Roosevelt. The theory that Greece conquered Rome has not yet become dogma, either, but it may; it is in line with the discovery that the South won the Civil War after Sherman's Flight to the Sea.

"Basically, when you dig through the chaff and the dressing in Spengler enough to get at his thought, he held that a societal development which we ordinarily class as a civilization is an organic culture, which goes through a life cycle just the same as any of the individual organisms which we see whole and with which we are more familiar." Western Europe reached its high point in the second half of the 19th century, Mr. Welch holds, and is now dying of a "collectivist cancer" that has invaded us. We must excise it—a herculean task. His prose abounds in figures of speech based on cancer and cardiac afflictions, which should be impressive to a public of predominantly elderly executives. (Welch himself is 61.)

Theories, however, are less his concern than facts—his eye deciphers surface appearances as easily as it does the creme fondant within the walnut imperial. For example, he says of one nation not commonly detected: "And gentlemen, any idea that Norway is not, for all practical purposes, now in Communist hands * * * is in my opinion as unrealistic as the thought that Kwame Nkrumah of Ghana is a Democrat." (The Norwegian Storting, or Parliament, has one Communist among its 150 members.)

"Syria, Lebanon, Egypt, Libya, Tunisia, Algeria, Morocco" are places where the Communists "either already have control, however disguised, or are rapidly acquiring control." Nehru, Nasser, and Sukarno are Communists, like General Eisenhower.

"The Communists are now in complete control of Bolivia and Venezuela." The only Latin-American governments Welch endorsed in 1958 were Paraguay, Nicaragua, the Dominican Republic, and Batista's Cuba, all dictatorships. Batista has now, of course, gone down the drain—an incalculable loss to Western civilization. Hawaii, Mr. Welch revealed, was Communist through and through. Since its admission as a State, the poison has, presumably, reached our vitals.

"The whole slogan of civil rights, as used to make trouble in the South today, is an exact parallel to the slogan of agrarian reform which they (you are expected to know by this time who "they" always are) used in China." Discovering the points at which the John Birch line makes fast to those of other kindred revelations is a continual beguilement as the reader of "The Blue Book" goes along. Here it hitches with the White Supremacists. A bit farther on, declaring the Algerian war a Communist creation, it ties on to the colons.

Our troubles, however, are of our own making. "The first great break for the Communist conspiracy came in 1933, with our formal recognition of Stalin's regime. At that time the Russian government was staying alive financially from week to week by methods which, in the case of individuals, would be called check-kiting." (At the moment, as I recall, we were pretty broke ourselves. The banks stayed closed until Roosevelt got them open again, and Al Smith and the Daily News advocated recognition of the U.S.S.R. as a method of reviving us.) "Our recognition tremendously increased their prestige and credit, at home and with other nations. It saved them from financial collapse." What good it would do the Russian government, if broke, to increase its credit at home, in Russia, where nobody had any money, is one of "The Blue Book's" minor enigmas.

In Asia, where we are also out of luck, our Government prevented Chiang Kai-shek's troops from getting even ammunition, while the Russians gave the Reds tremendous stockpiles of Japanese arms. (The primary cause of the defeat of the Chinese Nationalist Army was the military aggressiveness of the Chinese Communist forces, and sound tactics, which were based on the capabilities and limitations of the Red military. Communist victory was achieved without the extensive use of modern, large-caliber weapons, motor transport or aircraft, but by sound, aggressive tactics on the ground.—Lt. Col. Robert B. Rigg, a U.S. military observer, in Red China's Fighting Hordes.)

The chief weapon of the Communists in thus maggoting the world outside our borders has been treachery, not science. They have never, for example, built an atomic bomb: Their agents had simply walked off from our plants with the necessary separate parts, which had then been assembled in Russia, and exploded whenever it best suited the Soviets' pretenses. In the light of this fact, all the pother about disarmament conferences is superfluous. All we have to do to disarm the Russians is to install a proper security system in our own plants. (When they walked off with the parts of our heavy-rocket booster, they might at least have left us the plans.)

And now that they are working up on us—they've got Hawaii already, remember, with two Red Senators on Capitol Hill—they have three possible courses. One would be, through a sufficient amount of infiltration and propaganda, to disguise communism as just another political party. When I reached this point, I peeked ahead to see which party was to be the Trojan donkey. But Mr. Welch had written, "We do not anticipate that development." Another route to the consummation of conquest would be by fomenting internal civil war in this country, and aiding the Communist side in that war with all necessary military might, as an outside power may do in say, Cuba. But he didn't anticipate that, either, although he said, "One never could tell."

The third method, "which is far more in accordance with Lenin's long-range strategy," is the "one which they are clearly relying on most heavily." This, on which they are already launched with gratifyingly fearful results, is to take over the Government by a process so gradual and insidious that they will have us in the bag before we know it. One step is to lure us deeper and deeper into the United Nations, which is a thinly disguised branch of the Soviet Government itself, "until one day we shall gradually realize that we are already just a part of a worldwide government ruled by the Kremlin, with the police-state features of that government rapidly closing in on ourselves. But another part of the plan is the conversion of the United States into a socialist nation, quite similar to Russia itself in its economy and political outlook. The best way to explain the aim here is simply to quote the directive under which some of the very largest American foundations have secretly but visibly been working for years. This directive is so to change the economic and political structure of the United States that it can be comfortably merged with Soviet Russia."

Here Mr. Welch, like Mohammed in most of the Koran, omits the source of his quotation. In the prophet's case, it is always understood to be God. At this point, with Asia gone under altogether, Europe gone under (all but Spain and Portugal), South America gone under (all but Paraguay), Africa gone under (all but the Union), us going (all but Arizona), the reader might well expect, as I did, a call to a preventive war, or at least the setting up of a force, entirely commanded by admirals called back from retirement, that would put the skulking devils in their place. This could be done in three steps. One, we stop them from snitching any more bomb parts. Two, we blockade them and starve them out. Three, we send them only stale surplus chocolate bars to eat until they say "uncle" ("dyadya"). I can imagine the 11 disciples squirming on their hotel chairs in the Claypool, hardly able to hold themselves down as they awaited the slogan cry "Out cutlasses and board."

But, Welch warns, this is the trap they planned for us. "Although our danger remains almost entirely internal, from Communist influences right in our midst and treason right in our Government, the American people are being persuaded that our danger is from the outside, is from Russian military superiority." What we have to do, then, is not spend money on defense, not pay taxes, but balance the budget at zero, stultify central government, defend States rights, stop Federal aid to education (it leads to thought control), pay no attention to talk about the horrors of war, since we won't have any arms anyway, and, above all, derecognize Russia and it will blow away. To make the juju stronger, we are to abandon foreign aid, abolish the income tax, and "win that battle, against communism, presumably, by alertness, by determination, by courage, by an energizing realization of the danger, if we can; but let's win it, even with our lives, if the time comes when we must." (Without spending money.) It sounds like a program for eating your jelly beans and having them, or ruling the skies with obsolete airplanes. It also sounds like the program of turning a back on the world devised for 17-century Japan by the Tokugawa Shogun Iyemitsu. "Don't look and it will go away" was the Tokugawa's prescription, but the outside world didn't, and when Japan looked again, centuries later, she found herself in a most humiliating position. (In the interim, 80 percent of her people had lived in fairly continuous hunger, which forced them to the regular practice of infanticide to keep the population down.) The Birch creed should, I would think, tickle the pants off any Russian official in his right mind, for its essence is unilateral disarmament through permitted obsolescence, a breakup of Federal authority, and a withdrawal from the international field.

One of the entrancing episodes of the John Birch epopee, for me, was the behavior of Maj. Gen. Edwin A. Walker, supposedly a fire-eater, who had John Birch tracts, which are essentially pacifist, passed out to his men. I wondered whether he had read them. The obsession of ubiquitous treachery, moreover, is exactly what will make a soldier soonest take off. A division convinced of the prevalence of treason all the way back to base will scatter at the first shot.

When the modern Hassan reaches the chapter of his revelation in which he discusses positive measures against the "worldwide Communist conspiracy" ("And so, let's act"), he is less impressive than when he is evoking the dangers that hedge us around. As an initial move toward breaking Marx's back, he would establish reading rooms, "somewhat similar to the Christian Science reading rooms," where the writings of Robert Welch would be available. The society's publications "should be put in barbershops, from which we obtained firm written promises to welcome these publications and keep them on the reading tables." Members of the society should listen to the broadcasts of Fulton Lewis, Jr. And everybody should write letters for worthy causes like withdrawal of recognition from Russia and the repeal of the income tax. Above all, there should be "exposure" of Communists, by publication.

"Let's make what we are talking about clearer by an illustration. There is the head of one of the great educational institutions in the East (not Harvard, incidentally) whom at least some of us believe to be a Communist. Even with a hundred thousand dollars to hire sleuths to keep him and his present contacts under constant surveillance for a while, and to retrace every detail of his past history, I doubt if we could prove it on him. But—with just $5,000 to pay for the proper amount of careful research, I believe we could get all the material needed for quite a shock. We would run in the magazine an article consisting entirely of questions to this man, which would be devastating in their implications. The question technique, when skillfully used in this way, is mean and dirty. But the Communists we are after are meaner and dirtier, and too slippery for you to put your fingers on in the ordinary way—no matter how much they look and act like prosperous members of the local Rotary Club."

The disproportion between the magnitude of the evil discovered everywhere and the insignificance of the remedies proposed makes Birchism a demoniac religion. The Birchist, like man before the invention of fire, wanders helpless among malignant forces, his only consolation inner knowledge of how terrible things are, his only protection an amulet in the form of a "blue book," his only weapon a postage stamp. His chiefest satisfaction is his conviction that his neighbor will perish, and that he will probably deserve to. "Communist" for the Birchist, the reader gathers after the first page or so of the book, means anybody who approves of paying taxes, national defense, public education, civil rights, the United Nations, labor unions, or poetry since Tennyson. There is no politician in whom Welch sees hope; even BARRY GOLDWATER is a softhearted sap. And so it is true, for him, that there are "Communists" everywhere. Socialists, in the penumbra of the weird world Welch inhabits, are Communists; Roosevelt and, save the mark, Woodrow Wilson strengthened central government, so were Socialists, so Communists. It is an ugly doctrine, which inhibits every effort to outperform our rivals, because implicit in it is the assurance that the effort will end in betrayal. Taken seriously, it could be more destructive than the nerve gas that all up-to-date chemical-warfare branches are now supposed to possess, which paralyzes the will to resist. Only this gas, instead of being carried over borders by ICB missiles, is a native product, for home consumption, like coconut bars.

THE FOLLY OF DESPAIR

Mr. McGEE. Madam President, I should like to include in the RECORD at this point a column which appears in this morning's Washington Post, from the pen of our distinguished political pundit, Walter Lippmann, entitled "The Folly of Despair." In the article Mr. Lippmann attempts to recast the troubled times of the moment in the context and perspective of recent history, instead of in the narrower confines of the setbacks and discouragements which arise occasionally from day to day.

Because of the insight it provides and the reconstitution of faith in our position in the world which it espouses, I am sure Members of the Senate have read the article with great interest, as I have; and I believe that we ought to share it with those who may see it only in the CONGRESSIONAL RECORD. I therefore ask unanimous consent that it may be included in the RECORD at this point.

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

THE FOLLY OF DESPAIR

(By Walter Lippmann)

We have had a run of bad news and the time has come when we must make up our minds whether to face it and learn from it, or to shrink from it into a nervous breakdown with suicidal tendencies. There are altogether too many of us who in dismay and disappointment are ready to admit that Khrushchev is right in predicting that communism is sweeping the world and that, short of war, we have no means of stopping it.

They are like the man who, as an experienced diplomat once put it many years ago, is so worried that he will fall off the top floor of the Empire State Building that he stops the elevator and jumps out of the ninth floor window. I believe this defeatism to be profoundly mistaken and unwarranted. It is based on a misreading and a misunderstanding of what has happened since the Second World War and what is happening now. The root of the error is to equate, instead of to differentiate between, the communistic movement which owes allegiance to Moscow and Peiping and the worldwide movements of social reform and social revolution, which almost everywhere seek national independence and nonalinement with the great powers.

Mr. Khrushchev's hope and belief is that he will lead and direct all the reforming and revolutionary movements. We play right into his hands when we identify ourselves with the opponents of change rather than with the leaders of change.

For those who think that Laos and southeast Asia are gone and that like the dominoes all the Asian nations and the Pacific will go too, I should like to call attention to Egypt. It was not so many years ago—in fact it was in 1955—when we were told that Egypt and Syria and Iraq, and all the oil of the Persian Gulf, and the Suez Canal, were gone or going. Egypt had gotten arms from Czechoslovakia, it got Soviet help in building the Aswan Dam, it nationalized the Suez Canal, and all was lost.

Yet look at it now. Syria and Iraq and the Persian Gulf states are not Communist. Egypt continues to put its Communists in jail. Mr. Khrushchev has attacked Egypt publicly. President Nasser is calling a congress of the neutrals who do not take their direction from Moscow. Egypt has played a decisive part in preventing the flow of Soviet arms to the rebels in the Congo.

After Egypt and the Middle East, look at Africa, look at Guinea, which 6 months ago was written off as gone. It is not gone despite the several hundred Soviet technicians who are there. Probably it is not gone in part at least because the Soviet technisians who are there have made themselves so unpopular. In any event the chances are good that Guinea in the end will line up with the rest of independent Africa as a neutral state.

There is now a great likelihood that the whole of North Africa, all the way from Morocco to Egypt, will take a neutral line, refusing to be dominated by Moscow or to take direction from Paris or Washington.

Moreover, I do not believe that Cuba is gone, and I have a very strong impression that Mr. Khrushchev does not begin to think Cuba is as gone as, let us say, Senator SMATHERS thinks it is. For Cuba is as far from Moscow as Laos is from Washington. In time, not necessarily in a very long time, the Cuban revolution will rejoin the community of American states. It will do this because it has no other place to go.

The wave of the future is not Communist domination of the world. The wave of the future is social reform and social revolution driving toward the goal of national independence and equality of personal status. In this historical tendency, Mr. Khrushchev will be, as Mr. Alsop tells us he is supposed to have described himself, "the locomotive of history" only if we set ourselves up to be the roadblocks of history.

What is the lesson of all these experiences? At bottom the lesson is that there is, as the President said the other day, a worldwide social upheaval which the Communists did not create but which they hope to capture. If we make our own policy one of opposition to this worldwide movement of social change, we shall lose the cold war and Mr. Khrushchev's hopes will be realized. If, on the other hand, we befriend and support with active measures the movements of social change, their leaders will not submit to Moscow because they do not have to submit to Moscow. They do not wish to submit to Moscow because what they want is independence.

THE CUBAN INVASION

Mr. McGEE. Madam President, I ask unanimous consent to have printed in the RECORD at this point the lead editorial in this morning's Washington Post. It has to do with the comments recently attributed to the new chairman of the Republican Party, Representative WILLIAM E. MILLER, particularly in regard to the comments he made on the Cuban question.

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

TRAGIC MISTAKE

The new chairman of the Republican National Committee, Representative WILLIAM E. MILLER, has broken the unwritten political truce about Cuba with his charge that the Kennedy administration perpetrated "an American tragedy." Mr. MILLER's specific complaint—that President Kennedy "rescinded and revoked the Eisenhower plan to have the Cuban freedom fighters protected by American air power"—happens to be true. But did this, and the announcement that no American forces would take part, constitute the ghastly mistake which Mr. Miller professes to see?

In the clarity of hindsight there were enough mistakes to fill a couple of political war chests, and perhaps in the immediate sense the failure to use American air power was one of them. Mr. Kennedy's order, it seems plain, removed whatever chance there might have been for a badly conceived plan to succeed. All questions of treaties and international opinion apart, if the plan had worked militarily—and the if is a big one—many of the misgivings might have been swept away. The United States received virtually as much blame as it would have received if it had committed its own forces.

But that argument assumes that a military operation alone in Cuba would have guaranteed the overthrow of the Communist satellite which Fidel Castro has been building. A far more persuasive argument on the other side of the case has been made by Theodore Draper in his admirable review of events in Cuba. In his article in Encounter, reprinted in the New Leader, he notes:

"The Eisenhower administration had not given the underground priority, and the Kennedy administration ruled out full-scale intervention.

"Yet, short of the Castro regime's collapse at the first blow from the outside, the invasion required a spontaneous outburst of popular support or an ever-increasing measure of American support. An invasion force which succeeded in overthrowing Castro without a demonstrative show of popular support could only have ruled Cuba in a

state of perpetual civil war or as a thinly disguised American occupation. At best, it would have postponed another outbreak of "Fidelismo" for a few months or years. At worst, it could have made Cuba into another Algeria."

What is significant is that the Republican leadership, judged by Mr. Miller's charges, evidently has concluded that there is a popular issue here in berating Mr. Kennedy for his decision not to intervene directly. And if there is to be a political debate on this point, then some further considerations ought to come into the discussion.

Mr. Draper, who himself has no illusions about the menacing nature of the regime in Cuba, reports that former Vice President Nixon, as early as April 1959, wrote a memorandum advocating the training of guerrilla forces to overthrow Castro. Mr. Nixon also is said by others to have argued within the Eisenhower administration for an invasion with the support of American ground troops, if necessary.

Yet when Mr. Kennedy, during the political campaign last fall, advocated helping anti-Castro forces inside and outside Cuba, Mr. Nixon termed the recommendation "dangerously irresponsible." He cited five treaties and the United Nations Charter in which this country has undertaken not to intervene, and he added:

"If we were to follow that recommendation (of Mr. Kennedy) we would lose all of our friends in Latin America, we would probably be condemned in the United Nations, and we probably would not accomplish our objective."

Those were the words of the Republican presidential nominee last October. If Mr. Miller is now inviting a full postmortem, it will be, indeed, instructive to have all the facts come out.

CONGRESSIONAL AND SCHOOL RECESSES

Mr. McGEE. Madam President, on Thursday, June 8, I made some brief remarks about the possibility of putting Congress on a "full time" basis with year-round sessions and that we take what recesses become available so as to coincide with the school recesses when Members of Congress can spend some time with their families.

At that time, I asked to have printed in the RECORD a petition of the Democratic Congressional Wives Forum and the Republican Congressional Wives Club which went on record as favoring a "summer recess" policy.

That petition inadvertently omitted the names of Mrs. Fred Marshall and Mrs. John M. Slack, Jr.

PUBLIC COMMUNITY COLLEGES

Mr. SMITH of Massachusetts. Madam President, the fastest growing form of higher education in my State of Massachusetts today, as well as in the United States, is the public community colleges. One began operation last fall in Pittsfield, and three more will open their doors to students next September in Boston, Haverhill, and Hyannis. They are a part of the Commonwealth's vital long-range program to make higher education available at a minimum cost to everyone in the State.

An article published in the Boston Globe on Sunday, June 11, 1961, gives an excellent account of the work which these colleges are doing.

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:

The Bay State's new 2-year colleges

[All opening this fall except Berkshire Community College, which opened last fall]

Name	Location	Openings	Courses offered	Yearly cost [1]
Berkshire Community College	Pittsfield	300	Liberal arts,[2] business administration,[2] electronics technology.	$200
Cape Cod Community College	Hyannis	150	Liberal arts,[2] business administration.[2]	200
Massachusetts Bay Community College.	Boston (27 Garrison St.).	300-500	Liberal arts,[2] business administration,[2] electronics technology.	200
Northern Essex Community College.	Haverhill	150	do	200

[1] Tuition only; commuting expenses, books, etc., extra.
[2] Transfer to another college after 1 or 2 years. However, some business administration courses will be "terminal" 2-year programs. (An associate in arts or associate in science degree is given for completed 2-year courses. Transferees to other colleges will continue studies for bachelor's degrees.

"COMMUTER" COLLEGES SCORE—STATE OPENING THREE IN SEPTEMBER, ANOTHER EXPANDING

(By Ian Forman)

Hard-pressed Massachusetts will create 900 new "college places" this September in one bold new stroke.

Three new 2-year community colleges are opening their doors for the first time—and a fourth is being enlarged.

Boston, Haverhill, and Hyannis are the sites of the growing chain of these State-run "commuter" colleges, whose first "pilot" institution opened successfully at Pittsfield last fall.

Already the applications are pouring in, but the rule is: It's never too late to apply, even through the summer.

This new concept in higher education, which will rapidly assume a major role in Massachusetts, aims at two things:

1. Prepare students in liberal arts and sciences so they can transfer within 1 or 2 years to a 4-year college or university.

2. Prepare other young men and women in 2-year "terminal" courses for more technical careers in business, industry, electronics technology, and other areas than high school education now affords.

Are these new colleges any good? you may ask.

Should I apply to go or, if a parent, should I encourage my youngster to go?

The best immediate answer might be to look at Pittsfield's Berkshire Community College which opened last fall.

Within only 1 year, a girl student has transferred to Middlebury and a boy to Amherst College, both with good scholarships. Another girl is switching to Connecticut this fall, and several more students will transfer to the University of Massachusetts in February.

This is an amazingly good first-year record—and a reflection on the faculty assembled—since most transfers normally will occur after the second year, which is coming up.

In addition, two students in the business-technical courses have left for well-paying jobs.

This dual nature of the Bay State's growing 2-year college system should not be forgotten; the post-high-school advanced education of top technicians and executive assistants in industry and business.

This technical-vocational role may well be the answer to supplying our "technician hungry" electronics industry—and eventually producing top assistants in areas like medicine and dentistry.

There's a big head of excitement building up at these about-to-open colleges. The pioneering spirit is helping draw qualified and inspired faculty.

And the other new colleges are drawing similar people.

For instance, Dr. John F. McKenzie, former dean of men at Boston University who is now director of Boston's Massachusetts Bay Community College, says Boston also is a magnet for college teachers.

"Boston is an attraction culturally," he said, "but just as important, its many universities give younger faculty an opportunity to study here for advanced degrees."

McKenzie, too, noted the desire of faculty to be part of a "from the ground up" pioneering effort, and adds that many top-flight secondary school teachers are looking for a chance to teach at a more advanced level.

Located at least temporarily in the former B.U. College of Practical Arts buildings at 27 Garrison Street, Back Bay, Massachusetts Bay Community College will be the State's largest, growing probably to 700 or 800 students within 2 years.

Cape Cod Community College provides opportunity for the only higher education in the cape area. Director Bartlett says, "Roughly 70 percent of our students say they couldn't have gone to college anywhere else."

It costs $200 tuition a year for all the community colleges. Many students will go through by living at home, and earning tuition and book money in the summer, he said.

Northern Essex Community College in Haverhill will be directed by Dr. Harold Bentley, formerly director of Worcester Junior College for 12 years.

Following the industry cooperation pattern at Pittsfield and Boston, Dr. Bentley is working with such local industries as Western Electric, Raytheon, and Avco in setting up his industrial technician courses.

Director Thomas E. O'Connell at Berkshire Community College has found local industry extremely helpful in providing faculty from their staffs, equipment and postgraduate job placement.

Because in its closing hours the 1961 legislature passed $750,000 to keep the program moving, against Governor Volpe's recommendation that a halt be called to review the plans.

Walter M. Taylor, executive secretary of the Massachusetts Regional Community Colleges Board, said there will be two more such colleges opened in September 1962.

Whether they'll be in places like Greenfield or the Athol-Gardner area, where interest is strong—or in larger spots like Springfield and Worcester, where interest is just stirring—no one yet knows.

ONE HUNDREDTH ANNIVERSARY OF "FIGHTING IRISH" 101ST INFANTRY REGIMENT

Mr. SMITH of Massachusetts. Madam President, this week marks the 100th anniversary of the organization of the 101st Infantry Regiment, better known as the "Fighting Irish" or "Irish 9th."

The regiment began in 1798 in Boston as the Columbian Artillery Company in an artillery regiment. Around 1850, a number of Boston Irishmen joined it and, under the leadership of Capt. Thomas Cass, turned it into one of the finest militia companies in the city.

In 1855, however, the Governor of Massachusetts announced his intention of disbanding all military companies composed of persons of foreign birth. Captain Cass surrendered the company's charter because of what he felt was a grievous insult to the good name and men of the unit and it was reformed as a civic group for literary and military purposes. I suspect they were a little more military than literary, as they did a good deal of drilling on the Boston Common.

When the Civil War broke out, prominent Irish-American citizens of Boston met to recruit a regiment. Captain Cass was selected as the colonel for the new unit and the Columbian Artillery was immediately reestablished as the "Irish 9th" Regiment.

It fought valiantly in Virginia, Pennsylvania, and Maryland in many battles ranging from Bull Run, Antietam, and Chancellorsville to Spottsylvania and finally Gettysburg. The regiment paid a high price in casualties, however, for its long and gallant record; and many of its men, including Colonel Cass, who was killed at the battle of Malvern Hill, died in the field.

Since then, the "Fighting Irish" regiment has served its country well in every war. In honor of its fine record, I am glad to say that Mayor John Collins, of Boston, has proclaimed June 11–17 as 101st Infantry Centennial Week.

VALERIAN ZORIN

Mr. PELL. Madam President, recently Dr. Peter Zenkl, former lord mayor of Prague, and the father of the prewar social security program of Czechoslovakia, wrote a most interesting editorial about Valerian Zorin which appeared in the May 27 issue of the Saturday Evening Post. I had the honor of knowing Dr. Zenkl when I was serving our Foreign Service in Czechoslovakia. Because of his anti-Communist stand, Dr. Zenkl had to flee for his life and is now living in the United States. He suffered, too, under the Nazi occupation of his homeland when he was arrested and interned.

Dr. Zenkl's editorial highlights the ludicrous spectacle of a man like Zorin donning the cloak of self-righteousness at the U.N. Zorin's nefarious activities in connection with the treacherous Communist takeover of Czechoslovakia make his conduct in the U.N. questionable to say the least.

Madam President, it is a genuine pleasure for me to ask unanimous consent that the editorial entitled "Zorin, 'Defender' of the Congo and Cuba in the U.N. Is an Old Hand at Subversion" be printed in the body of the RECORD.

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

ZORIN, "DEFENDER" OF THE CONGO AND CUBA IN THE U.N., IS AN OLD HAND AT SUBVERSION

(By Peter Zenkl)

In the chaos which gripped the Congo Patrice Lumumba was murdered. In the United Nations debate on the Congo, Soviet spokesman Valerian Zorin accused the colonial usurpers of the treacherous murder of Lumumba.

To the uninformed, Zorin's lamentations might suggest genuine revulsion from political murder. Some of us, however, remember another February only 13 years ago. In Czechoslovakia after World War II the Communists used every available means to subvert the Government of Czechoslovakia, which still believed in coexistence. The top conspirator in this effort was Valerian Zorin, deputy minister of the U.S.S.R. and former Soviet Ambassador in Prague.

Valerian Zorin laid the groundwork for his reputation as "the gravedigger of Prague" long before the climactic events of 1948. A longtime party activist, Zorin joined the Soviet Ministry of Foreign Affairs in 1941 to become head of the department of central European matters. He formed a close relationship with Zdenek Fierlinger, the Czechoslovak quisling who was Czechoslovak Ambassador to Moscow.

Immediately after the liberation of Czechoslovakia from Nazi rule in 1945 Zorin, then Soviet Ambassador in Prague, openly supported the activities of the Czechoslovak Communist Party. In 1947, in my capacity as chairman of one of the largest non-Communist parties, I went to Zorin before he left his post in Prague to protest the violation of the treaty of noninterference—the coexistence treaty which had been signed by the Soviets in 1943. I asked him when Soviet interference in our affairs would end. His reply was, "When it will be no longer necessary."

When the Communists faced a new national election and realized that the country had turned against them, they consulted Moscow and prepared for the coup d'etat of February 1948. When arms had been distributed to loyal party members, Zorin, accompanied by five Soviet generals, suddenly reappeared in Prague. He came purportedly to supervise the delivery of Soviet wheat to the Czechs, but he made it a point to make contact with select Czechoslovak ministers.

In February 1948, a congress of the Union of Soviet Czechoslovakian Friendship celebrated the 30th anniversary of the Red army. With Zorin and all the members of the Soviet mission in Prague looking benignly on, Prime Minister Gottwald delivered an aggressive speech, including the warning that "all attempts to upset the new order and to bring back the capitalist order as it existed before Munich are the result of the plans and plots of the Western imperialists."

As soon as Czechoslovakia was safely under Soviet domination, Moscow's agents flooded Czechoslovakia. Under their direction the Czechoslovak Communists began the wholesale liquidation of their political opponents. Communist revolutionaries, trained in Moscow, were not only given the task of clearing Czechoslovakia of reactionary elements and redirecting Czechoslovak industry to serve Soviet economic purposes, but they were also given the job of teaching Communist fanatics from all parts of the globe—Africa, Asia, Latin America—so that they might further the cause of Soviet colonialism. One of the students trained in Czechoslovak Communist schools was Antoine Gizenga, Lumumba's successor as Soviet stooge in the Congo.

It is ironical that Zorin, who had so important a part in the subjection of my country to Soviet tyranny, should be taken seriously by anybody as the liberator of the Congo.

TOUR OF EUROPE BY IDAHO TEENAGE STUDENTS

Mr. CHURCH. Madam President, Idaho is proud of 14 teenagers who are touring Europe as a result of their own hard work. These youngsters worked, scraped, and planned for 2 years to materialize the dream they are now living.

What they have accomplished, and how they went about doing it, is a remarkable story, and I think it is well told in an article which appeared in the New York Times of June 3, 1961.

I am glad that I could play some small part in this project, which was to arrange a special tour of the U.S. Embassy in Paris for these resourceful youngsters.

I ask unanimous consent that the New York Times article be printed in the RECORD.

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

IDAHO TEENAGERS OFF TO SEE WORLD—14 YOUNGSTERS WORKED AND SAVED 2 YEARS FOR TRIP

(By Nan Robertson)

Fourteen teenagers from an isolated county in Idaho left New York for Europe yesterday on their first journey to the outside world.

The nine boys and five girls had worked almost 2 years to raise money for the trip. They worked in sawmills, pitched hay, baked bread, bottle-fed orphan lambs, churned butter and helped irrigate land.

The idea came from Jeane Mizer, Blaine County's school guidance counselor, who felt the children were being "almost totally shut off" from broader horizons by their geographical location and lack of funds.

Blaine County, mountainous and rural, is in a sheep- and cattle-raising area. Hailey, the largest community and county seat, has a population of 1,200. There are 3 high schools in the county, the largest with 168 students. Many of its families are poor.

At first the local people thought a European tour for their children was financially impossible. The cost of touring seven countries over a 6-week period was $1,000. But the youngsters, who range in age from 14 to 18 years old, thought differently.

Sixteen-year-old Sharon Price, of Gannett, who lives on a farm with her widowed mother and seven brothers and sisters, stone-ground her own flour from the family wheat and each week baked 50 loaves of bread and sold them to neighbors.

Elaine Cloughton, 15, of Bellevue, raised "bum" (orphan) lambs, bottle-feeding them at dawn and throughout the day. Once they were big enough, she sold them for about 16 cents a pound.

WORKED IN SAWMILL

Gary Rogers, 17, who is also from Bellevue, worked in a sawmill full time during two summers and after school. His father is a foreman there.

Each member of the group earned at least one-third of his travel expenses. The remainder came from parents, friends, or scholarship funds.

In addition to their chores, the group remained at school after classes at least one

night a week to study languages or prepare research papers on the countries they planned to visit.

Their tour of England, the Netherlands, Germany, Austria, Italy, Switzerland, and France was planned by the National Student Association, which deals primarily in international cultural projects.

While they will visit schools, factories, and farms, there are other, more romantic items on the agenda, including a gondola ride in Venice, a picnic on top of the Jungfrau in Switzerland and a trip down the Rhine.

The teenagers, groggy and red-eyed, arrived here Wednesday after the long train ride from Idaho. For many, it was their first train ride.

They spent 24 hours seeing the sights and then embarked on a jet for London. None had been on a plane before.

Fred A. Picard, of Sun Valley, who worked with Miss Mizer on the tour plans, said he hoped this pilot project would be the first of many in Blaine County and elsewhere.

"This is a dream opportunity for these kids," Mr. Picard said. "They've worked their way out of isolation and into the big, wide world."

NAVY POLARIS SUBMARINE PROGRAM—LETTERS OF INTENT

Mr. CANNON. Madam President, there has been much discussion recently in Congress about defense procurement policy. Much criticism has been directed to the high percentage of negotiated contracts that is awarded by the Department of Defense.

However, before negotiated contracts are issued there is often much defense business given out under letters of intent. This indefinite form of contractual agreement, which many Pentagon officials insist on calling letter contracts, is issued to many large and favored defense contractors.

In the New York Herald Tribune of May 21, 1961, there appeared an informative article, "Polaris May Strain Navy Contract Plan." The author, Allen M. Smythe, a reputable financial writer, points out the effort of Vice Adm. George F. Beardsley to hold down the backlog of Navy letters of intent. Included therein is a list of large Navy contractors holding letters of intent.

It would be interesting for the Senate to be informed of what our other branches of the military service are doing to control the issuance of their letters of intent because I believe it would be valuable to limit this practice as much as possible except in cases of demonstrated emergencies.

In order that my colleagues can be further informed on this important subject, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the article as it appeared in the New York Herald Tribune.

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

POLARIS MAY STRAIN NAVY CONTRACT PLAN—TIGHTER CONTROL PUT ON LETTERS OF INTENT

(By Allen M. Smythe)

WASHINGTON, May 20.—The new administration's emphasis on an enlarged Polaris submarine program may strain the Navy contractual procedures and threatens to increase the backlog of letters of intent which has been steadily decreasing over the last 2 years.

However, Vice Adm. George F. Beardsley, Chief of Navy Materiel, said the number, dollar value, and conversion time for letters of intent must not be increased and, if possible, be further reduced.

To accomplish this he is ordering a monthly review of each letter of intent, a tighter control to issue or extend them, and a lower limitation of the fund obligations authority. These lower rates, coupled with a tight control on increasing these obligations, compel contractors to provide data for conversion into formal contracts at an earlier date.

The amount obligated under 143 present outstanding letters of intent valued at $672,437,000 represents approximately one-half of the final contract value. A high percentage both in number and value is associated with the top priority Polaris program.

Among the large defense firms now awaiting conversion negotiations are: Lockheed Aircraft, 7 valued at $71,475,000; General Electric, 7 valued at $70,382,000; Bendix, 4 valued at $44,770,000; Librascope, 6 valued at $40,569,000; Western Electric, 11 valued at $39,349,000; Convair, 3 valued at $36,144,000; Westinghouse, 6 valued at $20,365,000, and RCA, 2 valued at $18,187,000.

Electric Boat Co. and Newport News Shipbuilding Co. have both had letters of intent converted in the last 60 days to definitive contracts of over $30 million.

APPOINTMENT OF WALTER HART AND MILES STANLEY TO NATIONAL PUBLIC ADVISORY COMMITTEE ON AREA REDEVELOPMENT

Mr. BYRD of West Virginia. Madam President, I rise to express my appreciation to President Kennedy and to Secretary Luther Hodges on their selection of Mr. Walter Hart and Mr. Miles Stanley for appointment to the National Public Advisory Committee on Area Redevelopment—a committee which will concern itself mainly with the problems of unemployment in our economically distressed areas. These two gentlemen are West Virginians of exceptional merit, and I can truthfully state, from my long association and friendship with each, that they will be a credit to the committee. Both are men of keen insight, remarkable ability, and each is endowed with prodigious energy.

Mr. Hart is an editor of renown in West Virginia, and his daily column in the Dominion News, of Morgantown, "It May Interest You," has been widely read throughout my State for many years. He has been a keen observer of the daily scene, and an articulate voice in the affairs of his city and the State. He is a vigorous exponent of progress, and a tireless worker for the common man.

Mr. Stanley is president of the West Virginia AFL–CIO, and his sincere approach to the problems of both labor and management has won for him an affectionate regard by each. He was an effective member of the Douglas depressed areas committee, and, also served Gov. W. W. Barron in determining a legislative program for the revitalization of West Virginia. He is devoted to bettering the lives of working people in every possible way.

I commend their appointments as indicative of the good work which we may expect from this committee.

A NEW FRONTIER FOR MARITIME ADMINISTRATION

Mr. GRUENING. Madam President, the message of the President, received yesterday, calling for reorganization of the Federal Maritime Board and the Maritime Administration is one of the most hopeful messages to come to Alaskans since the advent of the New Frontier. It will be good news not merely for Alaska but also for our sister State Hawaii, as well as for the Commonwealth of Puerto Rico. Indeed all our outlying areas have suffered from the conditions which the President's reorganization plan seeks to rectify.

The interest of the State of Alaska in the organization, policies, and procedures of the maritime regulatory agency arises from the responsibility of that agency for regulation of water carriers in the Alaska trade.

At this moment Alaska is fighting to defeat another of the periodic rate increases for Alaska water carriers which have been habitually granted by the Maritime Board and its predecessor agencies over the years.

Almost totally dependent, as it is, upon water transportation, for its freight, Alaska has throughout its history been hobbled and hindered in its growth by the imposition of the highest water freight rates in the world.

The latest 10-percent increase in tariffs filed by Alaska carriers in December 1959, and now the subject of proceedings before the present Federal Maritime Board, represents one more round in a weary struggle in which Alaskans have, traditionally, felt their interests were cruelly ignored while the profits of carriers continue to rise. The increase now under adjudication came on top of a 15-percent increase granted by the Board in 1958. Should the present contest covering the 10-percent increase be determined in favor of the carrier Alaska would be bearing the burden of increases for water freight transportation of 26.5 percent in less than 3 years. During the last decade waterborne freight rates to Alaska have increased 56.4 percent.

The fact is the State of Alaska can never develop its great natural resources unless it can be relieved of the onerous costs of water transportation it now pays.

It has long been apparent to many that one of the roots of problems of high water transportation rates is the form of the organization established to exercise regulatory control over them. As is stated in the message of the President:

> Intermingling of regulatory and promotional functions has tended * * * to dilute responsibility and has led to serious inadequacies, particularly in the administration of regulatory functions.

This statement of the President is a reflection of my own thoughts on reorganization of the Federal Maritime Board, which I expressed in March of this year when I testified before the Merchant Marine and Fisheries Subcom-

mittee of the Senate Commerce Committee on this subject. At that time I characterized the present organizational structure of the Federal Maritime Board and the Maritime Administration as a schizophrenic malady which could be remedied only by the kind of action now recommended by the President. As I pointed out in my statement:

In theory, it would appear that the function of the Federal Maritime Board is to regulate and control rates, services, practices and agreements of oceangoing common carriers by water. However, as the current Government organization manual states, "The Federal Maritime Board and Administration foster the development and encourage the maintenance of a merchant marine." In other words, the Federal Maritime Board must promote and encourage development of the same industry it is expected to regulate.

Moreover, the schizophrenia here is intensified by the fact that the Maritime Administrator, whose clear duty is to promote the growth of the merchant marine, is also Chairman of the Federal Maritime Board that regulates operations of the very same merchant marine.

It is, therefore, virtually impossible for the same agency to both promote development of an industry and, at the same time, regulate it, if the regulating is to be of any effect, and in the public interest.

Regulation by its very terms, involves restrictions of some aspects of carrier operations. Almost inevitably, a case can be made that regulation—for example, failure to allow rate increases—inhibits growth of the industry.

With the best intentions in the world it seems impossible that the Maritime Administration can, on the one hand, work to strengthen and promote the merchant marine, and on the other hand, act to restrict it.

As noted in the Landis report, a related and important factor in the organizational problem of the Federal Maritime Board is that it is organizationally located within the Department of Commerce. While recognizing that the Board operates independently of the Secretary of Commerce (except that it is guided by policies of the Secretary in awarding subsidies) it is, nevertheless, dependent on the Department for assignment and payment of personnel, for budgetary allocations, for office space, and other housekeeping services. The effect of this relationship must tend to exert controls over the operation of the Board.

Now that the President has acted we should have an opportunity to cure the disability which has, for so long, prevented effective regulation of the water carriers.

I am extremely hopeful that, along with establishing a separate regulatory agency and a promotional agency more responsive both to the needs of the public served by the carriers and of the carriers themselves, there will develop a new spirit and attitude of public service on the part of the carriers. This has been seriously lacking in past years, but I believe it is vitally necessary that the carriers and the new regulatory agency to be established adopt an attitude of service to the public which at least matches the zeal of the carriers for improving their financial position. For the improvement of the finances of the Alaska carriers has in the past been accomplished by the extraction of ever higher rates from the public, without, in my view, adequate regard for the effects of this on the economy of Alaska or the welfare of the consumer.

Further, I am hopeful that the new organization will find dynamic, imaginative solutions not only to problems of consumers resulting from exorbitant costs of shipping, but, also, to problems of the carriers resulting from dwindling business, overage fleets and costly operations. Answers to these problems have been notably lacking over the course of the last years.

I look forward to the early implementation of Reorganization Plan No. 7, and to a progressive program of development of the American merchant marine under enlightened regulation in the public interest.

NO DOUBT WHERE PUBLIC STANDS ON KENNEDY'S MEDICAL CARE PLAN

Mr. JOHNSTON. Madam President, I wish to bring to the attention of the Senate an editorial from the Anderson Independent of Anderson, S.C., dated Monday, June 12, concerning the public support of the administration's plan to increase the benefits under the medical insurance program for the aged.

The writer of this editorial has cleared away the fog surrounding this issue and has efficiently and factually presented the case for medical insurance for the aged. The writer cites the recent Gallup poll on this issue, indicating that 67 percent of the American people favor the administration's program. This editorial very clearly points out that the best insurance against socialized medicine are programs such as the medical insurance program for the aged.

Madam President, I ask unanimous consent that this article be printed in the body of the RECORD, together with my remarks.

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

[From the Independent, Anderson, S.C., June 12, 1961]

NO DOUBT WHERE PUBLIC STANDS ON KENNEDY'S MEDICAL CARE PLAN

The highly accurate Gallup poll on the issue shows a whopping 67 percent of American citizens favoring President Kennedy's plan to up the social security tax to pay for medical insurance for the aged.

Two out of three persons favor the Kennedy plan—in Anderson, in South Carolina, in Georgia, in the United States as a whole.

This view holds despite millions of dollars being spent by the American Medical Association, its State branches, and local societies, and by the insurance combines to fight the program.

If all the pressure the AMA and cohorts are putting on Congressmen could be packed into a rocket the United States could land a regiment of astronauts on the moon in one shot.

One of the chief arguments of the plan's opponents is that the younger working population will be paying the bill and doesn't stand to benefit for 20 or 30 years.

Ironically enough, the poll shows the younger working group—those 21 to 29 years of age—favor the plan by 63 percent.

In the middle bracket—30 to 49 years—67 percent want the program enacted.

Among those closest to retirement—50 years of age and older—the total is 69 percent—only 4 percent higher than the average for the two younger groups.

That knocks the props from under the AMA on that point, and serves 'em right for giving the back of their hand to the intelligence of the younger citizens in our working bracket.

Younger men and women know that they, too, will be in the old-age bracket all too soon and don't like the prospect of having savings, other insurance, and earned security income wiped out overnight by a spell of illness requiring skyrocketing medical and hospital costs.

Congressmen from this and other regions who had succumbed to the pressures and blandishments of the AMA's medical unioneers might do well to find out how the people they profess to serve view this matter—and we don't mean from the paid lobbyists, chambers of commerce, or manufacturers association spokesmen.

Insofar as the AMA and satellites are concerned, there are many doctors, high and respected in their profession, who are not fighting this plan, but they are captives of the AMA union, one of the tightest closed shops in the world. They discreetly remain silent.

Defeat of the program would be only a temporary victory. Inevitably it will be approved; in the years ahead the program will be improved upon.

Continued opposition by the AMA and fellow professional and congressional travelers to this and other programs needed in the realm of health is inviting what nobody wants if other means can be found—socialized medicine.

But if the present course is pursued, the policy of blind opposition, the medical profession is going to wake up one day socialized right up to the goozle, just as has happened in England.

Mr. MANSFIELD. Is there further morning business?

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 4130) to lessen the impact of the termination of Federal services to the Menominee Indian Tribe of Wisconsin; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. EDMONDSON, Mr. SAYLOR, and Mr. BERRY were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5000) to authorize certain construction at military installations, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 847. An act to change the name of the Army and Navy Legion of Valor of the

United States of America, Inc., and for other purposes;

S. 1852. An act to authorize appropriations for aircraft, missiles, and naval vessels for the Armed Forces, and for other purposes;

H.R. 1293. An act for the relief of Djura Zelenbaba;

H.R. 1360. An act for the relief of Anna B. Prokop;

H.R. 1467. An act for the relief of Modesta Pitarch-Martin Dauphinais;

H.R. 1508. An act for the relief of Mary A. Combs;

H.R. 1523. An act for the relief of Kazimiera Marek;

H.R. 1572. An act for the relief of Mrs. Sato Yasuda;

H.R. 1578. An act for the relief of Mah Quock;

H.R. 1621. An act for the relief of Miss Kristina Voydanoff;

H.R. 1622. An act for the relief of Doctor George Berberian;

H.R. 1871. An act for the relief of Min Ja Lee;

H.R. 1873. An act for the relief of Anna Stanislawa Ziolo;

H.R. 1886. An act for the relief of Panagiotis Sotiropoulos;

H.R. 2101. An act for the relief of Evelina Scarpa;

H.R. 2107. An act for the relief of Pietro DiGregorio Bruno;

H.R. 2116. An act for the relief of Wanda Ferrara Spera;

H.R. 2141. An act for the relief of Henry Wu Chun and Arlene Wu Chun;

H.R. 2158. An act for the relief of certain aliens;

H.R. 3489. An act for the relief of Bernard Jacques Gerard Caradec;

H.R. 3846. An act for the relief of M. Sgt. Louis Benedetti, retired;

H.R. 3850. An act for the relief of Clark L. Simpson;

H.R. 4217. An act for the relief of David Tao Chung Wang;

H.R. 4219. An act for the relief of the estate of William M. Farmer;

H.R. 4282. An act for the relief of Casimir Lazarz;

H.R. 4713. An act for the relief of Robert Burns DeWitt;

S.J. Res. 65. Joint resolution designating the week of May 13–19, 1962, as Police Week and designating May 14, 1962, as Peace Officers Memorial Day; and

H.J. Res. 437. Joint resolution relating to the time for filing a report on renegotiation by the Joint Committee on Internal Revenue Taxation.

EXECUTIVE SESSION — NOMINATION OF HOWARD MORGAN TO BE A MEMBER OF THE FEDERAL POWER COMMISSION

Mr. MANSFIELD. Madam President, I move that the Senate go into executive session to consider the nomination of Howard Morgan, of Oregon, to be a member of the Federal Power Commission.

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

The motion was agreed to; and the Senate proceeded to consider the nomination.

Mr. MANSFIELD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Madam 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, Will the Senate advise and consent to the nomination?

Mr. SCHOEPPEL. Madam President, the nomination before the Senate is one which the White House should have withdrawn. It is one which the Committee on Commerce, without such action by the White House, should have disapproved. That neither of these events took place may be assigned to persistence of misinformation and to misplaced sentimentalism.

We are not concerned here with punishing for youthful misdeeds three decades after their event. We are not seeking to adjudicate in 1961 larceny charges made in 1937. We are not even asserting that a man who lies under one set of circumstances in 1952 is necessarily a liar about other things in 1961.

What we are concerned with is the contemporary discovery that Howard Morgan by calculated misstatement and omission sought to mislead the Senate Committee on Commerce in April and May of 1961, and that he currently arrogates to himself the right to decide whether he will or will not obey the law.

It is a misfortune that only a few members of our committee were able to attend the Morgan hearings. It is an even greater misfortune that the printed hearings, complete with exhibits, were not available in time to be studied before our committee met in executive session to consider this nomination.

The consequence is that a majority of the committee has been recorded as finding in the hearing record no impediment to Howard Morgan's service on the Federal Power Commission.

If the story of Howard Morgan's life were as he presented it to the committee, there would be no impediment.

This is what he would have us believe:

Howard Morgan worked his way through college in the construction camps of the Northwest. In 1936, when he was 22 years old, there was a fist fight between two contractors, one of whom was his employer.

After the fight had been going on for some 10 minutes, a truckdriver working for the other employer jumped on the back of Mr. Morgan's employer and began choking him. Mr. Morgan pulled the truckdriver off his employer's back so the fight could continue, as it did.

This incident did not attract much attention at the time, but later the truckdriver brought a complaint against Mr. Morgan before a justice of the peace in Wasco County, Oreg., where the fight took place.

Mr. Morgan was summoned to a hearing before the justice of the peace. He described the incident and maintained that all he had done was to protect a man from unfair and unreasonable attack.

Then the justice of the peace, who seemed more familiar with the complainant than with the law or commonsense, asked Mr. Morgan whether his employer had asked him to remove the truckdriver from his back. Mr. Morgan answered that his employer had been too busy defending himself against two attackers to hold a conference with Mr. Morgan.

Thereupon, the justice of the peace announced that Mr. Morgan should have waited for such a request and that his failure to do so would cost him $25.

The foregoing is a close paraphrase of a written description of the assault incident which Howard Morgan circulated to members of the committee.

In his oral testimony, he elaborated a bit, by explaining that the attacking contractor started the fight when he grabbed a screwdriver and attempted to stab Mr. Morgan's employer three or four times. Mr. Morgan also added that after he had removed the attacking truckdriver from his own employer's back, the truckdriver got up, with a rock in his hand, and tried two or three times to hit Mr. Morgan with it.

Continuing now with the story of Mr. Morgan, as told by Mr. Morgan:

When the summer of 1936 was over, the job on which Mr. Morgan had been employed, which involved highway surfacing in eastern Wasco County, ended; and Mr. Morgan returned to Portland, where he enrolled in night school.

His employer during the summer of 1936, Jack R. Eatch, still owed Mr. Morgan some back wages for work during a preceding winter. Mr. Morgan wanted to collect the back wages, in order to buy a tire for his automobile. When he mentioned this to his former employer, Jack R. Eatch, the latter began looking through the equipment he had brought back from the Wasco County job, to see whether he could find a tire that Mr. Morgan could use. He found a passenger car tire that was not his own, but which had somehow or other appeared in the camp at Wasco County, and had been transported back to Portland, unnoticed. Mr. Eatch offered this tire to Mr. Morgan, in lieu of a payment on his back wages, and suggested that he might trade it in at a filling station for a tire that would fit Morgan's car.

Mr. Morgan took the tire to a filling station, and traded it in. Later, the filling station proprietor found that the tire received from Mr. Morgan carried a serial number that identified it as stolen.

As a result, on February 7, 1937, Mr. Morgan was taken into custody by the Portland police, was photographed and fingerprinted, and was charged with being a fugitive from a larceny charge in Maupin, Oreg.

After being held overnight, he appeared in Portland municipal court, on the next day, and the judge ordered that he be held for Maupin. Oregon State Police picked him up, the same day, and took him to The Dalles for investigation.

While he was held there, Mr. Jack R. Eatch, who had learned of Mr. Morgan's arrest, hurried to The Dalles, explained that he had given the tire to Mr. Morgan, and arranged for reimbursement

to the service station proprietor. The police immediately released Mr. Morgan.

No formal charge was ever brought, nor was there any court procedure of any kind concerning the matter.

Howard Morgan's autobiography next finds him entering Reed College, where, in 1940, he was awarded the degree of bachelor of arts. During his senior year, he was president of the student body.

Upon his graduation from Reed College, Mr. Morgan started work with Consolidated Freightways, in Portland, and continued there until March 15, 1941.

He then became self-employed as a researchman for litigants before the Interstate Commerce Commission, making in this employment $1,500 a year.

While so self-employed, Mr. Morgan received a call from Mr. Harry Niles, then chief of police of Portland. The chief asked Morgan to come down and talk with him. He did so, and was surprised when the chief offered him a job as his administrative assistant. The chief had been given Morgan's name by Reed College.

Mr. Morgan, as he tells the tale, considered for a week or so whether to accept the offer from Chief Niles, but finally told him that he had had overtures from Joseph Eastman, and the probability was that he would shortly go to Washington, D.C., and that in the meantime he would go to Berkeley, and enter the University of California Graduate School.

Chief Niles then said that he had in his files a record on Mr. Morgan; that he had investigated the matter, and that in his judgment a miscarriage of justice had occurred. Chief Niles said there was nothing in the files that would keep Mr. Morgan from working for the Government, but they might result in some delay, and possibly embarrassment to him. The chief also said that the normal way to have the files expunged from the record was to go through a court procedure and ask that they be withdrawn everywhere that they might appear.

Mr. Morgan told the chief that he did not have the funds to do that. Chief Niles then volunteered that there was another method whereby police records on Mr. Morgan could be expunged, that the chief himself could do it, as head of the department that originated the records.

Chief Niles asked Mr. Morgan whether he had any objection to Niles' permanently expunging the record, and Mr. Morgan said "No." About 2 weeks later, Chief Niles called Mr. Morgan, and told him that he had withdrawn the records from his files, from the files of the State police at Salem, and from the FBI files in Washington.

Mr. Morgan then continued his self-employment in Portland until August 1941, at which time he entered the Graduate School of the University of California, at Berkeley.

On February 9, 1942, he became an employee, in Washington, D.C., of the Board of Investigation and Research.

Shortly thereafter, he applied for transfer to the Office of Defense Transportation. In connection with both jobs, he stated on personnel forms that he had never been arrested. In this connection, I refer to encircled question 8, at page 48 of the hearings.

On August 16, 1942, he applied for a commission in the Navy. Before it was granted, he went to work, on loan to the Navy's Bureau of Yards and Docks, and left there on November 1, 1942, to become a Navy ensign.

On his application for a Navy commission, he also stated that he had never been arrested. In this connection, I refer to the top question on the form reproduced at page 51 of the hearings.

Mr. Morgan stated to the committee that he had not recorded his arrests on his application for a Navy commission or on any of the forms 57 he had executed to obtain employment with the Federal Government in 1942, 1949, and 1952.

He did not report the arrest connected with the charge of larceny because he felt he had been wrongfully charged, and that it was something that he need not carry on his shoulders and explain for the rest of his life. He was not quite sure why he did not report his arrest on the charge of assault, but thought it likely that he had merely forgotten it.

At the end of World War II, Mr. Morgan returned to Portland, and returned to civilian life in February 1946.

His biographical statement to the committee says that after the war, he engaged in practice as a transportation consultant, and that in 1948 he purchased a large livestock ranch.

In the meantime, during 1946 or 1947, Police Chief Harry Niles, of Portland, died.

In 1948, Howard Morgan was elected to the Oregon Legislature.

Again, I should point out that the Morgan biography I am stating is derived from his own words to our committee.

While the legislature was in session in 1949, Mr. Morgan was approached by a man he had never seen before, and has not seen since, and was threatened with reprisals involving his police records if he did not vote for a slot machine bill then on the floor. This was the first inkling Mr. Morgan had that Chief Niles had not destroyed the records, as promised, but had merely put them in his desk, and that they had been found, and returned to the files after his death.

Upon being threatened, Mr. Morgan called in the newspaper reporters, and told them of the incident that had happened in 1937, and asked them to check on it, in case he should be accused.

In 1952, Mr. Morgan was elected by a narrow margin to serve as the chairman of the Democratic Party, in Oregon.

He promptly undertook a housecleaning and a renovation of his party, and in this had the help of the late Senator Richard Neuberger—formerly a distinguished Member of this body—and others. As Mr. Morgan himself has said, they made bitter enemies in both parties by the methods they chose.

In 1953, an effort was made to drive Mr. Morgan out of politics. It took the form of widespread circulation of a reproduction of a police index card, complete with fullface and profile photographs and description of the larceny charge.

Mr. Morgan realized that the card could only have come from the Portland police files; and when he checked the files, he found that the records on him had been replaced.

He was asked for a statement on the matter by the editor of the Eugene, Oreg., Register Guard. Mr. Morgan then, on November 10, 1953, wrote a letter to the editor of that paper, and transmitted with it an affidavit which he had procured from Jack R. Eatch, of Portland.

That affidavit is reproduced in full at page 39 of the hearings. I have used it as the basis of my description thus far of events connected with the so-called larceny charge.

Similar letters, with copies of the affidavit, were sent to other Oregon newspapers, including the Portland Oregonian and the Portland Journal.

Mr. Morgan continued as chairman of the Democratic Party in Oregon until July 1956. Shortly thereafter, he became a staff member of the national Stevenson-for-President campaign.

In January 1957, he was appointed public utilities commissioner, and continued to serve in that capacity until January 12, 1959, by which time Democratic Governor Robert Holmes had been succeeded by Republican Governor Mark Hatfield.

There is only one member of the Public Utilities Commission in Oregon, and the post is not subject to confirmation.

Since his retirement as public utilities commissioner, Mr. Morgan has engaged in ranching at Sisters, Oreg.

That, Madam President, is the story of Howard Morgan as he would have us know it.

Let me point out, though, that all of this was not volunteered. Some was given us only in answer to probing questions.

He did, however, volunteer the story of his heroic resistance against blackmail by slot machine interests and his explanation that Chief Harry Niles removed the Morgan records from the Portland police files.

Most of his biographical account is true, although some parts are contradicted by other facts or by what Morgan himself said at other times.

What troubles those of us who have signed the minority report is that the true parts and the false are knit together and explained by amazingly contrived rationalizations.

They are not quite believable, so that we are left with the impression that when pressed, Mr. Morgan glibly twists the truth.

On January 26, 1961, the press secretary at the White House released an announcement of the President's intention to nominate Joseph Charles Swidler, of Tennessee, and Howard Morgan, of Oregon, to positions on the Federal Power Commission.

In due course, copies of the press release were obtained for the Commerce Committee files.

There was no occasion to examine the release until the actual nominations were received, and they did not come to the Senate until March 21, shortly before the Easter recess.

The Howard Morgan nomination first came before the full committtee for hearing on April 11.

If my recollection serves correctly, I did not receive a single letter or wire about Mr. Morgan from any source between the announcement of the President's intention to nominate him and the start of his hearing.

Mr. Morgan, himself, came to my office and assured me that the industries he would be called upon to regulate had nothing to fear from him.

In response to my specific question, according to my best recollection, he denied that there was anything in his background which could subject his nomination to criticism.

In general, he made a good impression on me, but as the date for the hearing neared, I was more and more nonplused by my failure to hear anything good or bad about him in my correspondence. I directed the minority staff to make some inquiries in Oregon.

Naturally enough, we telephoned Republicans, but they referred us to Democrats for confirmation of their assertions that Howard Morgan had two noteworthy characteristics: He is careless with the truth and has frequently asserted that other people are crooks.

Oregon Republicans were particularly indignant that Morgan had appeared as a witness before the Select Committee on Improper Activities in the Labor-Management Field and had there, as they put it, "besmirched the name of our dead Governor."

They also said that Morgan had been arrested a couple of times, but that the records on the arrests could not be found.

We did not assign much importance to the statements that Morgan had been arrested at some time in the past, because there had already come to our attention a copy of the Portland Police Department index card that had been circulated throughout Oregon in 1953.

We felt we could not ignore it, but we also thought that we should ask Morgan to comment on it in private. Accordingly, it was arranged that one Senator from the majority and one from the minority of our committee would talk with Morgan in private.

This conference took place during the afternoon of April 11, which was the date of the first hearing on the Morgan nomination.

I was later informed that the two members of our committee who talked with Morgan were satisfied with his explanation of the origin of the card. They informally suggested that the matter not be pursued in open session.

That suggestion would no doubt have been followed had it not been for the fact that our suspicions were aroused by other developments.

We looked over the Portland vice inquiries conducted by the McClellan committee, and from them derived some questions which Senator SCOTT asked during the April 11 hearing.

Two of Morgan's answers were contradicted by the record of the McClellan hearings, and he was immediately confronted with that fact.

The colloquy with Senator SCOTT begins near the top of page 21 and continues through page 23 of the Morgan hearings. This experience with Mr. Morgan suggested that we make independent inquiry about Mr. Morgan's past record, and not rely exclusively upon his own statements with respect to it.

Accordingly, as we wished to proceed fairly and to avoid launching derogatory rumors through the mere fact of inquiry, we asked the chief counsel of the Commerce Committee to request that the White House make available to us whatever police records the FBI had found relating to a charge of larceny of a tire and to a charge of assault and battery.

The word came back that the request would be granted, followed by later word that there was no police record. We thereupon directed telegrams to the Oregon State Police, to the police chiefs at Portland and The Dalles, to the sheriff of Marion County, and to the marshal at Maupin.

We also contacted by telephone a retired State policeman who, we had been told, was the arresting officer in the assault case. From him we learned that FBI agents had called on him an hour before and that they had in their possession a copy of Morgan's arrest record on the assault charge.

When we asked the Washington headquarters of the FBI for copies of whatever they had found on Morgan's arrests on charges of larceny and assault, we were referred to the White House.

We persisted with our inquiries there and finally, through the chief counsel of our committee, received from the White House a copy of Portland Police Department and municipal court files relating to Morgan's arrest on the larceny charge.

The Portland documents are printed in the hearings at pages 86 through 88.

The White House gave us nothing on the assault charge, but later we received from the Oregon State Police a copy of the arrest record. See page 36 of the hearings.

We also received from the Oregon State Police a print from a microfilm record relating to the arrest made on the larceny charge. The text of this card is printed at page 43 of the hearings. It will be noted that the card states that Morgan admitted the theft.

On the same page of the hearings, it will be seen that Morgan said to Senator SCOTT that the purported admission of guilt was false. The information we received from the police chief at The Dalles, where Morgan was taken after his arrest in Portland, merely indicates that Morgan was released to State police on February 10, 1937, 2 days after his arrest in Portland.

Our search comes to a dead end at that point, as the marshal at Maupin had no record whatsoever.

Thus, we have only the State police index card to controvert Morgan's statement—at page 52 of the hearings—that, "in effect I was arrested for the purpose of investigating to find out whether I should have been arrested or not, and the investigation proved that I should not have been."

Apart from Morgan's testimony, we have nothing to show final disposition of the charge.

At the same time that we began searching police records to see whether Morgan had had any brushes with the law, we obtained from the General Services Administration Records Center at St. Louis, Mo., photostatic copies of forms 57 that Morgan had executed.

Later, we obtained the complete personnel file, and learned that, in all, Morgan had stated six times on personnel forms that he had never been arrested or summoned into court as a defendant on a criminal charge.

In addition, he made the same statement on his application for a Navy commission.

In each of the seven instances, he was under legal mandate to tell the truth, and on two occasions, he was also under oath.

The governing statute in this matter, in pertinent part, appears at page 89 of the hearings. For each offense, it permits a fine of $10,000 or imprisonment for 5 years, or both.

By the time our investigation had reached this point, we were aware that Morgan had falsified facts nine times—or certainly there was serious question as to the facts—twice to our committee and seven times in his personnel forms.

We began to think that there might be illumination in comparing what Morgan said at various times with other available records.

Accordingly, we asked Dun & Bradstreet to make a report on Morgan, with special attention to police records and to character and reputation.

We asked the Legislative Reference Service at the Library of Congress to search newspaper files, and we checked city directories for many years back. Our search yielded some curious and thought-provoking contradictions and inconsistencies.

On the basis of the hearings and the committee's files, certain conclusions are inescapable.

There is no doubt that Morgan was twice arrested and seven times falsified the fact on personnel forms.

There is no doubt that Portland Police Department records relating to the charge of larceny were removed from that department's files in 1941.

Morgan's explanation of the circumstances is hard to believe.

When we asked Robert L. Steele, the present acting chief of police of Portland, to comment on the matter, he replied:

> The circumstances concerning the removal of police files on Howard Vincent Morgan are unknown to present members of this bureau. Those persons who may have had personal knowledge of this incident in 1941 are since deceased.

There is no doubt that when Morgan hid his arrests he believed that the police files on him had been permanently destroyed. He admitted that fact in answer to a question by the Senator from Pennsylvania [Mr. SCOTT], which Senators will find at page 67 of the hearings.

On all of those points, there is no doubt.

On the other hand, there is considerable doubt or uncertainty as to whether Jack R. Eatch was Morgan's employer at the time of larceny charge, and if he was not, the affidavit he gave to explain away the larceny charge must collapse.

There are two bits of evidence:

First. Although Eatch stated himself to be a resident of Portland in 1937, he is not listed in the Portland city directory from 1936 through 1939. He first appears in the directory in 1940, where his occupation is listed as "driver."

Second. We find no instance prior to the date of Eatch's affidavit in 1953, wherein Morgan claimed Eatch as his 1936 employer. He had an opportunity to do so in 1942 when he listed his prior work experience for the Office of Defense Transportation.

This point is discussed in the memorandum printed at page 80 of the hearings, and may I say in passing that the date of execution of Form OEM–2 referred to on that page was March 8, 1942, not 1932 as there stated.

Further, there is no doubt that Morgan has deliberately sought, as I view it, to mislead the Commerce Committee as to his relations with Eatch.

Morgan did not tell us that Eatch was the man whom he said he was defending in the assault matter.

He did not volunteer to us that he was in business with Mr. Eatch in the purchase and sale of war surplus machinery from February 1946 until November 1948.

He did not tell us that he is currently in business with Eatch in the Pioneer Construction Co.

Each of these omissions, by itself, means little, but cumulatively, they fit a purpose of concealment.

Why should Morgan want to leave our committee with the impression that from 1936 until 1961 he was almost a total stranger to Eatch, and that the only relationship between them was that of employer and employee 25 years ago?

We are left to infer that Morgan himself recognized the Eatch affidavit as too pat, too nicely contrived for sober belief.

We are left to assume that Morgan himself foresaw how quickly the Eatch affidavit would become suspect if it were known that in 1946–47 Morgan was in business as a partner with Eatch and that at the time of the confirmation hearing was in business with him again.

It will be noted that I distinguish between what Morgan volunteered to us and what he said under questioning.

It is fair to do so because Morgan was kept informed by our committee's majority staff of the various documents that came to us as the investigation of his background continued. That we tried to do.

Thus, Morgan was not surprised by any questions put to him and was able to conform his answers to the documents on which our questions were based. Even so, he was left in the curious position of declaring, at page 44 of the hearing record, that the White House was wrong when it said in its January 26 press release that Morgan was then a part owner of the Pioneer Construction Co. in Portland.

The White House statement is supported by the Portland city directory, the Oregon corporation commissioner, and Dun & Bradstreet's supplemental report dated May 3, 1961. This report will be found at page 78 of the hearings.

Note, however, that by May 5, Dun & Bradstreet found it necessary to make a further report. This second supplemental report was occasioned by the fact that Mrs. Ruth Eatch of Pioneer Construction Co. phoned and asked that Dun & Bradstreet contact Pioneer's attorney to learn complete details concerning Howard Morgan's interest in Pioneer Construction Co.

This was just 3 days after the issue had been raised in our committee's examination of Howard Morgan.

The attorney, when contacted, explained that $25,000 of capital stock had been jointly subscribed in the names of Howard Morgan and Alfred Corbett and had been paid for, but that the share certificates had not yet been issued.

This statement, of course, is consistent with Morgan's claim that he used his wife's money when investing in Pioneer Construction Co., but word magic cannot erase the fact that to subscribe for shares in the name of Howard V. Morgan, Howard V. Morgan had to sign his name. He did not sign his wife's name; he did not sign as trustee; he signed simply, "Howard V. Morgan."

It is only fair to say that we checked some other information given us by Howard Morgan and found it true and absolutely accurate.

This was the case with respect to his academic record. He claimed no credits that were not officially of record. We did learn, however, that he entered Reed College as a sophomore transfer student in 1937, and did not spend 4 years there as stated in his 1949 form 57.

In his 1952 form 57, he correctly showed that he had 1 year at the University of Oregon and 3 years at Reed College, but by this time, he was claiming 1 year—interrupted by war—at the University of California Graduate School, rather than the one semester that he completed.

In his biographical statement to our committee, he did not falsely claim unearned credits, but he did use magnificent generality to describe his one semester of work at the Graduate School, University of California.

Here are his words:

> After graduate work in economics and the administrative law of utility regulation at the University of California (Berkeley), he served under the direction of the late Joseph B. Eastman in the Office of Defense Transportation during 1941–42.

That quotation leads us very naturally to his work in the Office of Defense Transportation. He was not there for the 2 years suggested by "1941–42."

He was there for less than 6 months; from February 9, 1942, until September 22, 1942.

He served only remotely under the direction of the late Joseph B. Eastman.

Actually, he worked for E. J. Buhner, Chief, Freight Operations Section, Motor Transport Division, and his job was to assist a Mr. Ray G. Atherton.

The biographical statement which Mr. Morgan furnished to our committee, and to which he said—at page 5 of the hearings—he had nothing to add, states:

> After the war (Morgan) engaged in practice as transportation consultant, and in 1948 purchased a large livestock ranch.

Actually, Morgan was merely a voluntary consultant in transportation to the Oregon State Grange beginning in November 1948.

His gainful occupation after the war, from February 1946 until November 1948, was the purchase and sale of war surplus heavy construction machinery. In this connection, I refer Senators to the minority staff memorandum appearing at page 82 of the hearings. All the details are there.

Mr. President, I could continue in this vein for some time, but I think by now I have made what I consider to be my point.

Howard Morgan, in the most charitable view, did not try very hard to give us the enlightenment we thought should be given to our committee.

When cornered on some matter that he had had occasion to explain before, he glibly hauled out the story he had used before.

On new disclosures, he was a little evasive. For example, when confronted with the Oregon State Police record with its recital of an admission of guilt, he declared the statement false and added that police often put "little comments like that in their records."

He was obviously inventing as he went along when he excused his failure to declare his interest in Pioneer Construction Co. by saying that only his wife's money was involved.

The majority report, mistakenly, as I see it, urges that the nominee had reasonable grounds to believe that he should forget about the larceny charge and that his belief that the records would never come to light excused his failure to mention his arrest.

That theory is answered at page 15 in the minority views, which I urge Senators to read. Of particular significance, it seems to me, is Morgan's effort to persuade newspapers to print his version of the larceny charge.

As the minority views point out, he could have taken his key witness into court to testify in an action to expunge the assertedly erroneous police record. Instead of trying the substantive issue in court, he tried it in the newspapers.

He had used the same technique in dealing with this committee, but as he tells the story, he gave information to only one columnist, who insisted on writing about it, but was able to persuade three other newspapermen not to do so.

There may be those who would look tolerantly on Howard Morgan's tendency to write and talk about himself in terms so favorable as to skirt the edge of truth, and who would dismiss his overstatement of his experience and abilities as mere "puffing."

That view might be acceptable if he were applying for a selling job, in which exaggeration might be useful and expected.

The position Mr. Morgan is seeking is not that of selling overpriced trifles through overstatement, but of wielding vast power over our Nation's resources, and involving many people.

He asks our confirmation to membership on a commission whose acts can determine whether businesses succeed or fail and whether gas and electricity will be available on demand to meet consumer needs. If his nomination is confirmed, he will be expected to come before our committee and tell us of the problems confronting his agency and to comment on legislative proposals.

How much faith can we place in his word?

When we have found him so willing, by his own admission, to avoid speaking bluntly and frankly to save himself embarrassment, how much trust can we put in him? Sometimes I find myself asking the same question.

I have regretfully concluded that we would do best not to trust him at all in those circumstances.

As I said at the outset of my remarks, we are not here trying to pile new punishment on Howard Morgan for misdeeds in his youth. What we are trying to do is to measure the 1961 Howard Morgan against the standard of excellence which I think should be and must be required for confirmation to membership on the Federal Power Commission.

Measured by that standard, I think Howard Morgan fails. Fourflushing and reluctance to tell the truth, as I see it, are disqualifying. I shall, therefore, vote against confirmation of the nomination of Howard Morgan. He is not the caliber of one whose nomination I would vote to confirm. Naturally I hope that other Senators will examine the record made before the committee, and the views that I have tried to present to the Senate, as my duty impels me to do, and arrive at their own judgments with respect to the nomination.

Mr. SCOTT. Madam President, I rise in opposition to confirmation of the nomination of Howard Morgan. I was present during the testimony, and I am aware of the views of the minority and the majority.

The confirmation of two nominations is pending today before the Senate. I believe it should be made perfectly clear that nothing which I have to say turns on any difference of opinion or ideological variance as between the two nominees and my own views. The President is entitled to nominate and to send to the Senate for confirmation the name of anyone who he thinks is capable and competent to perform the duties of the office. The President is also entitled to select persons whose views are in consonance with his own, no matter how different they may be from those of Senators, including myself.

That I am not concerned about ideological differences is evidenced in the fact that both of the recommended appointees to the Federal Power Commission, Mr. Swidler and Mr. Morgan, are what are known generally as public power advocates. I respect their position, which has much support in many parts of the country. I do not agree with it, because I do not like to see the money of my Pennsylvania constituents voted out of their pockets regularly in order to permit the constituents of Senators in other States to light their houses and heat their homes with subsidies afforded to them through taxes paid by my Commonwealth.

Therefore, the entire public power theory to my mind is a tax redistribution proposal whereby Pennsylvanians would pay their own fuel bills and also pay a substantial part, through taxes, of the fuel bills of persons enjoying the privilege of low-cost public power in other parts of the country. My own views are in support of those expressed by President Eisenhower on the partnership theory, which recognizes that there is a place in the underdeveloped or less developed parts of our country for public power, though there are far fewer now than formerly. There is also a place for private power, and the partnership theory seems to me to make sense.

Both Mr. Swidler and Mr. Morgan hold public power theories. I am not opposed to the nomination of Mr. Swidler, and I shall vote to support confirmation of his nomination for the reasons I have stated. The President is entitled to nominate a man with whose views he agrees. The President is also entitled to present to the Senate the name of Mr. Morgan on the basis that he agrees with his views.

But it is not Mr. Morgan's capacity to do the job which is fundamentally at issue, although his competence appears to have been grossly overstated, and in the testimony he admitted that while it is known about 90 percent of the business of the Federal Power Commission concerns natural gas, he had very little experience in natural gas cases as a public power commissioner of Oregon.

The question is whether or not Howard Morgan is a liar and a perjurer. The question is whether or not, on six different occasions, Howard Morgan deliberately, consciously, and intentionally withheld information about two previous arrests for the purpose of advancing his own career. The question here is whether the nomination of Howard Morgan, an admitted perjurer and liar, and admittedly subject, by his own estimate of his own guilt, to admonition or condemnation, should be confirmed.

We had the benefit of a message from the President of the United States, which stated the criteria which the President believes should be adhered to in selecting persons to hold public office. There was some question about that point in the Meriwether case. I voted against confirmation of the nomination of Mr. Meriwether, because the Alabama Ku Klux Klan was altogether too cozy with Mr. Meriwether. But he is now appointed. The Senate acted. We must now live with Mr. Meriwether, as the President must live with Governor Patterson and others who were and are Meriwether's friends.

The President will also have to live with Howard Morgan if the Senate confirms his nomination notwithstanding the evidences of his perjury. This is what the President himself said in his message of April 27, which was sent to us not very long before the name of Howard Morgan was sent to us. The President said:

> Ultimately, high ethical standards can be maintained only if the leaders of government provide a personal example of dedication to the public service—and exercise their leadership to develop in all government employees an increasing sensitivity to the ethical and moral conditions imposed by public service.

The President, later on, quite rightly said this:

> No President can excuse or pardon the slightest deviation from irreproachable standards of behavior on the part of any member of the executive branch.

Yet it will be argued here by those who support Mr. Morgan's nomination that that is exactly what he has done. The fact that the President keeps the nomination before the Senate would indicate that he, too, approves of Howard Morgan, who, by his own testimony and by his own admissions in the hearings, does not come within the President's own criteria for the holding of public office in the executive branch because, indeed, there was more than a slight deviation from irreproachable standards of behavior.

For example, Mr. Morgan was asked whether he thought his own conduct was proper. Mr. Morgan answered, at page 67 of the hearings:

> I think that I can be and probably should be reprimanded or admonished for an infraction of the rules. * * * I think that in this case while what I did was something I cannot defend as absolutely right it was not seriously damaging to anyone and I would not have done it if it had been.

What Mr. Morgan is saying is that if he sees fit to lie six times in connection with applications for government official employment, or to secure a commission as an officer in the U.S. Navy, it does not hurt anyone. What Mr. Morgan is saying is that if his nomination is confirmed as a member of the Federal Power Commission, as a known perjurer, it does not hurt anyone, that he must come before Congress and must submit his opinions which affect the rights of all Americans, and submit them as one who has admittedly lied about his early record.

I do not agree that that cannot and does not affect anyone or hurt anyone. As a matter of fact, Mr. Morgan has participated in several dubious proceedings. I know that those who say "Confirm Mr. Morgan's nomination" are doing their duty and are acting from the highest motives and convictions, and believe that these are very minor charges. I respect their views. Much will be said here about these being youthful offenses, which any one of us could have committed. Indeed, we might have. So far as I am concerned, I will not admit whether I, too, might not properly have been at times arrested for assault and battery, because hotheaded young men under certain circumstances will take a poke at someone else. The fact that I do not have a criminal record of that kind may be purely an accident and simply because under the circumstances where

I might have engaged in such youthful offenses there were no policemen present. Therefore, I do not want it said that I am speaking in opposition to the confirmation of Howard Morgan because he got into a fight, even though the circumstances of that fight became known to us only through his own interpretation of the incident.

No, it is not important that he was engaged in an assault and battery and that he was fined $25. It is little more important that the records of Wasco County show that he admitted the theft of a tire, even though much effort is being made by the Howard Morgan supporters to indicate that that did not happen either. But the records show it did happen. That admission appeared in the hearings. He said that the theft was a minor one, and that actually he did not know the tire was stolen, that his boss had given it to him. On the other hand, the Wasco County affidavit shows that Howard Morgan admitted the theft of the tire. He did not reveal that fact to the committee. It was brought out by cross-examination. The affidavit exculpating him was signed by his business partner. He did not tell us. It was his business partner who signed the affidavit.

It may not be important that he knew that the records of the stolen tire incident had been removed improperly from the files by his friend, the police chief. It may not even be important that Mr. Morgan admitted that he knew there were no records when he concealed the fact that he had been arrested. It may not be important that that gave Mr. Morgan a sense of security, because he thought if his friend had taken the records out of the files they could not be found, and that if he lied no one would ever know he had lied. It may not be important that these things have happened. It may also be true that these offenses occurred in his youth, in his early twenties.

However, Madam President, the Senator from Kansas [Mr. SCHOEPPEL] and others who have stated their opposition, and who will state their opposition, are not basing their opposition upon the basis of youthful offenses. We are not basing our opposition on the fact that Howard Morgan was involved in an assault and battery or in an alleged tire theft, and that he may or may not have been guilty of those offenses, and that, in fact, those offenses, had they been revealed, would not be here regarded in all probability as a reason to oppose the confirmation. No; we are not here to take advantage of a young man's misfortunes or youthful aberrations or minor misdoings.

What we object to is what happened when he was between 28 and 38 years of age; not when he was a mere youth, as those who support him will say, but when he was between the ages of 28 and 38, when on six different occasions he violated the law of the land and committed an offense which was punishable as I shall read, in order to advance the career of Howard Morgan as an officer of the U.S. Navy, and to advance the career of Howard Morgan as a Government appointee and Government employee; that this occurred at a time when he was perfectly capable of knowing the difference between right and wrong; that he concealed the interest of Howard Morgan, not his responsibility as a citizen of the United States or an officer of the American Government. On these six occasions, as fully set out in these hearings, every time he was asked:

> Have you ever been arrested or convicted since you were 16; have you ever in your life been arrested or convicted; have you ever in your life been arrested and convicted and fined for any criminal offense or for any offense whatsoever?

Howard Morgan said, "No; I have not."

Now the President asks us to ignore this; it is not important that a man would lie; it is not important that he would perjure himself six times; it is not important that such a person ought to be supported because his views happen to be those of the public power advocates. No; we are asked to forget all that. What is the law? We in Congress are supposed to be amenable to the law. Let us question ourselves. As some Senators said, "Question yourselves. Could you have committed these offenses?" The answer is, "Under certain circumstances, yes"; or "We could have been involved as Morgan was involved in them."

But a more difficult question was not asked: Could you, under the same circumstances Morgan faced, have lied six times in your endeavor to advance your career to the point where you became a Senator of the United States? I do not believe any Senator could say that he would have done so; that he would have concealed arrests from his constituents; that he would have lied about these particular involvements, to advance his career in the Senate of the United States.

Nevertheless, Senators are asked to name to one of the highest independent agencies in the Government, the Federal Power Commission, a man who did that which they cannot condone. Here is the law as it appears found in title 18, United States Code, section 1001:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both (18 U.S.C. 1001).

Howard Morgan's transgressions made him subject to indictment and trial and, if convicted, subject to punishment of a fine of not more than $10,000 or imprisonment for not more than 5 years, or both. The fact that he can be so punished appeared on the face of some of the statements and affidavits which he made; therefore, he cannot possibly avoid saying he did not know of them.

But some will say, I suppose, "This is just another law; it does not mean anything. Other people have done it. Nobody gets prosecuted."

Oh, no, Madam President. On the contrary, there have been a number of proceedings in the Department of Justice to condemn people who did not have powerful friends. This is a case of the double standard, the case of a man who has friends, the case of a man who has influence. But if one does not have friends or influence in this country; if he does not have behind him people who will push him for public office, perjurer or not, this is not what will happen to him.

It was held that this statute is applicable, even though the charges which resulted in the arrests are dismissed, and the statute is applicable even though the arrests may be irrelevant to the applicant's fitness for a Government position. That was decided in *United States* v. *DeLorenzo*, decided August 13, 1945, 151 Federal 2d 122. DeLorenzo was convicted under the statute for failing to list 4 arrests on a form 57 filed in connection with 11 or 12 days of service as a labor member of a dispute panel of the New York Regional War Labor Board. The charges against him had been dismissed after each arrest.

Furthermore, the statute is frequently and routinely invoked. Records of the Civil Service Commission show that last year alone 53 cases of false statements on form 57's were referred to the Department of Justice for action.

In addition to the criminal penalties provided by the statute, the Civil Service is empowered to invoke administrative penalties for false statements on employment applications. These penalties have included removal of the individual from his position and barring him from Federal employment for a period of from 1 to 3 years.

The minority views state:

> We cannot sanction a double standard. Mr. Morgan's omissions must be judged in the light of the law. At least as rigid, if not a more rigid standard of integrity and honesty should apply to those selected for membership on a key regulatory commission than to applicants for ordinary Government jobs.
>
> Nor, in our opinion, is the impact of these incidents mitigated in any way by Mr. Morgan's testimony that at the time he filled out the various forms he believed he had been improperly arrested and that the police records relating to him had been removed from the files and destroyed.

Mr. Morgan knew very well they had been destroyed. The minority views continue:

> This would seem to indicate that Mr. Morgan felt himself safe from discovery in failing to disclose these arrests.
>
> Furthermore, Mr. Morgan's propensity for concealment did not end in 1952, the date of his last form 57. The testimony before the committee reveals additional incidents which involve something less than full disclosure.
>
> First, Mr. Morgan did not tell the White House about one of his arrests nor about his concealment of them on personnel forms until after his confirmation hearing had started.

He did not tell the White House of his relationship to Mr. Eatch, the man who made the affidavit which appeared to exculpate Morgan of the assault and battery charge.

In answer to a question of mine, Mr. Morgan said he appeared before the McClellan committee under subpena. I called his attention to the fact that that statement was not accurate, by confronting him with the published record of the committee's hearing report, in which he said:

I am a voluntary witness who was subpenaed at my own request.

My point is that Mr. Morgan does not lie merely on applications, but lies naturally, and therefore is not worthy of the trust of the U.S. Senate and the people of the country.

The minority views continue:

In the face of all these facts, we cannot believe that Howard Morgan measures up to standards set by the President or to acceptable standards for service on the Federal Power Commission, an agency with vast regulatory power over our national resources. His nomination is not consonant with the standards set by the President in his specific message to Congress on integrity in the Government service.

The report of the majority makes light of this whole thing. The report adds things which never occurred in the testimony. The report adds items which are from outside the hearings. I shall refer to them.

The report of the majority suggests that some other member of the "unusually rough and tough group who had the reputation of fighting and stealing could have stolen the tire."

That statement is, of course, after the event, and was not brought out at the hearings. Had that statement been made during the hearings, the committee would have had an opportunity to check its truth.

Another item:

As late as February of this year, Mr. Eatch—

Morgan's partner, the man who made the affidavit to exculpate Morgan—

reiterated the statement, and your committee gives it full faith and credit.

No one who appeared before the committee had talked with Mr. Eatch at any time, except the nominee himself.

It ought to be noted here that we take the record strictly on what Howard Morgan, an admitted perjurer, says happened, because there was never any corroborating evidence by Eatch or anyone else as to the concealment of records. There was never any affidavit made by anyone else as to what happened concerning either of those offenses.

As I have said, Mr. Morgan himself feels that some punishment should be meted out to him. But he wants to be a public member of the Federal Power Commission, so he does not feel the punishment should be too severe. Mr. Morgan feels he should be a member of the Federal Power Commission, but it would be all right to taint his record before he starts to serve by quoting his statement:

I think that I can be and probably should be reprimanded or admonished for an infraction of the rules * * * while what I did was something I cannot defend as absolutely right, it was not seriously damaging to anyone.

This follows the Morgan theory of one law for the influential, and another law for the little fellow who knows nobody.

Serious damage is done public morality when falsehood is rewarded.

The majority report of the committee does not feel that the removal of its records from the arrest file was any more than a mistake all around, and ought to be forgotten. The majority of the Committee on Commerce says, in effect, "Forget the whole thing. It does not matter very much." But Morgan himself does not go that far. Morgan says, at page 67 of the hearings, concerning this mysteriously removed file:

Merely removing the record does not remove the incident and I do not feel that this justified me in ignoring the matter when I filled out form 57's.

I said to Mr. Morgan:

But, Mr. Morgan, when you did fill out these three forms and denied that you had even been arrested you were at that time under the impression, were you not, that these things had been removed from the record by a police chief and therefore they could not be discovered and brought up against you, isn't that true, factually, even though you say that wasn't your motivation?

Mr. MORGAN. You can say that, yes, sir, but that was not the motivation."

Senator SCOTT. May I ask you one other question?

Mr. MORGAN. Yes, sir.

Senator SCOTT. And that is, Do you feel that what you did represented some deviation from, let us say, irreproachable standards of behavior?

Mr. MORGAN. I think that I can be and probably should be reprimanded or admonished for an infraction of the rules. There is no question about it.

So the nominee would, if his nomination were confirmed, be a member of the Federal Power Commission, following whose name there should be set forth, in parentheses, "a man who ought to be admonished and reprimanded." But the executive branch of the Government is willing to place him in judgment over others.

So, Mr. President, it is proposed that without regard to the Federal laws against crimes and the Federal legal provisions for punishment, the Senate should vote to put above others a perjurer who admits that he himself should be admonished and reprimanded. It is proposed that the Senate of the United States give him a coat of whitewash, and then join in saying, "Mr. Morgan committed a lot of offenses. He lied six times. All this makes him a good member of the Federal Power Commission."

Mr. Morgan further stated as follows:

But I have served as a decision-making official and handed out punishment for violation of rules to businessmen and I think they and I or anyone else who violates a rule is entitled to reasonableness in viewing what was done, by what sort of person it was done, by how much the public interest was damaged, if at all. I think that in this case while what I did was something I cannot defend as absolutely right it was not seriously damaging to anyone and I would not have done it if it had been.

Mr. Morgan's attention was called to a case under a former administration, when a nomination was sent to the Senate; and the committee, in righteous indignation, refused to recommend confirmation of the nomination to another post, and took that position on the ground that the nominee had overstated his educational qualifications; that committee of the U.S. Senate, in which the majority at that time constituted about the same number as the present majority in the Senate, said:

We cannot recommend confirmation of the nomination of the one the President has nominated, because the nominee said he had a college degree and college credits which he did not have, and said he earned $500 in salary more than he actually did earn. All that is horrible, and we cannot recommend confirmation of his nomination.

Subsequently the nomination was withdrawn by the President, evidently because the President felt that because the Senate felt as it did, because of the untrue statements, the nomination should be withdrawn.

But now the present administration says, "Oh, what the nominee did was terrible," and Mr. Morgan said about the other man, when asked about him, that he read the transcript, and that the man added to his record 47 units of study which he had not received, and listed a university degree which he had not received—all of which, Mr. Morgan said self-righteously, the man did not have; and Mr. Morgan said he did not have a law degree, either, and that he was thrown out of law school, and that the statements made by the other man were falsifications which he made on form 57, and that far from being, in reality, only a possible source of delay, they were absolutely crucial to actual appointment to the position sought.

So Mr. Morgan would have denied confirmation of the nomination to a man who did not give all the information about his educational background; but Mr. Morgan, who lied six times about his criminal arrests and about the outcome of those arrests, feels that his nomination should be confirmed, although he believes that what he did is not to be condoned; but he believes that a man who merely said he earned $500 more in 1 year than he actually did, and who did not have the college credits he listed, is a horrible person, and that his nomination should not be confirmed.

Mr. Morgan was asked why he concealed from the President the facts about the assault case. There was a long line of questioning about it, and he was asked by the Senator from Kansas [Mr. SCHOEPPEL] in general about the assault matter. In that connection, I now read from the hearing:

Mr. MORGAN. I want to make it very clear that while I cannot recall with accuracy what my feelings may have been about the so-called assault case, I think it is extremely probable that I did not remember that on any of those occasions.

He said he did not remember the assault and battery. If he had stopped his statement there, he would have convinced us, because I cannot remember every fist fight I had, either. But he

went on and gilded the lily, and again proved himself unworthy of belief. He said:

I don't make that as a claim because I cannot remember with precision. My memory is good enough so that I know when I remember and I know when I don't, and in this case I do not remember. But I think the probability is that I had forgotten it.

Certainly that was the case a few weeks ago when I made every effort to think of everything the President ought to know before allowing my nomination to go forward.

The matter which I have chosen to ignore—

He himself said, "I have chosen to ignore"—

is the other matter and I agree with you, it has put me under heavy obligation, both to explain my reasons for so doing and also to conduct my life and my affairs in such manner as to justify the liberties I have taken, and this, sir, I have done.

At another point Mr. Morgan explained why he did not remember, by saying that that is a very convenient habit of his, which he would call "a forgettery," about which he said that at times, when things are unpleasant or embarrassing, he does not choose to remember. All that is to be found in the hearings.

In order to find out what would happen if Mr. Morgan were now being considered for a job in private industry—because Mr. Morgan spoke with some pride about how he used to punish businessmen; and, incidentally, I noticed that he referred to businessmen as if they were a special breed of cat with whom he felt warranted in dealing on the basis of crime and punishment, and Mr. Morgan pointed out that he has punished businessmen—I asked a bonding company what it would do if it had before it, for employment in private industry, a man who had the record of Mr. Morgan. I did not state Mr. Morgan's name. I did not tell the bonding company that a Senate confirmation proceeding was involved. In fact, I, myself, did not write the letter; but I had the assistant chief counsel of the Senate Committee on Interstate Commerce write to the president of the Maryland Casualty Co., by that means trying to find out what position the bonding company would take in regard to a man like Mr. Morgan, because at the very least Mr. Morgan should have the qualifications required for such a businessman or for businessmen—about whom Mr. Morgan thinks so poorly.

I now read the letter and, Mr. President, I ask unanimous consent that the letter and the reply thereto, but not the attachments, be printed in the CONGRESSIONAL RECORD immediately following my remarks.

MAY 26, 1961.

Mr. ELLSWORTH MILLER,
President, Maryland Casualty Co.,
Baltimore, Md.

DEAR MR. MILLER: In connection with a matter pending in our committee, I have been directed to ascertain how your company would react to an application for bonding of a top executive whose background contained this information:

1. Arrested in 1937 at age of 22 on fugitive charge and turned over to other police in the same State for investigation of theft of a tire and some cans of lubricating oil. Available records do not show final disposition of charge, but applicant says there was no prosecution. A police index card made contemporaneously states he admitted the theft.

2. Arrested in 1936 for assault. Fined $25 and $17.50 costs.

3. In 1942, 1949, and 1952 filled out a total of seven Government forms, and in answer to question whether he had ever been arrested or summoned into court on a criminal charge, said "No." (Penalty for false answers can be not more than $10,000 or 5 years or both.)

4. In his 1961 job application, misstated his record of previous employment so as to exclude his 1946–47 and his present business association with a man who was a participant in the fight leading to the fine for assault and who, in 1953, made an affidavit stating that the applicant came into possession of the stolen tire innocently.

I would very much like to have your answer by June 1, if you can be so prompt.

Sincerely,

JOHN M. MCELROY,
Assistant Chief Counsel.

Here is the answer:

MAY 31, 1961.

DEAR MR. MCELROY: Your letter of May 26, 1961, addressed to Mr. Ellsworth Miller, president, Maryland Casualty Co., has been referred to me for reply.

It is not possible to give a categorical answer to the question of whether or not we would bond a man whose past record revealed the facts set forth in the four numbered paragraphs of your letter. While the record as stated would certainly cause us to view the applicant with suspicion, it does not automatically follow that we would refuse to bond him.

Many cases come before us similar to the one you have presented. The final disposition in each instance is determined by our investigation and assessment of the facts as we see them. We have, for instance, bonded a youthful parolee in a minor position with a stock brokerage firm on recommendation of a police commissioner who convinced us that there were extenuating circumstances in the case. On the other hand, we have refused to bond a paroled murderer, not so much because of the particular crime as because the applicant was to be employed as a bank messenger.

In the instant case the theft was a youthful crime which occurred some 24 years ago. The assault charge goes back to 1936 and does not of itself prove dishonesty of character, although it may well indicate emotional instability. As underwriters we might overlook these early indiscretions, provided there was evidence of a subsequent good record.

I am asking the Senate of the United States to say whether its standards are higher than those of the Maryland Casualty Co.

The subsequent record in this case, of course, is considerably marred by the misrepresentation of facts in 1942, 1949, 1952, and 1961. We would regard the misrepresentations referred to in your paragraph No. 43 and the omission of his present business association as the most serious in that they appear to have been deliberate and hardly to be attributed to oversight or a lapse of memory. The gap in the employment record for the period 1946–47 is a type of omission which we find to be very common in our investigation work. Such omissions may or may not be intentional. Frequently an individual does not have records or cannot establish exact dates of employment from memory as far back as 15 years, particularly if he has changed jobs often or has had intervening periods of unemployment. Ordinarily, we insist on a complete accounting of time only for the latest 5-year period. On the other hand, if we knew of such a gap in the record as appears here, we would want to question the applicant intensively about it.

So I should like to assure the Senate I am doing exactly what the Maryland Casualty Co. would do in a similar situation.

We regard the declination of an application or the cancellation of an existing bond as a most serious matter, and final action is taken only after considerable deliberation by our underwriters.

Here is the strong point of this letter, which I hope Senators will carefully note:

While there would be a strong presumption against the applicant to whom you refer, there are many questions which an underwriter could ask before coming to a final decision. What, for instance, are the duties and responsibilities of the "top executive" position to be occupied by the applicant? For what amount is he to be bonded? What are the opportunities for collusion with other employees? What system of internal controls exists and how frequently and by whom are audits made?

I think that is a very good one. What check would we have on this man afterward if his appointment is confirmed for a term of years? He can run rampant after his nomination is confirmed.

Is the applicant in a position to furnish collateral or third party indemnity, etc.?

He furnished no collateral in testifying before us, but he is offered third party indemnity if the U.S. Senate should confirm his nomination, because he then goes home with the seal of the U.S. Senate.

Howard Morgan, perjurer, confirmed by the U.S. Senate for high office.

Do that if you will, I say to Senators, but you will do it without me, and you will do it without some of the rest of us who listened to some of the high-sounding statements made during the last 8 years that the Senate would not confirm the nomination of anybody who did not tell the truth; who listened to all the stories about integrity in public office; who listened when other nominations came up and were opposed; who listened to the matter of the confirmation of the nomination of one for a Cabinet office whose confirmation was defeated because some Senators felt he was not entirely candid. They said, as I found when I looked up the record, that he was not entirely candid. I say that was not the case. That particular man was fully candid, and a great public servant, and a man who did more than any other man to preserve for the United States its progress in the development of the nuclear bomb, whose nomination was refused confirmation because Senators said he was not entirely candid.

I say to Senators, you do not have that worry here. You do not have to say Howard Morgan was not entirely candid. I will straighten that out for you. He was not. He lied six times. So if Senators are worried about confirming the nomination of someone who is not entirely candid, they have a standard to which to repair, they have an

analogy, they have a parallel, they have history to follow. Some Senators may be able to swallow some of these inconsistencies, but I cannot. I go on with the letter:

Because the material seems pertinent to your inquiry, I am taking the liberty of attaching copies of a bulletin of the Association of Casualty & Surety Companies, dated August 29, 1957, and an article reprinted from Federal Probation, December 1957 issue. I believe that these enclosures, although dealing specifically with convicted persons, probationers, and parolees, reflect the general attitude of surety companies toward problems of the type to which you have referred.

Mr. President, I do not ask to have the attachments to these letters printed in the RECORD, although I will make them available to any Member of the Senate. They are not pertinent to this case, but they are available if anyone wishes to assure himself of their effect.

Finally, in conclusion—which are the finest words any Senator can utter—I am opposed to the nomination of Howard Morgan. I am opposed to him not because of any crime he committed, but I am opposed to him because he lied about those criminal charges. As a Reserve officer in the U.S. Navy, I am opposed to him, as you are, Mr. President (Mr. PELL in the chair), because I do not like to think of fellow naval officers who obtained their distinction by lying about previous arrests they may have suffered.

I am opposed to him because I do not think he is worthy of the confidence of the Senate or of the people of the United States.

I am opposed to him because the President of the United States has asked us to hold high the standard of integrity, to regard such a standard as important, and to expect of every public official complete devotion to his duties and integrity in public office.

The President has set the standard, and I agree with him. The Senate knows its duty in this particular period. The Senate's decision will be final, but some Senators may not have had the privilege or opportunity of hearing what the Senator from Kansas [Mr. SCHOEPPEL] and I have said, and may ask their colleagues, "What is this?" and may be told, "It is the Morgan matter." Then they will ask "The President wants it?" Some Senators will say, "Yes, he wants it," and they will say, "OK."

There is more to it than that, Mr. President. There is more to it than having Senators saunter into this Chamber and say, "I vote 'yea' on the confirmation of the nomination of this man."

Once the nomination of this man is confirmed, a new low standard will be set for public office. Once the nomination is confirmed, the Senate will have said to the President and to the public, "It does not matter if he violates a law, on the basis of which he could have been fined $10,000 and sent to jail for 5 years. It does not matter that he lied. It does not matter that he admits himself he lied. It does not matter that he admits himself he is deserving of punishment. None of these things matter. All we care about is ideology. He has a different point of view on power than some other people have, and people would think we were against public power if we did not vote for a private perjurer."

MAY 26, 1961.

Mr. ELLSWORTH MILLER,
President, Maryland Casualty Co.,
Baltimore, Md.

DEAR MR. MILLER: In connection with a matter pending in our committee, I have been directed to ascertain how your company would react to an application for bonding of a top executive whose background contained this information:

1. Arrested in 1937 at age of 22 on fugitive charge and turned over to other police in the same State for investigation of theft of a tire and some cans of lubricating oil. Available records do not show final disposition of charge, but applicant says there was no prosecution. A police index card made contemporaneously states he admitted the theft.

2. Arrested in 1936 for assault. Fined $25 and $17.50 costs.

3. In 1942, 1949, and 1952 filled out a total of seven Government forms, and in answer to question whether he had ever been arrested or summoned into court on a criminal charge, said "No." (Penalty for false answers can be not more than $10,000 or 5 years or both.)

4. In his 1961 job application, misstated his record of previous employment so as to exclude his 1946–47 and his present business association with a man who was a participant in the fight leading to the fine for assault and who, in 1953, made an affidavit stating that the applicant came into possession of the stolen tire innocently.

I would very much like to have your answer by June 1, if you can be so prompt.

Sincerely,

JOHN M. MCELROY,
Assistant Chief Counsel.

MARYLAND CASUALTY CO.,
Baltimore, Md., May 31, 1961.

Mr. JOHN M. MCELROY,
Assistant Chief Counsel, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. MCELROY: Your letter of May 26, 1961, addressed to Mr. Ellsworth Miller, president, Maryland Casualty Co., has been referred to me for reply.

It is not possible to give a categorical answer to the question of whether or not we would bond a man whose past record revealed the facts set forth in the four numbered paragraphs of your letter. While the record as stated would certainly cause us to view the applicant with suspicion, it does not automatically follow that we would refuse to bond him.

Many cases come before us similar to the one you have presented. The final disposition in each instance is determined by our investigation and assessment of the facts as we see them. We have, for instance, bonded a youthful parolee in a minor position with a stock brokerage firm on recommendation of a police commissioner who convinced us that there were extenuating circumstances in the case. On the other hand, we have refused to bond a paroled murderer, not so much because of the particular crime as because the applicant was to be employed as a bank messenger.

In the instant case the theft was a youthful crime which occurred some 24 years ago. The assault charge goes back to 1936 and does not of itself prove dishonesty of character, although it may well indicate emotional instability. As underwriters we might overlook these early indiscretions, provided there was evidence of a subsequent good record.

The subsequent record in this case, of course, is considerably marred by the misrepresentation of facts in 1942, 1949, 1952, and 1961. We would regard the misrepresentations referred to in your paragraph No. 3 and the omission of his present business association as the most serious in that they appear to have been deliberate and hardly to be attributed to oversight or a lapse of memory. The gap in the employment record for the period 1946–47 is a type of omission which we find to be very common in our investigation work. Such omissions may or may not be intentional. Frequently an individual does not have records or cannot establish exact dates of employment from memory as far back as 15 years, particularly if he has changed jobs often or has had intervening periods of unemployment. Ordinarily, we insist on a complete accounting of time only for the latest 5-year period. On the other hand, if we knew of such a gap in the record as appears here, we would want to question the applicant intensively about it.

We regard the declination of an application or the cancellation of an existing bond as a most serious matter and final action is taken only after considerable deliberation by our underwriters. While there would be a strong presumption against the applicant to whom you refer, there are many questions which an underwriter could ask before coming to a final decision. What, for instance, are the duties and responsibilities of the "top executive" position to be occupied by the applicant? For what amount is he to be bonded? What are the opportunities for collusion with other employees? What system of internal controls exists and how frequently and by whom are audits made? Is the applicant in a position to furnish collateral or third-party indemnity, etc.?

Because the material seems pertinent to your inquiry, I am taking the liberty of attaching copies of a bulletin of the Association of Casualty & Surety Companies, dated August 29, 1957, and an article reprinted from "Federal Probation," December 1957 issue. I believe that these enclosures, although dealing specifically with convicted persons, probationers, and parolees, reflect the general attitude of surety companies toward problems of the type to which you have referred.

Very truly yours,

A. H. WALKER,
Vice President.

Mr. President, I yield the floor.

Mr. BARTLETT. Mr. President, the points made by the Senator from Pennsylvania [Mr. SCOTT] and earlier by the Senator from Kansas [Mr. SCHOEPPEL] were examined by the Committee on Commerce. They were examined and reexamined. They were carefully considered.

The hearings were obviously extensive. Senators will note the transcript of hearings, which is 89 pages long.

After all the testimony had been taken and after all the evidence had been brought to light, the committee favorably reported the nomination by a vote of 11 to 4.

Mr. President, the situation, as developed this afternoon, impresses one person in one way and another person in another way. There are two matters which have been dwelt upon at great length.

At first, when I heard the testimony, I thought an effort was being made to prove that Mr. Morgan had stolen a tire and some oil, had gotten into a lot of trouble on that account, and had not informed the committee or anyone else about what had occurred; that perhaps he had been arrested, and, for all I knew

at the moment, had been sentenced to the penitentiary for years, and had served his sentence.

However, after the testimony was presented it was apparent the facts were quite otherwise.

It became apparent that Mr. Morgan, when a young man, had been given a tire by his employer in part payment of his wages. His employer apparently had not made much profit on the particular contract and was hard put to supply ready cash. Thereafter Mr. Morgan sold the tire. It was discovered to have been a stolen tire. The police discovered this, and accosted Mr. Morgan with the facts.

Subsequently Mr. Eatch, who has been mentioned many times this afternoon, made an affidavit disclosing what had actually occurred. As I understand the case, Mr. Morgan was exonerated from all blame in connection with the matter. No one knew where the tire had come from; it was in a truck with much other equipment. But it is known Mr. Morgan did not steal it.

Thereafter the record concerning the transaction was expunged from the files of the Portland, Oreg., Police Department. I should like to explain what I mean by "expunged" by quoting the very wonderful definition of that word made May 23 last by the distinguished Senator from Nebraska [Mr. HRUSKA] when he said:

> When the Senator from Nebraska says "expunged" he means physically and literally taken out of the record, and permanently removed.

That is exactly what happened in the Portland Police Department in reference to the record in the case.

So when subsequently Mr. Morgan filled out a form or forms he had nothing to report on that incident because there was no record in the department; that was proper in my opinion.

What about the other incident about which we have heard so much this afternoon and previously, Mr. President? At the start I thought we were going to learn that Mr. Morgan had committed grievous and grave assault upon another human being and that he was guilty in every manner for having done so. But even some of those on the committee who were not, shall I say, altogether in favor of reporting the nomination, declared they thought perhaps in this particular case Mr. Morgan should receive some kind of an award for heroism, because the facts as disclosed to the committee were that Mr. Morgan intervened in and broke up a fight in which another man was trying to stab his employer with a screwdriver. Of course, great harm might have resulted on this account, and wounds, fatal or otherwise, might have been inflicted.

After that Mr. Morgan, a very young man at the time—as I recall, 22 years of age—was taken before the justice of the peace. He had no lawyer. He explained what had occurred. After all the testimony was taken—as I gathered, in a very loose manner—the justice of the peace fined Mr. Morgan $25 and assessed costs of $17.50 against him.

My only point in mentioning these things, Mr. President, is in an attempt to demonstrate there was no real reason, there was no good reason, there was no substantial reason at all why, on any Form 57 or on any other form Mr. Morgan should have reported the tire incident.

It is entirely possible—and I believe Mr. Morgan when he so says—that in making out these forms he honestly forgot the incident relating to the assault charge; not the occurrence itself, of course, but the fact that he had gone into court. Apparently a majority of the members of the committee either believed likewise or they thought this was not of paramount concern.

That is what I come to now, Mr. President. What is at issue? Is it the fact that on X occasions Mr. Morgan did not say "yes" instead of "no," in response to a question on a Government form? Or is it a question of whether, on account of the splendid record he made in the field of utility regulation in the State of Oregon, he stands in a position by reason of the appointment, to perform a broader and better service in that same area to all the people of the United States?

To my knowledge, no one has contradicted Mr. Morgan's expert knowledge in this area. It has been said that he does not know too much about natural gas. But it has not been denied that he served the public well in Oregon, and that he has sufficient familiarity with the general subject to become a specialist in all of its phases during the early period of his service on the Federal Power Commission. I believe that is the test. Too often in recent years, in my opinion, members of regulatory commissions have forgotten the prime reason for their appointment, namely, to serve the public. With Mr. Morgan's presence on this important regulatory body, we can all be assured that first and foremost in his consideration will be the protection of the public interest—the consumer.

Mr. Morgan did not make a report to the White House regarding the assault charge. He did report the question having to do with the tire. Having reported the one, it follows that he would have reported the other had it remained in his memory.

Careful examination was made of the entire situation in the executive department at the White House after these later disclosures were made. We saw no sign that the President cared to withdraw Mr. Morgan's nomination, and I am glad that he did not, because the considerations which first caused the President to nominate Mr. Morgan are those which should properly be applied here, namely, Has he been a good and useful public servant in his home State of Oregon, and, Is he equipped in every way to do a good job for the people of the United States in this Federal responsibility? The committee decided in the affirmative, and I hope that the judgment of the Senate will be the same.

Mr. PASTORE. Mr. President, I believe it was my privilege to attend most of the hearings. Without reflection on the part of any of my fellow committeemen, I believe I spent more time at the hearings on the nomination of Mr. Morgan and Mr. Swidler than did any other Senator. From time to time our distinguished chairman was called to other official duties and it became my duty to represent the committee and to preside at the hearings. I make that statement—and I am happy that my distinguished friend the Senator from Kansas [Mr. SCHOEPPEL] is in the Chamber at the time I make this statement—merely to indicate how unfortunate it is that other Senators did not have the opportunity, understandable though it may be, to examine, view, and scrutinize the personality of the nominee. In my opinion, he is a clean-cut young man, a fine, excellent, and devoted father, with a very charming and lovely wife and a charming daughter. In my opinion, it was tragic that in the committee chamber day after day the family should have been exposed to a rehash of a story that had years before been printed on the front pages of the newspapers in the State of Oregon. The attempt today to revive the story creates absolutely nothing new. It was tried against Morgan before. He was scandalized unjustly then, and the statements were repeated before the committee.

Mr. President, what kind of man are we considering? I have heard him characterized as a liar and a perjurer. Those who utter such characterizations should be pretty careful with their language, because we are dealing with a human being, a responsible and capable man who has been the best public utilities official the State of Oregon has ever had.

If stronger proof of that statement is desired, I refer Senators to an editorial that appeared in the Oregon newspapers. It is in the record.

When Mr. Morgan was a young man attending college, someone started a fight on a construction gang where he was employed. What did this young fellow do? He pulled a second attacker off the back of his boss. Did the police officers then arrest him, as has been said here? No. Two days after the incident he was summoned before a justice of the peace. As one would receive a civil subpena, Morgan was summoned 2 days later. He was called before the justice of the peace, and he explained that all he was trying to do was to stop a fracas. He was pulling another man off the back of his boss, who already had one attacker to handle.

The judge said, "Well, I do not care much about the amenities involved. Did the boss ask you to do it?"

He said, "No; I did it out of humanity."

The judge said, "Humanity or no humanity, $25 and costs."

That incident occurred many, many years ago, when Mr. Morgan was a youth of 22.

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

Mr. PASTORE I yield.

Mr. LAUSCHE. The Senator referred to the sentence of $25 and costs. I read the underlying facts that led to the prosecution; and in my opinion what the

nominee did in that case was morally right. A red-blooded man with self-respect, under the facts that existed, would have jumped in in the manner in which Morgan did.

Mr. PASTORE. Especially when we consider that at that time he was a typical American boy attending college. Then what happened? He became the president of his college class. This so-called liar and perjurer became the president of his college class.

Let me cite another honor. After Morgan's graduation from college the chief of police of Portland, Oreg., called him in and said, "I would like to have you as my assistant. I have full knowledge of this incident.

"We have a record showing that you were charged with stealing some tires." So said the chief of police of Portland.

Let us go into that subject a little. Mr. Morgan was working on a construction gang when he was attending school, and for some reason, in lieu of compensation, he was given a tire, which someone had reported to have been stolen. He was stopped as a fugitive from justice. Morgan was never charged with stealing. Nothing ever happened with respect to the charge, but the police had a record on him. The chief of police knew about the record, when he called Morgan in. The chief said:

I would like to have you as my assistant, but there is the record of two arrests.

Morgan said:

That is not fair. I never did anything wrong. I never stole a tire.

The chief said:

There are two ways to expunge a record. You must either go before the court and make a request, or we will expunge it in this way—

And the chief put the record in his desk.

Morgan, a believing youth with confidence in his own innocence, thought that was the end of it. He never heard about the charges for a long time. He signed an affidavit asserting that he was unjustly picked up. The chief of police said:

The record is expunged and I have no record.

So Morgan made the statement on his form 57, indicating his answer to be that he was not arrested.

As a young man, he thought the whole affair was a cruel injustice.

The question was asked Morgan:

Why didn't you say that you paid $25 for an assault?

He said:

Well, I forgot it.

There are two who know whether or not Morgan is telling the truth. One is Morgan himself, and the other is Almighty God. Beyond that point we would have to convict this nominee by circumstantial evidence. Only Morgan and God know whether he has told the truth. Morgan says he forgot it, and I am not ready to play God.

Today we are considering confirmation of the nomination of Mr. Morgan. A statement was made about Mr. Morgan being for public power. Why is not the statement finished? He is for consumer interests, which is why I am for Morgan. He is for the consumer, as he was for the consumer when he was public utilities commissioner in the State of Oregon.

Lest we be quick with our indictments, libels, and slanders, let us consider what his neighbors think about him.

Let us go to the people who were his neighbors—his fellow citizens of Oregon. Let us go to the people who know this man, and see what they have to say about him. If anyone can find a woman in the United States who is more respected and more admired than EDITH GREEN of the State of Oregon, I want to know it. This is what she said:

It is with a great deal of pleasure and pride that I do appear before this committee with Howard Morgan. I have known him for many, many years and I of course am extremely pleased that the President has appointed him to a position on the Federal Power Commission.

Does she stop there? I ask Senators to listen to the rest of her statement. Let us listen to how she speaks of this so-called liar, this alleged perjurer:

Mr. Morgan is a person of tremendous intellectual capacity. He is a man of unquestioned integrity and courage and he is also a very articulate spokesman for those causes in which he believes.

Does she stop there? Listen to the rest of it:

I have known not only him but also his wonderful family for a long period of time. It seems to me that he has served his State exceedingly well and I am sure that the people of Oregon will take great pride, both Republicans and Democrats, in the fact that his talents have been recognized by this administration.

Is that JOHN PASTORE saying that? Is that the Senator from Rhode Island, who did not intimately know this man in Oregon, who is saying that? Is it said by Senator MUSKIE from the great State of Maine, who did not know this man in Oregon? No; it is EDITH GREEN, a Representative from his State of Oregon, who has known him for many years.

Is there better proof than that? Where can we find stronger proof than that? Let us look at what our distinguished colleague, the junior Senator from Oregon [Mrs. NEUBERGER] has said. She is surely an authority. I certainly will accept her as my authority. Mrs. NEUBEREGR said:

Mr. Morgan is well known in our State. I am especially proud of his association with my husband when they were colleagues in the Oregon State Legislature.

Howard—

Not "Mr. Morgan"—but as one who knows him well and respects him highly—

Howard received the acclaim of Gov. Robert Holmes, of Oregon, when he was appointed utility commissioner. There were those in the State who had some reservations about this appointment. Yet after Mr. Morgan had been serving in the capacity which he did, many changed their minds. Even though their points of view might have differed, they stood up and spoke for his fairness and commended him highly.

Editorial comment around our State after this appointment was made by the President has been of great interest. I would like to quote from some of these.

The Medford Mail Tribune, which is an important paper in the southern part of the State, observed that Mr. Morgan "is dedicated to serving his concept of public interest, the interests of all the people rather than a few."

That is what I like about Mr. Morgan, the fact that he is interested in the many, not the vested few.

I voted for him in committee. I shall vote for him on the floor. I shall vote for him not because he believes in public power but because he believes in the little man, the man who has to pay the bill, the consumer of America. That is why I am for Mr. Morgan. He is a consumer man. He believes in and protects the consumer interest—the public interest.

I could read from the testimony of Representative ULLMAN. It is part of the record. As a matter of fact, it is almost a litany of commendation and eulogy and tribute and respect and recognition. These are my witnesses. They are my documents. This is my proof.

This is why I believe the President of the United States has found a good man in Howard Morgan to protect the public interest. Because he has found him, I congratulate him. Because I feel the way I do, I shall vote for the confirmation of the nomination. I recommend to my colleagues that without reservation they vote to confirm this great public servant and support the President of the United States.

Mr. McGEE. Mr. President, I wish to associate myself with the comments of the distinguished senior Senator from Rhode Island and to commend him on his courageous and forthright presentation of the case for Howard Morgan. I wish to add, in the context of his remarks, some repercussions of this particular case which I have encountered around the country in connection with public political forums on what are called on many occasions the political responsibility of American life today. These are seminars in form in which businessmen, clubwomen, and young people are invited to ask questions about and inquire into the status of public service in America.

Invariably, whether we were in the East or Middle West or on the Pacific coast, the question always came back to: How can we attract better men to public life when they can only expect to have all the minutiae of their youthful past scrutinized and held up before all the public with some kind of disgrace? As a result, men and women of the greatest responsibility are deterred from serving in the public service, because they do not want their families and relatives and friends subjected to the kind of excoriation which is being visited on Howard Morgan today. Torturing an understandable past is one of the great deterrents, in my judgment, to attracting to the high level of responsibility of public service the kind of men and women that we desperately need.

The case of Howard Morgan is one of the best cases in point. I believe his case points up two things that we ought

to bear in mind in regard to our public responsibility. One is the imperative need for trying to keep this matter in perspective, to equate that which is important with the proper level of responsibility, and keeping in its proper place that which is a part of the process of growing up.

Likewise, I believe our system possesses one freedom that we ought to hold very dear. That is not only the freedom to make a mistake, if a mistake was ever made, but a freedom to learn from that mistake and to move on into the full responsibility of citizenship and public service in this country.

I believe we threaten to violate both the attraction of public life to people of responsibility and the principle that a man has a right to make a mistake, with the freedom and the right to learn from that mistake in order to serve his country better. Both of these being issues central to the career of Howard Morgan, it seems to me the Senate could do no greater service than to prove to the people of our country, here and now today, that we applaud a man who makes the grade, who proves his caliber, who proves his interest at the right time in the life of a man who seeks a public career, with all of its hazards, and that we do justice to the cause we say our system really seeks to perpetuate, at a time that we are holding this system before the rest of the world with the beseechment from us that they seek to emulate what we have set forth.

I do not know the details of the lives of all the Members of this body, but I think I can say, with clear candidness, that there, but for the grace of God, go I. I do not know whether any of us, in our youth, may have had some little incident lifted out of context which may have proved to be embarrassing at a subsequent time, depending on how it was held before the public, how it was treated in the headlines, how it was assessed standing alone as a single incident in a long life that was filled with contributions of responsibility and integrity.

Mr. President, it is time we made it abundantly clear that we will not indulge in pettifogging and in the incidental minutiae of a man's past. We are interested in his public record, in his present, in his capabilities for future service and responsibility. Only on this plane do we justify the warranted endorsement of what we regard as the American system of popular responsibility in public service, when we can hope, through that formula, to attract capable men and women of our country to that kind of dedication which alone will enable our system to survive.

Mr. MORSE. Mr. President, I am inclined to start my speech not only with the salutation, "Mr. President," but also with the salutation, "May it please the court," because I feel, as one of the cocounsel for the defense in this proceeding, that I should thus refer to myself. In fact, I am almost tempted to move for a directed verdict of acquittal. However, I shall let the case go to the jury in a few moments for its verdict, because procedurally I have no other alternative. I am satisfied that the jury will give us a verdict of acquittal.

There is really nothing more to say after the brilliant defense made by the Senator from Rhode Island [Mr. PASTORE], the Senator from Alaska [Mr. BARTLETT], and the Senator from Wyoming [Mr. MCGEE]. Now I see the distinguished Senator from Washington asking me to yield, so before I present my argument, I shall yield to him.

Mr. MAGNUSON. I appreciate the Senator's courtesy.

Mr. President, I had planned to say some things concerning Mr. Morgan's personal matters, about the nomination of Mr. Morgan, but, as the Senator from Oregon has said, they have been covered so well and so effectively, that I think anything I might say not only would be an anticlimax but might cause some of the things which have been said to lose their real effectiveness.

I have taken part in the consideration of numerous nominations for the Federal Power Commission before the committee of which I am the chairman. In every one of the cases, no matter who the President was, no matter whom he nominates, there is always the tug of war between the private and the public utilities. That is so no matter how we look at it. The nominee will be dubbed a private utility man or a public utility man, or a consumers' man, or an oil or a gas man. Despite what we hear about the nominee or what is brought up in the hearings, despite what his personal biography may be, there is always, underneath, that tug of war.

I shall state what compels me to favor the nomination of Mr. Morgan in this particular instance; and the Senator from Oregon will bring it out in more detail. The State of Oregon has a public utility commissioner. There is not a board, as in most of the States of the Union. In Oregon, the man who is selected by the Governor to be public utility commissioner acts as one. He has tremendous power to make decisions in the Pacific Northwest, where the utility controversy is constantly in evidence.

Mr. Morgan was appointed by the Governor of his State to be the public utility commissioner of Oregon, and he has served in that capacity. I have spoken with many persons about Mr. Morgan's tenure of office and how he handled the complex, controversial, and sometimes political cases which came before the board in the controversy which is constantly taking place between the private and the public utilities. Without exception, whether it was the president of a large utility company or a member of my own utility district, or public power officials, as they are sometimes called, all have said, whether they liked Mr. Morgan's decision or not, that he is a man who has been fair and objective. These are qualities that are most difficult to secure in a man who is appointed to the Federal Power Commission.

This is what compels me, leaving out other factors, to vote for the confirmation of the nomination of Mr. Morgan.

I have known Mr. Morgan personally for a quarter of a century. I have seen him off and on for many years. In serving in his position he has acquired more respect from both sides than any other man whom I know who has served as an Oregon public utility commissioner.

I think Mr. Morgan, with his great experience, will become a valuable member of the Federal Power Commission, and will call the shots there in the same way he called them as public utility commissioner of Oregon. That is what compels me to vote to confirm the nomination of Mr. Morgan. The other incidents do not bother me too much, one way or the other, because, as the Senator from Oregon knows, we have heard about them and read about them for years in my State of Washington and in the State of Oregon.

I think the appointment of Mr. Morgan is one of the best appointments that have been made. It is seldom that someone can be found who has the kind of record and the type of experience which will fit him for the difficult office of member of the Federal Power Commission. Too often, nominees have tended to lean more to one side or the other, and that is what causes trouble. That is why the nomination of Mr. Morgan is one of the best that have ever come before the Senate.

Mr. MORSE. Mr. President, I thank the Senator from Washington, the chairman of the Committee on Commerce, for his very sound defense of Mr. Morgan. I completely agree with every evaluation of Mr. Morgan which the Senator from Washington has set forth.

Mr. President, the Senate is making a legislative record today. In fairness to the nominee, I think all will agree that in my capacity as senior Senator from Oregon I owe it to the nominee, I owe it to my State, and I owe it to the people of the country to make the statements I include in the speech I am about to deliver, because I think that is only the fair and right thing to do. It will not be a long speech, but it will be a record which, I think, from the standpoint of the legislative history of the nomination, needs to be made.

I believe Senators will agree that during my almost 17 years in the Senate I have followed a course of action in regard to nominations sent to the Senate by the Presidents who have served during that period of time which has resulted in my being referred to, on some occasions, as one of the watchdogs of nominations. I stand on that record. I have opposed nominations, as the RECORD will show, when, in my judgment, the nominees failed to meet one of the four historic criteria that every nominee must meet in order to qualify, in my judgment, for a presidential nomination under the advise and consent clause of the Constitution, and that criterion is character.

If a man is lacking in good character, the Senator from Oregon, believing him to be lacking in good character, will not vote to confirm his nomination. That is my position whether the nominee comes from Oregon or anywhere else in the Nation, because the fact is that there are men who are or have been President of the United States who could be called as my witnesses and who would testify that when certain names from Oregon were being considered on several occasions—to be exact, three—I intervened before

those nominations ever were submitted and made it perfectly clear that if they were submitted, I would object to them, because, in my judgment, the nominees were lacking either in character or in one of the other of the four criteria which are binding, in my judgment, upon the Senate under the advise-and-consent clause of the Constitution.

So, Mr. President, with that statement, I wish to make this record this afternoon, as the senior Senator from Oregon, in support of this great citizen of my State, whom the President of the United States has honored by appointment to the Federal Power Commission, and by nominating him, the President has honored my State.

Mr. President, it is with the deepest pleasure that I support President Kennedy's nomination of Howard Morgan, of Oregon, to be a member of the Federal Power Commission. Mr. Morgan has been a trusted and admired friend of mine for many years; but, beyond that, he is a scholar who has studied and worked in the field of utility regulation for more than 20 years. He is known and respected throughout my State as a fearless and incorruptible public servant; he has the breadth of outlook and independence of judgment which enable him to rise above partisanship and narrow dogma; and he has an unswerving devotion to the public interest.

In short, Mr. Morgan is precisely the kind of man needed on the Federal Power Commission during the past 8 years, just as he is precisely the kind of man President Kennedy pledged himself to appoint to the regulatory agencies. I do not think the President could have selected a better man for this heavy responsibility, and I wish to compliment him now on the choice he has made.

As the Members of the Senate know, partisan attacks have been made on Mr. Morgan in the newspapers and in the committee. I wish to discuss and analyze these attacks. Although there does not seem to be any need to draw a diagram for my colleagues, they know perfectly well where these attacks come from.

In fact, if memory serves me right, every member of the Federal Power Commission during the past 30 years who was devoted to the public interest had to undergo the same kind of ordeal which Mr. Morgan is undergoing now—the only difference being that those men were attacked only after they had served as Commissioners long enough to demonstrate their dedication to the public interest, whereas Mr. Morgan has the distinction of being singled out for attack even before being sworn into office. The reason for that is, of course, his record as Public Utility Commissioner in Oregon, where he is regarded as the best man to serve in that capacity in the last 40 years.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. MORSE. I am glad to yield to my friend.

Mr. DOUGLAS. Is it not a fact that the two members of the Federal Power Commission who were attacked for their defense of the public interest were Leland Olds and Thomas Buchanan; and is it not also true that, in the case of Mr. Olds, a statement he had made some 20 years before was dug up and was used against him; whereas, in the case of Mr. Buchanan, nothing was proved against him, but confirmation of his nomination was nevertheless refused? Is that not true?

Mr. MORSE. Yes; and those were the two cases I had in mind, in connection with the statement I made a moment ago. I thank the Senator from Illinois for completing the record.

Not since Clyde Aitchison left the Oregon Commission, to serve on the Interstate Commerce Commission in 1917, have we in Oregon had a commissioner to regulate our local utilities who displayed the courage, brains, tenacity, hard work, and judgment brought to that assignment by Howard Morgan.

As I shall demonstrate shortly, the utility executives who understand the benefits of honest, fair, and firm regulation were, and still are, among those who honor and respect Mr. Morgan for the work he did. But there are other utility executives—I am glad to say they are a minority—who had grown accustomed to regulating the regulatory agencies themselves, both in Oregon and in Washington, D.C.; and it is these men who exerted themselves to defeat Governor Holmes, under whom Mr. Morgan served. It is these men who are now stimulating the attacks upon Mr. Morgan, by which they hope to prevent him from serving the people of the United States.

Not as a personal friend, but as a fellow Oregonian who has watched carefully the high caliber of service which this man has brought to public life in Oregon, I urge the Senate to confirm this nomination and let Mr. Morgan take up the work which the President has assigned to him.

In my capacity as the senior Senator from Oregon, I make this recommendation; and in my capacity as a friend, knowing the character of the nominee, knowing him to be incorruptible, I make this recommendation.

Let me make it clear that this recommendation is not based merely upon the zeal and industry which Mr. Morgan brings to the work before him, or even upon the fact that he is a champion of the consuming public, who is needed so very much on the FPC.

As the senior Senator from Rhode Island [Mr. PASTORE] stated a few minutes ago, he is in favor of confirmation of the nomination of Mr. Morgan because he is for the consumers; and, of course, after all, the Federal Power Commission is an agency of the Congress, and, in the last analysis, has the responsibility of protecting the consumers' interest. That was the primary purpose of the establishment of this agency, in the first place.

Mr. President, I make this recommendation even more strongly on the basis of the studied fairness and the judicious care with which Mr. Morgan approaches his work.

Mr. President, some of the Members of the Senate may not know that Oregon has the only 1-man utility commission among the 50 States. This means that for 2 years Mr. Morgan handled all matters involving rates and services of all utilities, including light, gas, power, water, telephone, telegraph, trucks, buses, and railroads, in the State of Oregon, and did so absolutely alone. He had his staff to help him, of course, but there was no reviewing authority for the nearly 2,500 signed orders which he issued to the utilities of the State, except for the circuit and supreme courts. Of this large number of orders, less than 20 have been appealed to the circuit courts of Oregon.

I am informed that of these, only three were overruled by the circuit courts, and that as of this moment not a single one of Mr. Morgan's orders has been overturned by the supreme court of the State of Oregon. This is an amazing record, and when we reflect on the fact that the people of Oregon consider Mr. Morgan to be the most vigorous champion of the public interest to serve them in more than a generation, it is an almost incredible record.

It would be a simple matter for a demagog, holding the job Mr. Morgan held in Oregon, to become known as a champion of the public interest. All he would have to do would be to issue a stream of reckless orders denying rate increases to the utilities, demanding increases in their services, and in general criticizing and attacking their officials. But in Oregon we have fine courts and very capable judges; and it is not a simple matter now, nor has it ever been possible, for a commissioner to behave in such fashion and to have his orders sustained by the courts. Not only were Mr. Morgan's orders sustained; he also earned the respect of all but a few diehards among the State's utility executives.

Consider this excerpt from an unsolicited letter written after Mr. Morgan's nomination to the Federal Power Commission was announced this year. This letter is signed by the vice president and general manager of Oregon's third largest electric utility, and it reads, in part, as follows:

> While you were utility commissioner of Oregon, I recall there were on several occasions customers' inquiries and complaints involving our company. In each instance your decision was made promptly and was fair both to our customers and to ourselves, with the result that our customer relations were improved.
>
> Please accept my sincere congratulations on your appointment to the Federal Power Commission. This appointment I think will add strength to the Commission.

Or consider this excerpt from another unsolicited letter, written when Mr. Morgan announced his resignation as commissioner in Oregon. This letter is signed by the chairman of the board and chief executive officer of Oregon's second largest electric utility, and it reads in part as follows:

> During the past 2 years we have had more than a normal number of matters before you for approvals, primarily involving financial procedures, such as new bond or debenture issues, new common stock financing, and various interim bank credit arrange-

ments. It seems to me appropriate to say at this time that I have been most pleased with the consideration we have received from you and your associates. Manifestly, you had to be convinced of the merit of our petitions, but once convinced you moved expeditiously to give us the required approvals and in a most cooperative manner. I think the record should show that with respect to these matters the attention and cooperation you have given Portland General Electric Co. can only be described as excellent. We thank you.

This testimonial on my part is not new. It was volunteered in my talk before the New York Society of Analysts last May; and many times I have replied in similar vein to inquiries from investment and commercial bankers throughout the country, and particularly in such centers as New York, Chicago, San Francisco, and Portland.

These comments by responsible utility executives certainly do not confirm certain newspaper comments that Mr. Morgan is a zealous proponent of public power who would find himself unable to treat private power fairly. The record is clear that, while giving Oregon its first taste in more than a generation of vigorous regulation in the public interest, he treated the utility companies with scrupulous fairness, earning the respect of almost every utility executive and lawyer in Oregon.

But not quite all of them. It has been said, Mr. President, that so far as regulation is concerned, utility executives can be divided into two classes: those who demand, expect, and appreciate fair treatment, and those who are afraid that is what they are about to get. I have quoted from letters written by executives who are clearly in the first category. But we also have some who are just as clearly in the second category in Oregon, and elsewhere in this country, and I think they have had a hand in trying to stir up votes against Mr. Morgan's confirmation. These men do not want fairness and they do not respect or appreciate it when they get it.

What they want, in plain language, is a set of regulatory agencies which can be regulated by the utilities. To get this, they must have Commissioners who are weak, vacillating, lazy, or dishonest, and they know Howard Morgan is none of these things. Therefore they don't want him and from their point of view any tactics which provide the faintest hope of blocking his nomination are justified.

So far as I am concerned, the tactics which they have adopted in a vain and foolish attempt to stop Mr. Morgan's appointment are revolting and I do not intend, nor do I think it necessary, to spend more than a moment in discussing them. Mr. Morgan's enemies have indicated by their own tactics how pitifully weak is their case against him, and I do not propose, by means of a long defense, to obscure the weakness and silliness of the innuendoes and insinuations they rely on.

It has been said that Mr. Morgan would not be able to get a bond from a bonding company such, for example, as the company which was mentioned, the Maryland Casualty Co. Well, let us look at the record. The Maryland Casualty Co. bonded Mr. Morgan as public utility commissioner of Oregon, effective January 16, 1957. The bond, in the amount of $40,000 in favor of the State of Oregon, covered Howard Morgan in his capacity as payroll officer, public utility commissioner, State of Oregon. It is bond No. 90–501554, issued by the Maryland Casualty Co., Baltimore, Md.

Let me say, that was 1957. The discussion about Mr. Morgan's affairs in connection with the tire matter—which I shall come to in a moment—and the fisticuff's affair, are well known in Oregon. They have been publicized in Oregon for years, and have been a matter of political discussion in our State. I have a very high regard for the investigating ability of the Maryland Casualty Co. In 1957 it issued that bond. Of course, the bond remained in effect throughout the term of office of Mr. Morgan as a public utility commissioner.

There is another bond. Issued by what company? The Maryland Casualty Co. It was suggested this afternoon that the Maryland Casualty Co. would not bond a nominee such as Mr. Morgan. It has done so, twice. This second bond number 90–501553, the same date as the previous bond, January 16, 1957, covering Howard Morgan as public utility commissioner of Oregon, in the amount of $10,000, effective throughout his term of office, which ended January 12, 1959.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks, a telegram I have received from C. M. Pratt, resident manager of the Maryland Casualty Co., Portland, Oreg., setting forth the information I gave in my statement, that the company had issued two bonds relating to Mr. Morgan.

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

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

PORTLAND, OREG.

Senator WAYNE C. MORSE,
Senate Office Building,
Washington, D.C.:

Confirming my telephone conversation this date with your secretary, Mr. William Berg, wish to advise we executed effective January 16, 1957, public official bond 90–501553 on behalf of Howard Morgan in favor State of Oregon in the amount of $10,000 covering his position public utility commissioner stop. We also executed effective January 16, 1957, bond on his behalf favor State of Oregon in the amount of $40,000 covering his position payroll officer public utility department stop. Both bonds terminated upon expiration of term of office January 12, 1959.

C. M. PRATT,
Resident Manager.

Mr. MORSE. Mr. President, here is a man who, beginning in college, has held positions of public and private trust for an almost unbroken period of 25 years, positions entrusted to him by his associates and fellow citizens who know him far better than all but a few of us who must pass judgment on him here in Washington. He has held numerous chairmanships and presidencies, has been a legislator, has been the head of his political party in Oregon during nearly 5 years of the greatest political turmoil that State has ever seen.

May I say to my Democratic colleagues here, I have met Mr. Morgan on both sides of the political platform. I know what it is to campaign against Howard Morgan and to campaign with Howard Morgan, because when I was a Republican I was engaged in political campaigns with Howard Morgan in Oregon on the other side, and I can testify to his complete fairness and complete partiality, and to his insistence that we let the facts speak for themselves. And I had the privilege of campaigning and working with Mr. Morgan in the Democratic Party during the period of time when Mr. Morgan was chairman of the party. I know whereof I speak when I talk about this man's character. This man has a fine character, and he meets the character test of the advise and consent clause of the Constitution. He has been singled out for positions of great trust and responsibility by the Governor of his State, and by such figures on the national scene as Gov. Adlai E. Stevenson, and now by President Kennedy.

Is there any criticism of the way in which Mr. Morgan has handled his many and heavy burdens of trust over these 25 years? Not one word. In fact, he not only still has the unqualified support of every individual and organization which relied upon his integrity during that period, he also has the unqualified respect of many honorable men who were under political obligation to oppose him during those years. The reason Howard Morgan enjoys this kind of support from his colleagues and respect from his opponents is very simple. They know that in the positions he has held he has been subjected to every temptation and every intimidation that can be put in the path of a man in public life. And they know that never once has hope of gain or fear of harm swayed him for a moment from the energetic, thorough, and courageous performance of the duties entrusted to him.

I have watched Mr. Morgan in many battles which many might have felt he did not have to fight and which would not have brought undue criticism if he had not won, but I have never seen him take a backward step once he was convinced the fight should be made and the issue should be joined.

I have watched him handle the responsibilities of public office which it would have been child's play for him to manipulate so as to secure political and financial advantage, but neither I nor anyone in Oregon has ever seen him do such a thing. Nor have we ever heard him accused of such a thing.

He has enemies, it is true—who among us does not have enemies?—who would not hesitate to bring any charge against him—any charge, that is, which would be believed.

But the charge that Howard Morgan ever had betrayed or ever would betray a public trust is not believable in Oregon. It should not be believed here in the Senate. The fact of the matter is that such a charge has not been made here,

except by insinuation and inference. The same insinuations were made public years ago in Oregon and were so thoroughly laughed at by the people of my State that nothing more has been heard of the matter for nearly 10 years until now, when Mr. Morgan's enemies are making another try, with the same material this time, in an attempt to "bamboozle" Senators who are not aware of his record of honesty in his own State.

What Senators are being asked to do is to ignore Mr. Morgan's outstanding record of honest public service over the past 25 years and to reject him for further public service now at the age of 47, because a quarter of a century ago, when he was 22 years old, he was arrested twice: Once involving a misunderstanding so trivial and groundless that no charge was filed and no court action taken, and once involving a fist fight in which Mr. Morgan intervened to rescue his employer who had been attacked by two men, and because years later he did not make a major issue, and file a voluminous explanation and affidavit about these two incidents while filling out forms for employment with the Government and service in the Navy.

It is quite apparent that he should have done so, for his failure to do so has given his enemies an opportunity for a nit-picking attack on him so grotesquely out of proportion to the incidents themselves that many people are asking what standards of sanity and judgment prevail among grown men in our Government today.

Why did he not report these events? In his testimony before the Commerce Committee, Mr. Morgan stated candidly that he remembered one incident quite well but considered it to be so entirely the result of a misunderstanding, so totally without foundation, and so irrelevant to the rest of his life and record as to be of no possible importance, and therefore of no possible interest to the Government. The other incident, he testified, was never the subject of anything more than humorous interest on the part of anyone, including the participants, and over the course of the years was completely forgotten except at long intervals.

In fact, I very well know some of the discussion which took place in my State about the incident. It was pointed out that this was quite a little melee. The two contractors got into an altercation, which led to a fistfight, with quite a crowd standing around on the construction job.

We all know that out in the West, where men are men, this is not uncommon, even now. So long as the fight was fair, the attitude was, "Let them fight it out." When the associate of one of the contractors tried to make it two against one, Morgan did not think that was fair, so Morgan got into it and pulled the man off his employer's back. There was an exchange of blows. Morgan was successful in throwing this fellow to the ground. He did not think anything more about it. Two days later he got a summons. I am perfectly willing to waive the technicalities and to call this an arrest, but Morgan really got a summons and was told to appear before the justice court. That is what happened.

Morgan went before the justice court. The conversation went something like this: He explained what happened to the justice, who was not a lawyer, as is true with regard to many justices of the peace in my State and in many other States. Morgan said, "I was trying to maintain the peace. I was trying to stop a breach of the peace when I pulled this man off my employer's back." The justice of the peace said, "Did your employer ask you to do so?" He said, "No, he was too busy at the time. I pulled him off; that's all there was to it."

The argument of the justice of the peace, on the law, was that unless Morgan had been asked to protect his employer he ought to pay a fine of $25. He was assessed the fine. In a good nature, he paid the fine and thought no more about the incident. That is the great assault and battery case.

The other case was the tire case, Mr. President. As the Senator from Alaska [Mr. BARTLETT] and the Senator from Rhode Island [Mr. PASTORE] brought out, this involves another technicality as to whether there really was an arrest. In this case Morgan worked for an employer, and had not been paid. He had wages due him. He was a student at college. He went to his employer and asked for payment. He needed tires for his car, and the employer, who was short of money, said, "I have some tires in the warehouse. Go out and see if any of them will fit your car." One of the tires was the tire which became the issue in the case. It fitted Morgan's car. The employer said, "Take it. You can at least trade it in on a new tire if you wish."

Morgan took the tire to the service station. At the service station it was discovered it was the tire reported to the service stations as being a stolen tire, and service stations were to be on the lookout for it. The tire was reported, and Morgan got another summons as a fugitive from justice.

That is simply a procedure in our State. A man is given a summons and is told to report to the jurisdiction where the crime was committed, if it was committed. Therefore, he had to go to the other county on the basis of the summons.

The employer, after finding out about the situation, explained immediately what had happened, that he had given Morgan the tire in part payment for back wages, and the whole thing was dismissed.

The Senator from Rhode Island [Mr. PASTORE] made reference to the action of the Portland Chief of Police some years later, at the time Morgan graduated from Reed College. Morgan made a brilliant record at Reed College. The chief of police was looking for an administrative assistant, and he called Morgan in and offered him the position as administrative assistant to the chief of police. He, himself, to Morgan, referred to the tire incident, and said that he had taken all of the records in the case from the files because, as the Senator from Rhode Island said, there were two ways of handling the matter. Either the records could be withdrawn from the files because, after all the chief of police knew all the facts and circumstances, or Morgan could go to court to ask to have the record expunged. The chief of police decided the best thing to do was to withdraw the record from the police files, because he did not consider it to be an arrest. The record was withdrawn. After the death of the chief of police, the record was found by somebody and put back in the files.

Those are, in broad outline, Mr. President, the operative facts in regard to the incident.

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

Mr. MORSE. I yield.

Mr. ENGLE. I think it is pertinent to have in the RECORD Mr. Morgan's statement on this particular subject, because it is one of the real ironies of the case.

As the Senator stated, the chief of police decided that an administrative error had occurred. He said that there were two ways to handle it; either Mr. Morgan could go to court and have the record expunged, or he, the chief of police, because his department was responsible for the administrative error, could correct the error. Mr. Morgan said that he did not have the money at that time to go to court, and the chief of police said, "I will exercise my function as the chief administrative officer in the office where the mistake was made, and I will expunge the record myself." He did expunge the record. He took the file out.

I ask Senators to listen to what Mr. Morgan said, for it represents the irony in the case. He said:

> Chief Niles died, as I said, in 1946 or 1947, very suddenly. I later discovered something I am going to put in the record now so that it will be understood, but I didn't discover this until years later. When his desk was cleared out these files which he had volunteered to remove from various jurisdictions were found in a desk drawer. He had neglected to destroy them, and not knowing anything about them his men returned them to the files in Portland. What was done about the other two jurisdictions I don't know and I have never inquired.

The chief of police said he had taken them out of the FBI files and out of the State police files at Salem, Oreg.

Mr. Morgan went on to say he did not know anything about that until later. He also said:

> In 1948 I was elected to the legislature, and while that legislature was in session in 1949 I was approached by a man I had never seen before or since and threatened with reprisals involving these records if I did not vote for a slot machine bill that was on the floor.

The situation the man was in is this: The chief of police had expunged the records. What was he to do when the form 57 was before him? He had every right to believe, in my opinion, that inasmuch as an administrative error had been committed and the record had been expunged, he had no reason at all to put that on a form 57. I have said many times that I thought Mr. Morgan was entirely too contrite about this incident.

Mr. Morgan has a good case for not putting such a record on a form 57. What would he have said to his friend, the chief of police, if he had noted the incident on his form 57? The chief of police might have said:

You idiot, I took this record out of the file because it did not belong there. Now you are trying to make a fool out of me by saying you were arrested. I took the record from the file because there was no arrest and no charge should have been made.

To illustrate the point simply, may I address a question to the Senator from Oregon?

Mr. MORSE. I yield.

Mr. ENGLE. Let us assume that the Senator from Oregon is driving down a backroad in Oregon with his pickup truck, in the back of which is a hog with a white foot.

Mr. MORSE. I might very well do so.

Mr. ENGLE. Let us further assume that the sheriff drives up behind the pickup and stops it. He asks, "Mr. MORSE, where did you get the hog?"

The Senator from Oregon replies, "I got the hog from Mr. Eric. He gave it to me for working 2 days on his hay baler."

The sheriff then says, "That hog looks like the hog that was stolen from Cy Perkins over in Rabbit Hollow."

Mr. MORSE replies:

I know, it may look like that hog, but I got that hog from Mr. Eric.

The sheriff says:

That may be true, but you must turn around and follow me to the sheriff's office until I check the incident out.

So the Senator from Oregon turns around and drives 15 miles back to the sheriff's office. The sheriff picks up the telephone and calls Mr. Eric. He says:

I have Mr. MORSE in my office and he has a black hog with a white foot that I believe is a hog that belongs to Cy Perkins over in Rabbit Hollow. Did you give him the hog?

Mr. Eric says:

Yes, I gave him the hog. I gave it to him for 2 days' work on my hay baler.

The sheriff says:

I will have to go out and talk to Eric about that.

The sheriff then turns to the Senator from Oregon and says:

Mr. MORSE, I am sorry to trouble you. You will have to unload the hog and get your pay from Mr. Eric in some other way.

So the Senator from Oregon drives down the road without the hog, worrying about how he will get his 2 days' pay for the work performed on the hay baler.

I ask the Senator if he signed a form 57 long after that incident, would he record it?

Mr. MORSE. Not on the facts stated.

Mr. ENGLE. My allegory is a simple statement of the case. Let us assume further that a couple of days later some vicious employee in the sheriff's office might remember that the Senator was in the office and placed a notation on the record saying, "Mr. MORSE—investigation for hog stealing."

If someone later produced the record, I suppose the sheriff would say what the sheriff in the Morgan incident said:

The record is improperly here. You were never really investigated for hog stealing at all. You were merely asked to come in to determine what had occurred with reference to the hog that was in the back end of your pickup.

The illustration shows precisely what happened in this instance. Mr. Morgan would have been wholly justified in saying that he was not arrested at all, that no charge was made, and that a simple investigation of the type made does not rise to the dignity of arrest, and certainly does not in this instance rise to the dignity of barring Mr. Morgan from the great public office for which he has been nominated.

Mr. MORSE. Even at the risk of being charged with hog stealing, I believe the Senator from California has drawn a parallel case.

Upon the occasion of his nomination by the President Mr. Morgan did report the first incident to the White House so that no one there would be taken by surprise by its inclusion as an FBI report, but again forgot all about the second incident, the assault.

Nor for my part I see nothing important and certainly nothing sinister in all of this. These two ancient incidents were and are of absolutely no importance, the first of them showing Mr. Morgan to be completely blameless and the second actually so creditable to him that one of the Republican Senators on the Commerce Committee was quoted in the press as saying "Morgan should have had a medal for it." But beyond their lack of importance, there is complete absence from the committee record in this matter of any claim by any individual that Mr. Morgan's failure to report these incidents was damaging in the slightest degree to the Government or to the public interest or to any individual anywhere. All that is claimed is that Mr. Morgan years ago violated a very technical rule, a rule which I know many of us in the Senate feel goes too far and is unnecessarily harsh. And we are left by Mr. Morgan's attackers to infer that because of this technical violation we should permanently deprive the public of his outstanding ability to serve.

Mr. President, the Commerce Committee refused by a vote of 11 to 4 to go along with this. I do not go along with it, and I do not expect the Senate to go along with any such nonsense, when the Senate votes later in the day on confirmation of the nomination. Editorial opinion in the State of Oregon—which incidentally is 90 percent Republican—does not go along with it either. Since Mr. Morgan's nomination there have been numerous editorials concerning him and I have not seen one which is adverse to his appointment.

The Senator from Rhode Island [Mr. PASTORE] quoted editorial comments from various Oregon newspapers submitted by my distinguished colleague from Oregon [Mrs. NEUBERGER] to the committee. I have a few more to which I wish to refer during my presentation.

Since the attacks on him began some 6 weeks ago there have been even more editorials than before, and every single one of these editorials strongly supports Mr. Morgan's appointment. I shall not burden the RECORD with all of these editorials, but I do want Senators to hear the words of the lead editorial for Thursday, May 18, from the Portland Oregonian, the largest paper in Oregon and the leading Republican paper of the State. It is a newspaper that claims to be an independent newspaper, but I always refer to it as the leading Republican newspaper in the State because its editorial policy, I have found on so many legislative issues, is Republican and not independent.

This editorial is in its entirety except for one sentence which has been deleted in part to remove the name of a Republican Senator to avoid a violation of Rule XIX and another sentence relating to the vote in the committee:

Howard Morgan's failure to list on military service and Government job application forms two arrests when he was a youngster—one of them an error, the other for an excusable fist fight—was a mistake in judgment, perhaps, but certainly no grounds for disbarment from appointment as a member of the Federal Power Commission many years later.

The campaign to discredit him before the Senate Commerce Committee * * * dipped into gutter politics in employing such tactics. Actually, no one is fooled. The opposition to Mr. Morgan has nothing to do with these petty incidents of long ago. It is based on Mr. Morgan's New Deal public power record, and the belief among gas, oil, and electric utility executives that he is prejudiced against them.

Now it appears that he will weather the attacks, including some from Democrats who disliked his liberalism and tactics as State party chairman, or his support of Adlai Stevenson for the nomination against John F. Kennedy last year. The Senate's decision should be on the sole basis of Mr. Morgan's capacity to serve impartially on the FPC, a position for which his education and experience qualifies him.

Oregon knows Howard Morgan as a tough political infighter, the man who had most to do with the resurgence of the Democratic Party in this State. But we doubt there is any sympathy here with the shabby tactics used against his confirmation. The Senate should seat him as the President's choice.

My colleagues in the Senate will, I am sure, have no trouble recognizing the minority views concerning this nomination for what it is: a thoroughly biased, politically motivated document, resting upon insinuations, innuendoes, and nonsequitur. I do not propose to spend more time on this document than it merits, but I do want to call attention to a few typical items in it.

For example, in his testimony, Mr. Morgan submitted a list of positions involving public trust which he has held during 23 of the 25 years which have elapsed since the episodes which led to the present attack upon. The purpose of this list, as was clearly explained, was to show the degree of confidence which his associates and fellow citizens have always reposed in Mr. Morgan. The list begins by showing within 2 years of the altercations occurring in 1936 and 1937,

his fellow students had elected him to the student council and then to the presidency of the student body at Reed College. The minority views allude to the fact that the Reed College student body at that time numbered only 563 students, thus implying that the president of the student body was of minor or no significance.

Now Mr. President, what in the name of sanity is a nonsequitur like that doing in a serious discussion on the floor of the U.S. Senate? What has the size of the student body got to do with the degree of its confidence in Mr. Morgan? The fact is that in a student body that small, Mr. Morgan was bound to be known personally to all his fellow students, whereas in a larger college he might have been known to only a fraction of those voting.

I could go on and point out with pride that Reed College is very probably the most academically distinguished undergraduate college in America, producing a higher proportion of Rhodes scholars, a higher proportion of Phi Beta Kappas, a higher proportion of graduates who continue in graduate school, and a higher proportion of graduates who achieve doctorates, than any other college or university in America. I digress long enough to testify, as one who taught at the Law School of the University of Oregon for 14 years and acted as its dean for 13 years, that in those 15 years only two students who came to us after graduating from Reed College ever ended up below the top 10 percent of the class in the law school. It is some evidence of the academic excellence of that student body. There sits at my right as I pay these deserved tributes to Reed College one of its distinguished former professors, the Senator from Illinois, PAUL DOUGLAS. He knows whereof I speak when I speak of this being a college of great academic distinction.

Mr. DOUGLAS. If the Senator will permit, I would say that it is probably the best small college in the country.

Mr. MORSE. I am proud to hear the Senator say that, and I am sure Reed College and its alumni will be proud to have that statement made a part of the RECORD.

These happen to be facts, and they are facts which should give Mr. Morgan justifiable pride in having been selected for the presidency of such a student body. But these facts are no more relevant to this discussion than is the grotesque suggestion of the minority report concerning the size of the student body.

The relevant fact here is that Mr. Morgan's fellow students regarded him then, just as his friends, fellow citizens and even his opponents have regarded him ever since, as a decent, trustworthy, and responsible person who might properly be singled out for positions of honor and public service. When the minority report must resort to weird and childish nonsequiturs to obscure these plain facts, it confesses, to my mind, a serious weakness in its attack against Mr. Morgan.

This weakness continues to be evident throughout the minority report. For example, the report contains a long and labored insinuation concerning Mr. Morgan's relationship with the late Joseph Eastman, a relationship in which Mr. Morgan has every reason to take pride. Everyone who remembers Mr. Eastman will remember that this very great man was constantly bringing promising young men into the government—into the Interstate Commerce Commission and into other agencies as well. These young men were proteges of Mr. Eastman's in one sense—in that he took an interest in them and followed their progress, sometimes arranging, as in Mr. Morgan's case, for their frequent transfer from one department or division to another so as to speed their accumulation of experience in government, but in all other respects these young men were strictly on their own. They did not receive especially high salaries—the reverse was usually true—nor did they receive promotions more rapidly than justified by experience and aptitude.

Mr. Morgan had the honor of being one of these young men for a few months prior to his naval service and prior to Mr. Eastman's death, because Mr. Frank Landeburg, District Director of the Interstate Commerce Commission in the Pacific Northwest and an old friend of mine, secured a copy of Mr. Morgan's graduating thesis and, without his knowledge, sent it to Mr. Eastman to be read. This led, within a period of a few months, to Mr. Morgan's service in the Office of Defense Transportation under Mr. Eastman.

The thesis was a thesis in the field of administrative law agencies working; in this case, of the Interstate Commerce Commission, in respect of the regulation of public transportation utilities which come under the jurisdiction of the Interstate Commerce Commission.

By a process of alleged logic which I confess is beyond my ability to understand, the minority report would have you believe there was something bad about this, and that because Mr. Morgan did not work 19 years ago at today's pay scales he is somehow not qualified for the job to which he is now nominated.

All of this, it seems to me, is far afield from the judgment we are called upon to make. I could spend the next 2 hours analyzing the absurdities contained in the minority report, but that would not get us any closer to an appreciation of the qualities of character and competence which led President Kennedy to nominate Mr. Morgan. The minority report studiously avoids any recognition of such qualities and attempts throughout to hide or deny their existence.

Fortunately those qualities of character and competence are clearly delineated in the record of this nomination, they are clearly visible to all who have participated in the hearings or who have taken the trouble to read the record, and they cannot be obscured by the misstatements of fact and distortions of logic upon which the minority of the committee relies in this report. For this reason I decline to dignify that minority report and its flimsy case against Mr. Morgan by extended discussion.

Instead, I remind the Senate that no one has been more careful and diligent than I to insure that presidential nominees seeking our confirmation possess the historic qualifications of competence and character. I have led both successful and unsuccessful fights against confirmation of persons lacking proper qualifications, and I have never apologized for those fights, whatever the outcome. There have been occasions when, upon losing such a fight, I have stood on this floor and predicted accurately that the Senate would regret its action in confirming certain nominees, and subsequent events have borne me out.

I now wish to add two more predictions to the record. First, I am certain that the Senate will not be swayed, any more than the newspaper editors of Oregon have been swayed, by the eyewash out of which this attack against an honorable man has been fabricated; and that the Senate will confirm Howard Morgan, of Oregon, to be a member of the Federal Power Commission.

Second, I am equally certain that within 6 months of its confirmation of him, the Senate will come to recognize Commissioner Morgan as one of the hardest-working, ablest, and most impartial Commissioners the public has been fortunate to secure in many years.

Mr. President, I again congratulate President Kennedy on his courageous selection of a courageous man for the Federal Power Commission and I urge the Senate to confirm this nomination.

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

Mr. MORSE. I yield.

Mr. CARROLL. I commend the able Senator from Oregon for his courageous, clear, factual, and lucid presentation. I associate myself with his remarks on Mr. Morgan, whom I do not know personally. However, I have read the record, and I have read the committee report, and also the minority and separate views. I submit to my colleagues who sustain the minority report that their position reaches the height of absurdity. They dig back 25 years into a man's record and disregard his outstanding record since then as a public servant. They emphasize a minor matter, one dealing with the breach of the peace. They also refer to another matter dealing with some minor offense which would be treated as an insignificant petty larceny.

What the minority says is: "We do not mean to say that he should never hold an office of public trust, but there must be a decent interval."

I know the interval that is meant. This man is a trained public utility servant who is now going into this position of trust. Heaven knows we need someone in the Federal Power Commission like this man. By a "decent interval" the minority really means that we should appoint someone else. I am amazed that the Senate should spend this much time on minor charges against this man, when we know the desperate situation in which the Federal Power Commission finds itself today, with a great backlog of cases, and with a record that has been

assailed by every leading scholar in this field as not being in the public service. The man whose nomination we have before us has a record of fairness to both industry and the consumer.

In my humble opinion, debating such a minor matter is like straining at a gnat and swallowing a camel. I commend the able Senator from Oregon for his statement.

May I ask how it happened that such a good man was persuaded to present himself?

Mr. MORSE. Oregon has many such good men.

Mr. CARROLL. There may be many in Oregon, but until recently they have not been appointed to the regulatory bodies. Such an appointment as this has been a long time coming.

Mr. MORSE. I thank the Senator from Colorado.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. I, too, congratulate the Senator from Oregon, the Senator from Rhode Island [Mr. PASTORE], and the Senator from Alaska [Mr. BARTLETT], who preceded him, for their defense of Mr. Morgan. I had not known Mr. Morgan until recently, but I knew of his reputation. His reputation has always been of the highest. He is a man of honor and ability. I thought the incident related by the distinguished junior Senator from California [Mr. ENGLE] was extremely interesting, namely the threats by the slot machine gang that they would bring out damaging material about him unless he voted with them. Mr. Morgan did not yield to blackmail. I think that is a test both of bravery and of character.

Is it not true, I ask the Senator from Oregon, that if a man is not zealous in defending the public interest, then the incidents of his past are seldom brought up; and that the mantle of forgiveness is thrown around those who protect the powerful?

Mr. MORSE. That has been my observation.

Mr. DOUGLAS. On the other hand, if a man shows concern for the public interest, every effort is made to discredit him.

Mr. MORSE. His back is kept to the wall.

Mr. DOUGLAS. I remember, as a young man, watching the nomination of Louis Brandeis to the Supreme Court. He was one of the greatest judges, as it turned out, that the Nation ever had. But his nomination was opposed by every living president and past president of the American Bar Association and by the presidents of Harvard and of Yale. What was the charge? The charge was that Mr. Brandeis defended the public as against Mr. Mellon, Mr. Morgan, and the New York, New Haven & Hartford Railroad, together with certain incidents which reflected to his credit in the United States Shoe Machinery case.

It was a long, bitter battle. At the time I felt that if Mr. Brandeis had been a conventional corporation lawyer, there would have been no opposition whatsoever to his nomination.

I think we are now seeing a repetition of the old story. I hope the Senate, by a big vote, will confirm the nomination of Mr. Morgan.

Mr. MORSE. I thank the Senator from Illinois for his support of the nomination of this able man.

Mrs. NEUBERGER. Mr. President, I wish to add a few comments to those which have been expressed so well by my senior colleague in support of Howard Morgan. The senior Senator from Oregon has covered the main argument in support of the nomination.

It might be thought to be natural for the Senators from Oregon to speak in support of the nomination of a man from our State who has been appointed to high office. It is natural, but I do not believe we would speak in recommendation of a nominee from Oregon if we did not believe he deserved the nomination, simply because of great local pride and interest in having someone from Oregon do very well and receive national acclaim. We would speak in support of such a nomination only if it were justified.

Howard Morgan brought about a great resurgence, let us say, of the Democratic Party in Oregon, as the senior Senator from Oregon has said. During his leadership, the first Democratic United States Senator in 40 years was elected from our State.

I think the people of Oregon have showed by their support of his leadership that they have great respect for him as a leader and as a person of ability.

Mr. President, in addition to the editorial comments which the senior Senator from Oregon has placed in the RECORD, I ask unanimous consent to have printed at this point in my remarks two additional editorials.

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

[From the Coos Bay (Oreg.) World, Jan. 30, 1961]

MORGAN CHOICE SUPERLATIVE

It would have been difficult for President Kennedy to have found a better qualified man, by knowledge, philosophy, and temperament, than Howard Morgan of Sisters for appointment to the Federal Power Commission. It was first rate.

What the FPC gains, Oregon's Democratic Party loses, even though Morgan has been officially inactive in the party since 1956, when as chairman he helped lay the groundwork for the election of Robert D. Holmes as Governor, and the reelection of WAYNE MORSE as U.S. Senator, despite the decisive majority by which President Eisenhower carried the State. Morgan's removal from the Oregon scene remains a loss because the brilliant, tough, ex-chairman reportedly had resumed his interest in Democratic politics, largely in rage over State senate shenanigans where several Democratic members openly deserted the party platform. Had Morgan resumed an active role within the party, its reemergency from the depths of intellectual dishonesty and despair would have been assured.

Morgan's will be but one voice on the FPC. Yet further appointments of his caliber to that agency, and other Federal independent agencies, can restore respect to regulatory bodies. The agencies were established by Congress to protect the public's interest; largely by virtue of industry appointments, however, they have come to be regarded as agencies aimed at protecting the interests they were supposed to regulate.

Morgan's tenure as Oregon public utilities commissioner was certainly not popular with industry. He viewed the office as one which should protect the public instead of industry. Furthermore, for the first time, he offered the use of his office to the public in matters of controversy, like the Portland transit mess, to the horror of industry and conservatives generally, but, we feel, to Morgan's credit. In fact, Morgan's precedents as public utilities commissioner may have carried over in some degree to his successor; PUC Commissioner Jonel Hill is a better incumbent for having been preceded by Morgan.

We trust Howard Morgan's philosophy of regulatory agencies is the same as it was 2 years ago. It could have a healthy effect on the Federal Power Commission.

[From the Portland Reporter, Jan. 24, 1961]

MORGAN EXCELLENT CHOICE FOR APPOINTMENT TO FPC

If Howard Morgan is named to the Federal Power Commission as reports indicate, President Kennedy will have brought into public service another vigorous, young, and competent man with high dedication for good government.

He has figured in sharp differences with fellow Democratic leaders in this State, which is not improper in his party. But his critics, be they Democrats or Republicans, cannot honestly deny that Howard Morgan fought with all his Irish tenacity and Reed College training for proper regulation of utilities when he was the people's public utilities commissioner under Governor Holmes.

For the first time in many a day at Salem, humble customers of the railroads, the bus lines, the telephone companies, the power companies, had a capable and conscientious defender. At times Commissioner Morgan looked unusually worked up at his job only because the people were not accustomed to seeing a public utility commissioner of Oregon steamed up in their behalf.

Howard Morgan would go on the Federal Power Commission at a critical time for the Northwest. For more than 2 years the Idaho Power Co. has been accused by biologists of Oregon, Washington, and Idaho of violating the Commission's directives to carry out a fish conservation program at Brownlee Dam. Much of the biologists' efforts, including those of the Federal Government, have had to be aimed at prodding the power company into complying with the Commission's license requirement for protecting fish at the dam. Biologists shouldn't be required to do such prodding, but there was no other recourse. The power company kept putting off financing emergency fish relief measures until the commission could be induced to show its teeth. Then the company took its own time again. Late in 1959, the biologists urged the three Northwest States to proceed with damage claims against the power company for permanent loss of salmon and steelhead runs. These States, in turn, put off acting on this matter which the biologists warned was very grave.

Instead of pushing the damage action, Governor Hatfield has arranged for a meeting of the Northwest Governors for passing it off on the three legislatures. The Governor was prodded by an Oregon legislative committee which called attention to the serious consequences of neglecting fish protection at Brownlee—something that Governor Holmes protested about more than 2 years ago. This situation doesn't need any more pussyfooting—it needs Howard Morgan.

Even more important to the economy of the Northwest is the proper conservation of power potentials. We cannot afford another Hell's Canyon giveaway of 500,000 kilowatts—the difference between the low dams and high Hell's Canyon Dam. Fortunately by the time the Federal Power Commission will decide which is more to the public interest, big Mountain Sheep Dam or bigger Nez Perce, there could be three vigorous, young, and competent Kennedy men, a Kennedy majority, on the Federal Power Commission.

Mr. AIKEN. Mr. President, when I came into the Chamber an hour or so ago, I fully intended to vote for the confirmation of the nomination of Mr. Morgan. I feel that a position on the Federal Power Commission requires the service of a strong, capable, honest citizen. Since coming to the floor of the Senate, I have had to change my mind about supporting the nomination of Mr. Morgan.

I have not changed my mind because I question his ability. I think he has the ability as attested by the Senators from Oregon and by other Senators, to fill the position. I have not changed my mind because of the opposition to his nomination by those whom he would be required, as a member of the Commission, to regulate. I have not changed my mind because of any mistakes he made in his youth, because any man who grows up without having made any mistakes in his youth probably would not be much of an administrator or a judge, in any case.

I have not changed my mind because Mr. Morgan did not fill out his form 57 exactly correctly, because I think it would be a revelation if we were to examine all the forms 57 which have been filed by applicants for positions in the Government.

I have had to change my mind because I have been reading the report of the hearings. On page 67 of the hearings, I find this colloquy:

Senator SCOTT. The Senate Committee on Post Office and Civil Service in July 1958 in another matter refused to recommend favorably, as I recall it, the nominee because the statement was made by him in the form 57 that he had a college degree, whereas, in fact, he had the necessary college credits and did, in fact, have a law degree; he claimed two degrees.

That was one degree too much in the opinion of the committee and they refused to recommend him for confirmation.

Mr. CHAIRMAN. I will close my questioning by reading from the message from the President on yesterday or——

Mr. MORGAN. Mr. SCOTT, may I at this point—I am sorry to interrupt you.

Senator SCOTT. That is all right, go ahead.

Mr. MORGAN. I think it is only fair to you to tell you that because mention was made within the committee of this *Flanagan* case. I have read the Flanagan transcript and the cases are not parallel. Mr. Flanagan conferred 47 units of study on himself and a university degree which he did not, in fact, have. He didn't have a law degree either. He had been thrown out of law school for bad scholarship, and the falsifications which he made in his form 57, far from being related only to a possible short delay, were crucial, absolutely crucial, to his successful appointment to the position he sought.

Mr. President, the statement which Mr. Morgan made in the hearings related to a young man who for financial reasons had to give up his college studies in Vermont, and to whom I gave a patronage job on the police force, so that he might come to Washington and continue his studies here. Therefore, I feel an interest in what Mr. Morgan saw fit to say about him.

Why Mr. Morgan ever felt called upon to make the statement, I do not know, but I am resentful because he simply did not tell the truth to the committee. He said there that Mr. Flanagan did not have a law degree. Mr. Flanagan did have a law degree. He had a law degree from Columbus University, which I understand has been merged into the Catholic University of America and is now operated by the Catholic University.

Mr. Flanagan was not thrown out of college. He had to forego his attendance at college in Vermont because he did not have the money to continue, and he had a family to take care of at the time. That is why he came to Washington.

As for Mr. Flanagan's form 57, it was incorrectly made out to begin with, but it was corrected later.

Mr. Morgan said:

The falsifications which he made in his form 57, far from being related only to a possible short delay, were crucial, absolutely crucial, to his successful appointment to the position he sought.

That is not true. It was never claimed that the form 57 material was crucial to the position Mr. Flanagan sought.

I do not debate Mr. Flanagan's qualifications for the appointment at this time. The committee disapproved him anyway, and the nomination was withdrawn. But, Mr. President, it seems to me that any person who goes before a committee and undertakes to protect or better his own position through reflection on the character of another is not qualified for high, responsible office in the Government. That is the reason why I have changed my mind since I came on the floor.

Mr. CLARK. Mr. President, let me say to my friend, the Senator from Vermont, that in a few moments I shall recur to the Flanagan case, because it was brought into this matter, not by the nominee, but by my colleague from Pennsylvania [Mr. SCOTT], in the committee; and since I played a major part, together with the Senator from Idaho [Mr. CHURCH], in the adverse action of the Committee on Post Office and Civil Service on the nomination of Mr. Flanagan, I think that in justice to Mr. Morgan I should state my best recollection of the facts of that case, which I have undertaken to have collected again.

I realize that when Mr. Flanagan's nomination came to the floor, a year or 2 years ago, the Senator from Vermont and I had a spirited, but nonetheless friendly, disagreement about that situation.

Mr. AIKEN. Mr. President, if the Senator from Pennsylvania will yield, let me state that I believe that nomination never came to the floor.

Mr. CLARK. I believe that is correct. The Senator from Vermont appeared before our committee; and there we had a spirited, but nonetheless friendly, discussion of the nomination.

Mr. President, after having read the majority report and the minority views on Mr. Morgan, and after having listened to the speeches made by the Senator from Rhode Island [Mr. PASTORE], the Senator from Alaska [Mr. BARTLETT], the senior Senator from Oregon [Mr. MORSE], and the junior Senator from Oregon [Mrs. NEUBERGER], and the colloquy engaged in by the Senator from Colorado [Mr. CARROLL], and the Senator from Illinois [Mr. DOUGLAS], I have no doubt that this nomination should be confirmed; and I shall vote for confirmation.

Because my colleague from Pennsylvania [Mr. SCOTT] brought the Flanagan matter into these proceedings, however, I have asked him to be present when I make these few remarks; and I am happy to see that he is now on the floor, because I should like this record to be very clear as to my own view that there is no connection whatever between the Flanagan matter and the Morgan matters; and, in my judgment—with due reference to my friend, the Senator from Vermont [Mr. AIKEN], with whom I dislike to disagree—I think Mr. Morgan was quite justified in pointing that out before the committee.

Mr. AIKEN. Mr. President, if the Senator from Pennsylvania will yield, let me say that I disagree that Mr. Morgan was justified. I agree that probably there was not too close a connection between the two cases. But in concluding my remarks I stated that when one man undertakes to enhance his own position by reflecting on the character of another, and makes statements which are not true, then I believe he disqualifies himself from appointment. No one is sorrier than I am, because I want to see the strongest possible persons serve on the Federal Power Commission, because I know something of the pressures which are brought to bear upon them, and only the strongest men can stand up to those pressures. But, unfortunately, Mr. Morgan chose to make those remarks about one of my constituents; so Mr. Morgan has lost my vote.

Mr. CLARK. Of course the Senator from Vermont is entitled to his opinion, which I honor; and I also honor his loyalty to a young friend, for whom he stood up under very difficult circumstances. I regret that I feel compelled to draw a conclusion different from the one my friend, the Senator from Vermont, has drawn from the facts, on which I think he and I are agreed.

I merely wish to say I think there is no connection between the pending nomination and the Flanagan nomination. Three years ago, Mr. Flanagan was nominated to be a member of the Interstate Commerce Commission. Mr. Flanagan falsified the form 57 he filled out, by stating that he had received 47 units of study and two university degrees which he had not received. Moreover, when Mr. Flanagan appeared before the Committee on Post Office and Civil Service, on which I then served, and when he was under critical exam-

ination by the Senator from Idaho [Mr. CHURCH], Mr. Flanagan attempted, to the best of his ability, to cover up—in my opinion—that situation and to persuade the committee that he had not falsified his background in filling out form 57.

On the other hand, Mr. Morgan was entirely candid with the committee, and admitted immediately the extent to which misstatements had been made by him on the No. 57 form.

It is no pleasure to me to place into this RECORD the misstatements—to use a kind word—which Mr. Flanagan made on the form 57 which he filled out, and which he attempted to justify when he appeared before the Committee on Post Office and Civil Service. But I am compelled to say—in justice to my friend, the Senator from Vermont—that Mr. Flanagan did report 3 years attendance at Columbus University, whereas actually he had completed only two quarters of 1 year; and I believe I am correct in stating—in fact, I really am quite positive about it—that he never did receive a degree from Columbus University.

Mr. AIKEN. Mr. President, I think the Senator from Pennsylvania is mistaken. I have been assured, within the last half hour, that he did receive a degree. I am certain of that.

Mr. CLARK. I have the record before me. It may be wrong, but it is in accordance with my recollection; and I refer the Senator from Vermont to the transcript of the hearings of the Committee on Post Office and Civil Service, pages 34 and 35, where the statement to which I have just referred appears, so I am told by a staff member; and it is in accordance with my own recollection.

There are a number of other matters which I believe would be rather too painful to go into here; and I do not think it would do either Mr. Morgan or Mr. Flanagan any good to go into them now. Therefore, I shall not state for the RECORD the other misstatements of fact which, I state regretfully, Mr. Flanagan made, and which resulted in a failure to report his nomination to the floor of the Senate—which, I believe, clearly distinguishes the case of Mr. Flanagan from the case of Mr. Morgan.

Mr. SCOTT. Mr. President, on that point, will my senior colleague yield?

Mr. CLARK. I yield.

Mr. SCOTT. Let me state that I am not aware—but the senior Senator from Vermont and the senior Senator from Pennsylvania served on the committee, and they can clarify the matter——

Mr. CLARK. No; the Senator from Vermont did not.

Mr. SCOTT. Then the senior Senator from Pennsylvania had a discussion with the Senator from Vermont, apart from the committee session?

Mr. CLARK. Well, we had a friendly discussion.

Mr. SCOTT. Well, after we conclude the nitpicking, let me ask if it is not a fact that Mr. Morgan, for purposes of improving his own chances, lashed out against Mr. Flanagan, whose nomination was withdrawn by Mr. Eisenhower because of the allegation that Mr. Flanagan had overstated his college credits. At the hearing, Mr. Morgan stated—and this testimony appears on page 68 of the hearing:

> I have read the Flanagan transcript and the cases are not parallel. Mr. Flanagan conferred 47 units of study on himself and a university degree which he did not, in fact, have. He didn't have a law degree either. He had been thrown out of law school for bad scholarship, and the falsifications which he made in his form 57, far from being related only to a possible short delay, were crucial, absolutely crucial.

I am not at all aware that it ever appeared that he had been thrown out of law school, for bad scholarship. The Senator from Vermont can correct me, of course, if I am wrong.

But what malice must have suffused the mind of Mr. Morgan, who, as we have shown, is, himself, used to falsification, and is so given to concealment, that in order to hurt another man, he would make a statement which the hearings and the record do not support—namely, that that man had been thrown out of law school, for bad scholarship.

Mr. CLARK. Mr. President, will the Senator from Pennsylvania yield for a question?

Mr. SCOTT. Mr. President, I shall put this in the form of a question, then: Does not the senior Senator from Pennsylvania think that is pretty much of a reflection on Morgan?

Mr. CLARK. I do not. The junior Senator from Pennsylvania asked me to yield, and then asked a question; and I have answered his question. Will he now answer a question from me?

Mr. SCOTT. Will the senior Senator from Pennsylvania agree that Morgan threw in something, there, which the record does not sustain?

Mr. CLARK. In substance; no.

Mr. SCOTT. But in practice, yes?

Mr. CLARK. Will the Senator answer a question?

Mr. SCOTT. I am used to answering questions from my senior colleague; that is how I learn, down here.

Mr. CLARK. Will the Senator tell me whether I am correct in my belief that Mr. Flanagan's case was first brought into the Morgan matter by the junior Senator from Pennsylvania?

Mr. SCOTT. Mr. Flanagan's name was not brought into the case by the junior Senator from Pennsylvania.

Mr. CLARK. I did not say "name"; I said "case."

Mr. SCOTT. The junior Senator from Pennsylvania—in order to avoid further embarrassment to Mr. Flanagan, who had already been sufficiently mauled by a Senate committee—referred to a case before the Post Office and Civil Service Committee, and was careful not to mention the name of Mr. Flanagan. But Mr. Morgan could not let it go by; he, himself—being on the defensive, and being charged with falsification—with considerable glee, in my opinion, and quite evident malice, introduced the name of Flanagan, and referred to it four times in the course of his reply.

Mr. CLARK. Mr. President, with deep regret, I refuse to yield further to my colleague from Pennsylvania until I have completed my statement.

My statement is merely that the junior Senator from Pennsylvania indirectly brought Flanagan's name into the matter. Everybody knew he was doing it. He said everything but the name. In my judgment, Mr. Morgan was entitled to go further to answer the allegation brought in by innuendo by my colleague from Pennsylvania.

I point out, in conclusion, that my friend from Pennsylvania undertook to call Mr. Morgan a perjurer on the very floor of this body a short time ago. It is an easy thing to call a man a perjurer on the floor of the Senate, where Senators have immunity from prosecution for slander or libel. The fact of the matter is that Mr. Morgan was never indicted for perjury or convicted for perjury. In fact, he is not a perjurer, and no jury would convict him.

Mr. MANSFIELD and Mr. SCOTT addressed the Chair.

Mr. CLARK. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I have known Howard Morgan for a number of years, not intimately, as have the two Senators from Oregon, but certainly enough to have a pretty good idea on which to form a judgment covering the basis of his qualifications.

I think he has done an outstanding job as a member of the Public Utilities Commission—the only member, by the way, in the State of Oregon. I think the indiscretions of his youth, if we can call them that—and I doubt it—have been gone into quite thoroughly in committee and on the floor of the Senate. I think these matters have been explained by the Senators from Oregon, by the Senator from Rhode Island [Mr. PASTORE], by the Senator from California [Mr. ENGLE], and other Senators on the floor of the Senate this afternoon.

I would express the hope that we shall be able to come to a vote shortly, so this matter can be faced up to. I would express the further hope that the Senate will give Mr. Morgan's nomination overwhelming approval, because he has earned it.

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

Mr. CLARK. Mr. President, I am prepared to yield the floor, but I feel honor bound to yield to my colleague from Pennsylvania.

Mr. SCOTT. I would appreciate it, since the senior Senator from Pennsylvania has leveled the charge against me that I labeled Mr. Morgan a perjurer. I would like to correct the Senator. It was Mr. Morgan himself who labeled himself as a perjurer, and I would repeat the remarks, without the immunity of the Senate floor, at any place and any time, and let the public judge whether it is perjury. Perjury is the crime—and I will give the nontechnical language; the Senator and I are both lawyers—of not telling the truth in a material matter, under oath, which is material and relevant to the investigation.

Mr. CLARK. Mr. President, will the Senator yield a moment?

Mr. SCOTT. Not just at the moment.

Mr. CLARK. Why does not the Senator take the floor in his own right, because obviously he is not asking me a question.

Mr. SCOTT. Mr. President, may I have the floor?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. In my own right, since my senior colleague seems to be somewhat fatigued, I will state that perjury consists not in an indictment, not in the filing of an information, not in a conviction; perjury consists in the violation of the law which defines perjury. The law defines it as not telling the truth in a matter material to the situation as to which a statement is made, and in not telling the truth under oath.

Mr. Morgan admits that he did not tell the truth under oath. He defines himself as a perjurer. It is not Mr. Morgan's fault that for the six times he did not tell the truth he was not prosecuted. It might be the fault of the Department of Justice. It might have some relationship to the high position he held in his home State. It might have relationship to the fact that it was never discovered because of his carefulness in keeping it secret. It might have relationship to the fact that Morgan would not be indicted for perjury until the perjury was discovered.

As appears on page 67 of the hearings, I said:

But, Mr. Morgan, when you did fill out these three forms—

He was after a Government job; he wanted a Navy commission—

and deny that you had ever been arrested you were at that time under the impression, were you not, that these things had been removed from the record by a police chief and therefore they could not be discovered and brought up against you, isn't that true, factually, even though you say that wasn't your motivation?

In other words, he said he was not telling an untruth because of the fact that he thought the police chief had hiked the record out of the file.

I said:

Isn't that true, factually, even though you say that wasn't your motivation?

Mr. Morgan said:

You can say that; yes, sir. But that was not the motivation.

I asked him again:

And that is, do you feel that what you did represented some deviation from let us say irreproachable standards of behavior?

Mr. Morgan said, in branding himself again as a perjurer:

I think I can be and probably should be reprimanded or admonished for an infraction of the rules. There is no question about it.

The majority report is far less hard on Mr. Morgan than Mr. Morgan was on himself. Mr. Morgan said:

I did it. I am guilty.

The majority report says it was a childish game.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. SCOTT. I do not wish to yield until I finish. The majority report says it was a childish game, that these were the offenses of youth, referring to the two criminal offenses which have nothing to do with what I have been saying. It was not a childish infraction to make six false statements under oath in order to get something in return from the Federal Government. They took place when he was between 28 and 38 years of age. If Mr. Morgan had not learned what it is to lie in a Government matter by the time he reached the age of 38, he will never learn, unless, through the exercise of mercy for which the majority pleads, there might be another soul searching and a final consulting with truth.

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

Mr. SCOTT. I yield.

Mr. PASTORE. Did not the Senator, a short while ago, read a part of the criminal code which says, "Whoever shall willfully misstate a fact"?

Mr. SCOTT. Yes.

Mr. PASTORE. The Senator is talking about motivation. Does not motivation go to willfulness?

Mr. SCOTT. Precisely. This was willful.

Mr. PASTORE. Did not Mr. Morgan say, "I did not have such a motivation"?

Mr. SCOTT. No; he did not.

Mr. PASTORE. I challenge the Senator to read the question.

Mr. SCOTT. Tell me what the Senator wants me to read.

Mr. PASTORE. The question the Senator read a short while ago.

Mr. SCOTT. I was referring to page 67 of the hearings. I shall be glad to do so.

Mr. PASTORE. Yes. Read that again and see if the Senator did not use the word "motivation," when he said that he may not have had such a motivation, but he did it. Motivation goes to willfulness.

Mr. SCOTT. The Senator is not going to confuse me.

Mr. PASTORE. But the Senator is confusing the record.

Mr. SCOTT. I am not.

Mr. PASTORE. Then read it.

Mr. SCOTT. I will read it, and in my own time and my own way. I have the floor.

Mr. PASTORE. I know the Senator has the floor, but he yielded to me, and I am saying to the Senator from Pennsylvania that he is very subtly distorting the record.

Mr. SCOTT. And I say to the Senator from Rhode Island, with all due respect, that he is mistaken.

Mr. PASTORE. Let us find out where the word "motivation" comes from.

Mr. SCOTT. If the Senator will permit me to proceed, I will try to answer the question.

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

Mr. SCOTT. I will not yield at this time.

Mr. CARROLL. Will the Senator——

Mr. SCOTT. I refuse to yield. The Senator from Rhode Island is very anxious that this be read.

The PRESIDING OFFICER. The Senator refuses to yield.

Mr. SCOTT. I refer to page 67 of the hearings. We were speaking about whether or not Mr. Morgan would be led to make certain false statements, if he believed that, in denying that he had been arrested, the files had been removed by his friend, the police chief, from the files, so if he did not tell the truth he could not be discovered.

This is the point we are examining. In other words—

Were you influenced? Were you motivated by the fact that if you made statements under oath you could not be caught up because the files had been removed?

This is the question, from page 67:

Senator SCOTT. But, Mr. Morgan, when you did fill out these three forms and deny that you had ever been arrested you were at that time under the impression, were you not, that these things had been removed from the record by a police chief and therefore they could not be discovered and brought up against you, isn't that true, factually, even though you say that wasn't your motivation?

Mr. PASTORE. Will the Senator repeat that?

Mr. SCOTT. If the Senator will permit, I shall read the answer before I permit the Senator to confuse the question. The answer of Mr. Morgan was:

You can say that; yes, sir. But that was not the motivation.

Mr. PASTORE. That was not the motivation.

Mr. SCOTT. I have not yet yielded again, although I shall yield later to the Senator from Rhode Island.

Mr. PASTORE. I do not wish to have anybody forget that.

Mr. SCOTT. Mr. Morgan said:

But that was not the motivation.

Mr. PASTORE. That is right.

Mr. SCOTT. From which the only possible inference is that in not telling the truth he was motivated by some purpose other than the one of which I accused him; namely, that the record had been removed. He said that was not his motivation.

I read further:

Senator SCOTT. May I ask you one other question?

Mr. MORGAN. Yes, sir.

Senator SCOTT. And that is do you feel that what you did represented some deviation from let us say irreproachable standards of behavior?

Mr. Morgan then, without going into motivation any more, said:

I think that I can be and probably should be reprimanded or admonished for an infraction of the rules. There is no question about it.

I now read from the Criminal Code:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up—

And so forth—

shall be guilty of an offense.

If any Senator wishes, I shall read the entire section of the code with reference to "knowingly and willfully."

Mr. Morgan, testifying before the Senate committee, said that he knew he had committed these offenses, that the six times did not make an admission that he had committed them.

I am sure the distinguished attorney who has asked the question, the distinguished member of the bar, is perfectly aware of what is involved in the legal terminology of "knowingly and willfully." In other words, Was he arrested? Did he know he was arrested? Did he refuse to say he was arrested? Did he do it under oath in a relevant proceeding? I say he did, and I say that is perjury.

Mr. PASTORE. Now, Mr. President——

Mr. SCOTT. I am glad to yield to my friend from Rhode Island.

Mr. PASTORE. Now I should like to have the floor in my own right.

Mr. SCOTT. If the Senator will permit, there is a further little addendum which will help him. On page 69 Mr. Morgan went further and said:

The matter—

Referring to the arrest—

The matter which I have chosen to ignore is the other matter.

Referring to the assault and battery.

If "chosen to ignore" is not willful, I do not know what is.

Mr. PASTORE. I am waiting for the floor.

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

Mr. SCOTT. I am glad to yield to the Senator from New York.

Mr. KEATING. It is not my disposition to discuss the matter at length. I did not hear the testimony. I have, however, read the testimony.

I was surprised to hear the senior Senator from Pennsylvania express the view that in his opinion falsification of college credits was a matter of more importance than falsification of the fact of a conviction of assault and an arrest for larceny.

It would strike me that the answer to a question with regard to one's record as to arrests or convictions, if one is going to weigh such things, is a matter of a great deal more importance, rather than of lesser importance, than a response to a question regarding the number and amount of college credits. Would the Senator agree?

Mr. SCOTT. I would certainly agree that the willful concealment of two violations of law is much more important and much more serious than the willful concealment of a failure to attain as high an educational attainment as was represented, yes. In that case the nomination was withdrawn.

Mr. KEATING. In that case?

Mr. SCOTT. The latter case.

Mr. KEATING. Am I correct in my understanding that the willful and deliberate violation, no matter how motivated, occurred? It could be added that the offense of perjury is not in any way qualified by motivation. There is a question, however, of whether it was intentional and willful.

Mr. SCOTT. Precisely.

Mr. KEATING. Motivation is a side issue. One can be willful, no matter how pure one's motives are. One may steal to support a family, or for some other purpose which might have something laudable behind it, and the court would weigh that in fixing the sentence. But the act would still be larceny if one intended to take the property of another.

Mr. SCOTT. As a matter of fact, while motivation has nothing to do with willfully and knowingly doing something, it is of interest that in this case Mr. Morgan himself fixes his motivation as being his own convenience. He testified that the reason he did not say that he had been involved in criminal offenses was that he would get the jobs he desired anyway, but that such would only delay the time it took for him to get them while the FBI or the Government was investigating these things, since they would find out there was nothing to them.

I asked him—

Then you did not tell the truth because you wished to help the Government and to save the time of the investigators?

He chose to feel that that was a facetious question, with which I did not agree. I wish to say that that was his motivation. Again, as always, it is a question of his own convenience.

I wish to point out, also, a quotation from page 52 of the hearings with respect to the question of "knowingly and willfully," and motivation.

At the bottom of page 52 Mr. Morgan again made an admission in regard to why he did not tell about the two incidents. This is why I said to my senior colleague from Pennsylvania that I shall say this off the floor, by reference to the hearings and the statements made, to let the people judge what they think.

If Senators wish to listen to the interesting convolutions of a man's mind, as he shows how what he wishes to do is more important than what is right or what is wrong, I ask them to listen carefully to the words of Mr. Morgan in explaining why he did not tell the truth. He was asked if he would care to comment on one form in particular, on which he had said he had never been arrested and convicted and paid a fine. The question was:

Would you care to comment on that?

This followed a long question asked by me.

Mr. Morgan said:

Yes; I will be glad to.

These two incidents as far as I am concerned are quite different and I had and still have quite a different feeling about them.

One was the stolen tire and one was the assault and battery.

The matter involving the tire was, as I said, a comedy of errors, mistakes, misunderstanding from start to finish. There is no guilt, culpability, or blame involved in the matter as far as I am concerned and I have never felt that there was.

On the other hand, there was never any way in which I could have avoided it. It happened to me as the same sort of thing happens to many people. It was a piece of bad luck. But I have always felt that the arrest should not have been made, should never have been made. In effect I was arrested for the purpose of investigating to find out whether I should have been arrested or not, and the investigation proved that I should not have been. I have always regarded this incident with a feeling somewhere between exasperation and mild outrage and I have perhaps wrongfully felt that it was something I did not need to carry on my shoulders and explain for the rest of my life. It is quite true that on every occasion that I have filled out a form 57 I did.

I hope the Senator from Rhode Island will listen:

I did remember this case and I did refuse to report it.

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

Mr. SCOTT. I yield to the Senator from New York.

Mr. KEATING. I wish to ask my colleague from Pennsylvania a question, and I wish to preface it by a statement.

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

Mr. SCOTT. I yield.

Mr. KEATING. This noon I had the pleasure of being the guest of the National Press Club at a luncheon at which the new Republican chairman spoke. Incidentally, he did a very fine job.

At the luncheon I met a member of the press corps for whom I have a very high regard. This member of the press corps expressed some sympathy for Mr. Morgan in the beginning because he said that when he was 18 or 19 years of age and in college, he and some other boys tore down a neon sign and were charged with larceny. He was pretty young at the time and pleaded guilty. The childish escapade he described has always been on his record. He said:

The incident has dogged me from time to time. It dogged me when I obtained my Navy commission and in doing other things. But always I have told of the incident when I sought employment.

He either was or is an officer of the National Press Club. Since the Press Club has a liquor license, the man with whom I spoke had to relate these facts to the authorities. He has never encountered any trouble when he told the truth.

I would not for one moment oppose the nomination of Mr. Morgan because he had been convicted of an assault of a rather minor character when he was 22 years of age, and because he had been arrested for stealing a tire.

Mr. SCOTT. And neither would I.

Mr. KEATING. I ask the Senator whether there would be any issue in the mind of the Senator if there had been disclosure.

Mr. SCOTT. If he had done so, there never would have been an issue with respect to the nomination on the Senate floor. I would never have spoken on this subject. It is my judgment that I would have had no difficulty in voting for the confirmation of the nomination of Mr. Howard Morgan. The point is not what he did as a very young man,

because, as I said at the beginning of my speech, we have all done things like those with which Mr. Morgan had been charged. Any man who rises and says that he is guiltless of wrongdoing is immediately and ought to be promptly suspect.

Mr. KEATING. I agree with the Senator, but do not cover too much territory.

Mr. SCOTT. I do not want to include crimes that are too large. I merely say that youthful offenses, such as a youthful fist fight, are not to be taken too seriously as long as truth is told. But we are considering the nomination of a man who seeks one of the highest positions in the country, and who has said that when he lied, he lied to suit his convenience.

Mr. KEATING. He knew that he was lying when he filled out the forms.

Mr. SCOTT. Page 52 of the hearings shows that he knew he was lying when he filled out the form. He has an excellent memory, but he is a master of his memory. He can so control his memory that when he does not want an incident in his mind currently, he can put it out of his mind.

A man like that, who must write an opinion for the Federal Power Commission, could write an opinion that is not properly justified by the law under the same specious reasoning that things are what I want them to be.

At times his testimony sounded something like the colloquy in "Alice in Wonderland"—

> "When I use a word," Humpty Dumpty said in a rather scornful tone, "it means just what I choose it to mean—neither more nor less."

Mr. Morgan has a highly facile way of explaining, and a highly specious way of extenuating himself. At least he did more than the majority of the committee did. He said he was guilty. I yield the floor.

Mr. PASTORE. Mr. President, I have said about everything I care to say on this subject, but I believe in view of the very broad statement made by my friend, the Senator from Pennsylvania, to the effect that Mr. Morgan is a self-confessed liar and perjurer, I think that the record should not stand in that fashion.

Those who have spoken on the floor of the Senate in support of the confirmation of the nomination are absolutely convinced that Mr. Morgan was a very free, frank, and sincere witness before our committee. He answered every question that we asked him. Nothing appears in the record to indicate that Mr. Morgan admitted that he either lied or perjured himself. I wish that point clearly understood.

It is true that Mr. Morgan tried to explain those incidents because he considered them a great injustice had been done him at the time that he was taken into custody because of the tire misadventure. When he had a talk with the chief of police of Portland, Oreg., the chief had said that the record had been expunged. He felt at that time that insofar as he was concerned, he was being sincere and frank in the way he answered the questions on form 57. He made that point abundantly clear.

Mr. Morgan went so far as to say that his action may have been an error. Maybe he should have done it the other way. However, he said:

> As far as my motivation was concerned, I was doing nothing wrong.

When we talk about perjury, we must include the element of knowingly having committed the act.

I submit to Senators that motivation has a great deal to do with the subject. Members of the committee know that Mr. Morgan's neighbors, who testified in his behalf, are all convinced that he is not a liar or a perjurer. If any Senator wishes to make some other interpretation of the record, of course, he is welcome to do so. But I believe for the sake of the record and the responsibility that this man is about to assume, it behooves us not to cast a shadow of doubt over the integrity of this gentleman.

I suggest to Senators that they read the record. One can actually feel the sincerity on the part of this gentleman as he testified before our committee. At no point did he ever admit that he lied or committed perjury. If someone wishes to give the record any other interpretation, that is their business. But I think the record should be straight.

As far as I am concerned, I would be the last man to support a liar or a perjurer. I believe that my colleagues, all respectable and respected Senators, would not endorse a perjurer. I believe that they have come here and supported the committee report only because they feel that in this particular case, even though someone else might think that Morgan could have acted differently, Morgan himself was free of evil and had no motivation to deceive the Government when he filled out the form in the manner he did. I believe he convinced our committee of that fact and we gave him our support.

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

Mr. PASTORE. I yield.

Mr. CARROLL. I wish to commend the able Senator from Rhode Island. I believe the Senate will confirm the nomination of Mr. Morgan. He will occupy a high post in Government service, and will make decisions that will affect hundreds of millions of dollars of the people's and industry's money. To leave the connotation unchallenged in the RECORD would have been a serious mistake. Therefore I commend the Senator from Rhode Island for his statement.

How ridiculous to contend in the Senate of the United States that this man in the slightest degree was a perjurer. How I would love to defend him in a court of law. What did he say in this case? On page 52 of the hearings Mr. Morgan said:

> I have always regarded this incident with a feeling somewhere between exasperation and mild outrage.

What incident? That someone arrested him to conduct an investigation to determine whether he should be held. Such arrest has no standing in law because it is an arrest without probable cause and, as a matter of fact, in law itself it is not an arrest. It is a technical holding for investigation to determine whether or not he shall be arrested and therefore legally detained. What sort of nonsense can we charge against a man of the great ability of Mr. Morgan? I hope the Senate will overwhelmingly confirm his nomination.

Mr. MANSFIELD. Mr. President, I wonder if it would be possible to reach a reasonable agreement concerning the amount of time needed to conclude debate on the Morgan nomination. The nomination has been under consideration since about 12:35 this afternoon.

I suggest that the debate now be limited to 10 minutes—8 minutes for the distinguished minority leader, and 2 minutes on this side of the aisle.

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

Mr. DIRKSEN. Mr. President, I would raise two or three questions, and I will address them to either side for an answer. The first one is this: Is the record clear with respect to whether or not the nominee, whose nomination is now before the Senate, was charged and arrested as indicated in the record? I will take an answer from the distinguished Senator from Rhode Island, or I will take an answer from the distinguished Senator from Pennsylvania.

Mr. SCOTT. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. I yield. Just make the answer short.

Mr. SCOTT. The nomineee admitted that he had been arrested for assault and battery and fighting. He made a certain explanation. He admitted that he had been arrested for the theft of a tire. He made a further explanation indicating he did not think he should have been arrested.

Mr. DIRKSEN. Is there agreement on that?

Mr. PASTORE. No; there is not agreement on that.

Mr. DIRKSEN. I do not wish to get into a long discussion.

Mr. PASTORE. I know the Senator does not wish to get into a long debate, but I feel his misunderstanding should be corrected.

Morgan was not arrested on an assault charge at the time of the fracas. Two days after that he was summoned by a subpena to appear before a justice of the peace, and he was fined $25.

Mr. SCOTT. The only question is as to the word "arrest."

Mr. PASTORE. There is a difference between an arrest and being summoned before a court. One can be fined $25. That happens in civil cases.

Mr. DIRKSEN. But he was arrested?

Mr. PASTORE. He was not; he was summoned to appear before a court. If we want to get technical, he was not arrested.

Mr. SCOTT. If a man stands before a judge, and the judge says, "The fine is $25," the man is in custody at that moment.

Mr. DIRKSEN. The second question is: What about the tire incident? I read the record. What was involved in the tire incident, quite aside from

motivation, because I am not interested, for the moment, in willfulness or intent or motivation. In the whole body of criminal law, that is inferred from the fact of arrest or custody.

Mr. PASTORE. He was taken into custody as a fugitive from justice and never charged with larceny.

Mr. DIRKSEN. When he filed the form 57, knowing these things had happened in his life, does the record show he failed, in response to the questions, to disclose this incident?

Mr. PASTORE. The Senator's question cannot be answered as categorically as that. We have been arguing all afternoon on that point. We have a printed hearing which contains I do not know how many pages—almost a hundred pages. The question cannot be answered categorically in that way.

Mr. DIRKSEN. But a question appears on the form 57.

Mr. PASTORE. Morgan answered the question in the negative. Then he explained his answer before our committee.

Mr. DIRKSEN. Then does the Senator admit that notwithstanding the fact that those items appear in the record, when he answered that question, his answer was "No"?

Mr. PASTORE. His answer was "No."

Mr. MORSE. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. MORSE. It should be said that the taking into custody as a fugitive to determine whether he should be arrested was expunged from the police record by the chief of police on the ground that it never should have been put in the record in the first place. It was an administrative error.

Mr. DIRKSEN. That is not what is asked on the form 57. There are certain words which are explicit, and anyone who has had a fifth-grade education can understand what the words mean.

We have here an admission that these things happened in the life of Mr. Morgan. I would not know Mr. Morgan if he were sitting in the gallery. I would be the last to do him an injustice.

But if it is admitted that those things happened, and if it is admitted—and it is—that he failed to make a correct response under oath on his form 57, then it seems to me that the basic problem to be resolved is: What shall we say to the thousands of people in the 50 States who file forms 57 every day, when they read an account of this proceeding in the U.S. Senate? Must they say, "Oh, you can lie on your form 57. You can tell a half truth. It will not hurt you. If it is not found out, you will get by. If you are found out, you will not be hurt anyway, except your reputation."

If the character is not here, then, of course, this becomes a matter of tremendous psychological importance in the approach of thousands of people who try to secure employment with the Government of the United States, and we cannot laugh off that consideration.

Once I asked Bob Taft why he voted to confirm the nomination of a certain person for high office.

He said:

> There is only one consideration that ever deters me from withholding my approval of a nomination sent to the Senate by the President, and that is if there is a weakness in the nominee's character and if the record shows fairly clearly that there has been mischief, malfeasance, wrongdoing, or something that indicates only too clearly that the nominee's character has a weakness.

And he added:

> I am not concerned about a man's viewpoint—about how extreme it may be or the extent to which his views differ from mine on matters of public policy. But when the character is not there, that is different.

And, Mr. President, in this case, notwithstanding all the explanations I have heard—and I have heard the remarks of Senators and I have read the record—I become quite sensitive to the fact that our action on this matter is going to have a tremendous influence upon the mental outlook and the approach of people who want to climb onto the Government payroll and wish to render service to the public.

So this matter involves more than Mr. Morgan; there are these other considerations.

If, in response to my questions, it is admitted that such a record does exist, I do not know what I can do except cast a "nay" vote—reluctant though I am to do it, believe me, because I know how easy it is to "put the finger" upon a fellow citizen, and to take an action from which he will not easily recover in his home community.

But there is also a responsibility to the public service, and that responsibility is before the Senate, for the very good reason that there is conferred upon this body the necessity of consenting to a nomination before the nominee may take his place on the Government's roll.

Mr. PASTORE. Let me say briefly—because I know that the Senator from Illinois is speaking in limited time—that we took all that into account.

Mr. DIRKSEN. I am sure the committee did.

Mr. PASTORE. Because it bothered us, too. The situation was an extraordinary one. We had the human element to consider, as well. We took all of that into account—the nominee's character, his integrity, and his performance in public life; and we wrestled with the problem most conscientiously.

The PRESIDING OFFICER. The time yielded to the Senator from Illinois has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Illinois may continue for 2 additional minutes.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Is there objection? Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I concede everything the Senator from Rhode Island has said.

Mr. PASTORE. It is true that such action might set a precedent which later might rise to plague us. But on the basis of the facts, I believe we reached the correct decision; and we did so conscientiously and in endeavoring to the best of our ability to take action in the best interests of the country.

Mr. DIRKSEN. Mr. President, the particular matters referred to may be minor in character, and may, in all kindness, be called indiscretions at some period in life; but certainly it is something more than an indiscretion when the nominee had a recollection of those matters, but, when he made the application for Government employment, withheld the truth.

Mr. President, beyond that, I have no more to say.

Mr. SCOTT. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. SCOTT. After I addressed the Senate today, I went to the Senate gallery; and as I proceeded there, a lady spoke to me. I do not know who she was. But she said to me:

> I am a civil service employee, and I am not in politics. But if I were to lie on form 57, and if they fired me, could you, as a Senator, get my job back for me?

I replied, "No, I could not."

She said:

> Then there is one law for the little people, and there is another law for the big people.

That incident occurred at the door to the Senate Chamber, just after I finished speaking, earlier today.

The PRESIDING OFFICER. The additional time yielded to the Senator from Illinois has expired.

Mr. DIRKSEN. Mr. President, I have stated my position; and the yeas and nays have been ordered, and I am now prepared to vote.

Mr. MANSFIELD. Mr. President, I was interested in what the Senator from Pennsylvania said about a woman civil service employee who spoke to him as he was going to the Senate gallery. That incident must have happened half an hour ago; and in view of the fact that it is now 5 o'clock, that must have happened not later than 4:30. Let me inquire why that civil service employee was not then on the job.

Mr. SCOTT. I hope the Senator will not attempt to have her punished.

Mr. MANSFIELD. Of course not; but I believe my question is a valid one.

Mr. SCOTT. My point is that if action of the sort referred to by a person nominated to serve in high office is to be condoned, we wonder what will happen to ordinary civil service employees who might become involved in such troubles.

Mr. MANSFIELD. Mr. President, I have every confidence in the Committee on Commerce, which reported this nomination. As a Senator from the Northwest, I report that I know Howard Morgan.

I realize that the committee took considerable time in considering the merits of Mr. Morgan for this most important position; and I know from talking with various members of the committee that the members of the committee did wrestle with their consciences. The committee was considering what action to take in regard to a human being; and

all of us are human beings who are called upon to make decisions.

Therefore, I express the hope that the Senate in its wisdom will recognize this particular factor, and will recognize the fact that no one in this Chamber is irreproachable; and will give this nominee, who has served his State and his country well and patriotically, an overwhelming vote of confidence.

The PRESIDING OFFICER. All time for debate has expired.

The question is, Will the Senate advise and consent to the nomination of Howard Morgan, of Oregon, to be member of the Federal Power Commission?

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. MORTON. On this vote I have a live pair with the Senator from Maryland [Mr. BUTLER]. Were he present, he would vote "nay"; were I at liberty to vote, I would vote "yea." I withhold my vote.

Mr. SALTONSTALL. On this vote I have a pair with the senior Senator from Louisiana [Mr. ELLENDER]. If he were present, 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 Idaho [Mr. CHURCH], the Senator from Louisiana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from North Carolina [Mr. JORDAN], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY] and the Senator from Virginia [Mr. BYRD] 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 New Mexico [Mr. CHAVEZ] the Senator from Minnesota [Mr. MCCARTHY] and the Senator from Indiana [Mr. HARTKE] would each vote "yea."

On this vote, the Senator from Oklahoma [Mr. KERR] is paired with the Senator from New Hampshire [Mr. BRIDGES]. If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Idaho would vote "yea" and the Senator from Arizona would vote "nay."

Mr. KUCHEL. I announce that the Senator from Connecticut [Mr. BUSH] is necessarily absent.

The Senator from Maryland [Mr. BUTLER] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Arizona [Mr. GOLDWATER] are detained on official business.

The pair of the Senator from Maryland [Mr. BUTLER] has been previously announced.

On this vote the Senator from New Hampshire [Mr. BRIDGES] is paired with the Senator from Oklahoma [Mr. KERR]. If present and voting, the Senator from New Hampshire would vote "nay" and the Senator from Oklahoma would vote "yea."

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Idaho [Mr. CHURCH]. If present and voting, the Senator from Arizona would vote "nay" and the Senator from Idaho would vote "yea."

The result was announced—yeas 57, nays 27, as follows:

[Exec. 1]

YEAS—57

Anderson	Hickey	Moss
Bartlett	Hill	Muskie
Bible	Holland	Neuberger
Burdick	Humphrey	Pastore
Byrd, W. Va.	Jackson	Pell
Cannon	Johnston	Proxmire
Carroll	Kefauver	Randolph
Case, N.J.	Lausche	Robertson
Clark	Long, Mo.	Russell
Dodd	Long, Hawaii	Smith, Mass.
Douglas	Long, La.	Sparkman
Eastland	Magnuson	Stennis
Engle	Mansfield	Symington
Ervin	McClellan	Talmadge
Fulbright	McGee	Thurmond
Gore	McNamara	Williams, N.J.
Gruening	Metcalf	Yarborough
Hart	Monroney	Young, N. Dak.
Hayden	Morse	Young, Ohio

NAYS—27

Aiken	Cotton	Kuchel
Allott	Curtis	Miller
Beall	Dirksen	Mundt
Bennett	Dworshak	Prouty
Boggs	Fong	Schoeppel
Capehart	Hickenlooper	Scott
Carlson	Hruska	Smathers
Case, S. Dak.	Javits	Smith, Maine
Cooper	Keating	Williams, Del.

NOT VOTING—16

Blakley	Church	McCarthy
Bridges	Ellender	Morton
Bush	Goldwater	Saltonstall
Butler	Hartke	Wiley
Byrd, Va.	Jordan	
Chavez	Kerr	

So the nomination was confirmed.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the President be notified of the action of the Senate.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

U.S. ATTORNEY

Mr. MANSFIELD. Mr. President, I ask that the Senate proceed to the consideration of Executive Calendar No. 212.

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

The legislative clerk read the nomination of Harold C. Doyle, of South Dakota, to be U.S. attorney for the district of South Dakota for the term of 4 years.

The PRESIDING OFFICER (Mr. METCALF in the chair). The question is, Will the Senate advise and consent to this nomination?

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a resolution adopted unanimously by the Yankton County Bar Association relative to the nomination of Mr. Doyle.

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

"Whereas a member of the Yankton County Bar Association, Mr. Harold C. Doyle, a former State's attorney for Yankton County, S. Dak., is presently under consideration for appointment as U.S. district attorney for the district of South Dakota; and

"Whereas it is the unanimous opinion of the members of the Yankton County Bar Association that Mr. Doyle is a capable attorney whose character is beyond reproach and that he conducted the office of State's attorney for Yankton County ably and efficiently: Now, therefore, be it

"Resolved, That the Yankton County Bar Association, having full faith and confidence in the integrity and ability of Mr. Harold C. Doyle and particularly in his ability to conduct the office of U.S. district attorney for the district of South Dakota in a manner that will bring credit to himself, the Yankton County Bar Association and the legal profession, endorse the candidacy and recommend the appointment of Mr. Doyle to the office of U.S. district attorney for the district of South Dakota."

The above resolution was unanimously adopted at a meeting of the Yankton County Bar Association held in the courtroom of the county court in the Yankton County Courthouse, Yankton, S. Dak., the 21st day of March, A.D. 1961.

LEE H. COPE,
President,
Yankton County Bar Association.

Attest:

DON A. BIERLE,
Secretary,
Yankton County Bar Association.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination? Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

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

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

THE COMMUNIST CONSPIRACY

Mr. KEATING. Mr. President, the arrest today of an American Foreign Service officer for transmitting classified information to the Polish Government underscores once again the need for continued vigilance against the international Communist conspiracy. Naturally, no conclusion regarding his guilt should be drawn until this man has had every opportunity which is given in our country—and denied in Communist countries—for a fair trial and a full opportunity to present evidence in his own behalf.

However, we must never forget that the Communists are working 24 hours a day, 365 days a year to carry out their

program of world domination. It is therefore incumbent on all Americans, if they cherish their freedom and independence, to keep on their guard and to report all incidents which may be related to subversive purposes.

This particular arrest shows the need for the closest possible surveillance of Government employees involved in security work.

It is related in another news account today that a junior Foreign Service officer in the American Embassy in Warsaw has resigned. This officer for a year and a half had access to the Embassy code room. It is alleged that he subscribed to the Communist Daily Worker newspaper and had an affinity for Communist causes and ideas. These facts were known; nevertheless this man had access for this period of time to the code room.

Again I would not draw any final conclusions as to his guilt. But it does seem unusual that anyone who is known to have such inclinations would have access to our codes.

Careful checks and clearances must precede the hiring of Federal personnel, and constant vigilance must be maintained over those who are dealing with matters affecting our national security.

It is the very essence of the Communist technique to get one of their agents on the inside and then work more of their people in. Communism is like a cancer, which feeds on apathy and spreads when unopposed. I hope this latest incident in the cold war will stir the American people to redoubled determination to remain free, and will result in greater alertness to the clear and present danger of the Communist conspiracy. The FBI is to be congratulated for another fine effort, but close cooperation by all of us will be needed if their continued antisubversive activities are to be successful.

MRS. CORNELIA FALES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 333, H.R. 2972.

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

The LEGISLATIVE CLERK. A bill (H.R. 2972) for the relief of Mrs. Cornelia Fales.

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

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 2972) for the relief of Mrs. Cornelia Fales, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, after "$10,000", to insert "less the amount of the unpaid premiums that would have been payable had the national service life insurance issued to her brother, the late Sam E. Seager, effective October 24, 1942, been kept in force to the time of the death of the insured. This payment shall be in full settlement of all the claims of the said Mrs. Cornelia Fales against the United States for payment of the proceeds of the said national service life insurance issued to her brother (Veterans' Administration claim numbered XC-3466817).", and on page 2, line 4 after the amendment just above stated, to strike out "the payment of such sum shall be in full settlement of all the claims of the said Mrs. Cornelia Fales against the United States for payment of the proceeds of the national service life insurance issued to her brother, the late Sam E. Seager (Veterans' Administration claim numbered XC-3466817), effective October 24, 1942."

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

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a short statement explaining the bill.

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

The purpose of the proposed legislation, as amended, is to authorize and direct the Secretary of the Treasury to pay Mrs. Cornelia Fales, of Metropolitan State Hospital, Waltham, Mass., the sum of $10,000, less the amount of the unpaid premiums that would have been payable had the national service life insurance policy been kept in force, such payment to be in full settlement of all claims she may have against the United States for payment of the proceeds of national service life insurance issued to her brother, the late Sam E. Seager.

The facts in this case are that Sam E. Seager, deceased brother of the claimant, enlisted in the U.S. Army September 16, 1942, and on October 24, 1942, he applied for and was granted $10,000 national service life insurance effective October 1, 1942, the premiums in the amount of $7.40, being paid for by a monthly allotment.

On October 26, 1942, the serviceman was transferred to the Enlisted Reserve Corps and by reason of this transfer his allotment was discontinued effective September 30, 1942, The insurance lapsed due to the nonpayment of premiums November 1, 1942, and the grace period expired December 2, 1942. Due to the nonpayment of premiums the insurance was considered as not in force on the date of the veteran's death on February 10, 1944.

The report of the Veterans' Administration on a similar bill of the 86th Congress, H.R. 6215, discloses that the veteran made inquiry as to the status of his insurance and indicated his desire to keep his national service life insurance effective. It appears, however, that he was erroneously advised by the Army that he was not eligible for Government insurance, whereas, in fact, although his policy had lapsed, he was eligible to have the insurance reinstated. It cannot be determined, of course, whether he would have reinstated the insurance had he been properly advised, but in view of his inquiry and statement of intent it may be assumed that he would have taken the necessary steps to reinstate his insurance.

The claimant was designated by the serviceman as his principal beneficiary, and his other sister, Beatrice Field Sanderson, was named contingent beneficiary.

The Veterans' Administration stated that because of the Government's error there was no objection to the favorable consideration of the relief legislation.

The committee believes it reasonable to assume that were it not for the erroneous advice of the Army, the claimant would have been the beneficiary under the policy in full force and effect on the date of the death of the insured. Had this been the case, premiums would have been payable throughout the life of the insured, hence it is only proper that the amount of the unpaid premiums be deducted from the payment provided for in this legislation. The committee has amended the bill to that end and recommends that the bill, as amended, be given favorable consideration.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill (H.R. 2972) was read the third time and passed.

AUTHORITY FOR COMMITTEE ON THE JUDICIARY TO REPORT NOMINATIONS DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary may be authorized to report nominations during the adjournment following today's session of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

CONSTRUCTION AT CERTAIN MILITARY INSTALLATIONS—CONFERENCE REPORT.

Mr. RUSSELL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5000) to authorize certain construction at military installations, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, I move the adoption of the conference report, and I wish to discuss it briefly.

The report is signed by all the conferees on the part of the House and of the Senate, and the report has been accepted by the House of Representatives.

In regard to the net money figures in the bill, the new total, as agreed to in conference, is $893,947,750, which is $14 million more than was provided in the bill as passed by the Senate. Mr. President, the total is some $60 million less than the amount requested. To find items which can be reduced in a bill of this nature is exceedingly difficult.

There are two changes among the many items of the bill that account for most of the increase referred to. First, I should like to mention the fact that subsequent to the approval of the bill by both Houses of Congress, both of the Committees on Armed Services received requests from the Secretary of Defense to provide an additional $12 million in authorization for the Department of the Air Force to be used for the construction of test facilities for its large solid propellant booster in connection with our Nation's space effort. This project was included by the President in his address to Congress on May 25, at which date he stressed the importance attached to increased efforts in our space program. This authorization is merely a token allowance of the total cost of the program proposed, and it only provides for the design and site preparation and the first increment of the construction of test facilities related to this large solid propellant motor which it is proposed to construct with a thrust in the order of 2 or 3 million pounds. That thrust would be greater than the thrust of any motor that is now being used in the space field of which we have any knowledge. The construction required to support the program will be phased over several years, and when these rocket motors are successfully developed, they will be made available by the Department of Defense to NASA for a moon vehicle and for such other Department of Defense requirements as might develop.

In view of the importance attached to this item by the administration, the conferees agreed to include it in the bill. Such action is bad practice ordinarily, but this project is important and it was so strongly stressed by the administration that we deviated from our usual policy and included it in the bill in conference.

The other item that merits special mention is the military family housing program. It will be recalled that after a considerable discussion on the floor of the Senate, that in lieu of certain Capehart housing units that were included in the housing bill, the Senate provided 2,000 units of appropriated funds housing at an average cost of $16,500 per unit. The conferees agreed to an increased unit cost by $800 to provide for additional expenses involved in site acquisition and off-site utilities.

Such action is consistent with the current cost limitations on Capehart housing, since the law currently allows up to $1,000 a unit of appropriated funds for land acquisition and on-site utilities in connection with the Capehart program. This increase added an additional $1,600,000 to the bill.

The conferees were in agreement as to discontinuing the Capehart program as it exists under present law, but in view of the emergency that exists, we did allow 3,000 units of housing that had been previously authorized by line item to be constructed under the Capehart program.

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

Mr. RUSSELL. I yield.

Mr. CARROLL. The able Senator from Georgia will remember that the junior Senator from Colorado, at the time this issue was before the Senate, discussed the situation at Lowry Field in Denver. We considered it an emergency. Approximately 100 units were provided in 1959 and 100 units in 1960. We had asked for some consideration because of the preliminary planning. Would the able Senator from Georgia say that that housing would be in the nature of an emergency and within the 3,000 units?

Mr. RUSSELL. There are 3,000 units provided, 2,700 of which are subject to allocation by the Department of Defense. The conferees allocated 300 units, but there are 2,700 units of Capehart housing and 500 units of appropriated funds housing that would be available to meet emergencies and subject to allocation by the Secretary of Defense. The emergency that the Senator had in mind should be called to their attention, because there will be available the 3,200 units of housing of both types that may be allocated for such emergency.

Mr. CARROLL. I thank the Senator from Georgia, because it was because of the emergency of which I have spoken that we urged, and I am sure the conferees considered, the building of 3,000 units.

Mr. RUSSELL. The Senator from Colorado discussed the subject with the Senator from Georgia not only on the floor of the Senate but earnestly in private conversation. At that time I told the Senator it was altogether likely that we would not be able to get our way entirely in conference, but there would be a small amount of so-called Capehart housing available. So there are 3,200 units of both types of housing available for allocation by the Secretary of Defense.

Mr. CARROLL. I thank the Senator.

Mr. RUSSELL. Mr. President, it can be seen from this relatively small increase in the amount originally approved by the Senate that in most part the Senate amendments were accepted and agreed to by the conference.

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

Mr. RUSSELL. I yield to the Senator from California.

Mr. KUCHEL. I say with the greatest respect that I think the conference report has made a most grievous and regrettable error. The U.S. Navy recommended authorization for a new military hospital in the Long Beach area to serve our men in uniform stationed there, together with their dependents. The Bureau of the Budget under the present administration recommended the hospital to Congress. The House of Representatives approved it. The members of the Senate Armed Services Committee, each of whom I esteem, did not feel that the hospital was justified. And here, I believe, they made an error.

I have been in the Senate long enough to realize full well that Senators reach their conclusion on the basis of their own honest judgment. My real regret is that my colleagues serving under the able chairmanship of my friend from Georgia were unable to accede to the request of the administration and the Navy Department in this instance, and that the hospital authorization is not included in the bill.

I wish to say, however, that I know of the particular care with which my friend from Georgia judges each of the items that are recommended to the committee.

Having made that statement, may I ask the distinguished senior Senator from Georgia whether or not he can give any indication of his views with respect to any subsequent request along the same lines by the Navy Department and the Bureau of the Budget of this administration with respect to the authorization of a military hospital in the Long Beach area which, I say with respect, would be in the interest of the military personnel and their families who serve on land and at sea in the southern California area.

Mr. RUSSELL. Mr. President, again I say that the two hospitals that were taken from the bill by the Senate committee in the first instance have caused me more concern than any of the other items in the bill. If I err on the side of generosity, I usually try to err in providing hospitals and medical aid for the people in our armed services and their dependents.

There is no doubt in my mind that a naval hospital is justified at that location. I do have grave doubts as to there being a requirement for a hospital of the size suggested at that location. The plan that was submitted to us was for a 500-bed hospital which cost almost $9 million. Of course there is available at San Diego, which is not too far from Long Beach, a hospital with 1,750 beds.

Mr. KUCHEL. That is a matter of a hundred miles in distance.

Mr. RUSSELL. Yes. There are other facilities available. Hospital facilities are available at Camp Pendleton, for example. There is a hospital there which has a capacity of 600 beds. Neither of those hospitals is full at all times. There is also an Army hospital facility of limited size, and there is, of course, within the corporate limits of Long Beach, a hospital ship, anchored in the harbor, which provides hospital facilities, although they are not modern, and although they should be replaced, of some 250 or 300 beds. The time is coming when we shall have to build a hospital at Long Beach. However, I wonder whether the Senator has read the statement of the managers on the part of the House on this subject. I read:

A number of medical facilities requested by the individual military departments were not approved by the conferees. Certain of these medical facilities were denied authorization because of a serious question as to their relative priority in the Defense Establishment. Therefore, the conferees requested the Department of Defense to make a thorough study of hospital facilities of the Armed Forces, especially in those areas where new hospitals, or substantial additions to existing hospitals, were required to determine the respective priorities for fulfilling the essential needs for hospital facilities for individuals entitled to medical care at Armed Forces medical facilities. These stated prior-

ities should then be reflected in the departmental requests for medical facilities in the military construction authorization bill for fiscal year 1963.

I may say to the distinguished Senator from California that it was unfortunate that the subject should be presented to us in the manner in which it was. I did not think that the proponents made a very impressive case for a hospital of this size.

Again I assure the Senator from California—and I am sure I speak for the entire committee—that we will give sympathetic consideration next year to any proposal that is put forward in this regard. Frankly, I hope that the Navy Department will find that they can get along with a somewhat smaller facility.

The Senator referred to the distance of 100 miles. That is no distance at all now in the evacuation of people for illness in the Navy, with the helicopters that the Navy has. They could use a couple of helicopters in moving people from Long Beach to the facility at San Diego or at Pendleton. There is no need for trying to convey the people over crowded highways in ambulances. They could take them up in helicopters several at a time. The persons who need hospitalization could be taken by helicopter to these facilities in the event that they could not be taken care of by the facilities provided by the hospital ship or by the Army facility——

Mr. KUCHEL. The Fort MacArthur hospital.

Mr. RUSSELL. Yes; the Army hospital. There is no attempt to exclude the construction of this hospital from consideration in the future. As I said at the outset, I believe we will have to build a naval hospital at Long Beach, but I hope that it will not be of this magnitude and at the great expense that was suggested. I have not even enumerated all the hospital facilities that are available in the area at other military establishments. I can assure the Senator that it was quite a painful item for me to deal with, not only because of my friendship for the Senator from California, but also because of the affection I have for some very close personal friends who have a great interest in this item.

Mr. KUCHEL. I know that, and I appreciate it. There is no one in the Senate who arrives at opinions more meticulously than the Senator from Georgia. I want the RECORD to show that.

Mr. RUSSELL. I thank my good friend. I know I make some mistakes, but I try to limit them to mistakes of judgment as nearly as possible.

Mr. KUCHEL. I do not want to take too much time of the Senator. However, the hospitals which he has enumerated as being available, while a relevant factor in the discussion, are not an adequate answer. I say that, too, respectfully. The Senator knows that the city of Long Beach has become one of the Nation's great naval centers for commissioned craft. The 11th Naval District has its headquarters at San Diego. There is a great installation, both shore based and afloat, to be serviced in that area.

Camp Pendleton, the great Marine Corps establishment, in the vicinity of San Diego, is considerably nearer to San Diego than is Long Beach. Of course that facility would overflow if we were to be confronted with an emergency condition requiring complete activation of Camp Pendleton.

Mr. RUSSELL. We cannot build hospital facilities for emergencies. If we did, we would have to construct hospitals with tens of thousands of beds. We may have to give thought to that at some time, but now we are trying to provide hospitals to meet the needs which will arise in the normal course of things. Even in a limited emergency, so far as this country being attacked is concerned, as in 1952, we have had to reopen a number of services that had been constructed in 1944 and 1945. We were compelled to build several that had some 75,000 or 80,000 beds during World War II, which were later closed.

Mr. KUCHEL. I thank the Senator for indicating that he and his committee would give sympathetic consideration to a subsequent request by the appropriate agencies. For the military and their families, I am grateful.

Mr. RUSSELL. We invited a review and a report next year on this item.

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

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. I wish to confirm what the Senator from Georgia has so ably stated. Our committee gave this one hospital more consideration than we did almost any other hospital. We finally came to the balance that there were a number of other places where we ought to build medical facilities rather than expand the facility at Long Beach.

Mr. KUCHEL. Would the Senator from Massachusetts join in the sentiments expressed by the Senator from Georgia, indicating that a subsequent request by the Navy Department for a hospital, backed by the Bureau of the Budget, would receive "sympathetic consideration"?

Mr. SALTONSTALL. I would in my own right and on my own intelligent judgment in any event, but I certainly know I will because of the words of the Senator from Georgia.

Mr. KUCHEL. I am grateful.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glod to yield to the Senator from South Dakota, who is one of the great experts in military construction.

Mr. CASE of South Dakota. The chairman of the committee has stressed the consideration that was given to the Capehart housing program. As an illustration of the problems that we face in connection with this item, there is currently pending before the Committee on Armed Services a request to approve acquisition, in the vicinity of Philadelphia, for $500,000, 27 acres of land for a Capehart housing project. I have advised the clerk of the committee that this seems to be an exorbitant price. It would figure out to between $19,000 and $20,000 an acre. Personally, I would not want to approve of it without hearings and investigation. Therefore, I have said to the clerk of the committee that I hope he will put a stop order, so to speak, on it until the committee can give it further consideration. I mention the matter at this time to illustrate the way in which some of the costs of Capehart housing do not appear in the contract for the actual construction.

To this, I think, anyone will agree. The proposal to pay up to practically $20,000 an acre for this housing project warrants further examination, and I trust that the limited amount of Capehart units authorized in the conference agreement will not be expended upon the Philadelphia Navy Yard project until the committee has had an ample opportunity to look into this land acquisition proposal.

Mr. RUSSELL. I thank the Senator from South Dakota for bringing the matter to the attention of the entire Senate. I am certain that it will be very carefully looked into, to see if the cost is not excessive. It is a staggering amount to one who comes from a rural area such as that in which I live; but I realize that near the great cities the price of land sometimes assumes fantastic proportions.

Mr. BENNETT. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. BENNETT. I ask unanimous consent, with the permission of the chairman of the committee, to have printed in the RECORD before the vote is taken a statement with respect to my disappointment and the disappointment of the people of Utah because the committee and the conference have deleted an item of $7.3 million for the construction of an air munitions surveillance facility to be located at Hill Air Force Range, Utah. I recognize that this is an accomplished fact; nevertheless, I ask unanimous consent that the statement, together with the two letters , be printed at the conclusion of the statement of the chairman.

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

(See exhibit 1.)

Mr. RUSSELL. Mr. President, the Senator from Utah has been exceedingly diligent in bringing the merits of this project to the attention of the committee. The committee has given it the most careful consideration. We have endeavored as much as possible to prevent the construction of any facility, if any possible way could be found to avoid it. We therefore felt it was well to carry over for another year the item of the Hill Air Force Range. I emphasize the word "range" to distinguish it from Hill Air Force Base, because the committee was very generous with the Air Force base and provided for it to the extent which was requested.

Mr. BENNETT. The Senator from Utah recognizes the distinction. The range, if it had been approved, would have been used for the conducting of static tests on the solid fuel missiles which are being constructed at Hill Air Force Base.

Mr. RUSSELL. That is true; but the committee is still convinced that that activity can be carried out at Edwards Air Force Base. We have made no final decision. We have passed it over for a year, because we desire the Department of Defense to review the proposal again.

Mr. BENNETT. The Senator from Utah desires to have the RECORD show his concern and his hope that the usefulness of the test facility at or near Hill Air Force Base, and not at Edwards, not be overlooked.

EXHIBIT I

STATEMENT BY SENATOR BENNETT

I am very much concerned about the action taken by the conferees on the Military Construction Authorization Bill, in deleting an item of $7.3 million for construction of an air munitions surveillance facility to be located at Hill Air Force Range, Utah.

This test site facility was requested for the specific purpose of accomplishing Air Force Logistic Command air munitions surveillance functions for all solid propellants in the Air Force inventory not capable of being tested on Hill Air Force Base due to safety restrictions. Prior to the development of large solid propellant rockets such as the Minuteman, the 2705th Airmunitions Surveillance Wing had been conducting surveillance tests on solid propellant munitions at Hill Air Force Base, Utah. Tests on smaller weapons such as the Skybolt, Bomarc, Bull Pup, Hound Dog, Genie, Falcon, and Jato Bottles have been conducted on the base for the past 4 years, but a recent accident clearly illustrated that future tests cannot be safely tested within the confines of the base. Thus, the necessity for a remote test site where large explosive masses can be tested is an urgent necessity.

During static test firings, high frequency sound waves, detonations and air-ground shock waves are generated which are intolerable to a civilian community. Explosive masses of the size of the Minuteman are capable of considerable destruction. At the Hill Air Force Range site, it is intended in the course of testing to intentionally subject the Minuteman and other weapons to stresses outside normally specified limits of heat, cold, etc., to determine safety factors in storage, transportation and shelf life of these weapon systems. Firing of rocket engines suspected of physical or chemical deterioration is also anticipated, thereby creating a hazardous situation manifestly more dangerous than is encountered in normal firings.

Because of the foregoing factors, it is considered essential by the Air Force, and this position is amply fortified by the Secretary of Defense, that the test site be located as far from populated areas as practical considerations would permit. Many sites were carefully considered and evaluated during the site selection process, before the Air Force concluded that the Hill Air Force Range in Utah offered the best possible solution to the problem of air munition surveillance of solid fuel rockets.

Consequently, I was shocked and surprised when I read the report of the Senate Armed Service Committee, and now the conference report relating to the military construction authorization bill, to find that this item, so essential to our missile program, is deleted from the bill. The deletion of this item clearly indicates that either the conferees did not understand the critical nature of this air munitions surveillance program, or that they are willing to assume the calculated risk of further delays in our ICBM program.

I have asked unanimous consent to place in the RECORD a copy of a letter dated March 29, 1961, which was sent by the Deputy Secretary of Defense, Roswell L. Gilpatric, to the chairman of the Senate Committee on Armed Services, reaffirming the need for the facilities at the Hill Air Force Base Range, and certifying to the fact that no other facilities are available for this testing and that the work to be accomplished cannot be done at Edwards Air Force Base or anywhere else as economically and as efficiently as at the site selected in Utah. The letter follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., March 29, 1961.

Hon. RICHARD B. RUSSELL,
Committee on Armed Services,
U.S. Senate.

DEAR MR. CHAIRMAN: With reference to your letter of March 18, 1961, I have reviewed the factors which led the Air Force to decide on Hill Air Force Range as the site for surveillance of large explosives. I am satisfied that the decision is sound.

The proposal does not establish a new test center and does not duplicate existing facilities. The requested facilities will permit extension of the present Hill Air Force Base mission to explosives weighing 500 pounds or more which are too large to be fired safely on the base. The large solid propellant engines of Minuteman, in terms of safety criteria, are categorized as explosives, and should be under the cognizance of the personnel stationed at Hill Air Force Base who have been engaged in the surveillance of explosives for years. The site selected provides the necessary safety, yet is close enough to permit utilization of the surveillance technicians of Hill Air Force Base. Surveillance technicians are scarce.

Air Force surveys indicate that no other location can accommodate the mission of surveillance of large weapons without expenditures equal to or larger than those recommended for the Hill complex. With specific regard to Edwards Air Force Base, there is little similarity between the research and development activities performed there and activities to be performed at Hill Air Force Base in connection with the surveillance testing. Surveillance testing such as at Hill Air Force Base normally involves a scheduled long-range plan of inspection activities terminating in a test firing. Research and development activities such as at Edwards Air Force Base, by their very nature, move at an unpredictable pace which precludes joint use of such facilities as firing stands without detriment to each program. The Edwards complex is solely concerned with the research and development associated with missiles, fuels, and propellants. Edwards Air Force Base does not have the facilities to do long-range surveillance testing. These facilities constitute the greatest portion of the construction costs. Further, Air Force research and development programs saturate the capability of Edwards Air Force Base well beyond the period when surveillance facilities are needed.

If these facilities were to be provided at Edwards Air Force Base, additional personnel would be required. The physical separation between Edwards and Hill Air Force Bases would dictate a permanent party of surveillance personnel at Edwards Air Force Base. Also, logistic support personnel would have to be provided for the split operation.

I strongly urge approval of these projects for the Hill Air Force Range as submitted by the Air Force.

Sincerely,

ROSWELL L. GILPATRIC,
Deputy Secretary of Defense.

It seems to me there may have been some confusion in the minds of the members of the Armed Services Committee concerning the possibility of using other facilities for this weapon surveillance program. For instance, statements in both the hearings and reports indicate that some members mistakenly thought the facilities planned for Hill Air Force Range were identical to R. & D. testing facilities at Edwards Air Force Base, which they are not; or that liquid surveillance facilities could be interchangeably used for testing on solid propellant weapons, which the Air Force says is impossible because of the many differences between these two types of rockets.

Likewise, it would appear that the conferees, in writing the conference report we now have before us, were uncertain about the difference between research and development facilities, and the air munitions surveillance site as requested at Hill Air Force Base Range. They wrote into the report the following language which begins at the top of page 31:

"In this connection, the conferees wish to call attention to the fact that the $12 million authorization especially requested by the Secretary of Defense for the construction of facilities necessary for the testing of solid fuel propellants should preclude the development of similar type facilities requested by the Air Force at the Hill Air Force Base Range, Utah, which appear to be basically for the same purpose."

Both the Secretary of the Air Force and the Deputy Secretary of Defense have given me assurance that these two projects are dissimilar and that there is no overlap of functions. However, in the interest of cooperation and to avoid any further delay in our vital missile program, I have written a letter to the Secretary of Defense urging that he give immediate consideration to locating the new solid fuel static test facility at the Hill Air Force Range site and combine it with the air munitions surveillance facility previously planned for this Utah location. I hope this will solve the dilemma and that the members of both the House and Senate Armed Service Committees will see the wisdom in this action. Since such matters as planning, surveying and site acquisition have been completed on the Utah project, construction could go ahead as soon as authorization and funds are provided.

My letter to the Secretary of Defense is as follows:

U.S. SENATE,
Washington, D.C., June 9, 1961.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR SECRETARY MCNAMARA: It was with deep regret that I learned today that the conferees on the Military Construction Authorization bill had eliminated the ammunition surveillance facilities requested for Hill Air Force Range, Utah. This was especially disappointing inasmuch as this project had been certified as essential both by your office and by the Secretary of the Air Force. This decision also contravenes the policy of the President as stated in his special message to Congress on May 25, for an accelerated program to develop solid fuel rockets for space exploration.

As you are well aware, the Hill Air Force Range had been carefully planned and all other existing facilities eliminated as capable of performing the vital mission of surveillance testing on the Minuteman and other weapon systems. Consequently, I cannot understand why the conferees eliminated this project unles they failed to appreciate its importance, or the insurmountable problems which will be encountered if this air munitions surveillance program is moved to another location. Consequently, I hope you will use the prestige of your office to get this project restored, authorized and funds appropriated for its construction at an early date.

It was heartening to note that the conference report does give you discretionary authority for constructing $27 million of new facilities deemed to be vitally essential to defense needs. It is my understanding this

discretionary fund may be used in part for constructing the $12 million solid fuel static test facilities requested by the President to accelerate development of superboosters for the space program, and which was announced by Deputy Secretary of Defense Gilpatric earlier this week.

Since the feasibility studies and planning on the Hill Air Force Range have already been completed I urge you to give serious consideration to locating the new solid fuel static testing facilities at this site. Although the facilities planned for the Hill Air Force Range were originally intended primarily for Minuteman and other ammunition surveillance and not for research and development purposes, it would seem logical, in view of the action of the conference committee, to combine these two facilities into one project and thus avoid any delay in providing these vital testing facilities. Since the companies which produce both the first and third stages of the Minuteman are located in Utah, and will undoubtedly play a vital role in producing rockets for the stepped-up space program, it is likewise logical that these testing facilities be readily available to these contractors and that the Air Force have the advice and counsel of scientists and engineers who are to produce these rockets. Hill Air Force Base is the site for both assembly and maintenance on the Minuteman, and is the home base of the 2705th Airmunitions Surveillance Wing which has the ordnance experts for testing, checking, and firing not only rockets but all other types of air munitions.

If the new static test facilities are located in any other State, it will be at the expense of discarding all planning on the Hill Air Force Range, and will be most inconvenient to the sources where these superrockets will be produced, assembled, and maintained. In addition, the locating of this facility at any other site will greatly increase the cost of this project and will leave the Air Force without the air munitions surveillance facilities which are so vitally needed. In the interest of time, money, and above all the good of the Nation and our defense program, I hope you will give immediate and favorable consideration to my suggestion for locating the new static test facilities at the Hill Air Force Range site and combining it with the air munitions facilities previously planned for this location.

Sincerely,

WALLACE F. BENNETT.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

FEDERAL-AID HIGHWAY ACT OF 1961

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 335, H.R. 6713.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 6713) to amend certain laws relating to Federal-aid highways, to make certain adjustments in the Federal-aid highway program, and for other purposes.

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

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works without amendment and subsequently reported from the Committee on Finance with amendments.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, the highway tax bill is now the pending business. However, tomorrow, at the conclusion of the morning hour, the bill will be laid aside, and the Senate will proceed to the consideration of the nomination of Mr. Joseph Swidler to be a member of the Federal Power Commission.

FEDERAL-AID HIGHWAY ACT OF 1961

Mr. McNAMARA. Mr. President, since the Federal-Aid Highway Act of 1961 is now the pending business, I desire, as chairman of the subcommittee of the Committee on Public Works which deals with Federal highway construction, to make a statement on the bill.

The Federal-Aid Highway Act of 1956 authorized a new and enlarged Federal-aid highway program, one which will rank among the greatest peacetime construction programs of all time.

It was the culmination of many years of Federal interest and support in the development of an interstate network of highways in the Nation.

It continued the cooperative effort that has evolved during the life of the Federal-aid highway program since 1916.

That act recognized the Federal responsibility for the early completion of a National System of Interstate and Defense Highways, a 41,000-mile system of highways of greatest importance to the Nation.

It provided that the Federal Government contribute 90 percent of the cost of this segment of our highway system.

The act authorized over a 13-year period—1957 through 1969—Federal funds totaling $25 billion, which, with State matching funds, was estimated to be sufficient to complete construction of the entire system as then designated.

Financing provisions were included in the act to finance the program over the period from fiscal years 1957 through 1972.

The Interstate System is a most important segment of the Nation's highway system.

Comprising about 1.5 percent of the highway mileage, it carries about 20 percent of the highway traffic.

It connects, as directly as practicable, the principal metropolitan areas, cities, and industrial centers, serves the national defense; and connects with routes of continental importance in Canada and Mexico.

It will link together more than 90 percent of the cities having populations in excess of 50,000 and will connect most of the State capitals, as well as many smaller cities and towns.

It will serve well over half of the rural population of the United States.

The highway system is one of the principal bases for the economic growth of our country, including the enlargement of our industrial pace, the development of our natural resources, and the revitalization of our cities.

It is an extremely important link of our production lines, in the current pattern of plant location and dispersal, in our changing modes of living and work, and the dynamic changes taking place in urban and suburban development.

Our expanding economy is definitely tied to highway development, and our entire population is so dependent on motor transportation, that a flexible and convenient system of adequate and safe highways is essential.

The Interstate System when completed is expected to save at least 4,000 lives annually, reduce personal injuries by 150,000, and cut economic losses by $2.1 billion annually, by reduction in damages and savings in time, mileage, and cost of transportation.

The completion of the Interstate by 1972, as contemplated by the 1956 act, is essential to the economy of our Nation, because of its contribution to our security, safety, and growth.

Furthermore, the States and the construction industry are geared to the authorized program; and a cutback or slowdown in the program at this time would produce an adverse effect on the economy.

Delay in completion of the System beyond the designated period would also constitute a loss of the fight against mounting traffic needs.

House bill 6713 will provide the final authorization for completion of the Interstate System on schedule; and its enactment is believed essential.

Title I of H.R. 6713 will authorize a firm program of annual appropriations to the States, based on the most recent estimates of cost for completing the Interstate System.

Title I was reported by the Committee on Public Works as it passed the House of Representatives—without amendment.

The provisions of title I are:

First, it gives the approval of Congress to the estimate of cost for completing the Interstate System, to be used as a basis for making to the States the apportionments of the funds authorized for the Interstate System for fiscal years 1963, 1964, 1965, and 1966.

This estimate of cost was transmitted to the Congress by the Secretary of Commerce on January 11, 1961, and is published as House Document No. 49, 87th Congress.

Second, it authorizes the appropriation of additional amounts of $11.56 billion for completing the Interstate System as originally contemplated by the Congress.

Third, it amends the present law relating to the use for parking purposes of the airspace above and below the gradeline of the Interstate System by a State or other political subdivision.

It permits such airspace to be used for other purposes, as well, so long as such use will not impair the full use and safety of the highway or otherwise interfere in any way with the free flow of traffic on the Interstate System.

The interstate highway program is on schedule, in relation to the revenues now available in the highway trust fund. Almost 11,000 miles of the Interstate System are now open to traffic.

In addition, almost 5,000 miles are under construction with interstate

funds; and engineering or right-of-way acquisition is in progress on another 10,000 miles.

Thus, some form of work is underway, or is completed, on over 62 percent of the total mileage designated on the System.

While this large program is underway on the Interstate System, it still does not permit the rate of advancement necessary to complete the system by 1972, as originally contemplated.

The new 1961 Interstate System cost estimate of $41 billion, of which $37 billion is the estimated Federal share, is the same total amount as was contained in the 1958 estimate.

The Federal-Aid Highway Act of 1956 authorized the completion of the Interstate System, with the Federal share of $25 billion, based on preliminary estimates of cost prepared in 1955.

H.R. 6713 includes an increased authorization of $11.56 billion needed to complete the Interstate System on schedule.

The authorizations for the fiscal years 1963 through 1969 are increased by varying amounts, and new authorizations are included for the fiscal years 1970 and 1971.

Interstate funds authorized for the fiscal year 1962 have been apportioned to the States.

Funds authorized for the fiscal year 1963 should be apportioned during the summer of this year. This cannot be done until the cost estimate is approved by the Congress, for use as the basis for making apportionments.

It is felt that the latest estimate of cost for completing the Interstate System is sound and reasonable, and should be approved by the Congress as a basis for making apportionments to the States.

H.R. 6713 will accomplish this purpose; and prompt enactment of the measure is recommended.

Mr. President, I submit several tables, and ask unanimous consent that they be printed at this point in the RECORD.

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

Relationship of 1955, 1958, and 1961 Interstate System cost estimates

[In billions]

Item	Estimated costs		
	Total	Federal share	State share
1955 estimate	$27.6	$25.0	$2.6
5 percent increase due traffic	1.3	1.2	.1
15 percent increase due local needs	3.8	3.4	.4
3 percent increase due utilities and miscellaneous	.8	.7	.1
12 percent increase due price increase	4.1	3.6	.5
Subtotal, 1958 estimate	37.6	33.9	3.7
Increase due 1,452 miles added routes	1.6	1.5	.1
Carryover and contingency	.7	.6	.1
Total to complete a 40,000-mile system, based on 1958 estimate	39.9	36.0	3.9
Additional 1,000 miles	1.1	1.0	.1
Total to complete a 41,000-mile system, based on 1958 estimate	41.0	37.0	4.0

Relationship of 1955, 1958, and 1961 Interstate System cost estimates—Continued

[In billions]

Item	Estimated costs		
	Total	Federal share	State share
Reduction in 1961 construction cost estimate	$−1.0	$−.9	$−.1
State highway planning and research	.6	.5	.1
Public roads, administration and research	.4	.4	0
Total, 1961 estimate	41.0	37.0	4.0

Estimated Federal aid and State matching costs to complete the system apportionment factors for fiscal years 1963, 1964, 1965, and 1966

State	Costs	Apportionment factors
	Thousands	*Percent*
Alabama	$531,804	2.089
Alaska		
Arizona	361,065	1.418
Arkansas	269,051	1.057
California	2,458,512	9.656
Colorado	340,942	1.339
Connecticut	363,097	1.426
Delaware	95,785	.376
Florida	533,542	2.095
Georgia	473,971	1.861
Hawaii	201,931	.793
Idaho	120,808	.474
Illinois	1,341,230	5.268
Indiana	636,720	2.501
Iowa	325,315	1.278
Kansas	199,335	.783
Kentucky	524,450	2.060
Louisiana	742,667	2.917
Maine	121,489	.477
Maryland	471,160	1.850
Massachusetts	550,889	2.164
Michigan	1,001,825	3.935
Minnesota	665,145	2.612
Mississippi	312,552	1.227
Missouri	657,616	2.583
Montana	240,557	.945
Nebraska	150,309	.590
Nevada	129,598	.509
New Hampshire	115,257	.453
New Jersey	670,466	2.663
New Mexico	256,695	1.008
New York	1,218,298	4.785
North Carolina	210,349	.826
North Dakota	113,654	.446
Ohio	1,754,753	6.892
Oklahoma	309,330	1.215
Oregon	446,577	1.754
Pennsylvania	1,150,087	4.517
Rhode Island	94,840	.372
South Carolina	221,927	.872
South Dakota	168,869	.663
Tennessee	647,931	2.545
Texas	1,163,335	4.569
Utah	372,224	1.462
Vermont	177,533	.697
Virginia	781,454	3.069
Washington	535,893	2.105
West Virginia	387,095	1.520
Wisconsin	227,344	.893
Wyoming	246,846	.969
District of Columbia	369,793	1.452
Total	25,461,915	100.000

Table of apportionment factors

State	Apportionment factors, fiscal years 1960–62 (1958 estimate)	Apportionment factors, fiscal years 1963–66 (1961 estimate)	Percent change
Alabama	1.972	2.089	+5.9
Arizona	1.366	1.418	+3.8
Arkansas	.993	1.057	+6.4
California	10.162	9.656	−5.0
Colorado	.775	1.339	+72.8
Connecticut	1.220	1.426	+16.9
Delaware	.352	.376	+6.8
Florida	2.591	2.095	−19.1
Georgia	2.413	1.861	−22.9
Hawaii		.793	
Idaho	.690	.474	−31.3
Illinois	5.128	5.268	+2.7
Indiana	2.884	2.501	−13.3

Table of apportionment factors—Continued

State	Apportionment factors, fiscal years 1960–62 (1958 estimate)	Apportionment factors, fiscal years 1963–66 (1961 estimate)	Percent change
Iowa	.949	1.278	+34.7
Kansas	895	.783	−12.5
Kentucky	1.758	2.060	+17.2
Louisiana	2.641	2.917	+10.5
Maine	.514	.477	−7.2
Maryland	2.253	1.850	−17.9
Massachusetts	2.785	2.164	−22.3
Michigan	3.930	3.935	+.1
Minnesota	1.885	2.612	+38.6
Mississippi	1.098	1.227	+11.7
Missouri	2.853	2.583	−9.5
Montana	1.137	.945	−16.9
Nebraska	.617	.590	−4.4
Nevada	.523	.509	−2.7
New Hampshire	.550	.453	−17.6
New Jersey	3.236	2.633	−18.6
New Mexico	1.198	1.008	−15.9
New York	4.953	4.785	−3.4
North Carolina	.542	.826	+52.4
North Dakota	.443	.446	+.7
Ohio	6.514	6.892	+5.8
Oklahoma	.909	1.215	+33.7
Oregon	1.733	1.754	+1.2
Pennsylvania	4.078	4.517	+10.8
Rhode Island	.466	.372	−20.2
South Carolina	.824	.872	+5.8
South Dakota	.424	.663	+56.4
Tennessee	2.966	2.545	−14.2
Texas	4.518	4.569	+1.1
Utah	.935	1.462	+56.4
Vermont	.943	.697	+26.1
Virginia	4.237	3.069	−27.6
Washington	1.811	2.105	+16.2
West Virginia	1.253	1.520	+21.3
Wisconsin	1.053	.893	−15.3
Wyoming	1.039	.969	−6.7
District of Columbia	.991	1.452	+46.5

Comparison of interstate authorizations under present law and H.R. 6713

[Millions of dollars]

Fiscal year	Present law	Additional	H.R. 6713
Balance	315		315
1957	1,000		1,000
1958	1,700		1,700
1959	2,200		2,200
1960	2,500		2,500
1961	2,000	−200	[1] 1,800
1962	2,200		2,200
1963	2,200	200	2,400
1964	2,200	400	2,600
1965	2,200	500	2,700
1966	2,200	600	2,800
1967	2,200	700	2,900
1968	1,500	1,500	3,000
1969	1,025	1,975	3,000
1970		3,000	3,000
1971		2,885	2,885
Total	25,440	11,560	37,000

[1] Under the provisions of sec. 209(g) of the 1956 act, only $1,800,000,000 was apportioned of the $2,000,000,000 authorized for the fiscal year 1961.

Comparison of interstate apportionments under present law and H.R. 6713

[Millions of dollars]

Fiscal year	Present law	Additional	H.R. 6713
Balance	315		315
1957	1,000		1,000
1958	1,700		1,700
1959	2,200		2,200
1960	2,500		2,500
1961	1,800		1,800
1962	2,200		2,200
1963	2,000	400	2,400
1964	1,500	1,100	2,600
1965	1,500	1,200	2,700
1966	1,600	1,200	2,800
1967	1,700	1,200	2,900
1968	1,900	1,100	3,000
1969	1,900	1,100	3,000
1970	1,625	1,375	3,000
1971		2,885	2,885
Total	25,440	11,560	37,000

Comparison of approximate apportionments of interstate funds under present law and under H.R. 6713 for fiscal years 1963 and 1964

[In millions]

State	Fiscal year 1963			Fiscal year 1964		
	Existing law ($2,000.0)	H.R. 6713 ($2,400.0)	Difference ($400.0)	Existing law ($1,500.0)	H.R. 6713 ($2,600.0)	Difference ($1,100.0)
Alabama	$41.4	$49.6	$8.2	$31.0	$53.8	$22.8
Arizona	28.1	33.7	5.6	21.1	36.5	15.4
Arkansas	20.9	25.1	4.2	15.7	27.2	11.5
California	191.2	229.4	38.2	143.4	248.5	105.1
Colorado	26.5	31.8	5.3	19.9	34.5	14.6
Connecticut	28.2	33.9	5.7	21.2	36.7	15.5
Delaware	7.4	8.9	1.5	5.6	9.7	4.1
Florida	41.5	49.8	8.3	31.1	53.9	22.8
Georgia	36.8	44.2	7.4	27.6	47.9	20.3
Hawaii	15.7	18.8	3.1	11.8	20.4	8.6
Idaho	9.4	11.3	1.9	7.0	12.2	5.2
Illinois	104.3	125.2	20.9	78.2	135.6	57.4
Indiana	49.5	59.4	9.9	37.1	64.4	27.3
Iowa	25.3	30.4	5.1	19.0	32.9	13.9
Kansas	15.5	18.6	3.1	11.6	20.1	8.5
Kentucky	40.8	48.9	8.1	30.6	53.0	22.4
Louisiana	57.8	69.3	11.5	43.3	75.1	31.8
Maine	9.4	11.3	1.9	7.1	12.3	5.2
Maryland	36.6	44.0	7.4	27.5	47.6	20.1
Massachusetts	42.8	51.4	8.6	32.1	55.7	23.6
Michigan	77.9	93.5	15.6	58.4	101.3	42.9
Minnesota	51.7	62.1	10.4	38.8	67.2	28.4
Mississippi	24.3	29.1	4.8	18.2	31.6	13.4
Missouri	51.1	61.4	10.3	38.4	66.5	28.1
Montana	18.7	22.5	3.8	14.0	24.3	10.3
Nebraska	$11.7	$14.0	$2.3	$8.8	$15.2	$6.4
Nevada	10.1	12.1	2.0	7.6	13.1	5.5
New Hampshire	9.0	10.8	1.8	6.7	11.7	5.0
New Jersey	52.1	62.6	10.5	39.1	67.8	28.7
New Mexico	20.0	23.9	3.9	15.0	25.9	10.9
New York	94.7	113.7	19.0	71.1	123.2	52.1
North Carolina	16.4	19.6	3.2	12.3	21.3	9.0
North Dakota	8.8	10.6	1.8	6.6	11.5	4.9
Ohio	136.5	163.8	27.3	102.3	177.4	75.1
Oklahoma	24.1	28.9	4.8	18.0	31.3	13.3
Oregon	34.7	41.7	7.0	26.0	45.1	19.1
Pennsylvania	89.4	107.3	17.9	67.1	116.3	49.2
Rhode Island	7.4	8.8	1.4	5.5	9.6	4.1
South Carolina	17.3	20.7	3.4	12.9	22.4	9.5
South Dakota	13.1	15.8	2.7	9.8	17.1	7.3
Tennessee	50.4	60.5	10.1	37.8	65.5	27.7
Texas	90.5	108.6	18.1	67.8	117.6	49.8
Utah	28.9	34.7	5.8	21.7	37.6	15.9
Vermont	13.8	16.6	2.8	10.4	17.9	7.5
Virginia	60.8	72.9	12.1	45.6	79.0	33.4
Washington	41.7	50.0	8.3	31.3	54.2	22.9
West Virginia	30.1	36.1	6.0	22.6	39.1	16.5
Wisconsin	17.7	21.2	3.5	13.3	23.0	9.7
Wyoming	19.2	23.0	3.8	14.4	24.9	10.5
District of Columbia	28.8	34.5	5.7	21.6	37.4	15.8

Final apportionment of Federal-aid highway funds authorized for the fiscal year 1962

State	Primary highway system	Secondary or feeder roads	Urban highways	Subtotal	Interstate System	Total
Total	$416,250,000	$277,500,000	$231,250,000	$925,000,000	$2,200,000,000	$3,125,000,000
Alabama	6,997,371	5,973,101	3,054,979	16,025,451	42,706,125	58,731,576
Alaska	22,091,082	14,764,171	119,584	36,974,837		36,974,837
Arizona	6,044,237	3,754,351	1,701,890	11,500,478	29,582,438	41,082,916
Arkansas	5,640,916	4,225,812	1,251,517	11,118,245	21,504,656	32,622,901
California	19,660,098	9,303,650	24,529,637	53,493,385	220,070,812	273,564,197
Colorado	6,303,072	4,444,053	2,299,594	13,046,719	16,783,594	29,830,313
Connecticut	2,372,021	1,342,034	3,726,671	7,440,726	26,420,625	33,861,351
Delaware	1,904,438	1,266,052	531,031	3,701,521	7,623,000	11,324,521
Florida	6,794,538	4,538,164	7,407,962	18,740,664	56,111,344	74,852,008
Georgia	9,306,864	7,453,057	3,704,530	20,464,451	52,256,531	72,720,982
Hawaii	1,776,483	1,373,625	858,573	4,008,681	12,375,000	16,383,681
Idaho	4,529,748	3,001,617	495,333	8,026,698	14,942,813	22,969,511
Illinois	13,618,919	8,299,634	14,721,936	36,640,489	111,053,250	147,693,739
Indiana	8,091,532	6,728,628	5,190,393	20,010,553	62,456,625	82,467,178
Iowa	8,625,049	6,619,922	2,397,138	17,642,109	20,551,781	38,193,890
Kansas	8,767,312	6,109,832	2,174,742	17,051,886	19,382,344	36,434,230
Kentucky	6,315,481	5,165,537	2,309,261	13,790,279	38,071,688	51,861,967
Louisiana	5,928,550	3,902,531	3,620,660	13,451,741	57,194,156	70,645,897
Maine	2,677,905	2,281,365	784,972	5,744,242	11,131,313	16,875,555
Maryland	3,235,237	2,442,528	4,182,692	9,860,457	48,791,531	58,651,988
Massachusetts	4,350,195	2,272,474	7,755,771	14,378,440	60,312,656	74,691,096
Michigan	12,752,648	7,910,128	10,490,144	31,152,920	85,109,062	116,261,982
Minnesota	10,614,871	7,284,743	3,792,222	21,691,836	40,822,031	62,513,867
Mississippi	6,471,046	5,427,160	1,358,493	13,256,699	23,778,563	37,035,262
Missouri	9,915,498	6,980,559	5,140,259	22,036,316	61,785,281	83,821,597
Montana	7,156,820	4,953,906	529,541	12,640,267	24,623,156	37,263,423
Nebraska	6,956,734	5,053,590	1,333,917	13,344,241	13,361,906	26,706,147
Nevada	4,615,457	3,126,594	348,977	8,091,028	11,326,219	19,417,247
New Hampshire	2,060,438	1,373,625	611,876	4,045,939	11,910,938	15,956,877
New Jersey	4,904,496	2,006,565	9,668,607	16,579,668	70,079,625	86,659,293
New Mexico	6,319,289	3,994,476	1,118,268	11,432,033	25,944,188	37,376,221
New York	16,630,975	7,565,208	25,788,261	49,984,444	107,263,406	157,247,850
North Carolina	8,575,231	8,515,225	3,017,790	20,108,246	11,737,688	31,845,934
North Dakota	5,040,825	3,440,815	406,366	8,888,006	9,593,719	18,481,725
Ohio	13,250,791	7,651,857	12,761,004	33,663,652	141,068,812	174,732,464
Oklahoma	7,781,061	5,477,774	2,302,990	15,561,825	19,685,531	35,247,356
Oregon	6,126,359	4,253,108	1,835,268	12,214,735	37,530,281	49,745,016
Pennsylvania	13,138,701	9,058,526	14,663,504	36,860,731	88,314,187	125,174,918
Rhode Island	1,872,058	1,223,696	1,408,207	4,503,961	10,091,813	14,595,774
South Carolina	5,291,049	4,620,450	1,656,641	11,568,140	17,844,750	29,412,890
South Dakota	5,376,276	4,121,050	420,555	9,917,881	9,182,250	19,100,131
Tennessee	7,348,321	5,900,835	3,267,337	16,516,493	64,232,437	80,748,930
Texas	22,811,515	15,071,201	12,554,875	50,437,591	97,842,937	148,280,528
Utah	4,546,375	2,949,540	1,206,623	8,702,538	20,248,594	28,951,132
Vermont	1,849,144	1,329,019	321,538	3,499,701	20,421,844	23,921,545
Virginia	7,215,143	5,300,327	4,010,378	16,525,848	91,757,531	108,283,379
Washington	6,046,144	4,260,733	3,468,233	13,775,110	39,219,469	52,994,579
West Virginia	3,884,521	3,062,586	1,176,353	8,123,460	27,135,281	35,258,741
Wisconsin	8,688,009	6,034,452	4,264,732	18,987,193	22,804,031	41,791,224
Wyoming	4,241,038	3,141,480	272,937	7,655,455	22,500,844	30,156,299
District of Columbia	1,822,103	1,246,023	1,452,072	4,520,198	21,461,344	25,981,542
Puerto Rico	1,905,505	2,276,858	1,503,266	5,685,629		5,685,629

Mr. McNAMARA. Mr. President, more than 3 years ago the Senate adopted a highly controversial program to provide a Federal incentive to States which regulated and controlled billboards along the Interstate System.

This incentive was to consist of a payment to the individual State of one-half of 1 percent of the total cost of any projects on the Interstate System constructed with interstate funds.

The authority under which these funds can be paid expires at the end of June, unless extended by the Congress in new legislation.

With this question now before us, it is appropriate to look at some of the factors involved.

H.R. 6713, to which the billboard amendment now is to be offered, is a measure to provide for the completion of the Interstate System on schedule.

It also provides, in title II, for certain changes in automotive user taxes, to pay the cost.

For reasons of its own, the House completely ignored the billboard question in adopting this legislation and sending it to the Senate for action.

As chairman of the Senate Subcommittee on Public Roads, I felt it was my major responsibility to expedite title I of the bill, which provides authorizations for continuing the highway-construction program.

The billboard question was presented most casually before our subcommittee; and, after a very brief discussion, it was defeated by voice vote.

The full Public Works Committee then approved the bill as it had come from the House.

Personally, I believe that was a wise decision—for a number of reasons.

First, the billboard control legislation is not actually highway legislation at all. It has nothing to do with the construction of roads.

This is borne out by the fact that the funds to pay this incentive come out of the general revenues of the Treasury, not from the highway trust fund.

Furthermore, what is called an incentive to the States to adopt billboard controls is really a bribe, when we get down to cases. Apparently, some promoters of billboard legislation do not believe that the States have the ability to exercise independent action or judgment to control billboards along their highways. They seem to feel it necessary to bribe the States into compliance, with Federal funds, which I am sure could be put to much more effective use elsewhere.

Finally, it is interesting to note what has happened since this measure was first adopted in April 1958.

Since that time the legislature of every State in the Union has met, and has had an opportunity to consider a billboard regulatory program, if it so desired. I think the legislatures of most States have met at least twice since then.

At the present time only three States have passed enabling legislation and have entered into a contract with the Bureau of Public Roads. They are Maryland, North Dakota, and Kentucky.

I am informed by the Bureau that 10 other States have proposals pending before the Bureau, and that contracts are expected to be signed prior to the expiration date of the law on June 30. These States are Connecticut, Hawaii, Maine, Nebraska, New York, Oregon, Pennsylvania, Washington, West Virginia, Wisconsin.

Thus, despite the Federal incentive money or bribe money available in the 3 years since the law was passed, only 13 States have exerted sufficient energy to take advantage of it.

The remaining States either have shown no interest, have killed proposed legislation outright, or have it pigeonholed somewhere in the legislative mill.

In any event, general apathy over this program is rather overwhelming.

It would seem to me that if a sufficient number of additional States show sincere interest in the program, an extension of it could be considered as separate legislation at a later date.

That is what the House proposed when it was considering such legislation.

This would afford an opportunity for public hearings to give both proponents and opponents an opportunity to testify, and also an opportunity to see how the controls have operated in the States which have come under the program.

Mr. President, I hope that the bill as it came from the committee, and as it came from the House originally, with the amendments suggested by the Finance Committee in title II, will be readily adopted by the Senate of the United States.

Mr. KUCHEL. Mr. President, I am going to make a prediction. I am going to predict that the U.S. Senate on tomorrow will approve a continuation of the Federal program to give an incentive to States of the American Union to preserve the beauty of the virgin areas of our Nation through which the Interstate Highway System will traverse the States of the American Union. I hope it does. I say respectfully to the Senator from Michigan that, in my opinion, he is wrong about opposing such a continuation.

I know something about this particular controversy. When it was first on the floor of the Senate, the original proposal was offered by the late Senator from Oregon, Mr. Neuberger, and the Senator presently speaking.

We worked out the language of the proposed amendment ourselves. Here was a new venture by the Federal Government. It was urged by the President. Here was a venture under which the Federal Government would contribute 90 percent of the money to create a superhighway system in America, for varying public purposes, which would traverse the several States.

The amendment which we offered was adopted by the Senate after vigorous debate. It was approved after a close vote. It was not written in haste. It was not an extreme measure. It recognized that the States of the Union and local political subdivisions ought to have the right to determine their own zoning legislation.

We recognized that there would be areas, thousands of miles of new highways, through which the Interstate System would run, and there we wanted to give an additional incentive to States to keep them beautiful. We recognized some areas would be zoned for industrial and commercial purposes, under local law, and that here there would be little, if any, beauty to preserve.

Mr. President, I shall want to make some more comments on this subject tomorrow. I shall list those additional States which have passed legislation to participate in this program. However, I simply say to the able senior Senator from Michigan that, as I see it, he is wrong in opposing a continuation of the present law with respect to this particular incentive offered to States of the American Union.

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

Mr. KUCHEL. I yield.

Mr. McNAMARA. I certainly am aware of the position of the Senator from California, because we served together on the Senate Committee on Public Works. Since the House has made commitments to hold hearings and listen to both sides of this controversy, does not the Senator think that there is merit in the suggestion that we follow the same route so as to give interested people an opportunity to be heard? This proposal can be taken care of later this year, or even during the next session of Congress. By then we will have the benefit of the experience of the States which have elected to participate in this program and who have accepted the incentive offered by the Federal Government. I do not think the Senator would quarrel with that proposition. Actually, the Senator recognizes, does he not, that outdoor advertising is not actually a part of the highway program?

Mr. KUCHEL. I am not going to quarrel with the Senator from Michigan. I am going to disagree with him, but I am never going to quarrel with him. The Senator has a right to take his position, and I respect that right, but I respectfully say, on my side, that the President, the Chief Executive of our country, President Kennedy, a Democrat, and his immediate predecessor, former President Eisenhower, a Republican, both recommend this type of legislation.

I say respectfully to the Senator from Michigan that the matter has been debated. It was debated rather long and vigorously right here in this Chamber.

All things being equal, I think the Senate would be recreant in its duty if it failed to continue the program which was established 2 years ago.

Mr. McNAMARA. Does not the Senator think it would be better to hear both sides of this controversy? Not on the floor of the Senate, where the representatives of the different interests cannot be heard, but in a committee hearing?

Mr. KUCHEL. Does not the Senator recall the long days and weeks of hearings, when we sat in the Public Works Committee, at the time the legislation was originally adopted?

Mr. McNAMARA. And there we were led to believe that the States had much more interest in this subject than they have indicated at any time since then. Now it is time for us to take another look at the matter and to find out what the attitude of the States is now. There is more to this than appears on the surface. There is great competition for the advertising dollar among various media of advertising, such as the press, radio, television, and outdoor advertising. All should have an opportunity to be heard. I do not think we should act hastily in this matter. Since the States have failed to indicate more than a meager interest in this matter, I think the subject should be reviewed.

Some States will come under the program before the deadline, which is still sometime off, and this will give us the benefit of their actual experience. Moreover, it will enable interested persons to testify for or against the proposition. I think that is the best way to arrive at good sound legislation. I hope the Senator from California will give

this suggestion very serious consideration.

I thank him very much for yielding.

Mr. KUCHEL. I thank the able Senator.

ADJOURNMENT

Mr. KUCHEL. Mr. President, the hour is late. I do not know whether or not Senators read the CONGRESSIONAL RECORD very carefully before they vote. I do not even know whether we shall have a full house tomorrow when we debate this matter. But, in the interest of the majority leader, if I may do so, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 14, 1961, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 13, 1961:

U.S. ATTORNEY

Harold C. Doyle, of South Dakota, to be U.S. attorney for the district of South Dakota for the term of 4 years.

FEDERAL POWER COMMISSION

Howard Morgan, of Oregon, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1963, vice Paul A. Sweeney.

U.S. REPRESENTATIVES TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

Henry DeWolf Smyth, of New Jersey, to be representative of the United States of America to the International Atomic Energy Agency.

William I. Cargo, of Maryland, a Foreign Service officer of class 1, to be deputy representative of the United States of America to the International Atomic Energy Agency.

EXTENSIONS OF REMARKS

Commencement Day Address by Senator Bridges, of New Hampshire, at St. Anselm's College

EXTENSION OF REMARKS
OF
HON. NORRIS COTTON
OF NEW HAMPSHIRE
IN THE SENATE OF THE UNITED STATES
Tuesday, June 13, 1961

Mr. COTTON. Mr. President, last Thursday my colleague, the senior Senator from New Hampshire [Mr. BRIDGES], received due recognition from St. Anselm's College in Manchester, N.H., where he delivered the commencement address and received the honorary doctor of laws degree.

The able address by Senator BRIDGES was published in detail in the Laconia (N.H.) Evening Citizen of June 9, and I ask unanimous consent that the editorial comment in that newspaper, and the Senator's address, be printed in the RECORD.

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

SENATOR BRIDGES SEES BRIGHTER FUTURE

St. Anselm's College yesterday conferred a well-deserved honorary doctor of laws degree upon Senator STYLES BRIDGES. He delivered the commencement address. The speech is one we feel certain will attract wide attention. Without disclosing secrets to our enemies in the cold war, he stressed new opportunities for our young people that science has unfolded. The senior Senator's text reveals the vision of statesmanship with which he is endowed, and is inspired to bring to the fore on occasions such as a visit to a college campus. Father Placidus, the dean, reading the citation he had prepared relative to the Senator's career preceding the degree ceremony, spoke of him as "a keen observer of domestic and international affairs." Father Placidus is the son of the late William H. Riley, who was for many years State commissioner of labor and served in that department when BRIDGES was Governor. Most Rev. Ernest J. Primeau, bishop of Manchester, who introduced the Senator to the large audience assembled in St. Anselm's spacious new gymnasium, described the honored guest as "a man of talents, integrity and dedication." Bishop Primeau said Senator BRIDGES needed no introduction in New Hampshire, the United States, or in many parts of the world. Seated on the platform from which Senator BRIDGES spoke were such distinguished Democrats as Dr. James J. Powers of Manchester and former Gov. Foster Furcolo of Massachusetts. After touching upon the terrifying consequences of the actions by the policymakers behind the Kremlin walls, the Senator optimistically indicated that counterbalancing the challenge of danger facing this year's crop of college graduates is the "challenge of a bright future." Here Senator BRIDGES' approach was truly that of the world statesman. He found ground for great hopes. In the realm of material advantages and opportunity he said to the St. Anselm's graduates, "the astronautics industry may become larger than the automotive industry. As this new industry grows, it will create new jobs, thus taking up part of the slack caused by automation."

The Senator dealt with this happier aspect of the grave international situation in ample detail, more than enough to satisfy all who hunger for hints of better times ahead. As he developed the theme, he did not overlook, of course, Premier Khrushchev's boast that our grandchildren will be living under communism, nor did he fail to show the extent to which Russians go to indoctrinate their children with this notion. Convinced, however, there is a substantial area in which hardy optimists, people with profound faith in the ultimate triumph of the United States, may find foothold, the Senator devoted a good portion of an astute appraisal of world problems, to elaborating on possibilities of a brighter future. This brought him to Comdr. Alan Shepard's successful flight into space, and a listing of remarkable opportunities for citizens in the space age. In this category he discovered much that is definitely encouraging.

He pointed to changes that spell great advance which are occurring with tremendous impact in the field of science. It was appropriate that he chose St. Anselm's as the spot for these significant utterances because extraordinary progress is clearly in evidence at the college, with its six new buildings, enlarged faculty, increased enrollment. Rev. Bernard G. Holmes, O.S.B., president of the college, announced plans for further building. Under the heading, "Brighter Future" the Senator said:

"I have discussed here the challenge of our times in its concept of danger. But there is another side of the coin. That is the challenge of the bright future. Let me cite a few examples.

"As the ranking minority member of the Senate Aeronautical and Space Sciences Committee with a knowledge of the development of these sciences I can foresee new opportunities for our young people never dreamed of before.

"Today, millions of persons are working and employed in industries producing products which were not even known a decade or so ago.

"Here, in New Hampshire, where formerly we relied on our old, stable industries of farming, recreation, shoe and textile and similar industries, we have, within a few miles of this college, new electronic plants and factories.

"Within this 20th century we have leaped from the air age of the Wright brothers' flight at Kitty Hawk on December 17, 1903, to the atomic age in 1945 when the first atomic bomb was exploded. And now in 1961 we are already existing in the space age which our neighbor, Comdr. Alan Shepard, opened to us in his recent flight.

"Commander Shepard's flight was made in the full glare of publicity for all the world to see. It was in sharp contrast to the Communist Gagarin flight which is still doubted in some quarters. We do not know how many Russian failures there were before this flight—how many luckless Russian astronauts lost their lives and disappeared into the spaceless skies. All we know is that there was an orbital flight at the time containing a human being but whether Gagarin was the person in it no one knows.

"What are your opportunities in this new space age?

"Already more than 3,200 space-related products have been developed. These are the products of 5,000 companies and research outfits now engaged in missile-space work.

"It is confidently predicted that within 20 years, the astronautics industry may become larger than the automotive industry. As this new industry grows, it will create new jobs, thus taking up part of the slack caused by automation.

"Our space agency is engaged in more than a quest to satisfy scientific curiosity. The research they are doing affects jobs, home, health, and the future.

"Let us briefly explore some of these new wonders.

"Out of these explorations has come a metal developed for the nose cone of a missile which is now going into pots and pans which can be taken from the coldest freezer and placed on the hottest flame without danger.

"A stainless steel cloth has been designed for parachuting spaceships back to earth which is almost indestructible. The body harnesses and molded seats of the spaceships—if adapted to automobiles, would serve as protection in almost any kind of highway accident.

"The power sources we are developing for space flight—solar batteries, gaseous fuel cells, lightweight nuclear reactors—may replace oil and coal for earthbound vehicles.

"Cosmic communications may eventually replace long-distance lines. Already the Navy is bouncing signals from the mainland to Hawaii by means of the moon. Project