SENATE

THURSDAY, JUNE 29, 1961

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

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

Our Father God, we thank Thee for the new day bathed in the splendor of June, and for the fragrance and tint of the tiniest flower; for the mystic beauty of lights and shadows weaving patterns of glory across the verdant fields and templed hills. Through it all, and in the laughter and tears of our fellow pilgrims, and in the silent places of our own souls, tune our hearts to hear Thy accents, that we may know we do not walk alone.

Bring to us the vivid consciousness that in all the misery and woe of the earth which is our home, Thy voice to us is calling.

Deliver us from the folly of coming to Thee with empty words burdened with no agony of desire for the coming of Thy radiant kingdom of good will.

So undergird the lives of Thy servants here in the ministry of public affairs that they may make decisions as in Thy sight, and, walking on the high levels of noble purposes, with kindling sympathies as wide as human needs, may in all things quit them like men.

In the Redeemer's blessed name we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 28, 1961, was dispensed with.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore announced that on today, June 29, 1961, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 4500. An act to donate to the heirs of Anthony Bourbonnais approximately thirty-six one-hundredths acre of land in Pottawatomie County, Okla.;

H.R. 4913. An act to amend the act of August 7, 1946, relating to the District of Columbia hospital center to extend the time during which appropriations may be made for the purposes of that act; and

H.R. 7712. An act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on today, June 29, 1961, the President had approved and signed the bill (S. 2113) to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, withdrawing the nomination of Frank D. Reeves, of the District of Columbia, to be a Commissioner of the District of Columbia, which nominating messages were referred to the Committee on Armed Services.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6027) to improve benefits under the old-age, survivors, and disability insurance program by increasing the minimum benefits and aged widow's benefits and by making additional persons eligible for benefits under the program, and for other purposes.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 7851. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes;

H.J. Res. 392. Joint resolution to amend the joint resolution of March 25, 1953, relating to electrical and mechanical office equipment for the use of Members, officers, and committees of the House of Representatives to provide that Members having constituencies of 500,000 shall be entitled to an additional $500 worth of equipment; to increase the number of electric typewriters which may be furnished Members; and for other purposes; and

H.J. Res. 465. Joint resolution making continuing appropriations for the fiscal year 1962, 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 President pro tempore:

H.R. 5723. An act to extend the veterans' guaranteed and direct home loan program and to provide additional funds for the veterans' direct loan program;

H.R. 7677. An act to increase for a 1-year period the public debt limit set forth in section 21 of the Second Liberty Bond Act; and

S.J. Res. 106. Joint resolution transferring the management of the Senate restaurants to the Architect of the Capitol, and for other purposes.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred as indicated:

H.R. 7851. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes; and

H.J. Res. 465. Joint resolution making continuing appropriations for the fiscal year 1962, and for other purposes; to the Committee on Appropriations.

H.J. Res. 392. Joint resolution to amend the joint resolution of March 25, 1953, relating to electrical and mechanical office equipment for the use of Members, officers, and committees of the House of Representatives to provide that Members having constituencies of 500,000 shall be entitled to an additional $500 worth of equipment; to increase the number of electric typewriters which may be furnished Members; and for other purposes; to the Committee on Rules and Administration.

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

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Constitutional Amendments Subcommittee of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

On request of Mr. MANSFIELD, and by unanimous consent, the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

DISARMAMENT AGENCY FOR WORLD PEACE AND SECURITY

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation to establish a U.S. Disarmament Agency for World Peace and Security, which, with the accompanying papers, was referred to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 866. An act to amend section 4004 of title 38, United States Code, to require that the Board of Veterans' Appeals render findings of fact and conclusions of law in the opinions setting forth its decisions on appeals (Rept. No. 491);

H.R. 2953. An act to amend section 521 of title 38, United States Code, to provide that certain service shall be creditable for pension purposes (Rept. No. 490);

H.R. 3385. An act to amend the Tariff Act of 1930 to provide for the free entry of electron microscopes and certain other apparatus imported by, or on behalf of, certain institutions (Rept. No. 482);

H.R. 4539. An act to amend section 723 of title 38 of the United States Code to provide for immediate payment of dividends on in-

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surance heretofore issued under section 621 of the National Service Life Insurance Act of 1940 which has been converted or exchanged for new insurance under such section, and for other purposes (Rept. No. 489);

H.R. 6269. An act to extend the provisions for benefits based on limited periods immediately following discharge from active duty after December 31, 1956, to veterans discharged before that date (Rept. No. 492); and

H.R. 7148. An act to equalize the provisions of title 38, United States Code, relating to the transportation of the remains of veterans who die in Veterans' Administration facilities to the place of burial (Rept. No. 493).

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 6611. An act to amend paragraph 1798(c) (2) of the Tariff Act of 1930 to reduce temporarily the exemption from duty enjoyed by returning residents, and for other purposes (Rept. No. 483).

By Mr. HAYDEN, from the Committee on Appropriations, without amendment:

H.J. Res. 465. Joint resolution making continuing appropriations for the fiscal year 1962, and for other purposes.

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service, with an amendment:

S. 1458. A bill to amend the act of July 8, 1940, relating to the transportation of the remains, families, and effects of Federal employees dying abroad, so as to restore the benefits of such act to employees dying in Alaska and Hawaii, and for other purposes (Rept. No. 484).

By Mr. YARBOROUGH, from the Committee on Post Office and Civil Service, without amendment:

S. 841. A bill to amend the Defense Department Oversea Teachers Pay and Personnel Practices Act, and for other purposes (Rept. No. 485).

By Mr. CLARK, from the Committee on Post Office and Civil Service, with amendments:

S. 739. A bill to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, to provide for permanent indefinite appropriation to said fund, and for other purposes (Rept. No. 497).

By Mr. STENNIS, from the Committee on Armed Services, without amendment:

S. 1087. A bill to authorize and direct the transfer of certain Federal property to the government of American Samoa (Rept. No. 486).

By Mrs. SMITH of Maine, from the Committee on Armed Services, without amendment:

H.R. 4349. An act to place Naval Reserve Officers' Training Corps graduates (Regulars) in a status comparable with U.S. Naval Academy graduates (Rept. No. 496).

By Mr. KERR, from the Committee on Public Works, without amendment:

S. 931. A bill to repeal that part of the act of March 2, 1889, as amended, which requires that grantors furnish, free of all expenses to the Government, all requisite abstracts, official certifications, and evidences of title (Rept. No. 487).

By Mr. KERR, from the Committee on Public Works, with amendments:

S. 51. A bill to provide for a Commission on Presidential Office Space (Rept. No. 488).

By Mr. KEATING, from the Committee on the Judiciary, without amendment:

H.R. 4206. An act for the relief of Melvin H. Baker and Frances V. Baker (Rept. No. 495).

By Mr. ENGLE, from the Committee on Commerce, with amendments:

S. 1690. A bill to amend title VI of the Merchant Marine Act, 1936, as amended, in order to increase certain limitations in payments on account of operating-differential subsidy under such title (Rept. No. 494).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. RUSSELL, from the Committee on Armed Services:

Vice Adm. George W. Anderson, U.S. Navy, to be Chief of Naval Operations in the Department of the Navy, with the rank of admiral; and

Charles S. Brewton, of Alabama, to be an Assistant Director of the Office of Civil and Defense Mobilization.

By Mr. SYMINGTON, from the Committee on Armed Services:

Gen. Frank F. Everest (major general, Regular Air Force), U.S. Air Force, and sundry other officers, to be placed on the retired list.

By Mr. ERVIN, from the Committee on Armed Services:

Lt. Gen. Joseph C. Burger, U.S. Marine Corps, to be placed on the retired list with the grade of lieutenant general;

Rear Adm. Floyd B. Schultz, U.S. Navy, for permanent appointment to the grade of rear admiral;

Rear Adm. Emerson E. Fawkes, U.S. Navy, for permanent appointment to the grade of rear admiral;

Adm. Arleigh A. Burke, U.S. Navy, to be placed on the retired list in the grade of admiral; and

Gen. Clyde Davis Eddleman, Army of the United States (major general, U.S. Army), and Gen. Charles Day Palmer, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general; Lt. Gen. Harry Purnell Storke, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general; and Maj. Gen. Hamilton Hawkins Howze, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the rank of lieutenant general

Mr. CANNON. Mr. President, from the Committee on Armed Services, I report favorably the nominations of 567 officers for appointment and promotion in the Navy and Marine Corps in the grades of commander and lieutenant colonel and below. All of these names have already appeared in the RECORD. In order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk, for the information of any Senator.

The PRESIDING OFFICER. The report will be received, and the nominations will lie on the desk, as requested by the Senator from Nevada.

The nominations are as follows:

Kenneth D. Brodeur, midshipman (Naval Academy), and sundry other officers, for appointment and promotion in the Navy and Marine Corps.

By Mr. HILL, from the Committee on Labor and Public Welfare:

Carl I. Pirkle, and sundry other candidates, for personnel action in the Regular Corps of the Public Health Service.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. KEATING:

S. 2168. A bill to extend the date of termination of the provisions of the law authorizing issuance of special nonquota immigrant visas to certain alien orphans; 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. LONG of Hawaii:

S. 2169. A bill for the relief of Teck S. Lian, M.D.; to the Committee on the Judiciary.

By Mr. BARTLETT (for Mr. BURDICK):

S. 2170. A bill for the relief of Dr. John Wing Wong; to the Committee on the Judiciary.

By Mr. SCHOEPPEL:

S. 2171. A bill to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to foreign air carrier permits; to the Committee on Commerce.

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

By Mr. MOSS:

S. 2172. A bill to clarify the intent of Congress in the act of September 2, 1958, relating to exchange of lands between the United States and the Navajo Tribe; to the Committee on Interior and Insular Affairs.

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

S. 2173. A bill to provide that excess personal property of the United States may be donated to the States for the promotion of fish and wildlife management activities, and for other purposes; to the Committee on Government Operations.

By Mr. BUTLER:

S. 2174. A bill for the relief of Constantine Kiormourtlaglou; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2175. A bill to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes; to the Committee on Commerce.

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

By Mr. BRIDGES (for himself, Mr. BEALL, Mr. BENNETT, Mr. BOGGS, Mr. BUTLER, Mr. CARLSON, Mr. COTTON, Mr. CURTIS, Mr. DIRKSEN, Mr. DWORSHAK, Mr. HICKENLOOPER, Mr. KERR, Mr. MUNDT, Mr. SCHOEPPEL, Mrs. SMITH of Maine, Mr. THURMOND, Mr. TOWER, and Mr. WILLIAMS of Delaware):

S. 2176. A bill to provide for the inclusion of certain producers and growers of raw materials as interested parties in escape clause proceedings under the Trade Agreements Extension Act of 1951, to make mandatory the recommendations of the U.S. Tariff Commission in such proceedings, and for other purposes; to the Committee on Finance.

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

By Mr. CASE of South Dakota:

S. 2177. A bill for the relief of Howard M. Sauer, commander, U.S. Navy Reserve; to the Committee on the Judiciary.

By Mr. SCHOEPPEL:

S. 2178. A bill for the relief of Eventhia K. Perdaris; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 2179. A bill to amend section 9(d)(1) of the Reclamation Project Act of 1939 (53 Stat. 1187; 43 U.S.C. 485), to make additional provision for irrigation blocks, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. HUMPHREY (for himself, Mr. SPARKMAN, Mr. WILEY, Mr. HART, Mr. CLARK, Mr. ANDERSON, Mr. COOPER, Mr. RANDOLPH, and Mr. MCGEE):

S. 2180. A bill to establish a U.S. Disarmament Agency for World Peace and Security; to the Committee on Government Operations.

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

By Mr. MCNAMARA:

S. 2181. A bill to assist individuals to obtain retirement benefits protected against increases in the cost of living by providing for the issuance by the Treasury of a new series of bonds containing adjustments, under certain conditions, in maturity and redemption values to compensate for increases in the cost of living which may be purchased by individuals and eligible institutions; to the Committee on Finance.

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

By Mr. KEATING:

S. 2182. A bill to amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery the outcome of sporting contests, and for other purposes; 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. CHURCH (by request):

S. 2183. A bill to donate to certain Indian tribes some submarginal lands of the United States, and to make such lands parts of the reservations involved; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Massachusetts:

S. 2184. A bill for the relief of Mrs. Heghine Tomassian; and

S. 2185. A bill for the relief of Dr. Shiro Shimosato; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 2186. A bill for the relief of Manuel Arranz Rodriguez; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2187. A bill to implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954; to the Committee on Commerce.

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

By Mr. ALLOTT:

S. 2188. A bill relating to membership in Indian tribal organizations; to the Committee on Interior and Insular Affairs.

By Mr. KEATING:

S. 2189. A bill to establish an Office of Federal Administrative Practice and to provide for the appointment and administration of a corps of Hearing Commissioners, and for other purposes; to the Committee on Government Operations.

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

By Mr. PELL (for himself and Mr. PASTORE):

S. 2190. A bill to authorize and direct the Secretary of the Navy to convey a portion of Fort Adams, Newport, R.I., to the State of Rhode Island; to the Committee on Armed Services.

By Mr. CASE of South Dakota:

S. 2191. A bill to provide for safety belts on motor vehicles sold in interstate commerce; to the Committee on Commerce.

By Mr. SMITH of Massachusetts:

S. 2192. A bill for the relief of Maria Pimento de Sousa Vieira; to the Committee on the Judiciary.

By Mr. DIRKSEN:

S. 2193. A bill to authorize the Secretary of the Army to convey the U.S.S. *Mississippi* to the State of Illinois in order that such steamer may be preserved by such State for its historical value; to the Committee on Public Works.

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

By Mr. LONG of Louisiana:

S.J. Res. 112. Joint resolution authorizing the President of the United States to designate the third week in September annually as National Women in Construction Week; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S.J. Res. 113. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

RESOLUTION

SUGGESTED FORMS FOR CERTIFICATES OF APPOINTMENT OR ELECTION OF SENATORS

Mr. MANSFIELD submitted the following resolution (S. Res. 170); which was referred to the Committee on Rules and Administration:

Resolved, That Senate Resolution 110, suggesting suitable forms for certificates of appointment or election of Senators, agreed to on January 4, 1934, be, and the same is hereby, amended to read:

"*Resolved*, That, in the opinion of the Senate, the following are convenient and sufficient forms of the certificates of election of a Senator for a six-year term or an unexpired term, or for the appointment of a Senator to fill a vacancy, to be signed by the executive of any State in pursuance of the Constitution and the statutes of the United States:

" 'CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

" 'TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

" 'This is to certify that on the — day of ———, 19—, A——— B——— was duly chosen by the qualified electors of the State of ——— a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 19—.

" 'Witness: His excellency our Governor, ———, and our seal hereto affixed at —— this —— day of ——, in the year of our Lord 19—.

" 'By the Governor:

" 'C——— D———,
" 'Governor.

" 'E——— F———,
" 'Secretary of State.'

" 'CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

" 'TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

" 'This is to certify that on the ——— day of ———, 19—, A——— B——— was duly chosen by the qualified electors of the State of ——— a Senator for the unexpired term ending at noon on the 3d day of January, 19—, to fill the vacancy in the representation from said State in the Senate of the United States caused by the ——— of C——— D———.

" 'Witness: His excellency our Governor, and our seal hereto affixed at ——— this ——— day of ———, in the year of our Lord 19—.

" 'By the Governor:

" 'E——— F———,
" 'Governor.

" 'G——— H———,
" 'Secretary of State.'

" 'CERTIFICATE OF APPOINTMENT

" 'TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

" 'This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of ———, I, A——— B———, the governor of said State, do hereby appoint C——— D——— a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the ——— of E——— F———, is filled by election as provided by law.

" 'Witness: His excellency our Governor, ———, and our seal hereto affixed at ——— this ——— day of ———, in the year of our Lord 19—.

" 'By the Governor:

" 'G——— H———,
" 'Governor.

" 'I——— J———,
" 'Secretary of State.'

"*Resolved*, That the Secretary of Senate shall send copies of these suggested forms and these resolutions to the executive and secretary of each State wherein an election is about to take place or an appointment is to be made in season that they may use such forms if they see fit."

EXTENSION OF ALIEN ORPHAN ADOPTION PROGRAM

Mr. KEATING. Mr. President, tomorrow the present alien orphan adoption program may come to an end unless there is action by the Congress to extend this 13-year-old legislation. This legislation exemplifies in the finest manner the charitable and humanitarian instincts of this great Nation. This is especially true at a time when the world faces considerable turmoil and friction among international powers. It is fitting that the Congress should pause to conside the unfortunate children of the world who oftentimes are the innocent victims of this struggle.

Several bills dealing with this vital program have been introduced by Members of this body. The distinguished junior Senator from Oregon [Mrs. NEUBERGER] has shown her interest by proposing legislation which would extend the program for a 3-year period. The distinguished minority leader has also introduced proposed legislation extending the provisions of this act. The distinguished senior Senator from Wisconsin [Mr. WILEY], along with my colleague from New York [Mr. JAVITS] and myself, has sponsored a bill to extend indefinitely the provisions of this law, in a somewhat modified form. However, to date no action has been taken on any of these proposals, and no hearings have been scheduled to examine the merits of this proposed legislation.

The full meaning of this inaction on our part is vividly displayed in letters and telegrams on this subject which I receive daily from Americans throughout the United States. In a joint telegram to me, the Church World Service,

the Lutheran Immigration Service, the Catholic Relief Services, the American Fund for Czechoslovak Refugees, the United H.I.A.S. Service, and the International Rescue Committee have urged the Congress to make the alien orphan legislation permanent.

A lady from Corning, N.Y., says:

> When the alien orphan bill comes up for extension, I urge you please vote in favor of it. I feel this is a very direct way that we, as individuals, can help to combat communism.

Another lady from Webster, N.Y., has sent me a picture of her adopted Korean child, taken on Christmas morning. On the picture she states:

> Alan's greatest gift was a home in America where he can develop to the limit of his potential.

There are scores of other letters that I have received on this heartening subject. The mail I have received on this issue is as warm, tender, and moving as any mail I have received in my office on any other subject. This law has become a symbol of America's faith in the young, the poor, the downtrodden children from around the world. It is a soul-satisfying program, which, to an extent, is the fulfillment of the most noble spiritual instincts in the American people.

Tomorrow the program will lapse. With its lapse go the hopes of a poor waif in Italy, of a parentless child in Greece, of a starving, abandoned orphan in Korea, of a homeless child in Hong Kong, and also the hopes of a multitude of Americans who are in the middle of the adoption process. Many tears will be shed tomorrow if this program comes to an end because of the failure of Congress to act on this legislation.

I believe with all my heart in the grand purpose of this program, and that is why I have supported legislation which would indefinitely extend the alien orphan adoption program.

My concern today, however, is not in regard to the form in which the alien orphan adoption program is continued, but is whether the program will be continued at all. I am sure that is the concern that is being expressed by thousands of people all over this country.

Some are proposing that we abandon the alien orphan adoption program in favor of paroling these children into the United States under section 212(D)(5) of the Immigration and Nationality Act. Under this provision—

> The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States.

This was the section used by President Eisenhower in paroling the Hungarian refugees into the United States at the end of the Hungarian uprising. But orphaned children should not be treated like political refugees. The status of parolees under this section would be indefinite, and it would take several years before an adjustment of status to that of a permanent resident could be achieved. I do not believe that small children coming to the United States to be adopted by our fellow Americans should be subjected to a parole status and the other restrictions applicable to ordinary aliens.

Mr. President, we are dealing with children who are without families, and are too young to take care of themselves. Their welfare must be uppermost in our minds as we attempt to continue this humanitarian law. We should examine ways of improving the law; but, foremost, we must demonstrate our unflagging confidence in its fundamental objective—namely, giving to parentless children around the world an opportunity to enter the homes of American couples. To all of us with children and grandchildren, there is nothing more pleasing to the heart than the warmth provided by the smile of a happy child. Through the continuation of this law, it is hoped that many American couples will realize that joy, and that many brokenhearted children will smile again.

Mr. President, I introduce for appropriate reference, a bill to extend the alien orphan adoption law for 2 years, and ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. JORDAN 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. 2168) to extend the date termination of the provisions of law authorizing issuance of special nonquota immigrant visas to certain alien orphans, 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 subsection (a) of section 4 of the Act entitled "An Act to amend the Immigration and Nationality Act, and for other purposes," approved September 11, 1957 (71 Stat. 639), providing temporary authority for issuance of nonquota visas to certain "eligible orphans" adopted or to be adopted by United States citizens (and their spouses), is amended by striking "June 30, 1961", and inserting in lieu thereof "June 30, 1963."

REQUIREMENTS WITH RESPECT TO FOREIGN AIR CARRIER PERMITS

Mr. SCHOEPPEL. Mr. President, it has become increasingly obvious in recent months and weeks that our country's policies with respect to international air transportation need a thoroughgoing reexamination—a new look.

The pages of the press, particularly the aviation trade press, are filled with stories about the problems of international and foreign air carriers; complaints about violations of agreements; disputes among negotiators; and a host of similar situations.

There is no need for me to go into this situation in detail. The junior Senator from New Hampshire [Mr. COTTON] graphically outlined the whole picture in his remarks to the Senate earlier this week, which appear on page 11274 of the CONGRESSIONAL RECORD for June 26. Senator COTTON proposed that the Senate Committee on Commerce undertake a comprehensive inquiry into international air transportation, and I fully agree with him on this.

As he pointed out, our policies with respect to international air transportation are based on the principles embodied in the Bermuda negotiations of 1947. There is a grave question as to whether they are applicable to the problems of 1961. As Chairman Alan Boyd, of the Civil Aeronautics Board, recently pointed out:

> The Bermuda principles are subject to serious criticism today, and it is questionable in our minds whether we can hold on to these principles.

The Bermuda principles are the basic foundations for our negotiations with other countries over international airline traffic rights, and these negotiations, when successful, result in an international agreement. As far as this country is concerned, the product of such bilateral talks are executive agreements. They do not come to the Senate for ratification. They do not come to the Congress for any consideration or review. However, these agreements have the status of treaties in a number of foreign countries and require the approval of their parliaments.

To correct this situation, I introduce, for appropriate reference, a bill to amend the Federal Aviation Act so as, in effect, to require that international air agreements hereafter negotiated be sent to the Senate for ratification as treaties.

The bill will elevate these agreements, and the negotiations leading up to them, to the stature they deserve in the light of our extensive international air transport interests. It will give our negotiators the same firm footing and legislative backing that their counterparts in other countries of the world already possess.

Furthermore, there is good reason to believe that some of the previous agreements have given foreign airlines traffic rights which are many times more valuable than those obtained for U.S. air carriers. Submission of these agreements to the Senate as treaties will provide a check on this—a proper forum for evaluating their effect on our international airline industry and on our overall foreign policy.

The proposed legislation is simple and straightforward. It provides that before the CAB can issue a permit for a foreign air carrier to engage in foreign air transportation it must find that the permit is authorized by a previous agreement or by a treaty entered into hereafter.

I introduce the bill for appropriate reference.

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

The bill (S. 2171) to amend the Federal Aviation Act of 1958 in order to

establish certain requirements with respect to foreign air carriers permits, introduced by Mr. SCHOEPPEL, was received, read twice by its title, and referred to the Committee on Commerce.

LAND ACQUISITION FOR MIGRATORY BIRD REFUGES

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference a bill to provide for the acceleration of the land acquisition program for the migratory bird refuges and waterfowl nesting areas.

The passage of this bill is a critical factor in the preservation of our duck population. Originally there were some 127 million acres of wetlands in the 48 contiguous States. By 1955 the demands of modern civilization for more agricultural lands, more industrial sites, more roads, and more housing developments had reduced the total area to 74 million acres.

This year Frank Briggs, Assistant Secretary of the Interior, estimates that only 22.5 million acres—less than a third of the 1955 area—is of significant value for migratory waterfowl use. This progressive shrinkage will accelerate during the coming decade unless the Congress takes drastic measures to halt it.

This bill authorizes the appropriation of $150 million over the next 10 years to speed up purchase of lands for migratory waterfowl refuges. Although the Government has acquired a certain amount of land already with revenues from the duck stamp fees contributed by the duck hunters themselves, the program has been too limited. It would take years at the present rate to reach the anticipated goal of 4.5 million acres.

Meanwhile, waterfowl hunting grows poorer, and fewer hunters take to the fields. As a result, duck stamp sales are declining. In 1960 the sales were two-thirds of the 1955 total. As revenues diminish, so do the possibilities for Federal acquisition of lands and the preservation of our waterfowl population.

The funds as provided in this bill shall be repaid to the Treasury—beginning in 1972. The revenue from the sale of Migratory Bird Stamps will continue to be used for the purchase of wetlands until fiscal year 1972. In 1972 three-quarters of the stamp revenues will be returned to the Treasury each year until the total amount is paid. By creating the wetlands, we shall also be creating the means to repay the funds advanced to the migratory bird conservation fund.

The National Wildlife Federation in its 25th annual convention this year placed the acquisition of waterfowl nesting areas by the Federal Government first on its list of objectives of major importance to conservation.

This proposal, Mr. President, has been approved by the Department of the Interior and the Bureau of the Budget advises that it is in accord with the program of the President.

I am hopeful that this legislation will receive the prompt consideration of the Senate and that before this Congress adjourns this bill will be enacted into law.

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

The bill (S. 2175) to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Commerce.

AMENDMENT OF RECLAMATION PROJECT ACT OF 1939, TO MAKE ADDITIONAL PROVISION FOR IRRIGATION BLOCKS

Mr. ANDERSON. Mr. President, at the request of the Secretary of the Interior, I introduce for appropriate reference a bill to amend section 9(d)(1) of the Reclamation Project Act of 1939 (53 Stat. 1187; 43 U.S.C. 485), to make additional provision for irrigation blocks, and for other purposes.

I ask unanimous consent that the letter of transmittal from the Secretary be included at this point in the RECORD.

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

The bill (S. 2179) to amend section 9(d)(1) of the Reclamation Project Act of 1939 (53 Stat. 1187; 43 U.S.C. 485), to make additional provision for irrigation blocks, and for other purposes, introduced by Mr. ANDERSON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. ANDERSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 9, 1961.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill to amend section 9(d)(1) of the Reclamation Project Act of 1939 (53 Stat. 1187; 43 U.S.C. 485), to make additional provision for irrigation blocks, and for other purposes.

We request that the proposed bill be referred to the appropriate committee for consideration and we recommend that the bill be enacted.

This bill would authorize the Secretary of the Interior to amend repayment contracts with irrigation districts to provide for block development where that was not initially provided for, to extend the length of development periods to a total of not more than 10 years, and to cancel supplemental repayment contracts in those cases where the extending of the development period would do away with the necessity of the supplemental contract.

Section 1 of the proposed bill would authorize the Secretary, where irrigation blocks were not provided for in an existing repayment contract, to amend the contract to provide for such block development. Experience with repayment contracts during the past 20 years has indicated the need for authority to amend contracts from time to time to provide for irrigation blocks. Section 9(d) of the Reclamation Project Act of 1939 authorizes the Secretary to include provisions in repayment contracts for the establishment of irrigation blocks within an irrigation district. Block development permits irrigation to get started earlier in part of a district as soon as progress with construction will permit, while construction proceeds elsewhere on district works.

In some cases a repayment contract may be executed some 5 to 15 years before water becomes available for district lands. In many instances, repayment contracts have been executed without providing for irrigation blocks. While the original intent may have been to initiate irrigation water deliveries for all lands substantially at the same time, subsequent events have sometimes indicated the desirability of changing over to block development. Some of these reasons include unanticipated changes in availability of Federal funds for construction, variations in rate of progress with actual construction, and variations in actual weather conditions which justify revision in construction programs. Thus, variations in national budgetary requirements unrelated to the actual construction program for a specific irrigation district may significantly alter the construction program of irrigation facilities designed to serve a specific district. Section 1 of the proposed bill would authorize the Secretary to amend repayment contracts to take account of these subsequent developments insofar as block development is concerned.

Section 2 of the proposed bill would authorize the Secretary, where a development period of less than 10 years has been established by contract pursuant to section 9(d)(1) of the Reclamation Project Act of 1939, to amend the repayment contract to extend the length of the development period but not beyond a total of 10 years. Where the development period was established pursuant to a notice specified in a repayment contract, the Secretary would also be authorized to amend said notice to extend the length of the development period in a similar manner. Under the provisions of the draft bill, the Secretary could also grant a development period of not to exceed 10 years where none had been granted originally. Such action could be taken more than once with respect to a repayment contract so long as the total period does not exceed 10 years. The authority could be exercised only after execution of the repayment contract and prior to commencement of the repayment period on the basis of pertinent conditions arising since the previous action with respect to the development period. The draft bill is general in scope and would apply to all appropriate irrigation projects.

The need for additional general legislation can best be understood in terms of the purposes served by a development period. Existing reclamation law provides that the Secretary, in establishing the terms for repayment contract, may establish a so-called development period of not to exceed 10 years, which period precedes the project repayment period. The purpose of the development period is to give project farmers a reasonable period of time to prepare their lands for irrigation, establish suitable crops, and accomplish reasonably full farm productivity before beginning repayment of project construction costs to the United States. The early years of irrigation normally require heavy private expenditures and investments by the irrigator. The necessity for these higher private costs in the early years of irrigation is recognized in the provision of reclamation law that the irrigators will pay operation and maintenance costs only and nothing on construction costs during the development period.

In actual practice, the exact length of the development period is fixed by the Secretary, under existing reclamation law, at the time the repayment contract is approved for execution on behalf of the water users' organization. The policy of requiring executed

as I said before, and expressed our criticism of the amendment; not of the objective of the amendment, but of the terms of the amendment, which specifically named the nations involved and which also would deprive the President of any discretion, an authority the President has had in the past, as he has under the present law.

In order that this may be clear, without any question, Mr. President, I ask unanimous consent to have printed in the RECORD a statement of the position of the executive branch, which I hold in my hand. It is rather long. I do not think it adds anything to what I have already said. I shall read only a sentence or two, but I am willing to read the remainder, if any Senator wishes to have me do so.

The executive branch strongly opposes the amendment as being inconsistent with both the President's program and the Senate's own policy in this matter.

First, the amendment would be contrary to a critical part of the President's program as outlined in his state of the Union address of January 30, 1961.

The last sentence is:

The executive branch is at a loss to understand what conditions would now warrant a repudiation of the President's program and the Senate's recorded policy on this important question.

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

PROHIBITION ON ASSISTANCE TO SINO-SOVIET BLOC

EXECUTIVE BRANCH POSITION

The executive branch strongly opposes the amendment as being inconsistent with both the President's program and the Senate's own policy on this matter.

First, the amendment would be contrary to a critical part of the President's program as outlined in his state of the Union address of January 30, 1961. In that address, he stated:

"Finally, while our attention is centered on the development of the non-Communist world, we must never forget our hopes for the ultimate freedom and welfare of the Eastern European peoples. In order to help reestablish historic ties of friendship, I am asking Congress for increased discretion to use economic tools in the area wherever this is found to be clearly in the national interest."

The amendment would, for the first time since the inception of the foreign aid program, impose an absolute prohibition on the furnishing of assistance to the satellite countries at the very time that the President has made a special plea for increased authority.

Second, the amendment would be at variance with the Senate's passage of S. 1215 on May 11, 1961. That bill amends the Battle Act so as to permit the President, upon a finding that it is important to the national security, to use authorities not only under the Foreign Aid Act but also under Public Law 480 and the Export-Import Bank Act to furnish nonmilitary assistance to satellite countries. In passing S. 1215, the Senate clearly recognized the need for discretionary authority in the President to respond to situations in these areas.

The executive branch is at a loss to understand what conditions would now warrant a repudiation of the President's program and the Senate's recorded policy on this important question.

Mr. FULBRIGHT. Mr. President, I do not think there is any question about the attitude of the administration. I can only reiterate what I have said with regard to the position of the senior Senator from Connecticut. It has been stated very clearly by the Senator from Kentucky, who has had experience in the executive branch under the previous administration. These things are not all black and white. They are fluid. They shift. That is why the Executive must have discretion.

Once we take the action proposed, if it is in the law there will no longer be any discretion for any kind of a change which may take place. Certainly we have witnessed many dramatic changes in the last several years. The Senator from Oklahoma made it very clear why it is quite possible that some of the countries the Senator from Utah mentioned could easily fall within the criteria proposed to be established by the amendment of the Senator from Connecticut. It could change in that direction. It also could change in the opposite direction. We hope it may change. We hope the situation will be clarified.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. Do I correctly understand the Chairman's position to be that he favors the amendment offered by the senior Senator from Connecticut over that offered by the junior Senator from Connecticut; and, second, if the amendment is adopted, he favors writing it into the bill?

Mr. FULBRIGHT. I do. I shall not only support the amendment, but I shall support the amendment as proposed to be amended by the amendment of the senior Senator from Connecticut.

Mr. SALTONSTALL. Is there not another objection to the amendment offered by the junior Senator from Connecticut, that it includes the whole of section 614, instead of section 614(c)?

Mr. FULBRIGHT. I think both of those objections are valid objections, as outlined by the senior Senator from Connecticut.

Mr. ROBERTSON. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. ROBERTSON. If the Bush amendment is agreed to, the Senate then will vote on the original amendment as amended by the Bush amendment?

Mr. FULBRIGHT. As amended. That is true. I expect to support that amendment, if the Bush amendment is agreed to.

Mr. ROBERTSON. If the Bush amendment is rejected, the Senate will then vote on the Dodd amendment?

Mr. FULBRIGHT. Then the Senate would vote on the Dodd amendment.

Mr. SALTONSTALL. The Senator is opposed to the Dodd amendment?

Mr. FULBRIGHT. I am not opposed to the objective of the amendment. I am strongly opposed to the method used. I shall vote against that amendment if the Bush amendment is rejected.

Mr. DODD. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. I wish to be sure I understand. I was not able to hear fully what the Senator from Arkansas said.

If the Bush amendment is agreed to, thereafter will this body have an opportunity to vote on the Dodd amendment?

Mr. FULBRIGHT. Only as amended.

Mr. DODD. As amended?

Mr. FULBRIGHT. That is correct; only as amended.

The PRESIDING OFFICER. The Senate would then vote on the Dodd amendment as amended by the Bush amendment.

Mr. MUNDT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MUNDT. Is the Senator from South Dakota correct in stating that if the Bush amendment is agreed to, the Dodd amendment would be eliminated, because the Bush amendment is an amendment in the nature of a substitute?

Mr. DODD. Mr. President, that is exactly my point. That is what I want to know.

The PRESIDING OFFICER. From the advice given to the Chair, it occurs to the Chair that, for all practical purposes, if the Bush amendment is agreed to, the language substituted by the Bush amendment would eliminate the language of the Dodd amendment. However, I am advised that we will still have to vote on the Dodd amendment, which would contain the language of the Bush amendment. That eliminates the language of the Dodd amendment.

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. In effect, then, the Senate would vote twice on the Bush amendment?

The PRESIDING OFFICER. That would be the effect.

Mr. DODD. There would then not be a rollcall vote, I assume, on the second vote.

Mr. FULBRIGHT. The yeas and nays have been ordered on both amendments.

The PRESIDING OFFICER. The yeas and nays have been ordered on both amendments. Therefore, unless unanimous consent is requested and granted to eliminate one of the yea-and-nay votes, both yea-and-nay votes will be taken.

Mr. DIRKSEN. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. Thirty minutes on the opposition side.

Mr. DIRKSEN. On the bill or on the amendment?

The PRESIDING OFFICER. On the amendment.

Mr. FULBRIGHT. The time has been yielded back by both sides on the amendment.

Mr. DIRKSEN. Mr. President, I yield myself 5 mintes on the bill.

Sometimes a postscript to history can bring a little light to the subject that is before us now. When I served in the rather humble capacity of minority whip some years ago, an almost identical question arose. The then President of the

that the parties give consideration to the formulation of amendments to the Convention at the earliest practicable date to bring about—

"(1) International uniformity in fines and penalties;

"(2) International uniformity of enforcement;

"(3) A more realistic definition of what shall constitute oil pollution;

"(4) The right of access of each contracting government to the official reports of other contracting governments filed with the bureau which relate to its own vessels; and

"(5) A more flexible arrangement for fixing the time within which contracting governments shall notify the bureau whether or not they accept an amendment."

The Committee on Foreign Relations in its favorable report to the Senate on the Convention (Exec. Rept. No. 4) noted that implementing legislation would be required and that the administration had stated the instrument of acceptance would not be deposited until such legislation had been enacted.

The provisions incorporated in the implementing bill, submitted herewith, may be summarized as follows:

Section 1 states that this "Act * * * may be cited as the 'Oil Pollution Act, 1961'."

Section 2 contains definitions of the terms used in the Act.

Section 3, which follows article III of the Convention and implements it where necessary, makes it unlawful for any person to discharge oil from a ship in certain areas on the seas.

Section 4 and 5 follow articles IV and V of the Convention, and specify a number of circumstances or exceptions under which section 3 shall not apply.

Section 6 follows the provisions of article VI of the Convention regarding imposition of penalties. Article VI requires that such penalties shall not be less than those applicable to discharge of oil within territorial waters.

Section 7 provides that the Coast Guard may, subject to 46 U.S.C. 239, suspend or revoke a license issued to the master or other licensed officer of any vessel found violating this Act or the regulations issued thereunder.

Section 8 provides administrative machinery for enforcement of the act.

Section 9 follows article IX of the Convention and provides that an oil record book in the form specified in the schedule to the act shall be carried in every ship of American registry. In addition, this section provides for a fine if any person fails to comply with the requirements imposed by or under this section.

Section 10 authorizes the promulgation of regulations for the administration of sections 3, 4, 5, 8(a), and 9.

Section 11 follows article X of the Convention and provides for inspection of oil record books on foreign vessels within the territorial jurisdiction of the United States.

Section 12 authorizes appropriations to carry out the act.

Section 13 provides that if a provision of the act is held invalid, this shall not affect the applicability and effectiveness of other provisions.

Section 14 provides that existing legislation for the control of pollution in territorial waters and the general authority of the Coast Guard to enforce U.S. laws are to continue in effect without modification.

Section 15 provides that the act shall become effective on the date of enactment or on the date of acceptance of the Convention, whichever is the later.

A similar communication is being sent to the Speaker of the House of Representatives.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the submission of the legislation for the consideration of the Congress.

Sincerely yours,

DEAN RUSK.

THE STEAMER "MISSISSIPPI"

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Army to convey the steamer *Mississippi* to the State of Illinois in order to preserve it as a part of a river museum established at Cairo Point-Port Defiance State Park, situated at the confluence of the Mississippi River and the Ohio River at Cairo, Ill.

This park was dedicated about a year ago and is now in the final stages of development as one of the major tourist and recreational spots in the great land of Lincoln. Already a unique three-story building, patterned after a river boat in general design has been constructed as a part of the river museum.

With its natural, unmatched and geographic location no other site in the United States can compete with the Cairo Point-Fort Defiance State Park as a natural and logical monument to retire the historic steamer *Mississippi*.

Furthermore, officials of Southern Illinois University have expressed interest in establishing a cultural and musical center in this area, including special programs in river-transportation training.

At this point in the RECORD, Mr. President, I ask unanimous consent to have included as a part of my remarks a communication from the Illinois State Historical Society concerning this proposal.

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

The bill (S. 2193) to authorize the Secretary of the Army to convey the U.S. steamer *Mississippi* to the State of Illinois in order that such steamer may be preserved by such State for its historical value, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Public Works.

The letter presented by Mr. DIRKSEN is as follows:

ILLINOIS STATE HISTORICAL SOCIETY,
Springfield, Ill., May 9, 1961.

The Honorable EVERETT MCKINLEY DIRKSEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DIRKSEN: The board of directors of the Illinois State Historical Society at its spring meeting held in Cairo, Ill., on April 23, 1961, directed me to write to you concerning the *Mississippi*, a boat that is now the property of the U.S. Corps of Engineers.

The *Mississippi* is soon to be replaced by a new boat and will thus become surplus Government property. The Cairo Historical Association would like to have the boat converted into a museum of Mississippi River history. The old *Mississippi* would be placed on a concrete foundation in Cairo Point-Fort Defiance State Park, located at the confluence of the Ohio and Mississippi Rivers. Since the Illinois Department of Conservation has charge of the State park system, title to the *Mississippi* should be transferred to that agency.

The society's directors are aware that several Mississippi River communities also want the boat—among them St. Louis, Memphis, and New Orleans—but they believe that Illinois has the most worthwhile program for the future of the old *Mississippi*.

We, therefore, urge your support for the plan to acquire the *Mississippi* and convert it into a river museum.

Sincerely yours,

CLYDE C. WALTON.

A PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO METHOD OF ELECTING PRESIDENT AND VICE PRESIDENT

Mr. KEFAUVER. Mr. President, I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution relating to the method of electing the President and Vice President. I have previously introduced Senate Joint Resolution 17 on the same subject and it continues to be the proposal which I most favor. I feel though that there is considerable merit in the Kennedy proposal and it would greatly improve the present unsatisfactory electoral system.

The Subcommittee on Constitutional Amendments is currently holding hearings on a number of Senate joint resolutions proposing constitutional amendments on the method of electing the President. Yesterday, Mr. Nicholas deB. Katzenbach, Assistant Attorney General, Office of Legal Counsel, testified as the representative of the Department of Justice. He stated that the Department did not support any of the amendments which have been introduced in this Congress, but instead favored the amendment proposed by President Kennedy when he was a Member of the Senate in 1956. The joint resolution which I introduce today is identical to that proposed by then Senator Kennedy as Senate Joint Resolution 132 in the 85th Congress, 1st session.

I now introduce this proposed amendment so that the Senate may have before it a resolution embodying the electorial reform supported by the Department of Justice, and presumably favored by the President of the United States. I am very hopeful that some amendment on this subject will be approved at this session of the Congress, and I believe this proposal should be before the Subcommittee on Constitutional Amendments and the Committee on the Judiciary when they take up consideration of this important subject.

I ask unanimous consent that the remarks of Mr. Katzenbach before the Subcommittee on Constitutional Amendments, in support of this resolution, be printed in the RECORD following my statement.

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

The joint resolution (S.J. Res. 113) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, introduced by Mr. KEFAUVER, was received, read twice by its title, and

referred to the Committee on the Judiciary.

The statement presented by Mr. KEFAUVER is as follows:

STATEMENT OF MR. NICHOLAS DEB. KATZENBACH, ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL COUNSEL, BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS, CONCERNING PLANS TO ABOLISH THE ELECTORAL COLLEGE AND TO CHANGE THE SYSTEM OF ELECTING THE PRESIDENT AND VICE PRESIDENT

Among the more important proposals to amend the Constitution are those to abolish the electoral college entirely and to alter the manner in which votes are cast by it for President and Vice President.

Although there seems to be considerable sentiment for abolishing the electoral college as being obsolete and undemocratic, there is little unanimity as to how this should be done. For example, under Senate Joint Resolution 1, the direct election plan introduced by Senator MARGARET CHASE SMITH and four other sponsors, the President and Vice President would be elected by a majority of the popular votes cast for both offices. If no person received a majority of the total number of votes cast for President, a runoff election to choose the President would be conducted 28 days thereafter. A similar provision would control upon the election of the Vice President. Senate Joint Resolution 23, introduced by Senator MANSFIELD with Senator KEATING as cosponsor, is another bill which provides for the election of candidates for President and Vice President by popular vote. Senate Joint Resolution 12 offered by Senator MUNDT and five cosponsors would retain the electoral college, but electors would be deprived of discretion to vote for anyone but the choice of the electorate. Under this so-called district plan, electors would be chosen by the voters, one for each congressional district, and in addition two for each State, so that each State would have a number of electors equal to the number of Senators and Representatives to which the State may be entitled in the Congress.

Most of the bills—Senate Joint Resolutions 2, 4, 9, 17, 28, and 48—provide for proportional division of the electoral vote, and of these several provide for election by a majority of the House of Representatives and Senate sitting in joint session if less than 40 percent of the electoral vote is cast for a candidate for the presidency or vice presidency. There are minor variations of these plans which need not be cataloged for our purposes today.

The Department of Justice does not favor any of these proposals. Instead it submits for consideration the more moderate proposal to amend the Constitution contained in Senate Joint Resolution 132 which President Kennedy introduced as Senator near the end of the 85th Congress. Senate Joint Resolution 132 is similar to most of the proposals before this subcommittee to the extent that it also contemplates abolishing the electoral college. It differs to the extent that it would retain the present system of electoral votes and the existing allocation of such votes to each State. Moreover, it would not change the present system of counting all of the electoral votes for the candidate who received the greatest number of votes in any State. It would, however, require that the electoral votes which each State is entitled to cast for President and Vice President shall be cast for the persons who in such election in that State receive the greatest number of votes for President and Vice President. Senate Joint Resolution 132 would also prevent the election of a President and Vice President from different political parties, and retain the present provision which discourages nomination of presidential and vice-presidential candidates from the same State. Finally, Senate Joint Resolution 132 provides that in the event no candidate receives a majority of the electoral vote, the election would be decided by a majority of the entire Congress sitting in a joint session, and by open rollcall vote instead of by secret ballot.

As has been indicated, unlike many of the bills before this subcommittee, Senate Joint Resolution 132 would not abolish the unit-rule method of awarding all of a State's electoral votes to the candidate who receives even the most minute plurality of the State's popular vote.

Various arguments have been advanced in favor of proportional division of electoral votes. For example, it is said that the unit-rule makes it mathematically possible for a President to be elected even though he has fewer popular votes than his leading opponent. It is also claimed that the importance of the large politically doubtful States are overemphasized, thereby giving presidential candidates from those States a definite advantage over rivals from other States in the struggle for the nomination, and diverting the attention of candidates and campaign funds to those pivotal States. Related to this argument is the further contention that the unit rule encourages the control of presidential campaigns by small, highly organized and disciplined pressure groups within the large pivotal States, with the result that disproportionate concessions must be made to them by the major parties. Another argument made by some is that States which are predominately "one-party" are perpetuated in this condition because where the outcome on a statewide basis is clear beyond doubt, the voter has little incentive to participate in the election contest. In addition, the unit rule, it is said, tends to create a landslide psychology which may distort popular sentiment and exaggerate a mandate, as for example when Landon received fully 39 percent of the popular vote in 1936, but merely 1½ percent of the electoral vote.

While some of these arguments undoubtedly have merit, they must be balanced against important considerations on the other side. The chief and overriding objection against proportional division of electoral votes is that it would encourage the development of splinter parties.

In its report of such proposals in 1957, the committee on Federal legislation of the New York County Lawyers' Association rejected the proposal that the electoral college be abolished and that in the election of the President and Vice President, each candidate shall share the votes of each State on the basis of the popular vote. Urging that the existing electoral system promoted the preservation of the two-party system, the committee noted by way of comparison that the spectacle of certain other nations which have a multiparty system is scarcely reassuring. In this connection, the committee pointed out that the proposal permitting election of the President with 40 percent of the total vote could easily lead to a three-party system because only slightly more than one-third of the vote would be necessary to elect. Also, the committee observed that this proposal would tend to invite minority candidates into a race who would take away part of the voting strength of the major parties and cut down their power. While conceding the theoretical possibility that of two candidates for President, the one with the lesser number of popular votes may receive a majority of the electoral votes, the committee concluded that on balance this was not a sufficient reason to shift the existing two-party system to the risky multiparty system.

Prof. Edward S. Corwin, a distinguished student of the Constitution, also has been skeptical of the value of proportionate representation plans, and concluded that they would do more harm than good. In his view, not only would they foster the development of minor parties, in time undermining or even destroying the two-party system, but also they would assist candidates who are extremists willing to woo particular splinters of national opinion whose support is sought. In addition, Corwin points out that the wasted-vote argument appears specious because under most of those plans 40-percent electoral vote would suffice to elect, whereas he says "the remaining 60 percent of the vote scattered among several parties, would constitute an even more serious waste." [1]

During the 1956 debates, former Senator Kennedy after a comprehensive study of proportionate voting plans summarized objections to them as follows: [2]

"The importance of State lines in presidential elections would be severely reduced; the likelihood of Presidents being elected with less popular votes than their opponent would be greatly increased; the prospects for obtaining a President with broad experience in a large State would be reduced; the over representation in the Government of the small rural areas of the country would be tremendously increased; the effective electoral strength of most States would be grossly distorted; voting interest in those States would be sharply reduced; the one-party system in other States would be greatly intensified, with incentive for fraud and additional franchise restrictions; Federal voting standards would be invited; splinter parties would be greatly encouraged; hair-breadth elections, with all of their divisive effects, would be made more frequent; the chances for victory of the Republican Party, and consequently the strength of the two-party system, would be permanently ended; and the election of a President and Vice President from different parties would again be made possible."

From a review of the debates, it seems that many Senators disagreed vigorously with many of these arguments. This is, of course, scarcely a case where anyone can say with assurance that all of the arguments are on one side. It seems to us, however, that the importance of maintaining the two-party system and the danger that lies in the development of splinter parties outweigh the alleged but uncertain advantages of proportional voting. Caution should be exercised in changing a system which is familiar and which works in exchanging the known for the unknown. For these reasons, the Department favors the more moderate plan proposed by former Senator Kennedy in Senate Joint Resolution 132 over the other measures before the subcommittee to abolish the electoral college.

There is another alternative. Pending bills S. 102 and Senate Joint Resolution 10 propose a commission to study and recommend improvements in the methods of nominating and electing the President and the Vice President. Under S. 102, the report to the Congress must be made not later than the beginning of the second regular session of the 87th Congress. Under Senate Joint Resolution 10, the report of the Commission must be made to the President and the Congress not later than 1 year after the effective date of the resolution. It may be desirable for this subcommittee to await the creation of such a commission and its report respecting the various proposals that deal with the electoral college before you take action on them.

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[1] Corwin, "The President: Office and Powers" (ed. 1957) 50–51.

[2] CONGRESSIONAL RECORD, vol. 102, pt. 4, p. 5251.

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961—AMENDMENT

Mr. MILLER submitted an amendment, intended to be proposed by him, to the bill (S. 1154) to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges, which was ordered to lie on the table and to be printed.

AMENDMENT OF MERCHANT MARINE ACT, 1936, RELATING TO REIMBURSEMENT OF CERTAIN VESSEL CONSTRUCTION EXPENSES—AMENDMENT

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (S. 1183) to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses, which was ordered to lie on the table and to be printed.

EMERGENCY LIVESTOCK LOANS—AMENDMENTS

Mr. MOSS submitted amendments, intended to be proposed by him, to the bill (S. 1710) to amend the Act of April 6, 1949, as amended, so as to authorize the Secretary of Agriculture to make emergency livestock loans under such act until July 14, 1963, and for other purposes, which were referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENT OF NATURAL GAS ACT—ADDITIONAL COSPONSOR OF BILL

Mr. CARROLL. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 1946) to amend section 4(e) of the Natural Gas Act relative to hearings concerning the lawfulness of new rate schedules, the name of the Senator from Massachusetts [Mr. SMITH] be added as a cosponsor.

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

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 29, 1961, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 106) transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes.

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

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

By Mr. WILLIAMS of New Jersey:
Address by Hon. Douglas Dillon, Secretary of the Treasury, before the National Press Club, Washington, D.C., on June 20, 1961.

ED KOTERBA

Mr. MANSFIELD. Mr. President, yesterday the news reached Washington that one of our good colleagues of the fourth estate, Mr. Ed Koterba, was killed in a plane accident.

Ed Koterba was a newspaperman who could write with a sharp pen, a broad pen, or a pen in between. He could be biting; he could be considerate; but he was always fair in what he had to say.

I recall his last column—at least, it was the last one I saw. It had to do with visitors who came to the Capital of the Nation and visit the Capitol Building. What he had to say in it was, I think, quite pertinent to the existing situation, and indicated that he was not narrowminded in his concepts, but that he was aware of all things, as they affect all men.

Mr. Koterba, 42, was married to the former Dorothy Chalfant, of Waynesboro, Pa. They had one son, Ed., Jr.

Mr. Koterba joined the Waynesboro Record-Herald in 1945, and saw Army service in World War II and until 1951, when he was employed by the old Washington Times-Herald. He stayed with that newspaper after it merged with the Washington Post; but a year later he began to write a column which he sold to more than 100 newspapers.

Mr. Koterba gave that up in 1958, when he joined the Hall Syndicate. He went on a 25,000-mile tour of the United States that year, writing stories for the Hall group.

Then in January 1959 he was signed as a columnist by the United Features to replace the late Frederick Othman, another columnist. His articles appeared in the Washington Daily News and many other newspapers.

Mr. President, we all will miss Ed Koterba; and I, along with the minority leader, will miss Ed Koterba especially, because on many occasions he would be here in the front of the Senate Chamber, conversing with us and with many of his colleagues prior to the opening of the daily Senate sessions.

To his wife and family we extend our condolences and our deepest sympathies on the passing of a good husband, a good father, an outstanding reporter, and a good friend.

Mr. KEATING. Mr. President, will the distinguished Senator from Montana yield to me?

Mr. MANSFIELD. I am delighted to yield.

Mr. KEATING. I wish to say a word in tribute to Ed Koterba. I considered him one of the fairest and most even-minded journalists covering the Capital; and I wish a word of sympathy to go from me, also, to his fine family.

Mr. MANSFIELD. I thank the Senator from New York.

SELECTION OF HON. WESLEY POWELL, GOVERNOR OF NEW HAMPSHIRE, AS CHAIRMAN OF THE GOVERNORS' CONFERENCE

Mr. BRIDGES. Mr. President, I consider it a privilege to be able to rise today before my distinguished colleagues in the U.S. Senate to announce with pride the selection of the Honorable Wesley Powell, Governor of New Hampshire, as chairman of the Governors' conference. This excellent choice was made today at their meetings in Hawaii and I want first to congratulate the Governors of the 50 States for their fine selection.

Governor Powell is a young, able, energetic and dynamic leader, and I am confident his fellow chief executives will be pleased with his service as their leader during the next year.

I have a deep personal satisfaction in this event. Wesley Powell, who is known to a substantial number of my colleagues in the Senate, began his service to the people of New Hampshire and of the United States as my secretary and later, my administrative assistant. He continued for a number of years, except those years of World War II when he served overseas with distinction and valor. The Army gave him his honorable discharge and with it he came back to New Hampshire and Washington with a lifelong reminder of the terrors of war—a serious wound which he suffered during an Army aerial bombing attack.

His experience and ability in handling public affairs eventually won for him the Governorship of New Hampshire and now the chairmanship of the Governors' conference. This is a great honor.

I know that all fine citizens of my home State of New Hampshire join with me in extending warmest congratulations to Governor Powell. Also, I know, too, that there are many Members of this body, as well as their assistants, who are pleased that one of their associates has been so greatly honored.

WHERE DO WE GO FROM VIENNA?

Mr. LONG of Hawaii. Mr. President, at the 44th annual convention of Lions International, at Atlantic City, last week, Sir Leslie Munro, former New Zealand Ambassador to the United States, was generously applauded for his remarks on the subject "Where Do We Go From Vienna?"

Sir Leslie received a spontaneous demonstration from the 30,000 people at the convention when he appealed for firmness on the Berlin issue:

> How far * * * are the peoples of the United States, Britain and France ready to fight for Western Berlin? I believe they should. In my judgment, to abandon Western Berlin, whether quickly or slowly, to the Soviet, or its satellites, would be such cowardice and betrayal of principles and promises as to prove that the Western World could be no better in its performance than the shameful readiness to appease in 1938 and 1939 which led to the downfall of Czechoslovakia.

I ask unanimous consent that Sir Leslie's remarks be made part of the RECORD.

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

WHERE DO WE GO FROM VIENNA?

(Address by Sir Leslie Munro, K.C.M.G., K.C.V.O., to the 44th annual convention of Lions International at Atlantic City, on June 23, 1961)

I am honored to address this great audience, representing an organization devoted, throughout the United States and indeed the free world, to fellowship, to the assistance of the needy and the sick, to good causes everywhere and, not least, to the promotion of peace through justice and strength.

On June 3, the President of this country, who has limited though great powers, and the Premier of the Soviet Union, whose powers are unlimited while he holds effective office, met in Vienna. The meeting revealed, as of course it would, an unmeeting of minds. For the philosophies of the West and the Communist world are irreconcilable. Peaceful coexistence, in Mr. Khrushchev's mind and objective, means the spread of communism throughout the world by any means. We are fools if we think otherwise.

I believe that I speak to you at the most crucial time in man's long struggle for survival. We have advanced far in Western Europe, in the Americas and in the Pacific. There are still pockets of barbarism in the 19th century sense in one or more of the continents. They matter little, save to the extent they are misused, in the solution of the great issues which confront the Western and Communist worlds.

When I speak of barbarism in the 19th century sense I speak of remote and primitive races who still live more or less immune from the impact of modern civilization.

But the great bulk of men and women, a few rich, some moderately well off, many poor and many, many more millions undernourished and badly housed, are all now living with some awareness of this almost incredible new world.

Man's new vision of the universe through his entry into space and his propulsion of satellites round the earth and beyond have startled and indeed bewildered the imagination. You will go back to the Renaissance and the discovery of America for a comparable impact upon the human mind.

But to call these events and developments of the 15th and 16th centuries comparable to our discoveries and ventures today is to minimize the vastness of our achievements, hopes, and fears in the nuclear age. In a decade our present squabbles may well be insignificant in the light of the new worlds we may enter.

A Russian in a space vehicle has orbited the earth. An American has been propelled in a rocket from his country 80 miles above the earth and has successfully descended far away in the Atlantic. These are only some and the beginning of man's achievements in outer space. To quote Jessup and Taubenfeld in their book "Controls for Outer Space," "estimates indicate the possibility that, if it is deemed important enough to justify the necessary appropriations, man may reach the Moon by 1963 or 1966 and might even send an eight-man rocket to Mars by 1970 or 1980. Soviet scientists, too, have announced plans to put men on the Moon and 'to be on the planets by 1965'." The authors estimated that at attainable speeds in 1959 a journey from the Earth to Mercury would take 110 days. You will agree with me that developments every year revolutionize our conception of speed and transit through space.

I shall not now discuss in any detail the consequences of the peaceful use of outer space. But in the realm of navigation, communications, weather forecasts and even control of weather, examination and mapping of the earth and the moon, knowledge of what is happening in every part of our own world (including nuclear explosions) it is clear that we have entered a new age.

All these developments and possibilities have military and political implications. It was long said that the power which was the master of the Bohemian mountains was the master of Europe. It is now being prophesied that the power which can land on and control the moon will be the master of the earth.

It is not, therefore, surprising that the President of this country has asked Congress for huge appropriations to enable an American aeronaut to reach the moon by 1970. He refers to the prestige alone which will be won by such an achievement. I was President of the General Assembly in 1957 when the Soviet's successful launching of a sputnik was announced. I vividly recall the effect this achievement had on the representatives of the uncommitted nations, who certainly regarded the Soviet Union as the equal if not the superior of the United States in the realm of science. Such an impression is not to be overlooked in the Assembly of the United Nations where votes are often influenced by power and prestige.

I agree that the military implications of the new mastery of space can therefore be ignored only out of naivete, blindness, or political convenience.

What, then, is the situation we face today?

First, we have a divided world, split, like Caesar's Gaul, into three parts. There is the Western World of the democracies, with some autocracies on its side, the uncommitted world, mainly of undeveloped countries having newly won their independence, and finally the Communist world, led by the Soviet Union and Communist China in uneasy partnership. This is the troika of Soviet policy, the policy of the Communist conception of divide and rule.

I would not at this stage build too much on the advantages to be derived by us from this uneasy partnership because there are compelling reasons for the Soviet Union and Communist China to stick together. Communist China stands in great need of the financial, economic and technical resources of the Soviet Union. The Soviet Union, in its present period of somewhat precarious consolidation, with comparatively empty territories on the frontiers of an overpopulated China, can ill afford a break with its huge and difficult ally. Nor can Khrushchev, practical and shrewd as he is—and never let us forget his Marxist obsessions, beneath his peasant grin—never can he afford as a Marxist to surrender the leadership of the Communist world to Mao Tse-tung who with his facile followers apparently believes that China could survive a worldwide nuclear war. If the rulers of Communist China affect to believe that they and their people of 600 million could survive so frightful a charnel, Khrushchev would seem to fear that the Soviet Union and its system would be irremediably destroyed by an atomic war.

I ask you to remember that on June 22, 1941, a little over 20 years ago today, Hitler's armies invaded Russia and Stalin, caught completely unprepared, exclaimed hysterically: "All that Lenin has created for us, we have now lost forever." When we beat our breasts, let us not forget the forebodings and mistakes of our adversaries.

Khrushchev himself has recounted the errors of Stalin. The terrible events of 1941 no doubt give Khrushchev pause, as he studies the strength of the United States and its allies 20 years after the Nazi invasion.

Of course today there are many differences from the situation of 1941, some to our credit side, some to our debit. No situation in history is ever precisely the same. Perhaps the only sure lesson of history is that we never learn from history. We should surely learn something now. Khrushchev has been just as frank as Napoleon or Hitler, although I would put Khrushchev below Napoleon. Khrushchev says that the Communist system will beat us. His predecessors in dictatorship were equally certain of success. They eventually took the plunge to achieve success. Will Khrushchev be more careful?

No man can be sure. There is first of all the effect of complete power vested in one individual. Such was the privilege of many of the Roman emperors. Historians say the privilege made many of them mad. Power corrupts and absolute power corrupts absolutely. It may well be conceded that Khrushchev has to look over his shoulders at remnants of the old Stalinist guard and then again at those of his own class younger than he and equally ambitious. He must have regard to the scholars and technicians who are the very basis of Russia's immense scientific achievements, and who must wish security for their children and their children's children.

Yet Khrushchev is taking great risks. He is probing the situation in West Berlin, demanding his own solution by the end of this year, all in the face of Anglo-American-French determination to preserve the status of the city. Khrushchev knows his advantages or the uncertainties, the same thing, of the Western allies.

How far, he must ask himself, are the peoples of the United States, Britain, and France ready to fight for West Berlin. I believe they should. In my judgment, to abandon West Berlin, whether quickly or slowly, to the Soviet, or its satellites, would be such cowardice and betrayal of principles and promises as to prove that the Western World could be no better in its performance than the shameful readiness to appease in 1938 and 1939 which led to the downfall of Czechoslovakia.

These are fateful issues. If Khrushchev in January 1962 acts through a puppet East Germany to strangle West Berlin, will the Congress of this country act to support the President in warlike measures or war itself to save the city? This is a question for you to answer. It may be asked by Britain and France. Similarly you may ask whether in such an emergency Britain and France will go to the hilt to support your country in all-out resistance to measures designed to destroy the freedom of West Berlin. Khrushchev hopes and plans for our disunity. The declaration of the leaders of the United States, the United Kingdom and France should make Khrushchev hesitate before putting all to the test over West Berlin.

It is true that he has much at stake. The city is wholly within the Soviet puppet state of East Germany. But it is a showplace for the West, owing much to this country and exemplyfing the drive and prosperity of capitalism. West Berlin is a city of light, efficiency and freedom confronting the drabness and uniformity of East Berlin, and a place of refuge for those constantly fleeing from the dreariness and repression of the so-called People's Republic of Germany. It is intolerable for Khrushchev to contemplate the continuance of West Berlin as a spiritual and economic part of Western Europe but nevertheless within the physical circle of the Communist world. He must find such a situation utterly incompatible with his schemes for peaceful coexistence only on Communist terms.

Influential voices speak of southeast Asia as of much less importance than West Berlin. This is a surprising proposition to those who live in the Pacific, that vast area of which 100 years ago Secretary of State Seward spoke as the place where the destiny of the world would in this decade be decided.

Southeast Asia is a long and wealthy peninsula separated from Australia only by the Indonesian Archipelago. Of the peninsula, northern Vietnam is already under Communist control. The Communists sit in much of Laos, their occupation spread while futile talks take place in Geneva and at the best we can only hope for a coalition government in Laos. On the record of recent history such a government comprising Communists and neutralists will sooner or later become a Communist puppet.

The long finger of Communist subversion is already thrusting into Thailand and southern Vietnam. Malaya has had her taste of Communist revolt and subversion, and would be a rich prize for Peiping and Moscow. Indonesia is neutralist, with President Sukarno always a welcome and eager guest in Moscow.

The dangers of Communist domination in southeast Asia do not imperil only Australia and New Zealand. The masters of southeast Asia can dominate the Indian Ocean and intrude their power into the uneasy coast of eastern Africa. They can threaten India.

The bickerings in Zurich of the Lao princes produce an echo in New Delhi. India is surely right to be a principal party to discussions aimed at establishing a neutral Laos. These discussions have had a hollow sound. There is still no truce, in spite of solemn words at Vienna. The Communists in Laos, with Russian aid, extend their power even while Mr. Gromyko in Geneva lectures the West on the need for the establishment of a truly neutral Laos. This is an international farce on a grand scale.

The stakes in Laos and southern Vietnam are just as high as those played over West Berlin. The winner in Laos and southern Vietnam is looking toward India and Africa. The prize is great. The Communists are looking far ahead, firmly believing in the triumph of communism everywhere and seeking to accelerate the victory. The great state of India is one of their goals.

Let us not weary or despair. If we have had setbacks, so has the Soviet Union. The policy of Moscow has been rebuffed in the Congo and the United Arab Republic. Colonel Nasser has clamped down on local Communists and has replied vigorously to Communist revilings against his regime. The countries of the Middle East have shown no disposition to submit to Moscow, although the miseries of their populations could be breeding grounds for communism.

The future of the world will certainly be influenced by the capacity and willingness of the West to promote the physical and economic welfare of our less fortunate brethren. This will not be an act of generosity but of enlightened self-interest—more bluntly, of self-preservation.

DAVID SARNOFF

Mr. KEATING. Mr. President, yesterday I had the privilege of hearing Gen. David Sarnoff speak at the National Press Club on the opportunities in the emerging field of communications satellites. His address was interesting and challenging. He speaks as a great American.

Gen. David Sarnoff typifies the finest in our traditions. He was born in Russia. He came to this country as a small boy, with no money. At 15 years of age he went to work. He has become the head of a great industry, but has never lost his sense of humaneness and fairness.

However the responsibility for the construction and launching of communications satellites may be worked out, General Sarnoff indicates that it is important for access to and use of the satellite network to be open to all those who have the facilities to use it and who can practically be accommodated. In the field of communications, above all, the free world has an especially important contribution to make in spreading knowledge and truth around the globe.

The address General Sarnoff delivered at the National Press Club is a very fine one, and I ask unanimous consent that it be printed at this point in the RECORD.

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

ADDRESS BY DAVID SARNOFF, CHAIRMAN OF THE BOARD, RADIO CORPORATION OF AMERICA, AT NATIONAL PRESS CLUB, WASHINGTON, D.C., JUNE 28, 1961

COMMUNICATIONS: A LOOK AHEAD

When your president invited me to appear before you today, he described the 100th anniversary of the military telegraph as a springboard from which I could take off into the outer reaches of communications. To get the feel of my springboard, I determined to research the centennial like a Washington correspondent, dig out the facts, good or bad, and then present them to you in the tradition of your profession without fear or favor.

It distresses me to report that one of the first military telegraphers, a gentleman attached to General Rosecrans' Union headquarters, was named Mullarkey. Whether his name and the content of the messages he communicated had any correlative significance I could not determine. Surely it would be far afield to suggest any spiritual link between him and certain communications arts of the present day.

Another disquieting fact I unearthed was that military telegraphy in the Civil War brought the first censorship of press dispatches. This was particularly aggravating, according to the historian Margaret Leech, because the censors were often arrogant and unstable fellows, and the correspondents sometimes had to search them out in whisky shops to get approval of their dispatches. However, I could find no documentation that this was either the first time, or the last, that a reporter had been lured to a bar.

In the same somber vein, military telegraphy inspired the controversial practice of wiretapping, which was employed extensively by both sides in the Civil War. Balky mules, instead of men and machines, were employed to lay down the telegraph wires behind frontline positions. The whole system was so cumbersome that frequently, as at Spotsylvania, a shift in action would find a telegraph unit working one minute behind its own lines and the next minute behind enemy lines.

On the brighter side, there were a number of significant communications firsts registered by the United States a century ago. We were the first nation to use telegraphy extensively for military purposes, and it may surprise you, as it did me, to learn that Andrew Carnegie of steel and library fame is considered the father of military telegraphy. It was he who set up the eleborate system of wires behind the Union armies.

The Civil War marked the first time that military signals could transcend the line of sight and could pierce the fire and fog of battle. Telegraphy made Abraham Lincoln the first American President able to function as Commander in Chief of the Armed Forces in the modern control sense. It also spurred the growth of a great institution, the U.S. Army Signal Corps, of which I am proud to be a member. It demonstrated how a civilian invention could find a useful military application, and it marked a significant step across the formidable communication barriers of time and distance.

THE CHALLENGE OF COMMUNICATIONS

The historic progress of communications across these barriers parallels man's advance on this planet. The first communications were sight and sound, man to man, over distances of only a few feet. Since then, our primary effort has been to extend that distance. We will achieve the earthbound ultimate when we have direct man-to-man communications, both sight and sound, to any place on earth, regardless of distance. And we will achieve the universal ultimate when we have man—and possibly other species of life—exchanging communications over distances of millions of miles.

In its own way, every communications advance has moved us near these ultimates. The Greek, Roman and Aztec relay runners contributed to the stretchout; and so did the shouting sentinels of Caesar's battle towers, the homing pigeons used at Waterloo, the primitive semaphore employed by George Washington who placed a barrel, a flag, and a basket on a mast and then issued orders to his troops by altering their relative positions.

In the present century, the great stretch has come through applications of radio communication. In its first phase, it enabled communication between a fixed point on land and ships at sea and between ships themselves, or between two land areas across the ocean barriers. Today, it is employed by all types of moving vehicles and between fixed stations and relay points on land. The second phase brought the human voice and instrumental music to millions of listeners through radio broadcasting. The third phase brought the stretchout of sight, first through black-and-white television and now through color.

Vast progress has been made in the art of communications but there are many more promising prospects ahead. The sound of the human voice can be projected directly and almost instantaneously to any area of the world. We have extended sight, by television, so that the people of a nation, or a group of nations on the same continent, can see the same picture simultaneously. And we are on the threshold of projecting that picture between continents. In fact, we are very close to the achievement of global television as well as other forms of worldwide communications.

This will represent phase four of the radio communications story. I believe it will be realized in this decade through the use of relay satellites orbited in space. The challenges facing us in this area are no longer how; rather they are when, what types of hardware, what form of control, what character of international traffic?

FUNDAMENTALS OF SATELLITE COMMUNICATIONS

Because of the complex and varied nature of the problems involved in satellite communications, there has been considerable confusion about the subject. So it is well to bear in mind certain fundamentals.

First, satellites will expand, broaden and speed up the services we have today and make them available to places and peoples that do not have them now. In the transmission of intelligence, a communications satellite is basically a distance booster. It is as if we picked up a microwave tower from the ground and hung it in the sky. This would increase enormously the range over which communications could be sent and received.

Second, satellites will not make anyone a Croesus overnight. I have heard suggestions that once a satellite system is in operation, international communications will be-

come a $100 billion a year business. To people whose estimates run along these lines, I would reiterate Andrew Jackson's famous order at the Battle of New Orleans: "Elevate them guns a little lower."

The international communications business of all the American carriers today amounts to about $135 million a year. In the seventies, with a satellite system in use, operating revenues may reach the $1 billion mark. This is a respectable amount but even if we double this figure, it would still be 98 percent less than the fantastic figure of $100 billion a year.

Third, the much-debated question of satellite ownership is, in my opinion, far less important at this time than the adoption of the right system at the earliest possible moment. I believe that if we coordinate our knowledge and our skills, formulate a definite plan and concentrate on our objectives, we can be the first nation to establish and operate a global system of satellite communications. This would be a dramatic advance in the use of outer space for peaceful purposes. It would benefit all mankind and give an effective demonstration of American initiative, vigor, and leadership.

In analyzing this subject, it seems to me that certain basic principles should be recognized.

Regardless of who, or how many, may own the satellites, there should be direct access to them by all present and future organizations licensed by our Government to operate in the field of international communications.

The satellites should be available to all such organizations on reasonable and nondiscriminatory terms for any services which the Federal Communications Commission authorizes them to provide now or in the future.

No restrictions should be imposed against such use, through contract or otherwise, by anyone who may own, control or operate the satellites.

Each licensed American organization should have the right to establish, own, and operate its ground stations for transmitting and receiving signals via the satellites. The system, itself, should be designed to provide this capability.

My organization, of course, is deeply involved in this satellite development. We have proposed a concept of large capacity, synchronous—or stationary—satellites, positioned at two or three locations about 22,000 miles above the Equator. Our scientists have developed specifications for the system which are within the present state of the electronics art. I believe our concept is capable of achievement in time to meet the communications demands that will overburden international submarine cable and radio circuit facilities later in the sixties.

As you know, other companies and agencies have come forward with other satellite concepts. Intensive research is now in progress at the Defense Department, at NASA, and in private industry. As one example, my company is developing under contract from NASA, an experimental satellite for Project Relay which we hope will provide many of the answers we all seek.

To expedite the achievements possible in this area, we at RCA feel the time is ripe for the formation of a joint Government-industry group to pursue an aggressive total effort in research and development. Through this collaborative effort, we can agree on the best satellite communications system. We can get it in operational orbit in the shortest time, and we can share with the world a remarkable technique for nation-to-nation seeing and talking.

It is most encouraging that the urgent character of this project is recognized at the highest level of our Government. Last week, for example, according to press reports, President Kennedy ordered a top-level policy study into how a communications satellite system can be brought into operation at the earliest practicable moment.

About 3 months ago, I suggested that the United Nations be given programing access to the first satellite television channel, so that it might project to the whole world a live picture of crucial deliberations in the Security Council and General Assembly. The favorable response to this proposal from many leaders of the open world encourages me to urge it again here today.

Direct access to vital U.N. debates, it seems to me, should go a long way toward awakening those in the closed world of communism who have rarely been exposed to the free clash of ideas in any forum. True, the Communists can be expected to jam and black out these programs. But such conspicuous exclusion from proceedings open to the rest of mankind will generate pressures from their subjects which the Communist rulers will find it ever harder to ignore. At the least, it would dramatize an essential difference between free and enslaved societies.

As for the developing and neutralist nations, if, as we believe, the United Nations represents their best hope for establishing and maintaining their own independence, then their understanding of its aims—seen with the same impartial picture in Asia and Africa as in Europe and America—must be the best hope of the United Nations for assisting them effectively.

COMMUNICATIONS AND SPACE EXPLORATION

As we progress with the satellite project, I believe we will also move ahead with phases 5 and 6 of our communications blueprint. Phase 5 will be directed to communications with the moon and beyond. Here, we will be concerned initially with communications as a control and intelligence mechanism. This function will be crucial to the successful placing of men on the moon and, ultimately, on distant planets.

The proposed manned moon shot, which President Kennedy set as a national goal, has prompted the scientists of RCA's Astro-Electronics Division, along with others, to develop comprehensive exploratory plans. Our concept envisages the establishment of a well-stocked camp on the moon before the first man arrives there. The moon camp would include food, water, power, laboratory equipment, an exploration vehicle, appropriate emergency survival tools and a reentry capsule for the manned return trip to the earth.

A combination of a Saturn rocket and ground control devices, should make it possible to put on the moon's surface a roving vehicle and to conduct a survey for the most appropriate area for a manned landing. This would be based on such factors as terrain, illumination, temperature and other environmental characteristics. Then, through a series of subsequent Saturn shots, the camp could be established by sending up the necessary equipment and supplies, including a moon-crawling tractor for assembly purposes. This entire operation could be checked out by instrumentation controlled from the ground before we commit men to lunar flight.

The success of this plan would prepare the way for exploration of the nearest planets. It would establish a pattern for the construction of other advance bases. In addition, validation of the techniques for storing fuel and refueling vehicles on the moon would lay an effective foundation for use of the moon itself as a launching platform for spacecraft.

It is also conceivable that exploration on the surface of the moon would establish the practicability of installing there the first interplanetary radio relay station, controlled from the earth and capable of providing vital communications and navigational links for space vehicles as they move toward distant planets.

We face, of course, many unknowns—such as the nature of the lunar surface, the extent of radiation hazards from solar flares, and the effect of the lunar environment on materials. It can be generally stated, however, that the communications and controls problems in this concept fall within our present capabilities.

With our sound and sight satellites in orbit around the earth and with electronic channels opened to the planets, we will have extended enormously the communications stretchout that started with the first man-to-man talk.

DIRECT MAN-TO-MAN COMMUNICATIONS

Our principal job in phase 6 of the communications blueprint, will be to come full circle and permit direct man-to-man, sight-and-sound communications over the ultimate in distances.

The speed with which we accomplish this will depend, in part, upon the speed with which we can shrink electronic gear. This is another great challenge facing electronics today: make it smaller.

Through formidable advances in micromodules, we are achieving new diminutives daily. We can now foresee a computer so compact that it will have a density equivalent to 100 million active elements per cubic foot—a density approaching the compactness of the human brain itself. And this computer, indeed, will perform many functions of the brain.

I have with me today the type of communications unit that will probably be the reporter's best friend in the seventies. It is a pocket-size color TV set, with combination AM–FM radio. This mockup was put together at our advanced design center, and the date of its availability depends upon the time required to learn how to reduce further the size of certain components.

This prototype model is a symbol of our reach for the diminutive. I believe you will someday see transmitter-receiver units a half or third the size of this. Each receiver will have a decoding unit, responsive to only one of a million or more arrangements of pulses sent out from a transmitter. With complete privacy, a foreign editor in his office will one day be able to see and talk with a foreign correspondent in an airplane over Tokyo, in a boat on the Red Sea, or in a tractor at the moon camp. While this might make the home office seem uncomfortably close to the reporter, it will nevertheless bring us pretty close to the ultimate in news coverage, and to the ultimate in man-to-man communications itself.

CONCLUSION

The price for achieving the communications advances I have outlined will come high—in dollars, in planning, and in work.

We have the scientific manpower and know-how to meet and to surpass any Russian challenge in this area. But something else must accompany it: a firm national resolve to do whatever must be done to assure our success.

We must, for one thing, understand and properly evaluate the objectives of the potential enemy. Years before any Western nation, the Kremlin accurately assessed the psychological and propaganda values of space probes. The Communists recognized that

breakthroughs in technology, a field of traditional American primacy, would have direct political impact in terms of fresh prestige for them; that it would advance their objectives in the cold war they ceaselessly wage, and that it would cause an erosion of morale among the Western allies. In Moscow, missiles and satellites were woven into the broad tapestry of party dialectics. In Washington, they were evaluated exclusively in the context of their scientific or military significance.

The result, from the psychological and propaganda standpoint, was that the Communists seized the priceless advantage of the initiative. They acted; we reacted. They were first with sputnik, first with a moon probe, first with a man in space.

In communications, we possessed the initiative and the leadership in the days of Mr. Carnegie and Mr. Mullarkey, and we possess them today—from automation to satellites. Yet, this unbroken continuity should give us no cause for complacency. "The minute you get satisfied with what you've got," Boss Kettering once said, "the concrete has begun to set in your head." In terms of our Nation's leadership posture before the world and our national policy of advancing the cause of peace everywhere, there is too much at stake here to permit any concrete to infiltrate our communications arteries.

It is my conviction that America can continue to lead in this vital field, that we can be the first to achieve practical worldwide satellite communications and that we can complete the cycle by which man will communicate with man, directly, wherever he may be. I also believe that by the time this is accomplished, it will be possible to achieve automatic translation of languages so that when we speak to each other we will understand each other. And that, after all, is the goal not only of our science of communications, but of humanity itself.

MONTANA AUTHOR WRITES ABOUT TATSEY

Mr. MANSFIELD. Mr. President, sometime ago I introduced the Senate to the journalistic talents of John Tatsey, tribal policeman on the Blackfeet Indian Reservation in Montana. John also writes a weekly news column which appears regularly in the Glacier Reporter at Browning and reprinted in the Hungry Horse News at Columbia Falls.

Tatsey is no ordinary writer, he has a great sense of humor and an insight into the problems that plagued his own people, the Blackfeet Indians. He had his own special way of using his column in helping to bring about local self-improvement.

Now, another Montanan who is well known as an author of a number of best sellers and numerous articles, Dorothy M. Johnson, has turned to Tatsey as a source for a very fine feature which appears in the current issue of Journalism Review, published at Montana State University. Dorothy Johnson is the secretary-manager of the Montana State Press Association and is an assistant professor at the school of journalism at the university in Missoula.

Mr. President, both Dorothy Johnson and John Tatsey have made a place for themselves in the world of writing and now I ask unanimous consent to have printed at the conclusion of my remarks in the CONGRESSIONAL RECORD this article as discussed in the June 2 issue of the Hungry Horse News which is published by one of my favorite Montana weekly newsmen, Mel Ruder.

I also ask unanimous consent to have printed in the RECORD four of John Tatsey's latest news columns which appeared in the weekly issues of the Glacier Reporter and the Hungry Horse News.

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

[From the Hungry Horse News, June 2, 1961]

WRITES ARTICLE ABOUT TATSEY

Our friend, Dorothy M. Johnson, formerly of Whitefish, and now secretary-manager of the Montana State Press Association and an assistant professor of journalism at Montana State University, is much interested in the writing of John Tatsey.

The Glacier Reporter correspondent at Heart Butte is one of the most unusual columnists in the country.

Miss Johnson has an article "The Incomparable Tatsey" in the current issue of Journalism Review published by the school of journalism at Montana State University.

She comments: "Most correspondents in small communities are nice ladies who know everything that's going on and make a little pin money by writing down the more respectable bits for a newspaper. The Heart Butte correspondent was no nice lady. He was a tribal policeman on the Blackfeet Indian Reservation. His name is John Tatsey. He is middle aged, with a pleasant face. For a Blackfeet Indian he is short, but the Blackfeet are bigger than most people."

TATSEY TELLS ALL

Miss Johnson continues: "Like the nice ladies in other small communities, Tatsey knows everything that's going on. Unlike them, he tells most of it. Where they hastily sweep the misdeeds of their neighbors under the rug, he boldly tells the world.

As a sample of the flavor, here are two items from the Heart Butte News:

"Al O. Racine was down to Johnnie Hall's corral and load on a cow in a truck. The cow was mad and fighting when he closed the gate the cow was jumping around so he shot her so she would be quiet.

"Maxine Racine helped her husband butcher beef last week. She is sure a cracker jack gut puller."

Miss Johnson then comments: "Nice ladies dote on weddings. The nearest Tatsey has come to reporting one is this, in which he doesn't even identify the bride because she's not really important:

"Floyd Middle Rider from Browning was well known for having very nice set of hair in braids but he came out to Heart Butte some 6 weeks ago, got married here. They are Crows living around the south side of the reservation. He got mixed up with them in marriage so he finally showed up with no braids, so the Crows scalped him of his fine hair but he is safe now."

Miss Johnson then tells: "Part of the charm of Tatsey's news is that you can't always figure out what happened, or whether anything did. Even Tatsey doesn't vouch for this story:

"Frank Comes at Night came to Heart Butte Sunday in a team and wagon and some one said the team and wagon blowed away with Mrs. Comes at Night in it."

TELLS ABOUT MANSFIELD

There is also mention of Senator MIKE MANSFIELD. Miss Johnson comments: "Some country correspondents would be bowled over at being invited to meet a U.S. Senator at the Senator's special request, but not Tatsey. When Senator MIKE MANSFIELD wanted to meet him, Tatsey got the item into his column, all right, but it took its turn after deer hunting, lost horses, potato picking, and a visit from a dentist.

"Readers of Glacier Reporter are asked to be patient and wait till the reporter from Heart Butte gets straightened out. Just waiting till everybody gets back and look out.

"Tatsey had a friend that came from New York who wants a short trip in the mountains. Wes Ackerman and Glen Eagle Feathers were along where they stay for a week till they got their limit of deer.

"Most of the potatoes pickers are driven home by the bad weather. Some came home with a few sacks of spuds.

"There have been a tooth puller at Heart Butte the past week taking care of bad teeth. Remember Heart Butte people there is some elkmeat coming this winter and might be tough.

"John Tatsey was called on the phone last Monday to be in Browning at 11 a.m. When Tatsey arrived in town he went to the high school where coffee and rolls were served. When Senator MANSFIELD came Mr. and Mrs. Tatsey had a picture taken with him. MIKE had his medicine pipe with him but did not offer Tatsey a peace smoke so Tatsey did not take him into the tribe or give him his Indian name but still we meet and made friends."

THE TATSEY APPROACH

Miss Johnson also tells: "Sure enough, with Tatsey news is written of just what happens. He names names if he has them and warns evil doers if he hasn't yet caught them as in this item:

"Tuesday evening George Little Dog and Lloyd Running Crane were out riding after cattle when they rode upon a young cow all tied up in a small patch of brush. They untied her but her calf was gone. Be careful boys there is a long lane without a turn."

Miss Johnson then adds: "Stealing a calf may not look like big-time crime, but in Montana it is cattle rustling, a major offense. This item immediately followed:

"Raymond Aims Back has come home from Deer Lodge where he spent a few years."

Miss Johnson remarked: "Tatsey's readers know that the State penitentiary is at Deer Lodge. Putting those two items together got an idea across."

The Montana author of "Hanging Tree" then comments: "Some other juxtapositions of news items are accidental and unconsciously funny:

"Henry Duck Head came to Heart Butte Sunday and went to dizzyland and pretty soon one woman came after police. Every one was hiding in a coulee. Henry took over.

"Some people are doing some remodeling on the statue of Virgin Mary at the graveyard."

COMPANY FOR DINNER

Miss Johnson's story then continues: "Like the nice lady correspondent, Tatsey sometimes reports company for dinner:

"Poor Little Melvin Rutherford was around last Sunday. Did not seem to know where to go, he wound up at Tatsey for dinner where he had a private dish of Bear liver and heart. Maybe he went home heaving."

Hungry Horse News readers will recall many of these Tatsey items.

Miss Johnson quotes: "Joseph Jackson was nicked up for disorderly conduct at a funeral in Heart Butte. (No mention of whose funeral it was.)

"Last Sunday there was a couple of women who got drunk and sure gave the police a bad time but Joe Running Crane piled them up and sat on them till they were locked up but Joe was out of wind.

WISHIE WEASEL HEAD

"Wishie Weasel Head got mixed up with an old lady at Heart Butte so the old woman pick up a jug of gallo (among the Blackfeet this is a generic term for wine or any kind of drinkin' liquor) and whack him over the head and his head was soaked in wine, he was hospitalized for several days so don't bother an old lady."

Miss Johnson concluded her article with reference to a letter from former President Harry S. Truman to Senator MANSFIELD remarking: "These articles are some of the best I've ever seen, and I'm sorry I missed last year's pieces. Haven't seen anything I enjoyed more since I read Mark Twain's announcement for President."

Senator MANSFIELD had inserted Tatsey articles in the CONGRESSIONAL RECORD.

Final paragraph then tells of Tatsey no longer being a tribal policeman, but that he would continue his column.

[From the Glacier Reporter, Feb. 23, 1961]

HEART BUTTE NEWS

(By John Tatsey)

The reporter from Heart Butte was unable to get the news in last week on account of the storm, but will have last weeks and this weeks happenings not very much.

Last week John Tatsey had the invitation from the seville community better known as Black town where there was a meeting held at the Community Hall. lunch was served after wards. folks visited one another.

On Tuesday of last week there was a meeting called at the John Harper Home and elected their temperary officers for their organization.

The first meeting was held at Heart Butte in regard to the organization. John Harper and Victor Connolly, Jr., temperary board members were out to explain there aim on organization it was a good and interesting meeting. attendance was around 94.

The real good Part was the Principal of the School Permit us the use of the School Gym and some good strong coffee made by Geo Wippert. Abe Rutherford of Birch Creek was at Heart Butte for the meeting.

This coming Sunday Feb. 26 there will be another meeting at the Heart Butte school Gym to elect officers for that community. There will be meetings at other districts. after that will start to Push the ball.

There was no one from the hairy nose tribe at the meeting. There were some from dizzie land.

The rut that Charles Crow Chief mentioned some time last spring is getting deeper and coming to a cut bank so the new organization will stand by to help from going over referring to council

Readers our friend Stoles Head Carrier has been unable to get around much but getting a little better. sure miss the old boy good Hearted guy.

From lower Birch Creek a young stock man had a bull that was lousy so while it was a warm day he thought fix him up. He got the bull in the chute and gave it a stove oil rub down. the oil went down to the skin and it being a warm day he thought he'd just as well brand it. He throwed a red hot iron on the bull caught on fire. Pretty sick Bull hair all burned off.

On Badger Creek there was a young man Tommie Lame Bear No. 2 was driving across a lop-sided bridge when the rear of his car slide off the bride and into the river. it still there motor out of sight in water. he will have a clean motor when he gets it out.

John Aims Back, Geo Wippert and bread (James) Comes at Night went hunting up the foot hills and got some wild meat so they should make spring. John aimed forward this time.

Blackfeet tribe has been changing name on the council. first was a Promising council and today they called traveling council.

[From the Hungry Horse News, Mar. 10, 1961]

TATSEY HEADS ASSOCIATION

(By John Tatsey)

HEART BUTTE.—During all last week the weather has been miserable for traveling. every one stayed pretty close to home.

Last sunday there were a few People at the church. the bilzzard was bad for a few hours.

Sunday afternoon was taken up by the Blackfeet Improving Association when officers were elected: John Tatsey, chairman; Henry Crawford, vice chairman; Mae Crawford, secretary; Mary Red Head, treasurer. Paul Running Crane, sergent at arms; there were 38 members voted. People are waking up now and know some thing that will help out in there Problems.

John Harper, Vic Connolly, John Tatsey motored to Babb Tuesday to meet with the community.

There will be a meeting called by the Starr School People Sunday afternoon to get an explanation on the new association.

Tuesday afternoon there was a council meeting at barracks and a film shown to the People. It was good to see indians in Progress. we may be in the same boat some day if we up hold the new organization. What it will take is stick together.

At Agency, the People elected Bud Wetzel as their chairman of the association.

Last Tuesday our friend Stoles Head Carrier was out and showed up in Browning and sure looked fine and fit. Spring must be here.

It shows that the Indian People are in distress. A young man went to Chas Reevis home Wensday morning and told him that there was a per capita payment so he grabed his over shoe and put one on. When his son in law came in hurried him he jumped up and Put his over coat on and went out and got in the car. When he got to town only Pensions were in. Had one over shoe on, no shirt on.

[From the Glacier Reporter, Mar. 16, 1961]

HEART BUTTE NEWS

(By John Tatsey)

Last Wensday there was a meeting held at Browning at Todd's Steak house by the Blackfeet Improvement Association and officers elected. The following evening a meeting was called at Babb where there was a good crowd attended and many suggestions made.

Last Saturday Richard Little Dog, George Old Person, Louie Plenty Treaty, from Starr School were at Heart Butte explaining there problem to the people.

The next meeting will be held at Heart Butte Saturday, March the 18th at 7 p.m. in the school gym. everybody welcome so people will know whats said and you wont be afraid.

The counsel sent Geo Night Gun to little Badger to check on the round hall and found half the floor was gone. A few years back high water flooded the hall, and someone told Night Gun that he saw some beaver working in the hall, all had wrecking bars then the water went down that saved the hall.

There was a little rumpus at the side hill at Heart Butte at Otter Top knots house. A young man was on a fight. The women were trying to stop him and were calling for Otter Top Knot to help but he was gone. When things quieted down a little boy said grandpa is behind the cook stove drinking out of a big bottle. It was a half gallon jug. No brand.

Big Jim was absent Sunday from the street. everyone wondered what happened but showed up Monday morning. Sunday was his cleanup day did all his laundry. he was fresh as a rose.

There was no excitement around Heart Butte during the last two weeks on account of the weather and the two tournaments in Browning, just old folks at home.

Louie Red Head went to Great Falls last week and when he came home he drove up in a chevy. good looking car. A few trips to town made it look different.

James Crazy Bear from some tribe was here for the ballgames but was unable to get to the gym. he was on the road in his car and in the back seat when someone came along and saw him. This guy went and shook him up. when he woke up and blinked awhile he reached for the steering wheel and he told this man that somebody had stole his steering wheel. Maybe he was still in hibernation.

There was a meeting called at Starr School Sunday afternoon to explain the aims of the Blackfeet Improvement Association to the people by John Harper, Vic Connolly, and John Tatsey. Harper explained in English and Tatsey in Indian. the plainer it was told the worst the people thought of it. They would not even elect there officer. Some poison talk around.

Joseph Weatherwax, Geo Aims Back, and Felix Running Crane went hunting and got one elk so there are rustlers won't go hungry.

The well diggers are still drilling around Heart Butte so maybe the people will do there laundry at home before everyone went to town to wash.

Spring seems just around the corner. Cleaning house will be in progress and preparations for Easter week.

Mrs. Ursula Higgins had a nice visit to Missoula when Bruce Dennison played basketball at the fieldhouse there. Bruce is the son of Topsy and Rex Denison.

All of the girls in troop 7 will pass civil defense material to the homes. It is vital that all citizens know how best to protect themselves in case of emergency.

The Starr school dancers were happy to see their picture in the Montana parade.

[From the Hungry Horse News, Apr. 14, 1961]

TATSEY TELLS EVENTS AT HEART BUTTE

(By John Tatsey)

HEART BUTTE.—We missed last week as the writer was to busy attending meetings so will write happenings.

There was some rough play at Heart Butte one Saturday morning where the Indian police went to arrest a young man. The man ran. The police was num on the legs and could not run so he chased him with the 38 and caught him on the leg.

There was a meeting held at Moccasin Flat where they changed officers. John Tatsey was elected in Paul Old Chief of the Black Lodge society. Louie Red Head was elected vice chief also Joseph Old Chief. The dance will be on May 6, 1961 at Starr school.

The Blackfeet Improvement Association held there last organization meetings Sunday on two medicine and one at Starr school.

George G. Kipp and Charles Reevis motored to Butte Sunday to attend the funeral of the late Senator Murray.

Lambing and calving has started very good and stockmen having rather good luck and green grass sure coming up fast.

The association that has been started on the reservation has a good support. Some people think it's a good thing to do some changing in the Wheeler-Howard act. May better conditions on the reservation and the tribe will benefit for the younger generation.

Charles Weasel Head and family motored to Great Falls tuesday where one of their children was to be examined by doctor. The child has measles and settled in her eyes.

The green wood burners of Old Agency held their indian dance easter Monday at Starr school.

John Harper Denzel Smith, John Tatsey were in Cut Bank and made some talking

on the air regarding the Blackfeet Association.

Old Big Eagle was busy all last week cutting dried meat. his boy killing two elk.

Vincent New Robe was in town last week when he got on the wrong side of the street. his wife got him started home when he got mad because they had a flat tire. he walked away his wife drove the car back to town and sold it but they are both home and happy.

RESOLUTIONS ON LEGISLATION FOR AMERICAN INDIANS

Mr. WILEY. Mr. President, recently I was privileged to receive from Mr. Donald R. Ames, chairman of the Bad River Tribal Council, a series of resolutions on legislation pending before Congress.

Believing these thoughtful resolutions deserve the consideration of my colleagues, I ask unanimous consent to have them printed at this point in the RECORD.

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

RESOLUTION 1303

BAD RIVER BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, ODANAH, WIS.

(Resolution pertaining to H.R. 313, Operation Bootstrap bill for American Indians)

Whereas there has been introduced in the Congress of the United States, a bill, H.R. 313, introduced by Congressman E. Y. BERRY, of South Dakota, which provides a tax incentive inducement for industry which will locate on Indian reservation areas; and

Whereas it has been demonstrated that industries have not been inclined to look to Indian reservations or communities for plant expansion even though there are large pools of unemployment on almost every reservation or community, and it is felt that there may be a tendency to overlook the welfare of the Indian in Senate bill 1; and

Whereas it has been demonstrated not only in Puerto Rico, but in many foreign countries that tax incentives have proven to be the inducement necessary to get industry interested in locating in those areas; and

Whereas the people of this organization exist in a substandard economy, causing great hardship and little if any opportunity for the members of the tribe, and that industry on this reservation would mean employment for members of the tribe, and employment means income and opportunity and the privilege of improvement of our own housing and living conditions, our own health and economic standards without Federal or State assistance; and

Whereas we believe that H.R. 313 or similar legislation offering a tax incentive to industry is the answer to our problems: Now, therefore, be it

Resolved, That the Bad River Band of Lake Superior Chippewa Indians endorses H.R. 313 and requests immediate passage by the Congress of the United States; and be it further

Resolved, That copies of this resolution be sent to the Secretary of the Interior, President of the Senate, Speaker of the House of Representatives, Senator Alexander Wiley, Senator William Proxmire, State Senator Carl Lauri, Assemblyman Robert Barabe, and Congressman Alvin E. O'Konski.

For the Bad River Band of Lake Superior Chippewa Indians:

DONALD R. AMES,
Chairman, Tribal Council.

Attest:

CLARA DECOTEAU,
Secretary, Bad River Band of Lake Superior Chippewa Indians.

RESOLUTION 1304

BAD RIVER BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, ODANAH, WIS.

(Resolution pertaining to the transfer of certain submarginal lands to certain tribes)

Whereas, the Executive Order 7868 of Franklin D. Roosevelt dated April 15, 1938, had transferred certain submarginal lands from the Secretary of Agriculture to the Secretary of the Interior, and that such order had specified "that the Secretary of the Interior is hereby authorized (1) to administer * * * such lands for the uses for which they were * * * acquired * * * for the benefit of such Indians as he may designate"; and

Whereas such lands on the Stockbridge-Munsee, Lac Court Oreilles, and Bad River Reservations in Wisconsin, and the L'Anse Reservation in Michigan have not been used for the benefit of such Indians; and

Whereas the transfer of title to the above bands of Indians will comply with the purpose for which such lands were originally acquired, will multiply the land base of the reservations concerned, and will greatly increase the possibilities of a beneficial resource development program: Now, therefore, be it

Resolved, That it is the sense of the Bad River Band of Lake Superior Chippewa Indians that it be enacted by the Senate and House of Representatives of the United States of America in Congress, that all title, right and interest of the United States of America in the lands, and the improvements thereon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the act of August 24, 1935 (49 Stat. 750, 781), and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Indian tribes or groups named below, are hereby declared to be held by the United States in trust for such Indian tribes or groups, and that tribal rights of hunting, fishing, trapping and gathering wild rice or other fruits of the soil shall pass to the tribe or group upon such transfer:

Submarginal land project; Indian tribe or group, and approximate acreage

L'Anse, LI–MI–8, Keweenaw Bay Indian L'Anse community, 4,016;

Bad River, LI–WI–8, Bad River Band of Lake Superior Tribe of Chippewa Indians, 13,069;

Lac Court, LI–WI–9, Lac Court Oreilles Band of Chippewa Indians of Lake Superior, 13,185;

Stockbridge, LI–WI–11, Stockbridge-Munsee community, 13,077; and be it further

Resolved, That copies of this resolution be sent to the Secretary of the Interior, President of the Senate, Senators WILEY and PROXMIRE, the Speaker of the House of Representatives and Congressman ALVIN E. O'KONSKI.

For the Bad River Band of Lake Superior Chippewa Indians:

DONALD R. AMES,
Chairman, Tribal Council.

Attest:

CLARA DECOTEAU,
Secretary, Bad River Band of Lake Superior Chippewa Indians.

RESOLUTION 1305

BAD RIVER BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, ODANAH, WIS.

(Resolution pertaining to the application of the present food stamp program to Indian reservations)

Whereas there are many Indians of this area who are in dire need of a substantial nutritional diet; and

Whereas such a diet cannot now be obtained through present agencies; and

Whereas the income of the people of the depressed Indian communities is not sufficient to provide such a diet: Now be it therefore

Resolved by the Bad River Band of Lake Superior Chippewa Indians, That Congress be urged to extend the present food stamp plan to include needy Indians in Michigan, Wisconsin, Minnesota, Iowa, and Illinois; and be it further

Resolved, That copies of this resolution be sent to the President of the Senate, the Speaker of the House of Representatives, Senators WILEY and PROXMIRE, and Congressman ALVIN E. O'KONSKI.

For the Bad River Band of Lake Superior Chippewa Indians:

DONALD R. AMES,
Chairman, Tribal Council.

Attest:

CLARA DECOTEAU,
Secretary, Tribal Council.

Dated at Odanah, Wis., this 6th day of June 1961.

PRESIDENT TWITS SOVIET ON OUTPUT

Mr. WILEY. Mr. President, the Communist system in the Soviet Union—while making some progress—has been traveling faster in words than deeds.

Progressively, the global atmosphere has been filled with ballooned bragging of Communist progress.

Unfortunately, the repetitive din of such bragging has resulted in far too many people believing such propaganda.

That is why I was particularly delighted yesterday to see President Kennedy put Khrushchev's bragging in perspective, and accept the Communist challenge.

Agriculturally, industrially, economically—in almost every phase of competition—the output of our free system far exceeds that of the Soviet system. This is particularly true in the nonmilitary field. The practices of letting the Soviet bragging go unchallenged should be corrected.

In the past, I have made efforts myself to correct misimpressions created by Communist bragging. I am hopeful that the President's action yesterday of picking up the gauntlet will be followed successfully by further efforts to puncture the ballooned bragging of the Communists.

Today the New York Times published an article putting in perspective the United States-Soviet output, entitled "President Twits Soviet on Output," by Joseph A Loftus.

I ask unanimous consent to have excerpts of the article printed at this point in the RECORD.

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

[From the New York Times, June 29, 1961]

PRESIDENT TWITS SOVIET ON OUTPUT: SAYS KHRUSHCHEV IS WRONG ABOUT OVERTAKING UNITED STATES

(By Joseph A. Loftus)

WASHINGTON, June 28.—Premier Khrushchev's expectation of outproducing the

United States by 1970 is a welcome challenge but is less than two-thirds right, President Kennedy said today.

If the United States ran faster and increased its rate of economic growth from 3½ to 4½ percent, the Soviet Union would not catch up in this century, Mr. Kennedy said.

"And," the President quipped, "to paraphrase Mr. Coolidge, We do choose to run."

"We invite the U.S.S.R. to engage in this competition, which is peaceful, and which could only result in a better living standard for both of our peoples," Mr. Kennedy remarked.

But he cautioned the Soviet leader not to hang the tiger skin in his trophy room before he had caught the tiger.

"This tiger has other ideas," said Mr. Kennedy (opening statement, p. 12).

The President's paraphrase referred to President Calvin Coolidge's announced decision not to seek a second full term: "I do not choose to run for President in 1928."

Mr. Kennedy brought up the subject of the Soviet and American economies in a statement opening his news conference. In quoting Premier Khrushchev's forecasts, the President was presumably referring to a press account last Saturday of the Soviet leader's speech at a Communist Party assembly in the Soviet Republic of Kazakhstan.

* * * * *

Mr. Kennedy noted that the Soviet leader had "compared the United States to a worn-out runner living on its past performance and stated that the Soviet Union would outproduce the United States by 1970."

A second point made by economists was that a comparison of the U.S. total product with the Soviet Union's total product tended to obscure the fact that a larger part of the Soviet output was nonconsumer industrial production. This production is an important factor in the power relationship of the two countries.

CITES A HIGHER FIGURE

Some economists believe that if consumer goods such as automobiles, refrigerators, washing machines, television sets and similar items are omitted from the computation, Soviet production will outrun the United States by 1970.

President Kennedy said today that the growth rate of the U.S. economy, measuring from 1953, averaged about 3¼ percent a year.

* * * * *

In percentage terms, of course, the Soviet economy has to show a greater rise than the U.S. economy to produce an equivalent rise in volume. This is so because the Soviet calculations start from a lower base.

"If both countries sustain their present rate of growth, 3½ percent in the United States and 6 percent in the Soviet Union, Soviet output will not reach two-thirds of ours by 1970," the President said today.

EASIER RATE TO SUSTAIN

Mr. Kennedy said:

"Our rate will be far easier to sustain or improve than the Soviet rate, which starts from a lower figure.

"Indeed, if our growth rate is increased to even 4½ percent, which is well within our capability, it is my judgment that the Soviet Union will not outproduce the United States at any time in the 20th century.

"This faster growth rate is a primary object of the various measures I've submitted and will submit in the future—tax incentives, education, resource development, research, area redevelopment and all the rest."

Mr. Kennedy told his news conference that, according to the best calculations he could get from governmental and private sources, the Soviet gross national product was 46 percent of the United States gross national product in 1913. The gross national product is the total value of all goods and services produced.

"Interestingly enough, in 1959 it was 47 percent," he said. "Because while the Soviet Union was making progress and improving the material standards of her people in the ensuing years, so was the tired-out runner [the United States], and on a per capita basis the Soviet product in 1959 was only 39 percent of ours."

STUDY COMPARES NATIONS

A study made in 1959 for the Senate Foreign Relations Committee casts some light on the relative positions of the two economies and their prospects. The study was made by the Corporation for Economics and Industrial Research, Inc.

"If the present trend continues," the 1959 report said, "there will be growth of 130 percent in the gross national product of the Soviet Union by 1970 compared with less than 70 percent in the United States."

"The comparison on the basis of industrial growth, and still more on the basis of nonconsumer industrial growth, is much worse," the report went on. "The basic fact must be faced that in the last area they exceed the United States by 1970 even though their total gross national product will be only 55 percent of ours." Then it commented:

"Changes in the gross national product, and gross national product comparisons among countries, while useful, do not adequately measure the power position of the countries compared. This position is best gaged by the industrial base of a nation, for this is an important backstop for the military establishment and for a country's international trading position."

THE LATE GEORGE BENDER

Mr. MUNDT. Mr. President, it was with a real sense of sorrow that I learned of the sudden and unexpected passing of George Bender of Ohio—onetime Congressman, onetime Senator, and alltime sturdy American and advocate of good government.

George Bender was an unusual individual in many ways. Good natured, warmhearted, gregarious, and generous, George Bender possessed an abundant energy and a buoyant nature which won him many friends and kept him in the limelight of Ohio politics for several decades. His devoted loyalty to Bob Taft and his support of Taft's presidential quests was unfailing and his devotion to the Republican Party stood the test of time and the challenge of both defeat and failure.

I came to know George Bender soon after he came to Congress as a Representative from the great State of Ohio. I saw him in action at several Republican conventions and was present on the memorable occasion when he presided over a great political rally in the Cleveland Stadium the night then candidate for President, Dwight D. Eisenhower, delivered the most difficult speech of his career, coming as it did only a few minutes after the historic "tells all" television address by Richard Nixon in that 1952 campaign. I can still close my eyes and envision George Bender in his element that night—leading the great multitude that filled the stadium in hymn singing and in collective cheering as the crowd waited for the appearance of the President to be. George Bender was an extrovert with an extraordinary array of skills and aptitudes. His outflowing personality won him many friends and honors.

The Benders lived as our neighbors in the nearby Schotts Alley development for several years during and after his career in the Senate. They were friendly folks, good neighbors, gracious associates. It is indeed sad that one who loved life so much should have been cut down in the midst of optimistic plans for a political comeback and new challenges ahead.

Mrs. Mundt joins me in extending our most sincere solicitations and sympathies to Mrs. Bender, the Bender daughters and their families, together with other grieving relatives.

PUBLIC DEBT IN PERSPECTIVE

Mrs. NEUBERGER. Mr. President, the size and condition of the public debt is of great concern to all of us in Congress. Almost every piece of legislation we consider has some relationship to the sum which the Treasury owes or may owe in the future.

Yesterday we had before us a bill to increase the debt limit for a 1-year period, so I have attempted to obtain some information to give the public debt proper perspective in relation to our total productivity.

Information which I have received from the Treasury Department shows that the gross public debt and guaranteed obligations of the Federal Government increased from about $257 billion in 1947 to $290.4 billion in 1960. This was an increase of slightly more than $33 billion. However, value of our gross national product was $247.3 billion in 1947 and had increased to $501.5 billion in 1960. Thus, during the same period of a $33 billion debt increase, the value of our gross national product rose $254.2 billion.

The figures supplied to me by the Treasury showed that the public debt equaled 104 percent of the gross national product in 1947, but only 58 percent in 1960. Moreover, the per capita portion of the public debt was $1,767 in 1947, but declined to $1,593 in 1960.

These figures seem to support a belief that our Nation is fully solvent.

The figures should not be interpreted as an indication that we should be profligate with public funds. I strongly believe in reduction of debt during those periods when national circumstances permit. But we must also recognize our national defense requirements, our obligations to the future, the need for sound investment in development of our Nation's human and natural resources. I merely wish to point out that decisions regarding the public debt should be related to our Nation's total productivity and net asset value. I ask consent to include with my remarks the table entitled "Relationship of the Public Debt to Gross National Product and Population."

There being no objection, the table was ordered to be printed in the RECORD.

Relationship of the public debt to gross national product and population

End of calendar year—	Gross public debt and guaranteed obligations	Gross national product [1]	Debt as a percent of gross national product	Per capita disposable income [2]	Per capita debt
	Billions	*Billions*			
1947	$257.0	$247.3	104	$1,180	$1,767
1948	252.9	262.8	96	1,291	1,708
1949	257.2	261.4	98	1,272	1,708
1950	256.7	311.0	83	1,369	1,677
1951	259.5	339.6	76	1,474	1,666
1952	267.4	361.6	74	1,520	1,688
1953	275.2	360.5	76	1,582	1,709
1954	278.8	377.6	74	1,582	1,701
1955	280.8	409.8	69	1,660	1,684
1956	276.7	434.2	64	1,742	1,630
1957	275.0	437.2	63	1,804	1,592
1958	283.0	467.0	61	1,826	1,612
1959	290.9	493.8	59	1,905	1,623
1960	290.4	501.5	58	1,969	1,593

[1] Gross national product figures used for the end of the calendar years are averages of 4th quarter and 1st quarter data as published by the Department of Commerce.
[2] Annual figures published by Department of Commerce.

(Office of the Secretary of the Treasury, Office of Debt Analysis, May 17, 1961.

BICENTENNIAL CELEBRATION BY VERMONT TOWNS

Mr. PROUTY. Mr. President, more than 60 towns in Vermont are this year celebrating the 200th anniversary of the granting of their town charters and many of them have planned special events to celebrate these historic occasions.

Pageants, parades, concerts, historical displays, dramatic performances, and exhibitions of many kinds are only a few of the events scheduled in connection with these bicentennial celebrations.

These special events, added to the abundance of natural attractions which Vermont has to offer, will bring thousands of visitors to the Green Mountain State this summer and autumn.

A number of bicentennial events have already been held but many more will take place from the first of July to the end of the year. To assist those who plan to visit Vermont this year I ask unanimous consent to have printed in the RECORD a listing of bicentennial events scheduled by Vermont towns during the remainder of the year compiled by the Vermont Department of Development.

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

LISTING OF BICENTENNIAL EVENTS OF VERMONT TOWNS

July 1–4, Springfield: Historical pageant noting especially the town's connection with the famous Old Crown Point Road, fireworks, barbecue, games.

July 1, Weathersfield Center: Antique show at meeting house, turkey supper, historical society will hold open exhibits during annual meeting in early October.

July 1, Shrewsbury: Ham supper, photographic exhibit, and events.

July 1, Clarendon: Strawberry festival supper.

July 1–4, Reading: Jeep rides to early settlements, baked bean supper, square dancing in costume, tour of old homes, baseball game.

July 1–September 7, Rutland: "Bicentennial Village," "Old Down-Town," events all summer.

July 1–9, South Woodstock: Green Mountain Horse Association adult horsemanship clinic.

July 2, New Haven: Church service and special activities dramatizing first town meeting.

July 2–8, Norwich: Community service in Town Hall, charter day (July 4) dedication of marker, speech by former U.S. Senator Ralph E. Flanders, old house tour and tea, bonfire, fair.

July 4, Wardsboro: Street fair, parade, band concert.

July 7–10, Woodstock: Nelly Gill, one-act play festival, garden and house tour, church fair, antique auto rally, Weston Players production.

July 8, Hartland: Exhibition, parade in costumes, speakers, dinner, street dance, charter day exercises.

July 8, Sherburne: Celebration, and dedication of library; church luncheon, evening barbecue, and dance.

July 9, Pomfret: 200th anniversary exhibit, community picnic.

July 12, Middlebury: Historic homes tour.

July 12, Cavendish: Chicken barbecue.

July 12–13, Fairlee: Arts and crafts exhibit.

July 14, Brandon: Flower show.

July 15–August 31, Rutland: Mid-Vermont artists exhibition.

July 16, Sherburne: Muzzle loading cannon and mortar firing by Green Mountain Boys and Muzzle-Loading Rifle Club.

July 16, Barnard: Old home day, parade, beef barbecue, Highland Pipe Band.

July 22, Sherburne Center: Chicken barbecue.

July 26, Castleton: Colonial Day celebration.

July 28–29, Wallingford: Summer festival.

July 28–30, Woodstock: Green Mountain Horse Association 5th annual horse trials.

July 29–30, Stratton: Bicentennial dance in town hall, church service.

July 29, Newfane: Susanne Block recital on medieval instruments.

July 29, Peru: Old home day, sale, community house supper.

July 29, West Wardsboro: The Lord's auction on church lawn.

July 29, Woodstock: One-day rural flea market of antiques.

August 1, Hartland: Windsor County field day on fair grounds.

August 1, Pittsford: Church bazaar, supper, auction.

August 3–5, Weybridge: Old home day, field day at Morgan horse farm.

August 5, Clarendon: 200th anniversary celebration.

August 5, Townshend: Hospital day fair.

August 6, Stockbridge: Old home day, lunch outdoors.

August 6–12, Manchester: Historical pageant and celebration.

August 8, Thetford: Town fair on the common, candlelight service in 1787 meeting house.

August 9–12, Woodstock: French's antiques fair and sale.

August 10, Dorset: Church fair.

August 10–11, Arlington: Street fair.

August 10–12, Manchester: Bicentennial celebration.

August 11–12, Rutland: New England square dance festival.

August 11–13, Guilford: Historic festival, exhibit of antiques, tour of historic sites, barbecue, steamed clams.

August 12, Hartland: Beef field day, showing of stallions and mares of Morgan horse farm, demonstrations of grading and judging beef on the hoof.

August 12, Sherburne Center: Old home day, church auction.

August 12, Cornwall: Old home day, dinner, program of events.

August 12, Weathersfield: Old home day, parade, square dance, dinner, baseball game.

August 13, Arlington: Lion's Club horse show.

August 13, Guildhall: 200th birthday celebration, old home day, bean dinner, parade, church services.

August 13, Weathersfield Center: Annual pilgrimage at Center Church, tea.

August 14, Barnard: Annual chicken pie supper at Town Hall.

August 14–20, Bennington: 200th anniversary celebration.

August 16, Sherburne: Old fashioned evening social commemorating bicentennial.

August 16, Fairlee: Town celebration.

August 17, Manchester: Home and garden tour, exhibit of old Vermontiana.

August 17–19, Rutland: Vermont handcrafters fair.

August 18, Woodstock: Universalist Church fair on the green.

August 18–20, Hartford: Historical pageant, public square dancing out of doors, parade, fireworks, bicentennial ball with crowning of queen, barbecue, annual gladiolus show.

August 18–20, Pawlet: Supper, fashion show of styles from colonial times to today, parade, pageant, street dance.

August 19, Poultney: Charter day, 200th year history in a play, dinner on the green, parade, exhibits.

August 23, Addison: DAR pilgrimage, lunch.

August 23–26, Wells: Bicentennial celebration with chicken barbecue, Modern Woodmen of America carnival.

August 24, Ludlow: 11th annual smorgasbord at United Church.

August 24, Cavendish: Sugar-on-snow supper at Baptist Church.

August 26, Andover: Old home day, tour of historic houses, dedication of new town clerk's office, historic pageant, handwork exhibit, lunch.

August 26, Pawlet: 200th anniversary celebration.

August 30–September 2, Woodstock: Variety of events, 50-mile "pleasure ride," 100-mile horseback trail ride; Gov. Wesley Powell, of New Hampshire, speaker; street dance, fireworks, baseball game.

September 2–3, Tunbridge: Bicentennial celebration, chicken barbecue, Vermont Gov. Ray Keyser, Jr., speaker; Contra dance exhibit, baked bean supper, variety show and dance, old home day, Union Church service, barbecue and box lunch at Town Hall.

September 3–9, Rutland: Rutland County Fair, bicentennial celebration on the 7th.

September 3, Warren: Hunter's supper.

September 14–16, Tunbridge: World's Fair.

September 16–17, Stowe: Antique car rally.

September 23, Wilmington: Farmer's Day exposition and horse show.

September 29, Wilmington: Hampshire County annual foliage ride.

October 5–15, Bennington: Fall foliage festival, queen contest, Congregational Church antique show and sale.

October 7–8, South Woodstock: New England Morgan Horse Association annual foliage ride.

October 8, Bridport: Old home day, church service, public dinner, program, speaker, music.

October 15, Pittsford: Dedication of museum, visit of Indian family, old home day, buffet, historical essay contest, dedicate marker for site of first house in Pittsford.

November 18, Cavendish: Chicken pie supper.

November 18, Plymouth: Annual game supper at Fireman's Hall.

December 2, Peru: Annual Christmas sale and supper.

SUGGESTION BY SENATOR DODD FOR INTRODUCTION TO VOICE OF AMERICA BROADCASTS

Mr. DODD. Mr. President, for some time I have been troubled by the thought that the Voice of America lacked a theme—not a theme song, but a brief, dramatic statement of purpose which would unmistakably identify it as the Voice of America and which would, at the same time, carry meaning to the hearts of its listeners.

About 2 weeks ago, while I was mulling over the matter again, it occurred to me that there could be no more appropriate theme for a broadcasting agency calling itself the "Voice of America" than the opening words of our own Declaration of Independence.

I immediately sat down and wrote a letter to Mr. Edward R. Murrow, Director of the U.S. Information Agency, suggesting that programs of the Voice of America in various languages commence with the words:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.

That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. * * *

In my letter I further suggested that, after having this passage read by a strong dramatic voice, the program announcer come on with the words:

This is the Voice of America. The words you have just heard are the opening words of the American Declaration of Independence. This is what America stands for—for her own people and for all men everywhere.

I am happy to report that the Voice of America has acted favorably on this proposal. The reply which I received on June 23 from Mr. Henry Loomis, Director of Broadcasting in the U.S. Information Agency, said:

Your thought that the Voice should make our Declaration of Independence more widely known among our audiences has much merit and is one which we will implement to the widest degree possible consonant with the nature of individual programs.

In this age of governmental redtape, it is a rare pleasure to have a proposal read, referred, and acted on, all within the space of 12 days. Perhaps the Voice of America has found the answer to the ailment of procrastination which seems to afflict all Government bureaucracy.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point my letter to Mr. Edward R. Murrow of June 8 and the reply of Mr. Henry Loomis, Director of Broadcasting Service in the U.S. Information Agency, dated June 21.

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

JUNE 8, 1961.

Mr. EDWARD R. MURROW,
Director, U.S. Information Agency,
Washington, D.C.

DEAR MR. MURROW: For the last several days an idea has been running through my mind which I now wish to submit for your consideration.

The success of all propaganda, even the best and most honest propaganda, depends, at least in large measure, on repetition. If the statement is one which merits repetition and if the repetition can be arranged in a manner which makes it appear natural rather than contrived or labored, then so much the better.

The central theme of our propaganda to the Communist world is "freedom." We strive to get this theme across in many ways—through our news programs, through discussion programs, through dramatic presentations, and so on.

But the thought that has occurred to me is that in the opening words of our Declaration of Independence we have the most eloquent and universal statement of the meaning of freedom that has ever been penned in any language. It is a statement capable of moving men to their hearts' core, even when they have heard it a thousand times.

The proposal that I would like to submit is that all major programs of the Voice of America commence with these words, read by a dramatic voice which is not that of the program announcer:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.

"That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed * * *."

At this point, the program announcer would come on with the words:

"This is the Voice of America. The words you have just heard are the opening words of the American Declaration of Independence. This is what America stands for—for her own people and for all men everywhere."

I feel that, repeated day after day, year after year, these few historic sentences which so stirred the hearts of men in their own time, will stir the hearts of men in other countries just as powerfully.

I look forward to receiving your comment on this proposal.

Sincerely yours,

THOMAS J. DODD.

JUNE 21, 1961.

DEAR SENATOR DODD: Your proposal to Mr. Murrow that major programs of the Voice of America begin with the opening phrases of our Declaration of Independence has been carefully explored and discussed.

Your observation that to a large extent the success of propaganda (be it good or evil) depends greatly on the degree in which it is repeated is entirely true. We at the Voice are well aware of this and it is our policy to repeat the basic facts of our Nation, and what we stand for, in many forms and ways of presentation, over and over again.

Our Declaration of Independence is one of the greatest statements of principle to be found in history and also, as you likewise point out, one which is greatly moving to all whose aspirations for freedom and justice seek expression, wherever they may be. Your thought that the Voice should make our Declaration of Independence more widely known among our audiences consequently has much merit and is one which we will implement to the widest degree possible consonant with the nature of individual programs. We plan to have the quotation you suggest recorded by a well-known voice, one which is not associated with the Broadcast Service but is well-known internationally and to use it with certain of our major programs, where appropriate.

We appreciate your interest in the Voice and your desire to make our programs more effective.

Sincerely,

HENRY LOOMIS,
Director, Broadcasting Service.

PUBLIC ATTITUDE TOWARD MEDICAL CARE FOR THE AGED

Mr. CURTIS. Mr. President, on June 9, 1961, the New York Herald Tribune and other metropolitan newspapers carried results of a Gallup poll whose objective was to determine public attitude toward medical care for aged persons. In this work of the Gallup poll reflected the opinions of 1,536 persons.

In studying this poll and interpreting the question which was asked those polled, it does appear to me that persons questioned were not aware of the scope of the President's proposal for health care for the aged. The question, generally, asked whether these persons would favor or oppose having the social security tax increased in order to pay for old aged medical insurance.

It seems obvious to me that many of the persons questioned may have been under the impression that President Kennedy's proposal provides for complete health care, which would include services of physicians. We know, of course, that the President has stated, and I quote:

No service performed by any physician at either home or office, and no fee he charges for such services would be involved, covered, or affected in any way.

The persons questioned may not have been aware that the medical services covered under the President's proposal are for hospital services, nursing home services, the services of visiting nurses, and diagnostic services at clinics. The only care available under the President's proposal from a physician is that of an emergency nature, which might be provided by staff doctors or interns in hospitals. It does not, of course, propose to cover chronic ailments of aged persons which require day-to-day attention by

a medical doctor. I submit that this may have created an area of misunderstanding which reflects upon the validity of Mr. Gallup's poll.

On the same day on which the Gallup poll appeared, the New York Herald Tribune carried an article on this subject. In the article, it pointed out that the program will be met from revenues estimated at $1.8 billion yearly, which will be brought into the social security program under the proposed tax. It should be noted that the Department of Health, Education, and Welfare estimates the first year's cost at $1.8 billion and we know that succeeding years will increase the amount of the cost very substantially beyond the $1.8 billion mark. The article appearing in the New York Herald Tribune points out that the program will be financed by one-fourth of 1 percent of the workers' earnings. It does not reflect that the same amount will be collected from employers. It also does not reflect that, by 1969, the social security tax will rise to a total of 9 percent of wages—4½ percent from the employee and 4½ percent from the employer, and this means a tax rate of 13½ percent in the case of the self-employed.

AWARD OF HONORARY DEGREE OF DOCTOR OF HUMANE LETTERS TO SENATOR MUNDT BY HURON COLLEGE, SOUTH DAKOTA

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent to have printed in the RECORD the citation by Dr. Glenne R. McArthur, of Huron, S. Dak., at the presentation of my colleague from South Dakota, Senator MUNDT, for the honorary degree of doctor of humane letters by Huron College, Huron, S. Dak., on June 5, 1961.

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

Dr. KERR. It is my happy privilege to present a candidate for the honorary degree of doctor of humane letters—that branch of learning and accomplishment concerned with human thought, communication, understanding, and relations, as distinguished from the sciences.

A native-born South Dakotan, KARL E. MUNDT attended the grade schools of Humboldt, Pierre, and Madison, S. Dak., obtained his bachelor of arts degree from Carleton College; then served the Bryant High School for 4 years as an instructor and as superintendent; was granted his master of arts degree from Columbia University in 1927; moved to Madison, S. Dak., where for 8 years he headed the speech department of General Beadle State College, and conducted classes in economics, psychology, and sociology on a part-time basis while serving as junior partner of Mundt Loan & Investment Co., engaged in farm management, loan, investment, and insurance business; was elected to Congress in 1938; served in the U.S. House of Representatives for 10 years; was elected to the U.S. Senate in 1948, and is now serving his third term.

In 1925, KARL E. MUNDT was one of the organizers of the National Forensic League, a nationwide honor society recognizing meritorious work in high school competitive forensics; was issued membership card No. 1 in that organization, which now has over 600 chapters in 42 States; served as its national vice president for 10 years; became its national president in 1935, and has continued in that office for 26 years.

An ardent conservationist, KARL E. MUNDT was elected State president of the Izaak Walton League in South Dakota in 1929; was appointed in 1931 for a 6-year term to the South Dakota Bipartisan Game and Fish Commission; served as national vice president of Izaak Walton League in 1937, and was a member of national executive board in 1938 when elected to Congress.

In 1934, KARL E. MUNDT served the Minnesota-Dakotas district of Kiwanis International as district governor and subsequently served as chairman or member of several of its international committees.

In 1933, 1934, and 1935, MUNDT served as program director of the Rocky Mountain Writers' Conference at the University of Colorado. His articles have appeared in many periodicals, including Colliers, Coronet, The Nation's Schools, Outdoor America, Successful Farming, The County Gentleman, The Forensic, the Christian Advocate, Pathfinder, Fair-play (published in London, England), Vital Speeches, This Week, Liberty Magazine, Conservation Education, Reader's Digest, and others.

On three different occasions, 1952, 1953, and 1960, KARL E. MUNDT has been the recipient of awards by Freedoms Foundation of Valley Forge, Pa., for outstanding contributions to our American way of life.

In 1954, the All-American Conference To Combat Communism awarded its Distinguished Service Citation to KARL E. MUNDT for the courage, loyalty, wisdom, and faith with which he has served God and country.

In 1957, the trustees of the American Good Government Society cited Senator MUNDT for his notable legislative achievements in securing under the Internal Security Act of 1950, the establishment of a Subversive Activities Control Board to halt Communist subversion.

Recognizing Senator MUNDT's outstanding record of constructive service as farmer, educator, conservationist, author, social scientist, statesman, and master of forensic arts, and his distinguished leadership in areas of human thought, communication, understanding and relations, the board of trustees of Huron College has authorized and directed that the honorary degree of doctor of humane letters be conferred upon KARL E. MUNDT.

Mr. MANSFIELD. Mr. President, is there further morning business?

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

AID TO EDUCATION

Mr. SCHOEPPEL. Mr. President, when the aid to education bill was before this body, there were many of us who felt that assistance should be given to those areas where a need actually existed.

Some of us opposed this particular bill because we felt that it was the first step down the road toward Federal control and supervision of our schools.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Wall Street Journal of June 23, 1961, entitled "One Big Classroom." Also an article from the magazine Overview, dated November 1961. I call attention to the fact that Overview is a publication for all educational executives. Also an editorial from "The American Statesman" dated June 15, 1961, entitled "Aid to Education Farce."

Because of the importance of these editorials and article and the importance of the subject to the country, I think it behooves all of us to take time to have an overall look at what we have accomplished in the way of that legislation.

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

[From the Wall Street Journal, June 23, 1961]

ONE BIG CLASSROOM

Big new programs of Federal aid to education may or may not be dead for this session of Congress, but the proponents of Federal control of the schools are very much alive and kicking.

To be sure, the advocates of Federal aid to education usually say that the thought of Federal control never entered their minds. Well, perhaps it hasn't entered some minds, but there's no doubt that many in Washington are thinking that way.

Specifically, the U.S. Office of Education, a part of the Department of Health, Education, and Welfare, is astir these days with a burgeoning sense of mission. Indeed, a committee on the Office's mission and organization has come up with a report urging wholesale expansion of the Federal role in education.

The report is entitled "A Federal Education Agency for the Future"—a name which, in the words of the authors, reflects "nothing more or less than a change in public conviction as to the role of the Federal Government in the area of education." On the strength of Federal aid to schools in impacted areas and the National Defense Education Act, the report asserts the need for an agency "speaking within the Federal Government for the long-term interests of education * * * and (rendering) assistance in the development of public educational policy." In short, says the report, the agency would be "the voice of the Nation's educational conscience."

What would this agency talk about? According to the report, it would undertake the "formulation, examination and reformulation of the goals of our national society in terms of educational objectives." Beyond that, because the world is shrinking all the time, the report argues that "national observers are especially well qualified to assess the international deficiencies"—whatever that means—"of our domestic educational system."

Let's consider the meaning of some of these words. Public educational policy. The Nation's educational conscience. The goals of our national society. National observers. The implication, clearly, is Federal control of the Nation's schools.

For what is the sense of having a federally determined educational policy if the Government does not enforce it? Who could ignore the prompting of a self-appointed national conscience that had the power to compel obedience? Similarly, what good are goals if society does not move toward them? Presumably, the national observers would see to that.

In order to make such a system work, the proposed Federal agency would have to regulate every aspect of education right down to the teacher, the classroom and the textbook.

Here, then, is a bureaucratic dream of pupils, teachers and parents assembled in one big classroom, responding to the national purpose laid down by their all-wise Federal Government. And since the only purpose apparent in Washington these days is aggrandizement of the Government and centralization of power at the expense of individual freedom, the vision of the dreamers is consistent and nightmarish.

Logic and experience show beyond doubt that Federal aid is followed by Federal control. All the same, it's useful for the Nation to have, from the education planners themselves, this blueprint for a Federal takeover.

[From Overview, November 1960]

A NATIONAL SYSTEM OF EDUCATION

(By Walter D. Cocking)

The United States is inexorably moving toward a national system of education. By the end of the 20th century we should be far along the road toward this goal. There will be much travail, dissension, and heated debate concerning the wisdom of traveling this road. There will be many regrets, many cherished viewpoints which will have to be given up or changed. For instance, the long held views that education is largely a personal concern and that educational policy should be made by local units of government will have to go. The growing dependence of the Nation upon education will tip the scales overwhelmingly for a national system of education.

There are many reasons for this shift toward a national educational system: (1) The unending increase in population, (2) the ever-growing technology and industrialization, and (3) the growing dependence upon education as an important instrument of foreign policy.

The population explosion is probably the outstanding phenomenon of the 20th century. It took the world 200,000 years to reach a total population of 2.7 billions. It is predicted that in 30 years, another 2 billions will be added to the population total. In the United States it is predicted that the present 180 million population will increase to well over 200 million by the close of the century. If this greatly increased population is to be well fed, well housed, and well clothed; if it is to be capable of self-government; if each individual is to have dignity, then education has to be the chief factor in these accomplishments. Such a task cannot safely be left to the vagaries of 40,000 local school districts and 50 State educational systems. It demands the unified and coordinated effort which can only be had from a national system of education operating under authorized control.

Another outstanding circumstance of the 20th century has been the vast development of technology and our increased industrialization. The need for unskilled labor is rapidly disappearing. Even the need for semi-skilled workers is greatly reduced. The machine has made them unnecessary, and at the time has stepped up output and improved efficiency. The need for skilled workmen and technicians has grown and will continue, resulting in less work opportunity for the uneducated.

Finally we come to a consideration of education as an instrument of foreign policy. The growth of new nations, the upsurge of peoples in the underdeveloped areas of the world, the contest of ideologies for supremacy, the struggle by all peoples for freedom, the effort of all men to have their individual dignity recognized by their fellow men—all these and more have of necessity placed a great demand upon education. The United States must help, not for selfish reasons or to gain an advantage, but rather because these are the things for which Americans stand, which they believe, and to which America is dedicated.

Education of our own people, and unselfish assistance to the peoples of other lands in their efforts to provide good education is and must be our primary policy in international relations of the future. If education is to be so used it has to be national in concept and national in action.

As I see it, then, the national welfare demands a national system of education. The growing complexity of national and international problems which require solution makes mandatory a high degree of educational efficiency which can only be achieved by making education a national enterprise.

[From the American Statesman, June 15, 1961]

THE AID TO EDUCATION FARCE

Year after year, in Congress after Congress, the powerful superlobby of the progressive educationists, manages to get its perennial Federal aid to education bill introduced. And with every new attempt by this superlobby to take over the schools, the proposed cost to the taxpayer gets bigger and bigger. This year the suggested tab, for the privilege of turning over the schools to the bureaucrats is $5.6 billion.

The advocates of this year's measure advance a variety of arguments to support their proposal. Among them are: a need to raise teachers' salaries; a need to build more classrooms; the inability of the States to handle the increase in pupils; and the increased equity of redistributing money from richer States to poorer States. According to the bill's supporters, all this will be accomplished without raising taxes and without the Federal Government grabbing control of the administration of public education throughout the country.

The facts of the matter are that, in the last 15 years the construction of new classrooms has more than matched the increase in students. In addition, the ratio of students per teacher has actually decreased over the same period. More money is being spent per student, and the increase of teachers' salaries has kept up with the increase in pay of the other major occupational segments of the population.

Aside from the bill's obvious socialistic basis (redistribution of the wealth), it will not even accomplish what it is supposed to do. For instance, the idea of giving money to the various States on the basis of need is an absolute fraud. Under the proposed law, the Federal Government will make an assessment of the funds each State spends per pupil and thus by way of comparison arrive at the relative funds to be allotted to the various States. Here's what would happen: A study would be made of Utah, for example, and would undoubtedly show that Utah spends more per pupil than Texas. Therefore the Federal Government would decide that Texas needed more help than Utah. Consequently Texas would not only receive more money back from Washington than Utah, but Utah would turn out to be a net loser (more to Washington than comes back). However, where the bill would perpetrate an almost unbelievable injustice on Utah is, that it fails to take into account the fact that Utah citizens are already burdened not only with one of the highest property taxes in the Nation, but also with a sales and a State income tax, while Texas has neither a sales tax nor a State income tax. Utahans who think the Federal aid to education bill will provide them something for nothing had better look again.

The proponents of the bill claim that this bill will not mean the end of local control of the schools. They claim that the Federal Government will simply hand out the money and let the States spend it however they see fit. If this were the case, then the bill would be a classic monument to congressional irresponsibility. For the Congress to take $5.6 billion of the taxpayers' hard-earned money and then to just give it away with no control over how it is spent would be ridiculous to say the least. However, the public can rest assured that this money will not be given back to the States with no strings attached. If this bill passes it will mean the beginning of the end of the local school board's authority. It will simply be the first skirmish won by the bureaucrats in their drive to take over the public school system.

In regard to the subject of the "underpaid schoolteacher," we would not be so impertinent as to question whether the teachers we now have are really worth more money. Rather we would like to consider a few facts. First, the median salary for teachers nationwide is $5,600 per year. However, if this yearly figure is projected on a monthly basis (teachers actually work only 8 months a year), we find that the teacher is paid at a rate of $700 per month. A monthly salary of $700 doesn't compare too unfavorably with other major occupational pay scales. As a matter of fact this figure is considerably above the average for Americans as a whole.

Passage of this bill will in time, practically destroy the right of Americans to choose the type of education they want their children to have. For instance, at the present time, millions of middle- and low-income families send their children to private schools. These private schools are not supported by tax money but are, on the contrary, fully supported by private citizens, which is as it should be. For many families, however, it is a major sacrifice to keep their children in these private schools. But with another major tax increase, most of these families will find it impossible to send their children to the school of their choice. In addition, the subsidy to teachers included in the bill will compound the private school's problems, making it very difficult for them to compete for teachers on the basis of pay scales.

What this bill will accomplish is that it will provide employment for another army of bureaucrats and administrators. Another horde of incompetents and malcontents will descend upon Washington to set up housekeeping and officemanship. Thousands of officious, arrogant procurators will then be sent from Washington to the States to administer the program, and order the local school boards about. And as is customary with these grandiose plans, the costs will creep up, year after year, until they reach the usual incredible astronomical sum so familiar. And, as usual, the money spent in the mere administration of the program will eventually far outweigh the money spent on the program's objectives. The professional educators will then be in a position to force down the throats of the American people, their ill-conceived, thoroughly discredited theories of progressive education.

The one fact that the taxpayer should never forget, is that the money for this program will not be given to the States by the Federal Government; it will be money taken from the States and then given back to them. And the taxpayers can be sure that Washington will take considerably more than it will ever give back.

PUBLIC LAWS 815 AND 874

Mr. MUNDT. Mr. President, while the majority leader is on the floor, I should like to resume with him a matter I brought before the Senate on June 27. At that time I called the attention of the Senate to the fact that Public Laws 815 and 874 will expire as of tomorrow, and pointed out the difficulties concerning school administrators across the country who are operating schools in impacted areas, who need to plan ahead for the next school year, who need to contract with teachers for the next school year, and who are getting their budgets ready and approved.

I suggested to our distinguished majority leader, and he concurred with the suggestion, that he explore the possibility of meeting this emergency by

some type of temporary extension legislation or by the calling up at this time and passage of the two bills dealing with this subject.

He pointed out during the colloquy, however, that the Senate Committee on Labor and Public Welfare has not yet acted on these bills separately; that they both have been acted on by the Senate as a part of the overall education bill.

I wonder whether the distinguished majority leader could give us additional information at this time on the emergency which we face.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished senior Senator from South Dakota, everything he has said is correct. Since the time to which he refers, I have made inquiries, and I have been informed by the Department of Health, Education, and Welfare that there is no need for this legislation until September. That situation is based partly on the fact that the House plans to vote on a general education bill in the month of July, and the legislation to which the Senator from South Dakota has referred is incorporated in the House and Senate bills.

If the House should reject the education bill, a resolution sponsored by the Senator from South Dakota and the Senator from New Hampshire [Mr. COTTON] would then be in order, and I for one would be prepared to join the Senators, and I am sure our colleagues would, in passing such a resolution.

I ask the Senator from South Dakota at this time if he would withhold the offering of such a proposal on the assurance that if these events do or do not happen, the procedure outlined will be followed, in accordance with the views expressed.

Mr. MUNDT. Before agreeing to withhold the request for action at this time, may I inquire whether the distinguished majority leader has fairly well canvassed the sentiment of the Senate and of the House to the point that he would concur with the Senator from South Dakota that, in the event no general education act is adopted, there is such overwhelming approval of these separate bills that there would be no reasonable doubt about their being passed as separate pieces of legislation?

Mr. MANSFIELD. I have not canvassed that sentiment thoroughly, but the Senator from Montana believes that would be the case, because this legislation applies to federally impacted areas, and the matter should be given consideration.

I would say further, on the assurances given by the Department of Health, Education, and Welfare, school officials who are interested, and rightly so, in this matter, could be given the assurance that the procedure suggested would not delay them in carrying out activities which they contemplate under the acts, and which Congress, by an overwhelming majority on prior occasions, has indicated it is in complete accord with.

Mr. MUNDT. Across a period of some dozen years, I believe.

Mr. MANSFIELD. Yes; at least that long.

Mr. MUNDT. Does the Senator feel superintendents and boards of education and contractual officials should feel they could go ahead with confidence in making necessary contractual relations that they must now make with teachers for the next school year, with the assurance that at the appropriate time, by one device or another, Congress will renew this legislation?

Mr. MANSFIELD. I can only give the Senator my assurance, but I think, knowing the way the Senator "bulldogs" these matters, having had close contact and experience with him over the past 19 years, what he has in mind will be forthcoming, and that the need for a continuation of this program will be met and complied with.

Mr. MUNDT. I thank the distinguished majority leader. I think this assurance is pretty ironclad and firm, because the man making it speaks not only as majority leader of the Senate, but speaks with a voice which well represents a determined and overwhelming majority of votes in this body. I am convinced the interests of the school people in the impacted areas will be taken care of.

Mr. MANSFIELD. I appreciate those words. I assure the Senator I will do everything to cooperate I possibly can, because I believe in what he has advocated.

Mr. MUNDT. I thank the Senator.

VETERANS' INSURANCE

Mr. LONG of Louisiana. Mr. President, the Senate Committee on Finance has today approved a measure advocated by me and a number of other Senators to accord certain veterans another opportunity to purchase national service life insurance.

It has been my view that this matter would be enacted into law if it were debated and permitted to come to a vote entirely on its merits in the House of Representatives. It is my view that this would probably be the result notwithstanding powerful opposition from the chairman and the majority of the members of the House Committee on Veterans' Affairs.

Measures of this sort have passed the Senate four times in the last 5 years. Thus far not a single Senator has voted against this measure at the times when it passed the Senate, notwithstanding tremendous pressures brought to bear by private insurance companies and their salesmen. It hardly seems likely that a measure which could be unanimously approved on four occasions by the U.S. Senate would be defeated in the House of Representatives if it is voted upon by the entire House membership purely on the merits of the issue.

The Senate committee is aware of the attitude taken by the chairman of the House Committee on Veterans' Affairs, a copy of which is attached to this statement. It is the view of the majority of members serving on the Senate Committee on Finance that no Member of the House of Representatives, not even the President of the United States, can or should dictate to the Senate how it should vote, whether it should amend various bills, or the nature of Senate amendments which should be offered. Any other view would suggest that a person not a member of the Senate could deny this body its right to legislate.

It is my view and the view of the majority of the Senate Committee on Finance that differences of opinion as to the relative merits of a piece of legislation such as the veterans' insurance proposal should be decided purely on the basis of their relative merits. Both Houses should be willing to confer over their differences on important legislative matters. Where it is impossible to resolve the differences, both Senate and House conferees should cheerfully submit the measure to their respective Houses and request further instructions. Personalities of individual legislators should not become involved. That is all I am proposing in the present instance—merely that both bodies should legislate in a responsible manner.

Certain statements by the chairman of the House Veterans' Affairs Committee, the Honorable OLIN E. TEAGUE, indicate that the chairman seems to feel that I have undertaken to criticize him in certain statements that I have made about this legislation on the floor of the Senate. Having reviewed my remarks on this subject, I can find no basis whatever for any conceivable personal slight. However, if the chairman of the committee will show me wherein I have been unfair or unjust to him, he can be assured that I am both anxious and willing to accord him a most humble apology. It is not my view, however, that this is the case. The issue is purely and simply a question of public policy. Of more than 13 million veterans who will be made eligible to acquire national service life insurance, it is estimated that more than 1 million would take advantage of the opportunity.

While large numbers of veterans very much desire to have Government insurance, at no expense to the taxpayer, private insurance concerns have generated a tremendous volume of mail and used their best efforts in all other respects to prevent the measure from becoming law. This is the sort of measure on which every Member of the Senate and House should be willing to take a stand out in the open. The Senate has done so repeatedly. It is my hope that this matter may come to a vote in the House of Representatives in the same manner as that which occurred last year in the U.S. Senate.

VISIT TO THE SENATE BY MR. W. J. CAMPBELL, AUDITOR GENERAL OF NEW SOUTH WALES, AUSTRALIA, AND MR. J. R. EASTON, OF AUSTRALIA

Mr. MANSFIELD. Mr. President, the Senate is honored to have as visitors today Mr. W. J. Campbell, auditor general of New South Wales, Australia, who is accompanied by Mr. J. R. Easton. They are in the Senate gallery, and we are delighted to have them as guests of the Senate at this time.

THE CALENDAR

The PRESIDING OFFICER. Under the agreement entered, the call of the calendar is now in order, starting with Calendar No. 418, Senate bill 149.

BILL PASSED OVER

The PRESIDING OFFICER. The clerk will state the first bill by title.

The LEGISLATIVE CLERK. A bill (S. 149) for the relief of the estate of Gregory J. Kessenich.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARTLETT. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

INTERSTATE COMPACTS FOR DEVELOPMENT OF LIBRARY FACILITIES

The bill (S. 464) granting the consent of Congress to interstate compacts for the development or operation of library facilities and services was considered, ordered to be engrossed for a third reading, was 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, That the consent of Congress is hereby given to each of the several States to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of developing or operating library facilities and services. The right to alter, amend, or repeal this Act is expressly reserved.

JEAN GOEDICKE

The bill (S. 207) for the relief of Jean Goedicke was considered, ordered to be engrossed for a third reading, was 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, That Jean Goedicke, of Casper, Wyoming, is relieved of liability to pay to the United States the sum of $628.25, representing the amount of rentals owed by the said Jean Goedicke as lessee of certain Federal lands under an oil and gas lease (Buffalo 038682) issued to her on August 1, 1945, as a result of her failure to file a timely surrender of such lease due to a misunderstanding as to her responsibilities under such lease.

KAM YUNG (LEE) CHONG

The bill (S. 245) for the relief of Kam Yung (Lee) Chong was considered, ordered to be engrossed for a third reading, was 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, That, for the purposes of section 4 of the Act entitled "An Act to provide for the entry of certain relatives of United States citizens and lawfully resident aliens", approved September 22, 1959 (73 Stat. 644), Kam Yung (Lee) Chong shall be held and considered to be an alien registered on a consular waiting list pursuant to section 203(c) of the Immigration and Nationality Act under a priority date earlier than December 31, 1953.

DELLAROSE J. DOWLER

The bill (S. 489) for the relief of Dellarose J. Dowler was considered, ordered to be engrossed for a third reading, was 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, That Dellarose J. Dowler, of Murfreesboro, Tennessee, is hereby relieved of all liability for repayment to the United States of overpayments of salary as an employee of the Veterans' Administration Hospital, Murfreesboro, Tennessee, for the period from October 18, 1959, to June 29, 1960, which she received as the result of her promotion from grade GS–7 to grade GS–9 in violation of section 1310 of the Supplemental Appropriation Act, 1952 (the so-called Whitten amendment), as amended, the said Dellarose J. Dowler having been eligible for original appointment at grade GS–9 under a change in qualification standards which became effective two days after her original appointment to grade GS–7 on June 29, 1959.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Dellarose J. Dowler, the sum of any amounts received or withheld from her on account of the payments referred to in the first section of this Act.

CHARLES F. TJADEN

The bill (S. 731) for the relief of Charles F. Tjaden was considered, ordered to be engrossed for a third reading, was 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, That, notwithstanding the provisions of paragraph (9) of section 212(a) of the Immigration and Nationality Act, Charles F. Tjaden may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided,* That this Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

SHIM DONG NYU (KIM CHRISTINE MAY)

The bill (S. 1450) for the relief of Shim Dong Nyu (Kim Christine May) was considered, ordered to be engrossed for a third reading, was 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, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Shim Dong Nyu (Kim Christine May), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Alvin L. May, citizens of the United States: *Provided,* That the natural parents of the said Shim Dong Nyu (Kim Christine May) shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

ATHENA NICHOLAS EUTERIADOU

The bill (S. 1698) for the relief of Athena Nicholas Euteriadou was considered, ordered to be engrossed for a third reading, was 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, That, for the purposes of the Immigration and Nationality Act, Athena Nicholas Euteriadou shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

OK NYU CHOI (ANN WOLLMAR)

The Senate proceeded to consider the bill (S. 29) for the relief of Ok Nyu Choi (Ann Wollmar), which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Ok Nyu Choi (Ann Wollmar) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee: *Provided,* That the natural parents of the said Ok Nyu Choi (Ann Wollmar) shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

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

DAMAGE TO CERTAIN COMMUNICATIONS FACILITIES

The Senate proceeded to consider the bill (S. 1990) to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communications facilities, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That section 1362 of title 18 of the United States Code is amended to read as follows:

"§ 1362. Communication lines, stations or systems.

"Whoever willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone or cable, line, station, or system, or other means of communication, operated or controlled by the United States, or used or intended to be used for military or civil defense functions of the United States, whether constructed or in process of construction, or willfully or maliciously interferes in any way with the working or use of any such line, or system, or willfully or maliciously obstructs, hinders, or delays the transmission of any communication over any such line, or system, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"In the case of any works, property, or material, not operated or controlled by the United States, this section shall not apply to any lawful strike activity, or other lawful

concerted activities for the purposes of collective bargaining or other mutual aid and protection which do not injure or destroy any line or system used or intended to be used for the military or civil defense functions of the United States."

The amendment was agreed to.

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

Mr. EASTLAND subsequently said: Mr. President, in connection with the earlier passage of calendar No. 427, S. 1990, today, I ask unanimous consent that a statement concerning this measure be printed in the RECORD as a part of the legislative history of the abovementioned bill.

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

STATEMENT ON S. 1990

The purpose of this bill is to extend the protection of the Federal criminal statute to certain vital communications facilities not now so protected.

The existing statute covers communications facilities owned or controlled by the Federal Government. But there are a number of communications networks, fully provided for by existing contracts, which will not come technically under Federal control until the happening of an emergency, such as an enemy attack, or some other contingency requiring the activation of the network.

In this category are the communications facilities basic to conelrad, some of our early warning systems, and other communications nets which would be of the highest strategic and defense value. Clearly, these facilities are likely to be a target for sabotage; and it is not good sense to withhold protection of Federal criminal sanctions until these facilities actually come under Federal control; because destruction of these facilities now, or at any time while they are still on a standby basis, would be just as crippling to the Government's defense effort as if such destruction took place after Federal control had been asserted.

The bill as amended by the committee also increases the penalties for violations, to bring them in line with existing penalties for other similar crimes in the sabotage area. Present maximum penalties under the section of the Criminal Code which this bill would amend are a $1,000 fine or 3 years in jail. Under this bill the maximum penalties would be $10,000 fine or 10 years.

A union representative testified at hearings on this bill that his union desired language written into the bill to protect against the possibility that some lawful union activity, either strike activity or picketing, might be considered a violation. Such a provision is included in the committee amendment. The language used for this purpose is borrowed in part from the Wagner Labor Relations Act, and it should be clearly started, as a part of the legislative history of this measure, that the intent of this language is to exempt from the penalty provisions of the law any union activity permitted or permissible under the Wagner Labor Relations Act and which is not otherwise unlawful.

Some question was raised at the hearings respecting intent as an ingredient of the crime defined in this bill. It was clear to the committee that the only intent which can properly be made an element of the crime here defined is the degree of intent involved in criminal willfulness—that is, the intent to perform the particular act or acts. If intent to cause specific injury were to be made an element of the crime, or if intent to destroy some particular communications network or portion thereof were made an element of the crime, it would be almost impossible ever to secure a conviction under the statute, because such intent is subjective, and the only available evidence of it, in most cases, would be the statement of the accused.

The Department of Justice has approved this bill as proposed to be amended by the committee. The Defense Department and the Office of Civilian Defense and Mobilization strongly support its enactment.

MRS. TELISA PRENDIC DE MILENOVIC

The Senate proceeded to consider the bill (S. 270) for the relief of Mrs. Telisa Prendic de Milenovic, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 4, after the word "Act," to strike out "Mrs. Telisa Prendic de Milenovic" and insert "Mrs. Jeliza Prendic Milenovic", 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, for the purposes of the Immigration and Nationality Act, Mrs. Jeliza Prendic Milenovic shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill for the relief of Mrs. Jeliza Prendic Milenovic."

MRS. ANNELIESE FRANZISKA QUAY

The bill (H.R. 1575) for the relief of Mrs. Anneliese Franziska Quay was considered, ordered to a third reading, was read the third time, and passed.

IDO ENRICO CASSANDRO

The bill (H.R. 1602) for the relief of Ido Enrico Cassandro was considered, ordered to a third reading, was read the third time, and passed.

HELEN TILFORD LOWERY

The bill (H.R. 1887) for the relief of Helen Tilford Lowery was considered, ordered to a third reading, was read the third time, and passed.

REOKO KAWAGUCHI MOORE

The bill (H.R. 2155) for the relief of Reoko Kawaguchi Moore was considered, ordered to a third reading, was read the third time, and passed.

MRS. TUI HING TOW WOO

The bill (H.R. 2156) for the relief of Mrs. Tui Hing Tow Woo was considered, ordered to a third reading, was read the third time, and passed.

MARIE F. BALISH

The bill (H.R. 2165) for the relief of Marie F. Balish was considered, ordered to a third reading, was read the third time, and passed.

WIESLAWA ALICE KLIMOWSKI

The bill (H.R. 2645) for the relief of Wieslawa Alice Klimowski was considered, ordered to a third reading, was read the third time, and passed.

JOSE LAUCHENGCO, JR.

The bill (H.R. 2835) for the relief of Jose Lauchengco, Jr., was considered, ordered to a third reading, was read the third time, and passed.

GEORGE SAUTER (ALSO KNOWN AS GEORGOIS MAKKAS)

The bill (H.R. 3371) for the relief of George Sauter (also known as Georgois Makkas) was considered, ordered to a third reading, was read the third time, and passed.

MARIA CZYZ KRUPA

The bill (H.R. 3722) for the relief of Maria Czyz Krupa was considered, ordered to a third reading, was read the third time, and passed.

RALPH B. CLEVELAND

The bill (H.R. 4636) for the relief of Ralph B. Cleveland was considered, ordered to a third reading, was read the third time, and passed.

RICHARD A. HARTMAN

The bill (H.R. 4796) for the relief of Richard A. Hartman was considered, ordered to a third reading, was read the third time, and passed.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 1459) to amend the provisions of law relating to longevity step increases for postal employees, was announced as next in order.

Mr. BARTLETT. Over, Mr. President, as not properly calendar business.

The PRESIDING OFFICER. The bill be passed over.

The bill (S. 1488) to amend section 508 of title 28, United States Code, relating to attorneys' salaries, was announced as next in order.

Mr. MUNDT. Over, Mr. President, by request.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 143) opposing Reorganization Plan No. 3 of 1961, was announced as next in order.

Mr. BARTLETT. Over, Mr. President, as not properly calendar business.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 147) opposing Reorganization Plan No. 4 of 1961, was announced as next in order.

Mr. BARTLETT. Over, Mr. President, as not properly calendar business.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 680) to authorize the Secretary of Commerce to utilize funds received from State and local governments and private organizations and individuals for special meteorological services, was announced as next in order.

Mr. KEATING. Mr. President, I apprehend there will be no objection to this bill or to the next bill, but I should like to have an opportunity to look at the reports. I have received them within the last 5 minutes. I shall be happy to advise the majority leader a little later in the day if he should have the bills considered at that time.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 4591) to continue until the close of June 30, 1962, the suspension of duties on metal scrap, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 1258) to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended, to provide increased benefits in case of disabling injuries, and for other purposes, was announced as next in order.

Mr. BARTLETT. Over, Mr. President. The report on that bill has not yet come in.

The PRESIDING OFFICER. The bill will be passed over.

REORGANIZATION PLAN NO. 4

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. Res. 147) opposing Reorganization Plan No. 4 of 1961.

APPLICATION OF THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD FOR A GUARANTEED LOAN UNDER AUTHORITY OF THE DEFENSE PRODUCTION ACT

Mr. ROBERTSON. Mr. President, there was an article published in the New York Times today which says that the Governors in the four States served by the New York, New Haven & Hartford Railroad appealed to President Kennedy for an additional Federal loan to keep the line out of bankruptcy.

Mr. President, I know that the New York, New Haven & Hartford Railroad, which runs from Boston to New York, serves a vital section of our country and that its service is exceedingly important. However, I have written a letter to the Office of Civil and Defense Mobilization protesting against the request for $5.5 million, as part of a total request of $12.5 million for this railroad.

Mr. President, this railroad was in bankruptcy in 1935 and stayed in bankruptcy for 12 years. In 1955 it suffered severe storm damage and the Government loaned it $16 million. Since then the Government has loaned it $23,159,400, making a total of $39,159,400, of which the railroad still owes the Government $35,523,440.

The New York Times story to which I originally referred says that the railroad has current liabilities of over $50 million and has current assets of less than $25 million, so of course the railroad is actually, from that standpoint, near bankruptcy.

Mr. President, I do not know what the correct answer would be, but I point out that in 1956 a lawyer who had never had any experience whatever in operating a railroad was elected president of the railroad. I point out further that during the intervening years, from 1957 to date, under his management, this railroad has never made a thin dime, although the Government has put into it nearly $40 million. Now the railroad would like to have an additional Government loan, part of which will be used to pay the interest due to banks and insurance companies.

Mr. President, I shall ask unanimous consent to have printed in the RECORD the letter to me from the chief counsel of the Joint Committee on Defense Production, which quotes the ICC as saying that when the New York lawyer was made president of the railroad he arranged for compensation for 5 years of $60,000 a year, and that then, for the next 12 years, when he was not to render a day of service, the railroad was to pay him $25,000 a year. Now he is asking the Federal Government, which already has put nearly $40 million in the railroad, of which the railroad owes about $35 million, for an additional $12.5 million.

I ask unanimous consent to have printed in the RECORD at this point the original letter I wrote to the OCDM protesting its authority to put more money into this railroad and the letter written to me on the 29th of June by the chief of our legal staff explaining some of the details, to which he attached some other letters.

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

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON
DEFENSE PRODUCTION,
June 22, 1961.

Hon. FRANK B. ELLIS,
Director, Office of Civil and Defense Mobilization, Executive Office of the President, Washington, D.C.

DEAR MR. ELLIS: An article in the New York Times yesterday indicates that the Office of Civil and Defense Mobilization is being asked to make loans under the Defense Production Act for the purpose of bailing out the New York, New Haven & Hartford Railroad.

The article further indicates that a loan application for $12,500,000 has been referred by the Treasury Department to the Office of Civil and Defense Mobilization, that $23 million has already been secured under the Transportation Act of 1958, and that funds in the amount of $16 million were made available out of Defense Production Act funds at the time of the flood disaster a few years ago. The article states that some funds will be required by Friday of this week.

The Joint Committee on Defense Production, of which I am chairman, was established for the purpose of reviewing the execution and administration of the programs authorized by the Defense Production Act. Since 1950, this committee has insisted that the defense need be established before Defense Production Act funds are expended.

In my opinion there is no legal basis for making loans from Defense Production Act funds to the New York, New Haven & Hartford Railroad. The Joint Committee on Defense Production shall insist on public hearings before any loans are made to this railroad from Defense Production Act funds.

Before any loans are extended to this railroad, or any other railroad, this committee will desire that the defense need for such loans be presented in an open hearing. This committee will desire to know why the Defense Production Act funds are to be used for this purpose when the Congress has passed specific legislation for transportation loans in the Transportation Act of 1958. Since the Office of Civil and Defense Mobilization received only enough in appropriations for carrying out certain obligations of the U.S. Government, this committee will desire to know what is to happen to these obligations if the funds are used to bail out the New York, New Haven & Hartford Railroad.

In securing appropriations for Defense Production Act programs, the Office of Civil and Defense Mobilization outlined specific purposes for the use of these funds. The appropriations were to have been used primarily for the purpose of meeting the obligations of the Government for materials already purchased and for meeting administrative costs of Defense Production Act programs.

I am advised that the first loan to this railroad under the Transportation Act of 1958 was made in 1959, that four other loans have been made since that time, and that the total loans since October 1960 amount to $13 million. I am further advised that all loans under the Transportation Act of 1958 for this company amount to $23,459,400, and that this total is in addition to the approximately $16 million secured at the time of the flood a few years ago.

The above figures indicate that there have been loans amounting to $39,459,400 by Government agencies to this railroad and that this company now owes the Government approximately $35,523,400.

If, as stated in the New York Times, the current assets of this railroad are $24,610,823 in comparison with current liabilities of $52,420,966 a further loan to this insolvent company would only postpone the time when it would be thrown into bankruptcy with a possible resulting loss of all loans heretofore made by our Government.

It is difficult to see how loans have been justified under the Transportation Act of 1958, since it is my understanding that there must be a reasonable expectation of repayment. Certainly, the Office of Civil and Defense Mobilization and the Secretary of the Treasury have no authority whatever to make such loans under the Defense Production Act.

Sincerely yours,
A. WILLIS ROBERTSON,
Chairman.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON
DEFENSE PRODUCTION,
June 29, 1961.

Hon. A. WILLIS ROBERTSON,
Chairman, Joint Committee on Defense Production, U.S. Congress, Washington, D.C.

DEAR SENATOR ROBERTSON: I am furnishing you the following information regarding the application of the New York, New Haven & Hartford Railroad for a guaranteed loan under the Defense Production Act.

Mr. George Alpert, president of this railroad, asked to come by to see me after he had talked with you. Mr. Alpert came by

the office on June 26 and was accompanied by Mr. A. Gerdes Kuhbach, executive vice president of this railroad. He was also accompanied by Mr. George S. Ives, an attorney. Mr. Alpert covered the problems and finances of the company in detail and furnished the committee a number of documents. Additional information was obtained from the Interstate Commerce Commission and the most recent hearings and committee reports have been examined.

I have been advised that there have been two or three meetings recently in the executive branch of the Government which were attended by representatives of the Treasury Department, the Office of Civil and Defense Mobilization, and the Council of Economic Advisers. I have talked with a number of people in the Government, including Mr. James M. Landis, Special Assistant to the President, and officials of the Office of Civil and Defense Mobilization and the Interstate Commerce Commission. It is my understanding that the Office of Civil and Defense Mobilization has indicated that in their opinion there is not authority for guaranteeing a loan to the railroad under the Defense Production Act.

The loans which have been guaranteed by the Government for the railroad are as follows:

Under authority of part V of the Interstate Commerce Act

Docket No.:	
20372, Aug. 5, 1960	$8,159,400
20397, Jan. 8, 1960	500,000
20398, Aug. 28, 1959	1,500,000
21299, Oct. 1, 1960	4,500,000
21299, Dec. 29, 1960	3,500,000
21299, Feb. 14, 1961	3,500,000
21299, May 12, 1961	1,500,000
Total loans guaranteed by ICC	23,159,400
Less repayments as of June 22, 1961	793,960
Balance owed on guaranteed loans of ICC	22,365,440
Guaranteed loan under Defense Production Act, at time of 1955 flood	16,000,000
Amount repaid as of June 5, 1961	2,842,000
Balance outstanding on guaranteed loan under Defense Production Act	13,158,000
Total amount outstanding on both guaranteed loans under the Interstate Commerce Act and under the Defense Production Act	35,523,440

One of the articles in the New York Times indicates that interest will be due on July 1, 1961, on $76,800,000 of first mortgage 4 percent bonds. I talked with Mr. Alpert regarding whether the money obtained through Government guaranteed loans would be used for the purpose of paying the interest of the bondholders. Interest is being paid on some of their bonds, but interest is not being paid on their convertible bonds. I asked Mr. Alpert as to the amount of interest being paid annually and he stated that it amounts to approximately $1,500,000 per year. Although the loan application does not indicate that the guaranteed funds would be used for paying interest, it would amount to the same as paying interest from these guaranteed loans.

The following pertinent information appears in a report of the Interstate Commerce Commission regarding the compensation of Mr. Alpert:

"On May 9, 1956, about 4 months after George Alpert became president, a contract was made providing for the employment of Alpert as chief executive officer for the period June 1, 1956, to May 31, 1961, at a salary of not less than $60,000 per annum. The contract further provides for annual payments of $25,000 for a period of 12 years from June 1, 1961, to May 31, 1972, as severance pay and as deferred compensation for the services performed and to be performed by him. It would appear that the effect of this arrangement is that Alpert will be compensated at the rate of $120,000 yearly for 5 years' actual services."

The figures available in the various reports indicate that this railroad has not operated on a profitable basis since the year 1956, in which year the profit was $261,704. The figures reveal that the deficit has increased each year since that time. In 1957 the deficit was $2.4 million, in 1958 the deficit was $4.3 million, in 1959 the deficit was $10.8 million, and in 1960 the deficit was $14,698,640. Considerable reference is made throughout the various reports to the fact that the passenger service represents a very substantial part of the total operations of the railroad.

The following information sets forth the thinking of the Interstate Commerce Commission when a loan was recently considered, which information was obtained from a report of the Commission:

"On October 24, 1960, in finance docket No. 21299, the Commission considered an application by the New Haven for a loan guarantee in the amount of $6 million with certain banks pursuant to the provisions of part V of the Interstate Commerce Act. The Commission concluded that, in the absence of more definite assurances of the carrier's ability to repay the loan from improved prospective earnings, the loan could not be guaranteed. The record was held open, however, for the submission of further evidence which would afford the Commission some reasonable assurance that prompt and substantial relief would be extended to enable the New Haven to repay the loan from improved earnings. Following this action, the Commission received from Gov. Nelson A. Rockefeller of New York, Gov. Abraham Ribicoff of Connecticut, and representatives of the States of Massachusetts and Rhode Island and from representatives of New York City and Westchester County strong assurances that the interested State and local governmental agencies would cooperate in developing a program designed to afford the New Haven prompt and substantial relief. On consideration, a loan guarantee was approved by the Commission on October 31, 1960, in the amount of $4,500,000."

The president of the railroad stated that four States have voted tax relief amounting to $6,250,000 annually. There is a considerable difference between the latest deficit of $14,698,640 and the increased amount the company would have available through reduced taxes. It would appear that other relief would be required if the railroad is to operate on a break-even basis. I asked the president of the railroad to outline the sources from which other relief might be obtained. He said that they had hoped for the repeal of the transportation tax, which would add about $3 million annually. He stated that there are 21 labor unions concerned and that they have been giving consideration to a 4-percent reduction, which when added to some other reductions would amount to $3 million. The fare increase since March is expected to provide $1,500,000 annually. The total of all savings, some of which are doubtful, would amount to $13,750,000. This would be less than the deficit for the fiscal year 1960, but more than the average deficit over the past several years.

You suggested that I review the hearings before the Surface Transportation Subcommittee of the Committee on Commerce, U.S. Senate, which were held on March 9 and 10, 1961. The indicated losses and other facts relating to the New York, New Haven & Hartford Railroad were brought to the attention of this subcommittee at these hearings. The president of this railroad made a detailed statement before the subcommittee. The loss for 1960 was estimated to be $14.5 million when these hearings were held. The question was also brought up as to the requirement of reasonable assurance of repayment of guaranteed loans under the Transportation Act of 1958. The statement of the president of the New York, New Haven & Hartford Railroad is set forth in part as follows:

"A railroad in such poor condition that it cannot obtain funds at reasonable rates without a guarantee would find it difficult to make a showing that its earning power gives reasonable assurance of repayment. This is because those familiar with the railroad industry know that roads in serious financial condition are particularly susceptible to losses and reduced earning power resulting from such unpredictables as declining business conditions, strikes, and major weather disasters.

"I suggest, therefore, that the act be amended by striking out section 504(4) requiring a finding of reasonable assurance of ability to repay and by inserting in the place thereof the requirement of a finding that the guarantee is in furtherance of the purposes declared in section 501.

"I respectfully submit that such a condition would be more reflective of the intended purpose of the act than is the present section 504(4)."

Mr. William M. Moloney, general solicitor, Association of American Railroads, made a similar request which is reported in these hearings.

Conference report No. 214, dated March 30, 1961, only amended section 510 of the Interstate Commerce Act so as to extend the loan guarantee authority of the Interstate Commerce Commission to June 30, 1963.

I will outline the status of the Defense Production Act borrowing authority, the latest estimates having been made as of December 31, 1960. As you know, there was a $2,100 million borrowing authority limit prior to the addition of funds through direct appropriations. The total funds added through direct appropriations amount to $108,515,000. When added to the borrowing authority, the total amounts to $2,208,515,000. Quantities of materials which were purchased in previous years are continuing to be delivered and will be delivered in future years. Of the $2,208,515,000, the amount of $116,483,000 remained available as of December 31, 1960. Funds required to carry out existing contracts are far in excess of this amount. It is estimated that under minimum requirements for the use of these funds there will be a surplus of $91,151,000 as of the end of the fiscal year 1961, a surplus of $28,822,000 as of the end of the fiscal year 1962, and a deficit of $52,752,000 as of the end of the fiscal year 1963. Under minimum requirements, it is estimated that the deficit as of the end of the fiscal year 1965 will amount to $303,566,000.

The requirements could be larger than the above minimum cash requirements. Under the maximum cash requirements it is reported that there could be a deficit of $12,063,000 as of the end of the fiscal year 1961, and a deficit of $171,615,000 as of the end of the fiscal year 1962. The maximum cash requirements as of the end of the fiscal year 1965 were reported to be $574,554,000.

Mr. George Ives, attorney, stated that he thought the committee would be interested in the security which was put up by the railroad for the Defense Production Act loan. He states that the security for the guaranteed loan of $16 million (of which $2,842,000 has been repaid) amounts to an estimated $3 million more than all loans which have been guaranteed by the Government, including the loans guaranteed by the Interstate

Commerce Commission. It is my understanding the loans which were guaranteed by the Interstate Commerce Commission are unsecured loans and that 100 percent of these loans are guaranteed by the Government. The Government guaranteed 90 percent of the loan which was made under the Defense Production Act. One report states that 12,400 people are employed in four States with an annual payroll of $79 million.

I am attaching a copy of a letter dated June 15, 1961, which the railroad received from the Morgan Guaranty Trust Co. and a copy of a letter dated June 16, 1961, which the railroad received from the Chase Manhattan Bank relating to their participation in the guaranteed loans.

Sincerely yours,

HAROLD J. WARREN.

MORGAN GUARANTY TRUST CO.
OF NEW YORK,
New York, June 15, 1961.

Mr. A. GERDES KUHBACH,
Executive Vice President, the New York, New Haven & Hartford Railroad Co., New York, N.Y.

DEAR MR. KUHBACH: I refer to our conversations today and over the past month with regard to the need for additional loans to the New Haven. As you know, we are the largest bank creditor of the railroad. Our participations in the two flood loans which are 90-percent guaranteed by the U.S. Government, our participation in the diesel shop loan and in the loan totaling $13 million due November 3, 1961, both of which are 100-percent guaranteed by the U.S. Government, bring our present outstandings to a total of $4,713,944.

You have asked us whether we would participate in a $5,500,000 loan to be fully guaranteed by the United States of America under section 302 of the Defense Production Act of 1950 as amended. Under the present circumstances we feel that we should have no participation in any additional loan until the future of the New Haven is further clarified.

Very truly yours,

WALTER H. PAGE.

THE CHASE MANHATTAN BANK,
New York, N.Y., June 16, 1961.

Mr. A. G. KUHBACH,
Executive Vice President, the New York, New Haven & Hartford Railroad Co., New Haven, Conn.

DEAR MR. KUHBACH: This will confirm our past discussions with regard to the possibility of a loan to the New Haven in the amount of approximately $5,500,000, to be fully guaranteed by the United States of America under section 302 of the Defense Production Act of 1950, as amended. As you know, this bank is a participant in the New Haven flood loans presently totaling $13,158,000 and short-term loans aggregating $13 million fully guaranteed under part V of the Interstate Commerce Act. Until such time as the present $13 million in short-term loans has been refinanced on a permanent long-term basis, we do not wish to participate in any further loans to the New Haven Railroad irrespective of the fact that such loans are fully guaranteed by the U.S. Government.

Sincerely yours,

T. W. MCMAHON, Jr.

ESTATE OF GREGORY J. KESSENICH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 418, S. 149.

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

The LEGISLATIVE CLERK. A bill (S. 149) for the relief of the estate of Gregory J. Kessenich.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. DIRKSEN. Mr. President, this bill would extend to the estate of Gregory J. Kessenich a gratuity of $100,000 as an expression of the American people's appreciation of the enormous contribution that Mr. Kessenich made to the war effort in World War II by reason of his invention of a rocket-type projectile which became the basic idea of the famous bazooka as it was finally developed.

Members of this body need not be told the important part played by this weapon both in destruction of enemy tanks and as a morale booster for our troops and those of our allies.

In the 74th, 75th, 84th, and 85th Congresses, similar measures were enacted into private law giving special recognition to individuals who were instrumental in developing or responsible for the inventions of particular aid to the U.S. Government. In other cases the individuals were not able to obtain patents upon their invention. However, in this case there is no question of Mr. Kessenich's contribution because a patent issued to him covered the basic idea of the bazooka.

There is basis for believing that Mr. Kessenich had some contract rights in this matter but an action in the Court of Claims was dismissed on a technicality and there was never a hearing on the merits of the case. Review of detailed briefs supporting Mr. Kessenich's position persuades the committee that this award in all fairness should be made to his estate.

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

The bill (S. 149) was ordered to be engrossed for a third reading, was 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, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Gregory J. Kessenich, the sum of $100,000, in full satisfaction of all claims of such estate against the United States arising out of the invention of the bazooka rocket (patent numbered 2,579,323) by the late Gregory J. Kessenich: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COLLAPSE OF TEXAS TOWER NO. 4 INTO ATLANTIC OCEAN

Mr. SYMINGTON. Mr. President, yesterday a luncheon in honor of the retiring Chief of Staff of the Air Force made it impossible for me to be on the Senate floor when the distinguished Senator from Mississippi [Mr. STENNIS], chairman of the Senate Military Preparedness Subcommittee, presented the report on the Texas tower disaster of last year.

As a member of that subcommittee, I congratulate the chairman and his staff for the constructive nature of the report and for the care and thoroughness with which it was handled.

Thanks to the guiding hand of the Senator from Mississippi, the American people now have the facts about this tragedy. One significant, perhaps the most significant, asset of such a complete accounting to the people is that the disclosures revealed might make it possible to avoid such a mistake in the future.

But once again, we have a clear illustration of waste and tragedy resulting from the arbitrary compartmentalization of the services. This is primarily the result of the present law. Unless it is changed, there can be no joining of responsibility with authority, and therefore we can but look forward to future problems of this character.

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the business of the Senate today, it adjourn until Monday, July 3, 1961, and that immediately after convening on said day, the Presiding Officer shall, without the transaction of any business or debate, declare the Senate in recess until 12 o'clock noon on Wednesday, July 5, 1961.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Is there objection? The Chair hears none, and it is so ordered.

TRADE CHALLENGE FROM ABROAD

Mr. BRIDGES. Mr. President, I rise for the purpose of introducing a bill on behalf of myself, the junior Senator from Maryland [Mr. BEALL], the senior Senator from Utah [Mr. BENNETT], the junior Senator from Delaware [Mr. BOGGS], the senior Senator from Maryland [Mr. BUTLER], the junior Senator from Kansas [Mr. CARLSON], the junior Senator from New Hampshire [Mr. COTTON], the junior Senator from Nebraska [Mr. CURTIS], the junior Senator from Illinois [Mr. DIRKSEN], the senior Senator from Idaho [Mr. DWORSHAK], the senior Senator from Iowa [Mr. HICKENLOOPER], the senior Senator from Oklahoma [Mr. KERR], the senior Senator from South Dakota [Mr. MUNDT], the senior Senator from Kansas [Mr. SCHOEPPEL], the senior Senator from Maine [Mrs. SMITH], the junior Senator from South Carolina [Mr. THURMOND], the junior Senator from Texas [Mr. TOWER], and the senior Senator from Delaware [Mr. WILLIAMS].

I call attention to the fact that the bill is the first piece of proposed legislation to bear the name of the junior Senator from Texas [Mr. TOWER]. I am delighted to have the pleasure of cosponsoring a bill with him.

The bill provides for the inclusion of certain producers and growers of raw materials as interested parties in escape clause proceedings under the Trade Agreements Extension Act of 1951, to make mandatory the recommendations of the U.S. Tariff Commission in such proceedings, and for other purposes.

I ask unanimous consent that the bill remain at the desk for a period of 1 week or until the close of business on Thursday, July 6, to allow Senators who may desire to cosponsor the measure to do so.

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

Mr. BRIDGES. I am not certain, Mr. President, whether this bill had its beginning in the sincere appeals of an unemployed New Hampshire shoe worker, in the entreaties of a desperate textile manufacturer, or, indeed, in my own deep-rooted belief that we invite disaster when we close our eyes to ailing domestic industry.

In any case, the basis for this bill is valid. And, I might add, the need for this legislation is overpowering.

Industry, the lifeblood of our Nation's free enterprise system, is in trouble.

The American giant which produces the weapons of wartime and the labor-saving, time-saving devices of peacetime is facing a serious and unfair challenge from abroad. The same seemingly indestructible giant which provides necessary employment to keep this country economically strong has been very seriously wounded by the sharp knife of low-cost imports from foreign countries.

Thus far, despite significant losses, it has managed to survive, but even a giant can bleed to death. I respectfully introduce this bill as a tourniquet to stop the bleeding.

I have devoted a great deal of time to this problem in recent months. I have conferred with representatives of both labor and management to receive the benefit of their thoughts on this dangerous situation. I have talked with experts here in Washington and I have discussed the matter at length with other Senators.

Almost without exception these discussions have narrowed to the so-called escape clause, section 7 of the Trade Agreement Extension Act of 1951. This section has simply been made sterile by serious misinterpretations of congressional intent and failure to execute the built-in protection afforded by the framers of the act.

I found three major stumbling blocks to effective implementation of the escape clause. Stated in simplest possible terms, these barriers are:

First. Difficulty in setting the investigative wheels of the Tariff Commission in motion because of naive interpretations of the term "interested parties" as contained in the escape clause;

Second. Unrealistic rulings by the Commission because of an apparent fetish for extraneous side issues in lieu of commonsense evaluation of increasing imports versus declining domestic production; and

Third. Inaction by the President on the few cases where the Tariff Commission has found serious injury or threat of injury to domestic producers or manufacturers and has recommended modification of our concessions on particular commodities.

That is it in a nutshell—three roadblocks which reduce to practically nothing the effectiveness of a section of the act designed to protect American industry.

It is impossible, of course, to write good administration into law and we must rely to some degree on the judgment of those charged with the responsibility of carrying out the provisions of any law. But good judgment in the administration of the escape clause, I submit has been noticeable only by its tragic absence.

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

Mr. BRIDGES. I yield.

Mr. MUNDT. I congratulate the senior Senator from New Hampshire on his leadership in preparing and introducing proposed legislation dealing with a very critical and crucial situation in our domestic economy. I have discussed this problem with him many times. It is a pleasure, therefore, for me to be associated with him in the authorship of the bill. I think he deserves real commendation from American industry as well as from American labor for providing a suggested mechanism for doing something effective to correct a situation deriving from the fact that imports are pouring into this country from certain loincloth economies, making it impossible for American industry to maintain wages to support the American standard of living, and at the same time to derive the necessary profit to remain in business.

I believe the Senator from New Hampshire is rendering a great public service in focusing national attention at this time on a spreading situation, which is not only a peril point, but a peril plateau confronting American industry.

Mr. BRIDGES. I thank the distinguished Senator. I concur in the remarks he has made about the dangers involved, and the fact that the bill is a feasible, and I think a very necessary, plan for proper legislation. I have been very upset to see industry after industry suffer as a result of cutthroat competition from abroad. I have been greatly distressed to see whole areas in which labor has been thrown out of employment. I do not see how we can maintain the American standard of living in future years unless we give some protection to those who suffer from cutthroat competition from abroad.

I want trade, as does the Senator from South Dakota. But I want the trade to be balanced and not a kind of trade that would undermine the very roots of the free American economy.

Mr. MUNDT. Mr. President, will the Senator yield further?

Mr. BRIDGES. Certainly.

Mr. MUNDT. I think it is undoubtedly true that one of the great problems confronting the Senate at the time that we were asked to pass proposed legislation appropriating hundreds of millions of dollars to meet the problems of distressed areas in this country derives from the same program of increased cutthroat trade from foreign competition.

I think it would be highly appropriate to place at the gates of some of our distressed cities in this country a large sign stating, "Our distress is made overseas," because such areas become distressed by reason of the fact that the type of merchandise or product which those living in that city were engaged in producing is being provided at much cheaper prices from some place overseas, and imported into the U.S.A. in such volume and at such low prices that our own producers are put out of business.

I believe it is highly appropriate, incidentally, that the Senator from New Hampshire should introduce this bill in the Senate at a time when we will discuss reorganization plans. The sales pitch of the reorganization plans is to expedite action. If there is any area in Government operation affecting our economy in which we need to expedite action, it is in connection with making the peril point provisions of our tariff legislation effective soon enough to save some suffering industry or some suffering segment of our economy before its demise.

Those of us who live in the farm belt have felt the severe sting of unfair foreign competition as a result of the importation of Polish hams from Communist Poland, from the importation of beef from South America, from the importation of rye from Canada, and from other imports. We know from experience the tremendous impact of the whiplash created by foreign competition, where it is not restricted or restrained, and which does not have an effective equalizer to necessitate the foreign product coming into the American market at the American price level rather than at the price level of the country of its origin.

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

Mr. BRIDGES. I yield.

Mr. DIRKSEN. One of the problems that we have had is with respect to imported bicycles. Not the least difficulty is that manufacturers abroad are building American type bicycles with lighter tires on them in order to qualify for the lower duty. To show what has happened, in 1947, 17,000 foreign bicycles were imported. In 1954, 540,000 foreign bicycles were imported. In 1960, the number was 1,300,000.

Therefore, we have not only problems with respect to the escape clause and the peril point, but also with respect to interpretation of what is written in the law.

If the distinguished Senator from New Hampshire will yield further, I should like to include as a part of his remarks a memorandum of fact on the U.S. sheet glass industry. Involved mainly is window glass. I note on the floor the distinguished Senator from West Virginia [Mr. RANDOLPH]. In this industry 40 percent of the product is represented by wages. This is an industry which is in the position of actually being a damaged and injured industry. If the distinguished Senator from

New Hampshire would have no objection, I would like to place the memorandum in the RECORD at this point.

Mr. BRIDGES. I would be happy to have it put in the RECORD at this point. I ask unanimous consent that this be done.

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

MEMORANDUM OF FACT ON THE U.S. SHEET GLASS INDUSTRY

1. Sheet glass (common window glass) is produced in West Virginia, Pennsylvania, Ohio, Indiana, Illinois, Louisiana, Arkansas and Oklahoma.

2. On May 17, the U.S. Tariff Commission unanimously found that the U.S. sheet glass industry had suffered serious injury as a result of a large influx into this market of foreign-made sheet glass. All Commissioners recommended relief in the form of increased import duties—two Commissioners urging greater increases than their four colleagues.

3. The domestic industry has uniformly been affected by foreign competition, with the result that all companies have been forced to operate very substantially below capacity. Thousands of employees, both salaried and hourly workers, have been laid off. The industry estimates that for each employee idled, three are laid off by suppliers of new materials, fuel and inbound transportation. Many millions of dollars of payroll have been lost to the plant-city communities.

4. Without exception, domestic window glass factories are located in areas classified by the U.S. Department of Labor as labor distress areas.

5. Foreign manufacturers can undersell domestic producers because of their great advantage in direct and indirect labor costs. Belgian producers admit that U.S. sheet glass wages are 3½ times higher than theirs, and the fact is that the U.S. sheet glass worker is probably paid 4 times as much as his highest-paid European counterpart and 8 times as much as his Japanese counterpart. Machinery on which sheet glass is produced is virtually identical throughout the world, eliminating the possibility of any superior productivity offsetting the differential in hourly rates. This is a high labor content industry with direct wages to hourly workers in the U.S. industry constituting more than 40 percent of the selling price of the product.

6. All unions in the sheet glass industry support the manufacturers' plea for relief, and testimony from labor union officials was a prominent part of the Tariff Commission hearings.

7. Imports of sheet glass have risen from less than 3 percent of apparent domestic consumption in 1950 to more than 24 percent in 1960. The foreign percentage of market penetration has been sustained thus far in 1961 despite a drop in the overall domestic demand and despite price reductions by domestic manufacturers in 1960. These price reductions and the higher costs of production resulting from idled capacity caused the overall domestic industry to operate at a loss in 1960.

8. The minimal increases in import duty recommended by the majority of the Tariff Commission will, in the industry's judgment, neither reduce the absolute volume of imported sheet glass nor deprive any importer of a source for glass. Such increases in duty, added to the present published delivered prices in the United States of almost all sheet glass products now being imported, will still leave their prices below those of the domestic manufacturers. Further, the substantial profit margins on which foreign producers operate will permit them to absorb the tariff increase in order to maintain the price advantage evidenced by their published price schedules. It is the hope of the domestic industry, however, that these increases in duties, modest as they are, will to some extent restrain foreign producers from efforts to expand their sales here by undisclosed special prices and concessions which greatly increase the apparent price differential. It is hoped that reasonable stability will be restored to the market. It is the further hope of the industry that as a result of this mild restraint domestic producers will be able to share in the future growth of the U.S. economy, to gradually increase their factory operations and to reemploy their idled workers.

9. The President's Trade Policy Committee is scheduled to meet on June 12 to vote on its recommendation to the President with respect to the Tariff Commission report.

Each branch of the executive department represented on the Committee will report its recommendation to the Trade Policy Committee by June 9.

The President will either approve or reject the Tariff Commission report by July 17.

Mr. BRIDGES. Does the Senator from West Virginia wish me to yield to him?

Mr. RANDOLPH. I wish to present a resolution adopted by the Legislature of West Virginia on the subject to which the minority leader has referred.

Mr. BRIDGES. I would be glad to yield to the Senator if it will take only a short time to do so.

Mr. RANDOLPH. It will take a few minutes to present the resolution.

Mr. BRIDGES. I would like to conclude my speech, then.

Mr. RANDOLPH. Certainly.

Mr. BRIDGES. What the Senator from New Hampshire attempts to accomplish with this bill, Mr. President, is to spell out the intent of Congress as clearly as possible to avoid continued misinterpretation by those individuals responsible for carrying out the provisions of the act.

Now, how is this to be accomplished?

First, through a redefinition of the term "interested parties," it is my intention to halt the practice of the Tariff Commission refusing to hear cases because of some strange, unrealistic idea of the term. That has been one of the outs, one of the tragic abuses.

Secondly, by singling out increased imports vis-a-vis domestic production decline as the paramount consideration in a Commission investigation, I hope to end the custom of hiding behind remote side issues as excuses for decisions adverse to petitioning industry. And,

Thirdly, by making the recommendations of the Commission mandatory on the President, my purpose is to provide a guaranteed follow through on suggested modifications and to relieve the President of the pressure which he must now endure when a decision is submitted to him by the Commission.

Mr. President, the escape clause has been emasculated in recent years through poor administration. Domestic producers and manufacturers are being hurt and are not receiving relief under escape clause procedures. Either the Commission refuses to investigate or ignores the historical intention of Congress in reaching a decision, or its recommendations die on the desk of the President.

I am sure that President Roosevelt did not visualize this situation when he said to Congress on March 2, 1934:

The successful building up of trade without injury to American producers depends upon a cautious and gradual evolution of plans.

Later the same year, in a letter to an apprehensive California Congressman, the President wrote:

I am somewhat surprised and a little amused at the fears you say have been aroused in California because of the enactment and possible administration of the Reciprocal Trade Agreements Act. Certainly it is not the purpose of the administration to sacrifice the farmers and fruitgrowers of California in their pursuit of the will-o'-the-wisp of foreign markets. I trust that no Californian will have any concern or fear that anything damaging to the fruitgrowers of that State or of any other State will result from this legislation.

In 1945 President Truman wrote:

I have had drawn to my attention statements to the effect that this increased authority might be used in such a way as to endanger or trade out segments of American industry, agriculture, or labor. No such action was taken under President Roosevelt and Cordell Hull, and no such action will take place under my Presidency.

President Truman also stated, in his message to Congress on March 1, 1948:

Each agreement will continue to include a clause which will permit withdrawal or modification of concessions if, as a result of unforeseen developments and of the concessions, imports increase to such an extent as to cause or threaten serious injury to domestic producers.

To illustrate how drastic our interpretation of the escape clause changed in just a few years, Assistant Defense Secretary H. Struve Hensel stated on May 21, 1954:

It is foolish to argue that the modification of existing restrictions on foreign trade can be accomplished without any domestic dislocations. To the extent that they are militarily essential, some restrictions will have to be maintained. To the extent that they are not essential, our attitude toward the trade barriers should be judged solely by the effect on our allies.

That is the attitude of our Government to which reference is made.

That is a dreadful statement to make—that we are going to pay no attention to the farmer or laborer or manufacturer who produces the sinews of life for the American economy, but that we will decide on the basis of whether it is good for our allies. This shows the extreme necessity for the type of legislation which I am proposing.

This is a far cry from the sentiments expressed earlier by two of our Presidents.

During the past three decades, we have seen great efforts made in the Congress to increase farm prices through subsidies and crop curtailment and to boost wages through minimum wage laws and obligatory collective bargaining. Wages, production costs, and prices in the United States ballooned to a point far in excess of any other nation in the world.

Nevertheless, through our mass production techniques and our enormous capital outlay, we were able to temporarily outproduce our foreign competitors.

With the end of World War II, a significant change took place. Because much of the remainder of the world lay flat on its economic back as a result of the ravages of war, this country found it necessary to extend aid in amounts theretofore unbelievable. To help these countries get back on their feet, we provided them with the most advanced machinery and the best of our technical advice; the materials and know-how for mass production.

As a result, many of our foreign competitors are threatening to challenge our level of productivity and their labor and production costs remain ridiculously low in comparison with those maintained in this country. Additionally, foreign competitors are not compelled to meet this country's requirements with respect to health and safety standards, building code regulations, and antitrust laws. Neither are they required to grant what is known in this country as fringe benefits. I might add that foreign industries often enjoy subsidies from their own governments for commodities which they export.

Furthermore, as in the case of raw cotton, foreign competitors can buy raw materials at prices substantially below those paid by producers in the United States.

Mr. MUNDT. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield.

Mr. MUNDT. It seems to me that the hypothesis which the Senator has so well developed gives us three alternatives in the business of world trade. First, we might create some kind of adequate, flexible, appropriate tariff policy and mechanism to protect the products which are in serious difficulty; second, we might find a way in which to improve the standard of living and, consequently, the production costs of our competitors abroad; or, third, we must face up to the ugly fact that we shall simply have to downgrade the American standard of living and seek some common denominator to serve as a world level of living standards, so that competition can cross international boundaries competitively. Is not that correct?

Mr. BRIDGES. That is correct.

Mr. MUNDT. Would the Senator from New Hampshire permit me to place at the conclusion of his remarks comments which I made in my current weekly newsletter, dealing with this specific subject, and motivated because of my interest in the proposed legislation which the Senator from New Hampshire has introduced, and of which I am a cosponsor?

Mr. BRIDGES. I should be happy to have the Senator do so.

Mr. President, I ask unanimous consent that the statement by the distinguished Senator from South Dakota may be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. AIKEN. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield.

Mr. AIKEN. I suggest that the distinguished Senator from New Hampshire might seek to get at the seat of this trouble by arranging for a thorough investigation of the influence which foreign governments have on U.S. foreign policy. I think he would really be reaching the seat of the trouble in making that investigation. He would naturally wish to look into the question of direct influence. There is much legitimate trade promotion, we know, taking place at the instance of foreign governments.

Another little item, possibly, the matter of influence peddling, might well be looked into. A wonderful opportunity exists for the right group of investigators to examine into the situation, because sometimes I wonder who makes the foreign policy of the United States.

Mr. BRIDGES. I agree with what the Senator from Vermont has so well said.

Mr. AIKEN. It is an idea for the Senator from New Hampshire to consider.

Mr. BRIDGES. Mr. President, now let us examine the proposition in light of the facts.

Domestic producers can no longer rely on the advantage of mass production to offset heavier labor, material, and overhead costs when competing with foreign manufacturers. In the absence of governmental action to equalize the competition and grant relief, the American producer has only one of two alternatives.

He can either throw up his hands in futility, fire his workers, and discontinue his operation, or he can shift his capital to a foreign country where his operation will enjoy the benefits of low labor and other production costs.

In the case of a small businessman, his only choice is the first alternative. In the case of large concerns, so many are already following the latter course that our whole monetary system is being threatened.

Whichever way the domestic producer decides, the United States comes out the loser and the unemployment figures continue to mount.

The Senator from New Hampshire is not suggesting that imports be unnecessarily curtailed or that a high tariff wall be erected. He is merely asking for a reasonable regulation of imports to stimulate fair competition in this country's marketplace.

My bill is not designed as a weapon against world trade, but rather as a lifeline to save it. I have always believed in a maximum of beneficial world trade, and I hope the passage of this bill will assist in the promotion of this proposition.

I fully realize that a bill of this type must originate in the House of Representatives. I am hopeful that a companion measure will be introduced in that body. If it is not introduced in the House, it is my intention to offer it as an amendment to a House-passed bill.

Much has been said on behalf of suffering domestic industry, but little has been done. In my judgment, this bill will go a long way toward doing something of a concrete nature. I commend it to the Senate for early consideration, and I urge favorable action.

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

The bill (S. 2176) to provide for the inclusion of certain producers and growers of raw materials as interested parties in escape clause proceedings under the Trade Agreements Extension Act of 1951, to make mandatory the recommendations of the U.S. Tariff Commission in such proceedings, and for other purposes, introduced by Mr. BRIDGES (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

EXHIBIT 1

[From Your Washington and You, weekly newsletter written by Senator KARL E. MUNDT]

NEW CONCEPTS NEEDED IN THE AREA OF FOREIGN IMPORTS

We are living in an uneasy era in which old concepts of international trade are being severely tested. Foreign competition from both raw products and manufactured goods is reducing jobs and producing red ink in many economic enterprises in the United States of America. It is important that we should give careful thought to new ways and means of providing equalizers which will permit orderly foreign trade without providing ruinous competition at home.

It is not an easy problem to solve. Some new concepts and formulas must be evolved. Tariffs alone or the reduction of them are not the answer. Basically our problems stem from the fact that many of our imports come from countries with loincloth economies where wages are dirt cheap, living standards unbearably low, or where ownership of enterprise is vested in the government by one device or another.

Here in the United States of America we enjoy the highest standard of living in the world. Our wages far exceed those paid in any other country, as do our salaries. Our farms and industries pay the world's highest taxes and require price returns sufficient to operate successfully in this high-standard-of-living economy. Few—if any—among us, want to reduce our standard of living. Few if any would give countenance to the reduction of our automobile ownership; our education opportunities; our home conveniences; our vacation system; our style of dress; our varied diet; or any of the other ingredients of the good life enjoyed in the United States of America.

But, when competition flows in from abroad unrestrictedly at low price levels, all of the elements making up our prized standard of living are in peril. Yet, we cannot live alone in this crowded world. We cannot close our borders to all foreign trade. Economic isolation is as impossible as is political isolation in today's world.

New study is sorely needed on how to meet this challenge. One alternative holding hope, being discussed in some quarters as a possible solution, is to substitute quotas for tariffs as a device for regulating foreign imports coupled with a new concept of tariffs which would be employed to put specified quantities of foreign imports into the American market at the American price level. By this method we would pay foreign producers prices compatible with American prices under a proposal which would provide exporting foreign countries with frozen assets of American dollars. This "frozen asset" would represent the difference between what the foreign producer receives for goods sold in the United States compared to domestic price levels in his own country. This blocked

currency would be held in the United States available to the foreign country only for the purchase here of American products to be used there.

It would operate somewhat as the formula once used with Cuban sugar during the period we paid Cuba the American price level for sugar rather than the Cuban price level, but it would add the feature that the price differential would not be paid direct but held in escrow in this country, available to foreign countries or exporters only for the purchase of American goods. The fallacy of continuing to rely upon reciprocal trade agreements and tariffs to meet today's economic challenge from abroad or urging complete freedom of trade between high-standard-of-living economies and loincloth economies is reenforced by recognition of the fact that free trade is a concept long urged by the Communists as a tactic for finally bringing the Western World to its knees.

Karl Marx, patron saint of communism, said in a speech in Brussels, Belgium, on January 9, 1848: "Generally speaking, the protective system in these days is conservative, while the free trade system works destructively. It breaks up old nationalities and carries antagonism of proletariat and bourgeoisie to the uttermost point. In a word, the free trade system hastens the social revolution. In this revolutionary sense alone, gentlemen, I am in favor of free trade." These are stern words of warning as we face today's dilemmas.

Mr. DWORSHAK. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield.

Mr. DWORSHAK. I am happy to join with the Senator from New Hampshire in cosponsoring the bill.

Since 1947, the State Department, without congressional approval, has sponsored the so-called GATT Conference, the General Agreement on Tariffs and Trade. Five international conferences have been held. Since September 1, 1960, a conference has been in session in Geneva, at which the United States is represented by about 100 persons from various executive departments of the Government.

Recently, during a hearing on the State Department budget before the Subcommittee on Appropriations of which both the Senator from New Hampshire and I are members, I asked questions concerning our trade policies, particularly as they related to the GATT conferences. I pointed out that Congress has never officially approved this activity, which takes from Congress the full authority and responsibility for conducting such negotiations with foreign countries to determine whether tariff cuts can be made—the so-called reciprocal tariff cuts—but that in reality concessions are made generally by the United States.

I asked the representative of the State Department if the GATT operation had ever been officially approved by Congress, and his answer was, "No."

I commend the Senator from New Hampshire. I think the time has arrived when Congress should assume its responsibilities to make certain that the State Department does not continue policies which inevitably will cause widespread unemployment in the United States and depress many industries which find it extremely difficult to compete with low-cost foreign producers.

Mr. BRIDGES. I thank the distinguished Senator from Idaho. He has hit the nail right on the head, as he usually does. He is very sound in his statement.

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

Mr. BRIDGES. I yield.

Mr. CURTIS. It was my privilege to respond to the invitation of the distinguished Senator from New Hampshire to be a cosponsor of the bill. It seems to me that certain groups in the United States have not been realistic about the protection of home industry. They have confused the issue in the past. They have argued with a great many outstanding citizens, and have convinced some of them that, somehow, if we could be overly generous in foreign trade, although some local industries might be destroyed, this would amount to a magic wand which would bring peace.

That is not true. When the Japanese dropped bombs on Pearl Harbor, the United States was Japan's best customer. Another illustration of the fallacy of such an argument is Cuba. Never in the history of the world has one nation given the favorable trade position that the United States has given to Cuba; yet Cuba was the first Latin American Republic to turn against the United States and go Communist. Trade did not prevent it.

On the contrary, the United States has invoked trade barriers, tariffs, and other restrictions against Canada many times; still our border with Canada is the longest peaceful border in the world. No armies are lined up on either side.

The argument that communities and local industries must be destroyed and not be self-sustaining, in order to have peace, is fallacious. I believe that before we can win the respect of a foreign country, we must show that we are good managers; that we are concerned about ourselves; and that we are businesslike. If foreign nations decide that we are foolish and cannot even protect our own basic industries, they will not have very much confidence in us, and, in turn, they will lack respect for us. That will lead to war and misunderstanding, rather than the prevention of them.

Mr. BRIDGES. I thank the Senator from Nebraska. He gave two excellent illustrations—namely, the situation of Japan prior to World War II, when the United States was its best customer in international trade; and the situation of Cuba, whose best customer we have been. We have given Cuba concession after concession, numbered by the score; yet we see what has developed there.

So the talk to the effect that only by lowering our barriers and giving concessions will we gain friends is very fallacious.

Mr. CURTIS. Yes, it is.

Let us reverse the situation, and think of a foreign country which was trying to make a "go" of a local industry, and found that the United States was sending sizable imports there, and enacted a tariff or placed an embargo or took some other step to prevent our doing that. We would respect that country for its businesslike judgment and for making itself strong, would we not?

Mr. BRIDGES. That is correct; we certainly would.

Mr. CURTIS. I thank the Senator from New Hampshire.

Mr. RANDOLPH rose.

Mr. BRIDGES. I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, let me say that I appreciate very much the courtesy of the Senator from New Hampshire in yielding to me, but I wonder whether I may be recognized at the conclusion of his remarks.

Mr. BRIDGES. Certainly.

Mr. President, I have concluded my remarks.

RESOLUTION OF WEST VIRGINIA LEGISLATURE URGES THE PRESIDENT TO APPLY TARIFF COMMISSION FINDINGS ON DOMESTIC GLASS

Mr. RANDOLPH obtained the floor.

Mr. SCOTT. Mr. President, will the distinguished Senator from West Virginia yield to me?

Mr. RANDOLPH. Mr. President, I shall yield, even before I begin my remarks, because I am aware of the subject matter which both of us have in mind at this time. So I am delighted to yield.

Mr. SCOTT. Mr. President, I appreciate very much the courtesy of the distinguished Senator from West Virginia in yielding to me at this time. I make this request now, before the Senator from West Virginia has had an opportunity to present his proposal, because in the next few minutes I shall be required to be in another place, and I wish to express to the Senator from West Virginia my entire support of the West Virginia Legislature House Concurrent Resolution No. 2.

I understand that in the course of discussing and explaining the problem, the senior Senator from West Virginia will submit the concurrent resolution. It affects the operations of an important industry in both West Virginia and Pennsylvania. So we are equally concerned because of the various kinds of glass manufacturing and related industries which are so definitely affected; and we recognize the need for relief, as mentioned in the concurrent resolution, in connection with U.S. Tariff Commission Escape Clause Investigation No. 7–101, dated May 17, 1961, pertaining to crown, cylinder, and sheet glass.

So I should like to commend most heartily, the distinguished Senator from West Virginia for bringing this matter to the attention of the Senate, and to indicate my entire support of him and of his recommendation in this regard.

Mr. RANDOLPH. Mr. President, I am very grateful for the support indicated by the Senator from Pennsylvania [Mr. SCOTT]; and, in this connection, I wish to express thanks, not only for myself, but also for my colleague from West Virginia [Mr. BYRD], to the Senator from Pennsylvania for joining in the presentation of the resolution to this body. We are working, as is the Senator from Pennsylvania, in a common cause; and there is great urgency with respect to this matter. I am sure we can count on the articulate and the active efforts of the Senator from Pennsylvania in this field.

Mr. SCOTT. Mr. President, if the distinguished Senator from West Virginia will yield further, briefly, I should like to say that what I have had to say refers, of course, to both of the eminent Senators from West Virginia; and I think I am justified in saying that my views are also shared by my colleague, the distinguished senior Senator from Pennsylvania [Mr. CLARK]. Therefore, the four of us are as one in this concern.

Mr. RANDOLPH. I thank the Senator from Pennsylvania.

Mr. President, it is my privilege, on behalf of my esteemed colleague, the Senator from West Virginia [Mr. BYRD], and myself, to submit House Concurrent Resolution 2 of the 1961 West Virginia Legislature, memorializing the President of the United States to adopt and to place into effect the findings of the U.S. Tariff Commission, dated May 17, 1961, in connection with escape clause investigation No. 7–101.

It is widely acknowledged, Mr. President, that foreign imports of sheet glass have effected serious injury to our domestic glass industry, not only in West Virginia, but also in many other States, and have intensified the problems of unemployment in this specific field. But the degree of injury done is not so well known, and recent developments in the import of sheet glass which present an even more ominous view of the future have not yet been appraised.

From 1950 to 1960, inclusive, total domestic shipments by domestic producers declined from 1,443 million pounds to 1,265 million pounds, having reached a peak in 1955 of 1,580 million pounds. During the same period foreign imports increased from 32 million pounds to 391 million pounds, bringing about a decline in the share of the U.S. market by domestic producers from 97.8 percent in 1950 to 75.4 percent in 1960.

Bleak as this picture is, if the President of the United States does not implement the findings and report of the Tariff Commission, there is reason to believe that even worse conditions are in prospect. In October of 1960, most Western European suppliers changed from selling on a cost, insurance, and freight, port-of-entry basis to a delivered basis, including arrangement for delivery of shipments to the customer's warehouse or plant in the United States. The benefit thus offered to the importer is apparent. It is, therefore, not surprising that domestic shipments of sheet glass showed a further and precipitous decline during the first quarter of this year, from an average quarterly shipment of 316 million pounds in 1960 to 242 million pounds during the first 3 months of 1961, thus indicating a further market loss of 23.4 percent.

Mr. President, unless the Tariff Commission's findings and report are implemented, the conceivable end result will be the complete decimation—and I emphasize the use of the word "decimation"—of our domestic sheet glass industry in the United States; and West Virginia is a major producer in this industry.

I ask unanimous consent that the resolution adopted by the West Virginia Legislature be printed in the RECORD in connection with my remarks, and be referred to the appropriate committee of the Senate.

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

HOUSE CONCURRENT RESOLUTION 2

Expressing the sense of the Legislature of West Virginia in support of the finding of the U.S. Tariff Commission Escape Clause Investigation No. 7–101, dated May 17, 1961, pertaining to crown, cylinder, and sheet glass

Whereas it is apparent to this legislature that in many areas of our State there exists an emergency in relation to unemployment; and

Whereas in Harrison and Kanawha Counties four large sheet glass plants are and have been operating at greatly reduced capacity, and with a reduced number of employees; and

Whereas the U.S. Tariff Commission, on May 17, 1961, in connection with Escape Clause Investigation No. 7–101, unanimously found, after investigation, and reported to the President, that sheet glass such as produced in West Virginia, is being and has been imported into the United States in such increased quantities as to cause serious injury to the sheet glass industry; and

Whereas the Tariff Commission further recommended that the tariff on sheet glass be increased to rates set out in the report; and

Whereas West Virginia produces more sheet glass than any other State; and

Whereas the State of West Virginia is alert to take action that may increase employment and retain here industries traditionally a part of our economy, and to take all effective measures in support of such policy: Therefore be it

Resolved by the house of delegates (the senate concurring therein), That it is the sense of this legislature that the President of the United States can and should adopt and put into effect the findings of the U.S. Tariff Commission, dated May 17, 1961, in connection with escape clause investigation No. 7–101.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my able colleague from West Virginia [Mr. BYRD].

Mr. BYRD of West Virginia. I wish to commend my colleague [Mr. RANDOLPH] for calling attention to the distressing condition of the sheet-glass industry in West Virginia.

The deepening crisis facing the glass industry in the State of West Virginia—a crisis caused by the growing flood of foreign-produced imports of sheet glass—cannot be shrugged off as just another problem in a State generally suffering from economic depression. In this instance, the emergency is the threatened total eclipse of the industry by virtually unrestricted foreign imports.

Many Americans may find it hard to believe that our foreign-trade policies are so loosely designed as to permit the extinction of a long-established domestic industry by foreign competitors—competitors whose substantially lower wage rates make it possible for them to undersell our domestically produced products on our own domestic markets. But this is the case in sheet glass, despite vast sums of capital spent by our domestic producers to make their plants the most modern and efficient in the world.

The U.S. Tariff Commission has recognized the peril now facing our sheet-glass industry. It has recommended to President Kennedy that import duties be increased. The situation is so dire that it is fervently hoped by our large numbers of unemployed glassworkers and by the members of the West Virginia congressional delegation that the President will act to implement the maximum recommendations of the Tariff Commission.

Mr. RANDOLPH. I thank my colleague for his cogent remarks about the seriousness of this problem. I again say it is immediate, and that the implications of what is being done we now know are reasons for what we hope will be an understanding of the nature of the problem. We trust the urgency will be understood by the President of the United States, and that he will adopt and place into effect the Tariff Commission recommendations.

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

Mr. RANDOLPH. I yield to the diligent Senator from Ohio.

Mr. LAUSCHE. I desire to express my concurrence with the remarks made by the distinguished Senator from West Virginia. I recognize the need of having a two-way street in international business. The Congress has declared that when imports reach a level high enough so as to endanger the very existence of manufacturers in our country, applications can be made by the affected industry itself, under the escape clause, asking for relief.

The glass industry of our State joined with the glass industries of other States in making such an application. The Tariff Commission unanimously found that the glass industry of our country was in danger of extinction because of imports. The Commission recommended to the President unanimously that tariff relief or other relief be granted to that industry.

I join the Senators from West Virginia and Arkansas in urging the President to follow the recommendation of the Commission. We cannot afford to destroy our own industries. If we do, and this recommendation is disregarded, the law which is now on the books becomes, in my opinion, meaningless.

I wish to repeat that the Tariff Commission unanimously found the industry was being injured by imports, and the Commission unanimously recommended relief in the form of increased import duties.

I can add little to the facts as reported by the Commission. However, if the escape clause provisions of the Trade Agreements Act are to be meaningful, it seems to me the relief recommended by the Commission should be proclaimed by the President.

I thank the Senator from West Virginia for yielding.

Mr. RANDOLPH. Mr. President, the knowledgeable Senator from Ohio has certainly placed appropriate emphasis on this matter. I make this prediction: The renewal of the Reciprocal Trade

Agreements Act will come before us next year, and I believe I reflect the feeling of at least a large portion of this body when I say that renewal of that act will depend to a great extent on what is done concerning some of the hard-hit industries such as glass, ceramics, textiles, and others. If relief is not granted, there will be a reluctance on the part of the Senators like the Senator from Ohio, who says he understands full well that trade is a two-way street, to move forward with renewal of the Trade Agreements Act if such a condition as has been pointed out today is not recognized and rectified. There must be a realization on the part of the administration of the hardship which exists, and appropriate action must be taken.

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

Mr. RANDOLPH. I yield.

Mr. LAUSCHE. At this time I wish also to state that in Ohio the baseball glove and other sports and athletic facility manufacturing industries are likewise affected. So also is the tile industry. Unless the recommendations of the Tariff Commission are carried into effect, I think the law is meaningless. We have provided that whenever an industry is in danger of its existence, it may appeal to the Tariff Commission. The industry has done so. The Tariff Commission, by unanimous vote, has said the industry is being injured and has recommended relief.

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

Mr. RANDOLPH. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Except for reliance upon the escape clause provision, we could not justify the Reciprocal Trade Agreements Act. Is that correct?

Mr. LAUSCHE. Yes; I agree.

Mr. McCLELLAN. If we cannot provide relief by law and expect that there will be a proper administration; if we cannot provide relief for our own people when hardship in certain industries develops as a result of reciprocal trade agreements, then I do not see how we can conscientiously support a renewal of the Reciprocal Trade Agreements Act.

Mr. LAUSCHE. I agree with that statement, because it is thoroughly apparent that if that provision were not in the law, imports would become unlimited, and there would be no method of giving protection to domestic industries and workers. I agree with the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, will the Senator further yield.

Mr. RANDOLPH. I yield to the Senator from Arkansas.

Mr. McCLELLAN. I wish to associate myself with the remarks which have been made by the two distinguished Senators from West Virginia and the able Senator from Ohio. I think the Tariff Commission's formal findings and recommendations of May 17 came as no surprise to anyone who has observed the disturbing increases in sheet glass imports over the past decade and the highly detrimental effects they have had and are still having on our domestic glass industry.

Mr. President, in my State we have a very large glass manufacturing plant, the Harding Glass Co., a subsidiary, I believe, of the Fourco Glass Co., which also operates in the State of West Virginia.

Mr. RANDOLPH. Yes. Fourco does operate at Clarksburg, W. Va., and has a very considerable operation in Arkansas, the plant being located at Fort Smith.

Mr. McCLELLAN. The Senator is correct.

Mr. President, these industries employ our people. Their operation provides labor for our citizens. If these companies are put out of business or if their operations are materially reduced this will contribute further to unemployment in our country.

Mr. President, notwithstanding the fact that our American sheet glass plants are by and large modern, progressive, and efficient, the domestic industry is finding it impossible to meet the low prices and destructive competition from abroad. The depressing results are manifest in the glass manufacturing areas throughout the country. Idle plant capacity, declining production and unemployment are on the increase both in the glass industry itself and in those industries supplying and servicing it.

Mr. President, implementation of the Tariff Commission's recommendations for increasing duties on imports of glass is a necessary step that must be taken. It will not, of course, completely restore American manufacturers to a competitive position in the domestic market, but it will help in some measure, at least, to arrest the trends of the past decade and will prevent further contraction of production in this country.

Most important of all, it may provide the means of preserving sources of livelihood for a large segment of our people. I am indeed glad to join with the senior Senator from West Virginia and others of my distinguished colleagues in most respectfully urging the President to adopt and to put into effect the Tariff Commission's findings and recommendations.

Mr. President, what I have said in regard to the glass industry and what has been said by my distinguished colleagues who have preceded me in the discussion also substantially applies in every respect to the ceramic tile manufacturing industry in this country. In my State there is one of those plants, which employs approximately 200 people. It is unable to operate at capacity and, in fact, is having a struggle to operate at all under the conditions which now prevail. Unless a remedy is given, unless there is some relief from the character and the extent of the competition facing this plant, it cannot much longer operate.

The Tariff Commission as of May 10 made a finding that foreign imports of this product have caused serious injury to the domestic tile industry. Accordingly, the Commission has recommended that duties on imports of tile be increased. I hope the President will take early and favorable action on this recommendation, also.

I shall not go into further details. The record is before the Tariff Commission. The facts now are before the President of the United States. I have indicated to the White House my views on this matter, as I am certain many other Senators have done.

Mr. President, I assert again that relief must be given. The escape clause must be made effective and must be administered so as to provide relief in these hardship cases, or else I must agree with the distinguished Senator from West Virginia that there will be great reluctance about renewing the Reciprocal Trade Agreements Act the next time the request comes before the Senate.

I should like to support the act. I know the great majority of Senators are in favor of it. We feel it is a proper policy for us to maintain. However, we cannot maintain it to the detriment of our industry to the extent that industry is being put out of business or can no longer operate at a profit. To share our market is one thing. To destroy our market or to lose it to any country abroad, for any particular product or commodity, is something we must guard against.

I thank my distinguished friend for yielding to me.

Mr. RANDOLPH. Mr. President, the comment of my colleague from Arkansas is most compelling. When he speaks of the injury being done not only to the sheet glass industry but also to the tile industry in his State there comes to my mind the opportunity I had, within recent days, to address the West Virginia section of the American Ceramic Society at Charleston. I ask unanimous consent to have printed in the RECORD at this point excerpts from the speech which I delivered on that occasion.

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

EXCERPTS FROM AN ADDRESS BY SENATOR JENNINGS RANDOLPH, DEMOCRAT OF WEST VIRGINIA, BEFORE THE WEST VIRGINIA SECTION, AMERICAN CERAMIC SOCIETY, CHARLESTON, W. VA., JUNE 16, 1961

I regret that the tenor of my comments cannot be entirely pleasant tonight, and here I refer to the virtual decimation of some segments of the ceramics industries by unfair foreign competition.

During most of today I have been participating at Beckley in an area redevelopment conference which was addressed by Secretary Hodges. There we were primarily concerned with the problems of our State which have been generated by automation and other technological and structural changes in our economy.

The difficulties of some of the industries represented in your society—particularly the pottery and sheet glass industries—are equally as acute as are those of coal, though emerging from different causes.

Earlier this week I was visited in my office by a member of your society, Mr. Arthur Wells of the Homer Laughlin China Co. The information he related to me—of a 50-percent reduction in employment of his firm in the past 8 years, of the unfair competition of the Japanese cartel which has an average labor cost of 30 cents an hour or less, and of the number of American pottery firms which have been driven to the wall in recent years—such facts make a somber story. And it is my understanding that the

sheet and window glass industry could offer similar evidence.

I have not, of course, been unaware of such conditions. As a member of the Select Committee on Small Business of the Senate, and chairman of its Subcommittee on Relations of Business with Government, I have been deeply concerned with the economic well-being of small businesses. And during 1960 our subcommittee conducted quite extensive hearings on the impact of imports on small business. Yet even with such background knowledge, one experiences a certain shock when confronted with new and vivid examples of the decline of a modern and efficient industry. I might state in passing that I brought this problem to the attention of Secretary Hodges at the West Virginia delegation breakfast yesterday, and I shall pursue it with him further.

Now, I am not a trade restrictionist. I am in support of the Reciprocal Trade Agreements Act, and I endorse closer economic relations with the other free nations of the world. But I am a realist, and I have serious reservations about the prospects for Senate renewal of the Reciprocal Trade Act next year if certain adjustments in critical areas are not made before then.

This is unquestionably one of the most difficult and complex problems in the field of national policy. For our relations with each nation and the impact on each of our industries must be analyzed and appraised separately, and yet decisions taken with regard to one segment of our economy have repercussions far beyond the immediate industry itself.

In the total volume of our international trade, our merchandise trade surplus—the balance of exports over imports—has been maintained for several months at a level of $500 million a month or more. But such knowledge is small consolation to the individual businessman who finds himself gradually strangled by competition with sweatshop labor. I mention the overall balance to indicate the impracticality of our ever again entering the vicious circle of protectionism which prevailed three decades ago, for we would inevitably lose much more than we would gain from such a move.

We must, therefore, search for flexible and effective means of bringing relief to industries which are endangered by unfair foreign competition. President Kennedy has remarked that since the benefits of international trade accrue to the Nation as a whole, the burden of unfair foreign competition should not be borne solely by the industries and firms affected. This is a position which I thoroughly endorse, but devising a practical means for implementing it is no simple task.

Yet it is a task to which the Select Committee on Small Business has devoted much thought and attention, and an issue on which we made several specific recommendations in our report at the close of the 86th Congress. Before mentioning these recommendations, however, I would refer to one source of Federal assistance which I believe has not been sufficiently utilized by many small business concerns.

Under section 9 of the Small Business Act of 1953, the Administrator is authorized, and I quote: "To consult with representatives of small-business concerns with a view to assisting and encouraging such firms to undertake joint programs for research and development carried out through such corporate or other mechanism as may be most appropriate for the purpose. Such joint programs may, among other things, include the following purposes:

"A. To construct, acquire, or establish laboratories and other facilities for the conduct of research;

"B. To undertake and utilize applied research;

"C. To collect research information related to a particular industry and disseminate it to participating members;

"D. To conduct applied research on a protected, proprietary, and contractual basis with member or nonmember firms, Government agencies, and others;

"E. To prosecute applications for patents and render patent services for participating members; and

"F. To negotiate and grant licenses under patents held under the joint program, and to establish corporations designed to exploit particular patents obtained by it."

In all of these fields of activity, the program, if approved by the Administrator, would be exempt from the prohibitions of antitrust laws.

Now I am not sufficiently informed on research and development activities within the ceramics industries to appraise adequately the value of this section of the Small Business Act in relation to your problems. However, I would suggest that your society, representing most of the technical people in your industries, would be a proper forum in which to initiate discussion and inquiry into the utilization of this provision of the act. And I would, of course, be most pleased to facilitate the development of a joint program with the Small Business Administration if the occasion should arise.

It is my understanding that yours are modern and efficient industries. And while you may reap considerable benefits from a joint research and development program, this would presumbaly not solve the problem of unfair competition from abroad. Therefore, to turn now to the recommendations of the Small Business Committee, for which we expect to receive sympathetic and positive consideration from Congress as well as the administration.

We have recommended that Congress consider amending section 7 of the Trade Agreements Extension Act of 1951 in order to permit the President greater flexibility and discretion in proclaiming a rate of duty different from that recommended by the Tariff Commission. This seems especially important in light of the Commission's record of granting relief to only 2 out of 28 escape-clause petitions during a period of about 2½ years.

We have also recommended continued exploration of foreign wage levels as a base for quota provisions. This is a difficult area of investigation because of such nonwage factors as family allowances, housing, and annual bonuses which comprise part of the total labor cost in some countries. However, work in this field is proceeding in our own Bureau of Labor Statistics and in the International Labor Office.

The committee further recommended that all agencies of Government concerned with foreign trade should make every reasonable effort to prevent sharp and unusual increases in the importation of certain items, in order that the affected domestic industries might have adequate opportunity to make gradual and orderly adjustment.

But despite these preventive measures, some firms are inevitably and seriously injured. As direct assistance to injured industries our committee has suggested the establishment of market research and technical data facilities tailored to the particular problems of the individual firm, vocational retraining programs for displaced workers, and relocation allowances for properly certified unemployed workers whose skills are needed in another section of the country and who desire to move there.

Some of these measures have been provided for in the Area Redevelopment Act, and still more will be incorporated in the proposed Manpower Development and Training Act which will probably be enacted this session.

To sustain the individual business our committee also recommended a new category of trade injury loans for preferential treatment by the Small Business Administration. The usual rate of interest on SBA loans is 5½ percent; on disaster loans administered by the agency it is 3 percent; for the new category it would be 4 percent.

Finally, we recommended an accelerated rate of amortization for plant and equipment expenditures necessitated by foreign competition.

None of these provisions, taken singly or in combination, will provide an ideal solution to this most vexing problem. Yet they are indications of the concern of Congress and the direction which our thinking is taking. Although we must not allow ourselves the luxury of punitive actions against other countries, neither can we allow the continuous drain of tax revenue from domestic loss of production, the erosion of opportunities within our local communities and the terrible attrition of the skills and the morale of our working people.

With the application on a wider scale of the perseverance and discriminating intelligence which first brought our ceramics industries to a position of world leadership and prosperity, I believe that we can solve these problems also.

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

Mr. RANDOLPH. I yield to my able colleague from South Carolina.

Mr. JOHNSTON. Mr. President, I have been very much impressed by what the Senator from West Virginia and what the senior Senator from Arkansas have had to say. We are beginning to feel the effects of the program in South Carolina very much. Textile goods are coming into the United States which are made with cheap labor and raw materials which can be bought in the United States at cheap prices. For instance, cotton can be bought at 6 or 8 cents a pound cheaper in a foreign country than by a manufacturer in the United States. These countries have also been helped as to buying machinery by our Federal Government. Something must be done in this field.

I could speak along the same line with regard to the plywood industry. We cannot meet the type of competition being offered.

In the past there have been efforts to provide quotas or to raise duties. The situation has become so serious that it is almost impossible to provide the proper amount of duty for bringing in a product. However, we can provide quotas. For instance, Japan has agreed to quotas on textiles, realizing the seriousness of the situation.

The Senator from West Virginia and I both know that voluntary quotas will not be large enough to really meet the serious situation we face at the present time. I join with the Senator in bringing this to the attention of the State Department. It seems to me that perhaps the State Department is looking after the interests of other countries instead of looking after the interests of America and of the American people. For that reason, we in the Senate may have to take a good look at any proposal they bring to the Congress to ratify some of the actions they are taking. I,

for one, intend to scrutinize very carefully every one of the bills which come to the Senate having to do with regulating quotas or putting on duties, either lowering or increasing them.

I wish to have the State Department know that at this time.

Mr. RANDOLPH. Mr. President, the observations of the Senator from South Carolina go directly to the point which we have discussed. There is considerable evidence that what the Senator indicates as a fear is actually now in process.

Mr. President, I conclude by indicating what has been spoken by other Senators—by the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Ohio [Mr. LAUSCHE], and the Senator from South Carolina [Mr. JOHNSTON]—that generally Senators like to be in accord with the philosophy of the Reciprocal Trade Agreements Act. However, Senators are very forthright in indicating that when the trade agreements act is brought to Capitol Hill for renewal next year, action taken under the escape clause such as we have been discussing today will have a real bearing on the attitude which Senators will take at that time.

I wish very much to support the renewal of the Reciprocal Trade Agreements Act when it comes before us in 1962. That is my genuine desire. Yet I have said today that there will be a reluctance to do so unless there is demonstrated in the meantime a greater recognition of and effort to solve the problems of our domestic industries.

I believe I sense the feeling that Senators will reluctantly, if at all, move forward in the area of renewal without recognition of the hardship cases.

In this specific instance relating to the glass industry we hope the President of the United States will act to place into effect the unanimous decision of the Tariff Commission.

Mr. HUMPHREY obtained the floor.

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

Mr. HUMPHREY. I yield to the distinguished chairman of the Committee on Appropriations, who has a joint resolution of considerable importance to submit to the Senate.

JOINT RESOLUTION MAKING CONTINUING APPROPRIATIONS FOR THE MONTHS OF JULY AND AUGUST 1961

Mr. HAYDEN. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 465, the joint resolution making continuing appropriations for the months of July and August.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 465) making continuing appropriations for the fiscal year 1962, and for other purposes.

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

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HAYDEN. Mr. President, the joint resolution is of the usual type in order to make provision for continuing in operation the functions of Government for which annual appropriations for fiscal year 1962 have not been enacted.

The joint resolution will continue in effect until August 31, 1961. It covers the following appropriation bills: Legislative Branch Appropriation Act; General Government Matters, Department of Commerce, and Related Agencies Appropriation Act; Independent Offices Appropriation Act; Department of Agriculture and Related Agencies Appropriation Act; Department of Defense Appropriation Act; Departments of Labor, and Health, Education, and Welfare Appropriation Act; Department of the Interior and Related Agencies Appropriation Act; Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Act; and the Treasury-Post Office Appropriation Act.

In those instances where an appropriation act has not passed either body, such as the Atomic Energy Commission, the Bureau of Reclamation, and several others enumerated in the joint resolution, authority is granted for continuing during these 2 months activities which were conducted in the fiscal year 1961 at the current rate or at the rate provided in the budget estimate, whichever is lower.

The mutual security program has not been authorized as yet. The joint resolution will provide for the mutual security programs $485 million for these 2 months, which is the amount suggested by the Bureau of the Budget.

The area redevelopment program has been provided with $400,000 for this 2-month period. This will continue the depressed areas program during July and August at the current rate during the last week in June.

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

The joint resolution (H.J. Res. 465) was ordered to a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1961 and for which appropriations, funds, or other authority would be available in the following appropriation acts for the fiscal year 1962:

Legislative Branch Appropriation Act;

General Government Matters, Department of Commerce, and Related Agencies Appropriation Act;

Independent Offices Appropriation Act;

Department of Agriculture and Related Agencies Appropriation Act;

Department of Defense Appropriation Act;

Departments of Labor, and Health, Education, and Welfare Appropriation Act;

Department of the Interior and Related Agencies Appropriation Act;

Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Act; and the

Treasury-Post Office Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided for by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be made available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided,* That no provision which is included in any appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for the fiscal year 1961, and which by its terms is applicable to more than one appropriation, fund, or authority, shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1961 and listed in this subsection (1) at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, or (2) in the amount or at the rate specified herein:

Atomic Energy Commission;

Department of Defense—Military Construction;

Civil Functions—Department of the Army;

Department of the Interior activities:

Bureau of Reclamation;

Bonneville Power Administration;

Southeastern Power Administration;

Southwestern Power Administration;

Tennessee Valley Authority;

Export-Import Bank;

United States Study Commission—Southeast River Basins;

United States Study Commission—Texas;

District of Columbia;

Administration, Ryukyu Islands;

Area Redevelopment Programs, administrative expenses, $400,000;

Mutual security programs, $485,000,000, to be expended in accordance with provisions of law applicable to such programs during the fiscal year 1961 and at a rate for any individual program not in excess of the current rate therefor: *Provided,* That not to exceed $1,400,000 of the appropriation for "Special assistance, special authorizations", granted in the Mutual Security and Related Agencies Appropriation Act, 1961, shall remain available in accordance with section 102 of this joint resolution; and

Payment to the Federal extended compensation account, $45,000,000.

(c) Such amounts as may be necessary for continuing projects or activities which are disbursed by the Secretary of the Senate,

and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1962.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) August 31, 1961, whichever first occurs.

SEC. 103. Appropriations and funds made available and authority granted pursuant to this joint resolution may be used without regard to the time limitations set forth in subsection (d)(2) of section 3679 of the Revised Statutes, as amended, and expenditures therefrom shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 104. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1961. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Mr. HUMPHREY. Mr. President, as I stated, the joint resolution is a subject of rather urgent importance, in that it deals with the matter of continuing the activities of the Government of the United States, since we are facing the end of the fiscal year.

U.S. DISARMAMENT AGENCY FOR WORLD PEACE AND SECURITY

Mr. HUMPHREY. Mr. President, today the President of the United States is sending to Congress a proposal to create a new agency entitled "The U.S. Disarmament Agency for World Peace and Security."

This proposal represents much more than the creation of a new bureau or agency in the executive branch of our Government. It represents in a tangible manner the restatement of a fundamental objective of our national policy—the securing of a just and enduring peace.

The basic outlines or objectives of the proposal submitted by the President have been discussed in the Congress and throughout the Nation by many spokesmen in recent years. The previous administration acknowledged the importance of special emphasis upon disarmament by selecting and appointing a limited number of certain officials to give special attention to this vital part of our foreign policy. However, the proposal of President Kennedy seeks to give priority attention and special meaning to our disarmament efforts by the establishment of a separate agency created by the Congress as an expression of our national will and purpose.

The introduction of the proposed legislation, which I shall present today on behalf of myself, the Senator from Alabama [Mr. SPARKMAN], the Senator from Wisconsin [Mr. WILEY], and the Senator from Kentucky [Mr. COOPER], offers an opportunity to say a few words about the need for the proposed new agency, and to reflect on our policy relating to disarmament and national security.

Mr. President, I shall not yield during my remarks, because I wish to make a full statement. At the conclusion of my remarks I shall then yield for whatever questions any Senator may wish to ask.

We all recognize that the United States represents freedom and the Soviet Union represents the Communist bloc and we are engaged in a long and vital political, economic, and ideological struggle. Mr. Khrushchev, the Soviet leader, has made this manifestly clear in his repeated challenges and his assertion that the Communist way would triumph and they—the Soviets—would bury us. We have accepted that challenge and we seek to complete this contest within the area of peaceful competition. We accept the challenge with confidence of victory, a victory for humanity, a victory for the independence of nations, a victory for the freedom of mankind. We are unafraid but we are terribly concerned lest the struggle which manifests itself in the growing armaments race may burst further into the catastrophe of nuclear war. The continuous and costly buildup for armaments is within itself a threat to peace. This massive buildup seems to know no limits and is almost certain to lead to conflict and disaster unless there is a massive effort, yes, a Herculean effort, to deflect the arms aspect of this struggle, to reduce the arms, yes, to disarm and to divert the vast resources presently going into armaments to more constructive and less explosive channels.

Yesterday I commented in the Senate briefly as to what I thought was developing in the struggle between the Soviet Communist bloc and the free nations. I am not a pessimist. While we have our troubles, and while the Soviet Union and its satellites are frequently able to cause great turmoil and put the pressure on, so to speak, we ought not to underestimate their difficulties, even as we objectively examine our difficulties and our limitations. The Soviet Union today has internal trouble in its economy. It is facing an agricultural collapse in the Soviet Union and in its empire. There are shortages of food, proteins, fats, oils, and cereals. The Soviet Union is having great difficulties in its own empire, with open disaffection and almost rebellion in Albania, with trouble in Rumania, and facing constant trouble in Poland. There are plenty of troubles in the Soviet bloc. I repeat in the Senate what I have said on other occasions—that the greatest single defeat the Soviet Union has suffered was on the continent of Africa. It had planned a takeover this year. But a United Nations force, with all its limitations, its obvious weakness, and at times with uncertainty, supported by the will of peaceful nations, has been able to thwart Soviet ambitions and intentions on the continent of Africa.

All is not well with the Communist bloc. The Communists have made very few gains in terms of being able to tie down real gains and achievements.

Today Asia is not more communistic. The countries of Asia that have not been taken over openly by Red arms are developing a viable economy and institutions of freedom. They not only survive, but they grow in strength.

So I say to my fellow Americans: "Do not feel as if all the problems are ours and that all the difficulties fall upon us. There are difficulties in the Communist camp."

I believe that what this Nation needs above all today is a sense of confidence. What this country needs and what our allies need is a reappraisal of our genuine strength. We represent 75 percent of the wealth of the world. We represent the greatest industrial capacity that the world has ever known. If we add the industrial capacity of the United States, Canada, Western Europe, and Japan, I submit that the world has never seen anything like it, and that the Communist empire fades into insignificance. We are stronger in science and technology and stronger in per capita income and in resources and in wealth and in industrial production. We can be stronger in every way if we have the will and the determination.

We do not stand alone. We have strong allies. We have great power on our side—political power, economic power, moral power, and military power. Let Mr. Khrushchev know that with all his threats and challenges we remain unafraid, as I shall express in this message today.

We have seen the storm clouds of war rise over Laos. They are still there and that unfortunate country with its brave and industrious people are not yet free from the military struggle in which the free and Communist worlds are engaged. More ominous storm clouds now gather over Berlin and cast their shadows throughout all of Europe, both in the Eastern and Western sectors. If war comes, it will engulf us all. There will be no place to hide—no haven of safety. The stakes in Berlin are high and we will not relinquish our responsibility to protect the freedom of Berlin or give up our rights of access to and presence in West Berlin.

As the President has stated, we are prepared to negotiate in order to find an honorable and equitable solution of the political problems which cause such tensions in central and eastern Europe. The answer to these problems is to be found in the postwar agreements between the Allies of World War II, free elections, self-determination, and noninterference by the major powers.

The freedom of West Berlin is not negotiable, but a free Berlin within a united Germany is negotiable.

President Kennedy again offered to negotiate on a peaceful settlement of the German issue but on the basis of German self-determination.

At a later date I intend to have more to say about the Berlin issue. I wish to make crystal clear, so that there will be no doubt as to this Senator's position, that once we take a firm position about the freedom of West Berlin and

our rights and our commitments to the people of Berlin, we run the risk of armed conflict. However, to be unwilling to run that risk would make negotiation meaningless. I do not believe that negotiations can be conducted in an atmosphere of uncertainty or weakness. They must be conducted only on the basis of willingness and determination to do what we know must be done, once we give commitments and make promises and give assurances to friendly people.

This pledge of self-determination was given by the Soviet Union following World War II. It is the heart of an agreement signed by the U.S.S.R., Great Britain, France, and the United States. Soviet colonialism in Eastern Europe, Soviet imperialism in East Germany are a source and cause of the so-called Berlin problem. There is no solution to Berlin—to the rights and the responsibilities of the wartime Allies and to the rights and responsibilities of the German people until a divided Germany is given the right of self-determination as to its future.

I believe it is imperative that the spokesmen of the free world make it crystal clear that the Berlin issue, as our President pointed out yesterday, is one which is being manufactured, contrived, and designed by the Soviet leaders, as they abrogate and as they deny their own commitments and their own assurances and their own agreements which they signed and to which they pledged themselves.

There is no reason for the free world to be constantly put on the defensive when there is much that needs to be said and can be said and done by a united free world.

In such a dangerous age there are many who scoff at prospects for disarmament. In fact, they say it is ridiculous to even talk about it. There are those who doubt that enough sanity and reason exist on the Communist side to see the folly of constantly and deliberately leading the world to the brink of war. And we must admit that today the prospects for agreement on disarmament are not bright. The Soviets do not appear to want to negotiate as much as they want to propagandize and rattle the hammer and sickle. But the entire point of the bill I am introducing today is that preparations for disarmament negotiations must be made in all kinds of political atmosphere. In other words, we can waste no time. We must be prepared under all circumstances. If we want to make progress toward curbing the weapons of war our efforts must be continuous. They must be grounded in solid research and study of all kinds—the technical, military, and the political. The world outlook may change. The Soviets may show a genuine interest in real and substantial disarmament with adequate controls and a willingness to settle disputes peacefully and without a resort to threats and to the use of force.

I repeat, Madam President, there is nothing so permanent in the world as change. The power relationships which exist today may be entirely different 5 years from now. Only a few days ago the Prime Minister of Japan was in the Senate Chamber as an ally and as a friend, and was applauded by the Senate. I am delighted, because Japan is a great nation, and the Japanese are great people, and we look upon them as great leaders in the cause of world peace and world justice.

Sixteen years ago Japan was our mortal enemy. Is it not interesting and is it not paradoxical that the enemies of yesterday are the stanch allies of today? Is it not something to behold to see Chancellor Adenauer and General de Gaulle working out the problems of Europe, as they see the answers? German troops are training in France. German troops are training in Great Britain. So many changes take place. I say that in the world we live in, where new powers are surging to the front, we must be prepared for any eventuality. There may well be a shift of position, and there could easily be. Certainly we hope there will be a change of attitude on the part of some of the intransigent and belligerent and arrogant powers. I am hopeful that the Soviets may some day show, as I said, a genuine interest in real, substantial arms control.

Disarmament is not merely a matter for diplomats at a negotiating table; it is a subject for scientists and technicians also. Let that be clear. Disarmament that involves modern weapons will require an intricate system of inspection and international controls requiring the most sophisticated electronic, acoustical, magnetic, and other scientific devices.

Disarmament brings into full focus the interrelationship and the interdependency of diplomacy and science. Therefore, our preparations must be continuous, constant, up to date, and ever more reliable. Therefore, disarmament is a demanding task. Disarmament is full-time work. It cannot be undertaken by half-hearted, part-time efforts.

As we engage in these negotiations we ought to recognize that we are talking about life and death itself. We must have engaged in it the best people that the Nation can provide. We must have the finest minds, and we must have complete and total preparation. I submit that throughout the years this has not been the case. All too often we have gone to disarmament conferences poorly prepared technically, without an adequate position of our own or our allies, and uncertain as to our objectives, and even more uncertain as to the procedures to be followed.

I submit this is dangerous. What is more, it is negligent to the point of being unworthy of a great country.

We cannot afford the luxury or the confidence of discussing and preparing for disarmament only while nations and people seem cooperative and peaceful. We must prepare for disarmament in the stormy days as well as in the balmy days. The urgency for disarmament is even more evident when the world teeters on the precipice.

The more grave the danger, the more immediate the crisis. It is all the more imperative that preparations be intensified for a successful program of arms control and disarmament.

It is to be hoped that in the course of studying the problems of preventive war through arms control that we may be able to convince the Soviets that it is to our mutual interest to live in peace.

Soviet leaders understand the impact of science on modern warfare. The Soviet leaders and their people have much to lose in a war and at the same time they have much to do in building their society.

I do not believe the sacrifices which the Soviet people have made over 40 years to build their country ought to be underestimated. The Soviet leaders are aware of that. They are fully aware of the terrible destructive power of modern weapons. We must be prepared for a continuing contest of ever-mounting tensions between ourselves and the Soviet Union.

Our objective, however, should be to keep that contest in the area of peaceful competition, no matter how furious that competition may become. Let us hope it can be kept within the bounds of, at least, a somewhat peaceful competition. A disarmament program with continuing negotiations has contributed to this possibility.

But it is the United States that must persist to have peace prevail. For it is the leader of the nations of the world which want to live in peace, which do not covet other peoples' territory, and which see the benefit to be derived from turning swords into plowshares.

The President has sent us his recommendations to create an agency to work for disarmament, peace, and international security. We now have an opportunity to enlarge and expand our efforts to reduce the threat of war, to slow down the arms race, to lift the burden of heavy armaments, and to help create conditions in the world which make for peace. These goals, of course, cannot be reached within a short time. Nor can they be reached simply with the hope, the wish, and the dream. The control and reduction of armaments, and the building of a peaceful world, in which law and order and international institutions take the place of national force, will take many years. It will take research, study, painstaking and patient negotiation, and the education of many peoples and nations before the battle for peace and freedom is won.

The technology of modern weapons which can destroy all life on earth seems to have outpaced our ability to use modern technology for antiwarfare purposes. But there are countless scholars, social and physical scientists, diplomats, and other dedicated citizens who are ready and eager to give their full talents to the work of disarmament and finding ways for nations to live in peace and order.

The bill I introduce today to establish a U.S. Disarmament Agency for World Peace and Security will establish an agency modest in size by any standards of government. It does not contemplate creating a large and unwieldy bureaucracy. Rather, it attempts to gather a limited number of highly qualified and well trained people from many fields who

can combine their talents and energy into solving some of the political, legal, and technical problems of verifying the reduction and control of national arsenals. Those people will work to devise plans to prevent surprise attack, war by miscalculation, subversion of free governments, and threats of war through the rise of political, economic, and social tensions among rival states.

Our Government has never before in its history created a separate agency as an integral part of its diplomacy, with the one and only purpose to study and conduct research on how war may be prevented, arms reduced, and peace preserved.

I do not wish that statement to be misunderstood. The whole purpose of our Government is to promote and maintain peace. But in this instance we focus specific attention and place special attention upon a separate agency, equipped with the finest of talent to pursue every possible course in the area of disarmament, in particular, as a contribution to peace.

We now have the possibility of pursuing such an approach. The prevention of war and the attainment of peace are the primary goals of our Nation.

The U.S. Disarmament Agency for World Peace and Security will be so situated in the Government that there will not be the danger that its head would act contrary to the Secretary of State and other officials responsible for our defense and foreign policies.

The Director of the Agency will be under the direction of the Secretary of State and the President. He would not formulate or implement policy independently of the Secretary of State.

The bill not only provides that there will be close cooperation between the Agency and all parts of the Department of State; it also specifically provides that disarmament and defense officials will be in constant collaboration to assure that neither defense nor disarmament policy will be formulated in a vacuum.

One of the most important functions of the new Agency will be to make certain that military and political decisions are made in harmony. More than ever before we need to reach decisions in both the military and foreign policy fields with full realization of their total consequences. Nowhere today is this more evident than in the question of whether to resume nuclear weapons tests.

The Geneva nuclear test ban negotiations are grinding to an unhappy halt. For 3 years the Soviet, British, and American negotiators, with the kindly help of their Indian observer, struggled to give life to the first disarmament agreement since the end of World War II. There is no question that there were times when all sides were trying to find agreement; no question that there were times when the position of each side was not so reasonable as it might have been. But now, after these many months and a few hundred meetings, the Soviet Union has brought out the political coffin. The Soviet Union has proclaimed, as far as it is concerned, that the nuclear test ban talks are dead.

Madam President, we can come from those conferences with clean hands. We presented to the Soviet Union, to Great Britain, and to the world a complete draft treaty. We laid that treaty before the world to see and for the statesmen and the foreign ministry to examine. We have given the world an honest effort on the part of the United States for peace, at least for an agreement on nuclear test cessation. But even in these trying circumstances the United States and British negotiators stand by, hoping that reason and self-preservation might move the Soviets to a more responsible and conciliatory attitude.

It is tempting in these circumstances, is it not, to turn in anger at the Soviet Union? It is easy to hurl charges at the Soviet leadership for being so callous as to permit the one real chance for success in the limited area of disarmament to be killed with a single stroke. But I, myself, feel more sorrow than anger. Surely if the Soviet people had any influence over their government they would not have allowed the test ban talks to collapse. Surely if the Soviet leaders were not so bent on extending their power and their empire throughout the world they would have been able to retain the view that a test ban treaty would be a historic achievement. I believe there was a time in which the Soviet leaders saw value in a treaty, but they could not keep their vision clear. The greed for power once again beclouded their vision, and there may be another analysis.

More than one poison dart caused the test ban talks to collapse. One obvious poison dart into this political body was the false and reactionary Soviet proposal to smother the test ban control organization in a three-headed administrative council, each head with veto power over every decision. Another was the abnormal Soviet fear of opening up its territory to even a small degree of inspection and control. Both of these poison darts the Soviets threw in the open. They admitted them frankly and unashamedly to the President at Vienna, to Ambassador Arthur Dean in Geneva, and to others.

But, Madam President, there was another poison dart, masked from sight, but which probably had the most deadly venom of all. It came from the Chinese Communists. Communist China wants to become a member of the nuclear club; and on several occasions I have predicted that she would. I notice that Arthur Dean has said that within the next year, Communist China might well have nuclear weapons. We pray that will not be the case; but that possibility surely is not remote. It is certain that Communist China has been doing her best to develop nuclear science and to develop nuclear weapons. Communist China wants to become a member of the nuclear club. Her leaders informed the Soviet Union that Communist China would not sign a test-ban treaty, and no amount of Soviet pressure would persuade them. That information was given to the Soviet leaders at the meeting last fall in Moscow. The Soviets, realizing the determination of their Chinese colleagues, could not let the world see the breakdown of the unity of the two Communist giants.

We know there have been friction and misunderstandings between these two Communist giants. We know that in the conference which was held in the last part of 1960, the Soviet and the Chinese Communist ideological philosophies were in contest and literally were in rhetorical combat. For example, we know that the most recent Communist Party conclave in Moscow—the international meeting—resulted in a compromise between what Khrushchev had been talking about and what Mao Tse-tung and Chou En-lai and other Communist Chinese leaders had been talking about; and they were most anxious that the world not see the breakdown in the relationships between those two Communist giants.

Furthermore, the open refusal of the Chinese to sign a test ban treaty with the United States, Britain, and other free nations would be a significant indication that the Soviet Union was no longer undisputed leader of the Communist world. The leaders of the Soviet Union do not want that fact known.

The Soviet Union has good reason to be concerned over an active powerful Communist China, equipped with nuclear weapons. It is this China that has a common frontier of over 2,000 miles with the Soviet Union. It is this China which has had historic emnity with the people of Russia. In fact Khrushchev and the men in the Kremlin are students of history. Their materialistic philosophy and their Marxist dialectics give them adequate reason to be anxious and deeply concerned over the strained relationships in the Sino-Soviet bloc. Soviet actions in the Geneva negotiations on nuclear weapons and Soviet obstructionism designed to wreck the negotiations give me reason to believe that the Soviet Union is anxious to renew nuclear testing.

Now let me state why.

That pattern of Soviet conduct at Geneva, along with the obstinancy and obstructionism being demonstrated by the Soviet representative, Mr. Zorin, at the current preliminary disarmament talks, lead me to believe that the Soviet Union wishes to drive us into nuclear testing, so that she may freely test. The Soviet Union is trying desperately to force our hand. She knows that many military and scientific advisers in the United States are encouraging the President to order a resumption of tests. She knows that our patience runs thin. She seeks to provoke us and exasperate us by her incredible obstructionist tactics.

The threats of war in Laos and Berlin, coupled with the breakdown in negotiations at Geneva, along with Soviet threats and demands at the United Nations, are all a part of a Soviet effort to drive the United States into some precipitous action that will bring upon us the condemnation of the rest of the world and will present an opportunity for the Soviets to parade as peacemakers, while they renew their nuclear weapons program.

Madam President, it appears to be to the advantage of the Soviet Union to test nuclear weapons. When the self-moratorium on weapons testing was imposed,

we were far ahead of the Soviets, both in quantity and quality in nuclear and thermonuclear weapons.

At least, that was the testimony of the scientists and the military experts of this Government. There is good reason to believe that we still are in this favorable position. It may have been altered somewhat but from what I have learned, we have, apparently, a decided advantage in nuclear weaponry. As we catch up to the Soviets in rockets and missiles, as we plan and develop rocket engines of greater thrust and power, the Soviet Union realizes that any advantage she might have had in the missile field is fast being overcome because of our more sophisticated nuclear warheads and our improved rocketry.

Mr. SYMINGTON. Madam President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. HUMPHREY. I regret that I cannot yield at this time. I must be consistent. Previously I declined to yield. Therefore I feel that I should decline to yield at this time.

Mr. SYMINGTON. I merely wish to ask whether it is the Senator's premise that the Communists are not testing.

Mr. HUMPHREY. Madam President, I shall have something to say about that; and I believe the Senator from Missouri will want to comment on it, as he has already indicated. Let me add that my respect for him is unlimited. I do not claim to be the expert on these matters that he is. I only state that one of the reasons why the Soviet missile was as good as it was, was the power of its engine and its guidance system; and that powerful engine was able to propel a much less sophisticated warhead, but of greater size, even though not of greater yield. As we improve our rocket engines and use them with our more sophisticated nuclear and thermonuclear warheads, we do have a distinct advantage. Thus it is, as I have already stated, that the Soviet Union realizes that any advantage she might have had in the missile field is fast being overcome.

Of course the Soviets would like to test new weapons. They would like to develop a Polaris missile with the nuclear warhead, but they cannot until they can test—openly, in the sea, and not underground. A Polaris missile with a nuclear warhead cannot be tested underground. The Soviets would like to develop more compact and powerful warheads for their mighty rockets, but they cannot do so until they can test openly, in the atmosphere and in outer space—not underground.

Underground tests do not within themselves provide all of the answers that are needed for the variety of nuclear weapons that either we or the Soviet Union might wish to have.

I do not say that underground tests may not well fulfill most of the requirements, nor do I say there is no possibility of cheating. But I submit that what the Soviet Union wants most of all is to be able to drive the United States into such a position that Soviet Russia can test freely, but can put on the United States the blame for the breakdown of the nuclear test negotiations. So of course the Soviet Union would like to renew testing if she could be given an excuse and blame the breakdown of the nuclear tests upon the United States.

She wants all of the advantages. The advantages that will come from a breakdown in the nuclear test ban talks if the United States breaks off those talks and resumes testing and thereby incurs unfavorable reaction from many of the neutral nations, particularly in Asia and Africa. The Soviet Union wants the opportunity for her scientists and her military machine to build new weapons, particularly nuclear warheads, and possibly fantastic new instruments of destruction which can be delivered by her powerful rockets.

I want to add it is well known in this country that the President of the United States has received several communications from friendly nations, as well as important neutral nations, urging upon us not to resume these tests. In fact, one of our major allies finds it a major political issue. I think these matters ought to be weighed, therefore, very carefully.

I do not believe we should give the Soviet Union all these advantages. I do not think we should give her any. Politically, it is not to our advantage to resume the nuclear tests. I said politically. Diplomatically, the resumption of nuclear tests could cause us great trouble, particularly in Asia and Africa, the area where the Soviet Union has recently suffered political and diplomatic defeats and rebuffs.

The only possible justification for the resumption of nuclear tests at this juncture and in the immediate future would be if the Soviet Union is secretly testing and if our national security is thereby threatened by the development of some new fantastic weapon or the marked improvement of Soviet nuclear weapons.

Those possibilities may be real.

These military and scientific facts cannot be ascertained by debate in the Senate. The best we can do is try to get as much information as is available. These facts can be ascertained and discovered only by the most able and reliable intelligence. It is to this very point that the President addressed himself in yesterday's press conference, when he announced the appointment of a panel of specialists and scientists to examine into the possibility of Soviet nuclear testing.

If that panel comes to the conclusion that the Soviets have conducted secret tests, the President of the United States may well decide, and I think he should announce his complete right to make such a decision, in view of the happenings at Geneva, that we should resume testing.

A recent column by Walter Lippmann summarizes the situation very well. Let me read the following paragraphs from the column:

What is certain in the whole business is that we cannot assume, as some among us do, that the resumption of testing would benefit only the United States and not the Soviet Union. We cannot assume this because if the benefits were one sided, the Soviet Union would be much more concerned than it is to conclude an agreement. For the Soviet Union is not in the business of helping the United States.

I am told by those who ought to know that while the Soviet scientists and technicians are as good as our own, our weapons and our technology are considerably more advanced and more sophisticated than theirs. If this is true, the question is whether with a resumption of testing, they will catch up with us, perhaps surpass us. For we must remember that the end of the moratorium would permit testing not only underground but anywhere.

I ask unanimous consent to have the entire article printed in the RECORD at this point.

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

THE TEST BAN

(By Walter Lippmann)

The negotiations on testing were resumed at Geneva on March 21 after they had been suspended for about 10 months as the result of the Eisenhower-Khrushchev quarrel. During the interval there had been important changes in the positions of both sides.

The United States went to considerable length in offering concessions, calculated carefully with one eye on what it was hoped that Khrushchev would accept and with the other eye on what the Senate would ratify. What was not foreseen was that during the long recess, the position of the Soviet Union would change radically.

The change was marked by the new demand for the Troika, for a three-man administration, and the change was accompanied by many signs that the Soviet Union has lost interest in the whole idea of a treaty to prohibit nuclear testing.

This loss of interest in any treaty is, I believe, far more important than the disagreements at Geneva. The memorandum which Mr. Khrushchev handed to the President in Vienna on June 4, and which was published on June 12, shows that the Troika business could become negotiable if there existed a will to conclude a treaty. Thus the Soviet memorandum denies that it wants a veto on inspection. The American memorandum of June 17, a very able document, disagrees sharply with the Soviet memorandum which says that there would be no veto against "on the spot inspection within the limits of the agreed quotas * * * at the request of the side interested in the inspection without any voting on the control position or any other agency." But the disagreement is not so wide here that it could not be bridged if there was a will to do so.

The evidence is strong, however, that the Soviet Government does not now want a treaty, and that it looks without regret upon the breakdown of the whole negotiation. Thus it has proposed that the negotiations be carried over into the coming disarmament conference, which amounts to proposing an indefinite delay in reaching an agreement. Moreover, I have a strong impression that there is more to the matter than emphasizing the Troika problem, which is soluble in the narrow confines of the nuclear test ban. It is in order to establish a precedent for the much greater crisis of the United Nations, which is coming.

The central question for the President in forming American policy is why the Soviet Government is now so little interested in concluding a treaty. A part of the answer, but truly not the whole answer, may well be that the Red Chinese are refusing to adhere to the treaty because they are determined to become a nuclear power in their own right. Were Mr. Khrushchev to conclude a treaty with the United States, it might mean a serious break with Mao Tse-tung.

Another part of the answer, though I would guess a small part of it, may be that if we reject the treaty because of the Troika, we shall be the country that resumed nuclear testing which the neutrals fear and hate because we refused to let neutrals participate in administering the ban.

But I cannot help thinking that there is some harder reason than either of these why the Soviet Union has lost interest in the treaty.

Presumably, this harder reason lies in the relative advantages to each side if the present moratorium on testing were removed. Initially, this is a problem for the experts. The experts, however, will not be unanimous and laymen, notably the President himself, will have to decide between them. The President's decision will have to be based on a searching examination and cross-examination of the experts.

What is certain in the whole business is that we cannot assume, as some among us do, that the resumption of testing would benefit only the United States and not the Soviet Union. We cannot assume this because if the benefits were one sided, the Soviet Union would be much more concerned than it is to conclude an agreement. For the Soviet Union is not in the business of helping the United States.

I am told by those who ought to know that while the Soviet scientists and technicians are as good as our own, our weapons and our technology are considerably more advanced and more sophisticated than theirs. If this is true, the question is whether with a resumption of testing, they will catch up with us, perhaps surpass us. For we must remember that the end of the moratorium would permit testing not only underground but anywhere.

We can be certain, I believe, that if the Soviet Union decided that testing in the air was vital to its security, it would test in the air. Also, we do know with reasonable certainty that the Soviet Union is interested in the biggest nuclear weapons, not in tactical nuclear weapons. For as a matter of policy, the Soviet Union does not engage itself directly in small wars, like the Korean war for example, and in conventional forces it is paramount on its own frontiers and within its own sphere of influence.

Moreover, with its superiority in rockets, it is less interested than we are in smaller and lighter weapons. It is concerned primarily that, if nuclear weapons are used at all, they should be big enough to be decisive. All this may help to explain why the Soviet Union looks with so much equanimity on the resumption of testing.

That the decision which the President will now have to make is not obvious, is not open-and-shut, is shown by the fact that, while warning the Soviet Union that without a treaty we shall be free to resume testing, he has not yet ordered testing to be resumed. For he has first to determine whether the net balance of advantages would be substantially on our side.

Mr. HUMPHREY. The New York Times has also offered some valuable observations on the important issue, to test or not to test. I recognize that this editorial and others have been responded to and analyzed by others of my colleagues here in the Senate. I do not quote from the New York Times editorial as if it were infallible, but rather as an enlightening and thoughtful article on a subject matter on which it is very difficult to ascertain the truth. We can only surmise. In this editorial the New York Times says:

While clandestine underground tests are possible, these are limited to rather small bombs and are very costly and cumbersome. There is no clear evidence that any such tests have taken place, and there is very small likelihood that enough of them could have taken place to catch up with us.

If we were to resume testing, we would thus give Russia the opportunity to catch up with us. And while our resumed tests would be carried out underground, free from fallout, Russia no doubt would take them as an excuse to begin the less expensive and more efficient tests in the atmosphere and place the blame on us.

We now have a nuclear stockpile of great variety, great enough to destroy Russia, and China as well, many times over. Hence, confronted with the fateful Hamletian dilemma, "to test or not to test," the President should be guided by the consideration that the possible disadvantage in not resuming the tests would be outweighed by the sure disadvantage of giving Russia the chance to catch up with us as well as a decisive victory in the crucial battle for men's minds.

I ask unanimous consent that the entire 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:

TO TEST OR NOT TO TEST

The United States has told the Kremlin that in view of the ease of clandestine nuclear testing, along with Russia's insistence on a treaty with a built-in veto that would make effective inspection and control impossible, the national security and defenses of the free world do not allow the risk of forgoing nuclear testing indefinitely.

There is no indication in the note that the United States has decided to resume the tests, a decision that must be made by the President. Many of the facts on which the President's decision must be based are secret, but some of the known facts suggest that the risks involved in resuming the tests are greater than the risks involved in not resuming them.

According to the figures on testing given out by the Atomic Energy Commission in 1959, the total yield of testing both fission and fusion (hydrogen) devices by the United States, the United Kingdom, and Russia by November 1958, when the moratorium began, was 170 megatons; namely, the equivalent of 170 million tons of TNT. Over 72 percent of these were accounted for by the United States and Britain, most of them by the United States.

These figures indicate that, on the basis of tests alone, and, hence, in knowledge and technology in respect to the design of nuclear weapons, from the largest city-destroying hydrogen bombs to the smallest tactical weapons, the United States is way ahead of Russia. While clandestine underground tests are possible, these are limited to rather small bombs and are very costly and cumbersome. There is no clear evidence that any such tests have taken place, and there is very small likelihood that enough of them could have taken place to catch up with us.

If we were to resume testing, we would thus give Russia the opportunity to catch up with us. And while our resumed tests would be carried out underground, free from fallout, Russia no doubt would take them as an excuse to begin the less expensive and more efficient tests in the atmosphere and place the blame on us.

We now have a nuclear stockpile of great variety, great enough to destroy Russia, and China as well, many times over. Hence, confronted with the fateful Hamletian dilemma, "to test or not to test," the President should be guided by the consideration that the possible disadvantage in not resuming the tests would be outweighed by the sure disadvantage of giving Russia the chance to catch up with us, as well as a decisive victory in the crucial battle for men's minds.

Mr. HUMPHREY. Again, let me say this is only the opinion of the editor who wrote that particular editorial, but I think it is at least an opinion worthy of our study and observation. We have no real facts on which to base our decision as of yet. I am pleased the President is going to emphasize and accelerate a program of maximum intelligence to see if we cannot find the facts that are needed for guidance in our national policy.

Now I wish to summarize. The dart to which I referred from the Communist Chinese to the Soviets that they would not be bound by the test ban treaty was the strongest of all, because I believe that if the Soviets still wanted a test ban treaty the other obstacles could have been overcome. The Soviets did not need absolute veto power to protect their interests in the implementation of the treaty. And the remaining differences on inspection could have been overcome if the will for agreement had remained strong on both sides.

The Chinese Communists' silent role in the demise of the test ban talks leads me to conclude that the security of the United States, its allies, and friends throughout the world requires the participation of the Chinese Communists at the forthcoming multilateral disarmament negotiations.

The U.S. Government is now preparing to resume full-scale disarmament negotiations. Agreement has yet to be reached with the Soviets on a framework and a forum. That agreement seems a long way off. But if and when agreement is reached, talks on disarmament will reconvene.

I say to talk disarmament with the Soviet Union alone, and to ignore the massive power of 700 million Chinese under the Communists, with the Chinese record on the battlefield, with the equipment which they can get themselves and which they can get from the Soviet Union, is folly. And what is more, it does not make good diplomatic sense.

The Soviet Union would like nothing better than to divide the world into two spheres of influence, one for them and one for us, for the moment. The Soviets in recent months have written off neutrality. They have told us there is no such thing as a neutral. I think we ought to let the world know that. We ought to let the neutral nations of the world see what the Soviet's ambitions are. We ought to let the world know that the Soviet Union has a complex of a world divided in two, half owned by the Russians and half by the United States, as they say, with the hope and the design in the plan that they will nibble away at us year after year.

The United States is not willing to sell out the world for its own temporary interest, or even its long-term interest.

The United States of America stands as a partner with other peoples and with other nations, seeking a just and enduring peace. We are unwilling to engage in a divided world, exactly as we protest a divided Korea, a divided Vietnam, and a divided Germany. The Soviets seek to divide. This is their

No. 1 weapon. They seek to divide us from our allies, to divide our own people, to divide the world, to divide countries. If they succeed in dividing, then they seek to find a new place to start their political incisions.

I call upon the leadership of this country not to be taken in by that approach.

Madam President, if it is true—and I believe that it is—that at the recent meeting of the Communist international movement in Moscow the Chinese Communists pressed Mr. Khrushchev very hard and the Chinese leaders told Mr. Khrushchev in no uncertain terms that they would abide by no treaty he signed, then I say that if disarmament negotiations are to be meaningful and if the security of this country is to be protected and if, indeed, the well-being of the world is to be considered, it is about time we brought to the negotiating table the protagonists who, apparently to many Americans, look as if they are blood brothers living in peace and tranquillity, which is not the case. There are areas of disagreement. I cannot imagine a nation pursuing a course in foreign policy other than that, when we are confronted with such massive power, such massive deceit, such unbelievable conspiracy. We seem to be unwilling to face up to the realities and to put on the other side of that table one of the great military powers, much as we dislike it, alongside the Soviet Union, so that some discussion and some differences can come into the open. We might be able to probe those differences to find out what is the truth.

I think the Chinese Communists ought to be included in any disarmament negotiation, if we really wish to disarm with security. Otherwise, disarmament will become a mockery and a fraud. This is not the first time I have made these remarks, but we seem to continue to blissfully go on ignoring this reality.

Madam President, the United States is prepared to discuss and to advocate comprehensive, worldwide, full-scale proposals covering all aspects of armaments. Our President is willing to do that. We are willing to do it. I know that U.S. policy will be committed to achieving as much disarmament as can be negotiated, given the willingness of the Soviets to accept adequate verification—not only the Soviets, but also other major military powers—given the ability of science to devise adequate control techniques, and given the acceptance of nations of international procedures for the settlement of disputes.

These are the criteria for an effective disarmament program. Disarmament becomes an academic, esoteric subject unless one couples it with the realism of diplomacy and science, and unless one includes in the discussion of disarmament the full realization of the power relationships in the world.

We Americans sometimes must amuse all humanity. Apparently we would like to ignore things we do not care for. Apparently we wish to pretend those things do not exist. Since 1945 the blood of Americans has been shed not merely because of the direct activities of the Soviets but also because of Communist China. Communist China can be no more ignored in disarmament discussions than it can be ignored in Korea or in Vietnam.

Madam President, it is no longer sufficient for the Soviet Union to pretend it is calling all the shots for Communists on disarmament. We cannot be certain now that the Chinese Communists will allow their Soviet colleagues to speak for them. It is time to have the Chinese Communist leaders speak for themselves. And it is time to close any loophole that would exist if the Chinese were excluded from any disarmament agreement. I believe U.S. security requires that the Chinese be represented at future negotiations at which arms control issues may be resolved, because the Chinese are the most aggressive nation on the face of the earth at this particular juncture in history.

I wish to return to the other current problem in the disarmament field to which I alluded earlier. That is the problem of the resumption of nuclear weapons testing on the part of the United States.

The Soviet abandonment of the test ban talks obviously returns to the United States its freedom of action to resume testing if it wishes. The idea of a United States-United Kingdom moratorium on testing was to encourage an atmosphere conducive to reaching agreement. The idea has not proved successful. It is now doubtful that the United States will in the future refrain voluntarily from any act affecting its defense as an incentive to agreement.

I repeat: It is now doubtful that the United States will in the future refrain voluntarily from any act affecting its defense as an incentive to agreement. In other words, we are going to put security foremost. We now have the freedom to resume nuclear testing not because we wished to have it but because the Soviet Union has insisted on making the test ban negotiations a failure at this point.

We now have the freedom to resume nuclear testing. The question is, should we resume, and if so, for what purpose?

My own view is that we should resume weapons testing only if the security of the United States would be jeopardized in the absence of tests.

How, then, do we judge our security requirements? If we resume tests and the Soviets resume tests, assuming for the moment that they have not been testing, do we or the Soviets benefit the most? I have commented on this.

If we do not resume tests and the Soviets do not resume tests, do we or the Soviets benefit the most? If we do not resume tests but the Soviets resume tests secretly and without detection, how much does our security suffer?

These are the questions which need to be asked and answered. The President indicated yesterday that these questions are being studied very carefully by a special panel of his Science Advisory Committee. This panel will look at all evidence as to whether the Soviet Union has been conducting nuclear weapons tests secretly. And the panel will also attempt to determine what progress in nuclear weaponry the Soviets could make with secretly conducted underground nuclear tests. Therefore, I must withhold any firm statement as to what our pattern should be until the evidence is in.

We should be able to present our answers to these questions to our citizens and to the citizens of other nations in a way which does not compromise security needs, but in a way in which the reasons for our actions are made clear.

The United States should be proud that it is judged differently from the Soviets.

I know that many people say, "Well, the Soviets do it; why don't we?" or "The Soviets act this way; why don't we?" The answer is simple. The Soviets are totalitarians. They have a different set of values, a different set of standards, a different way of life. I do not believe we would be putting forward the cause of freedom by aping the totalitarian. I do not believe we would make ourselves more enriched or more wonderful human beings by reverting to a kind of primitive animal type of life. I happen to believe in this cause of freedom.

Because we are a free and democratic Nation and because our society is open for all to see, we are required to explain our actions far more than is the Soviet Union. As a dictatorship and as a closed society, the Soviet Union is judged by a lower standard. This double standard of judgment is viewed by many in the United States with dismay. But I think we should welcome the fact that we are expected to set an example. It is for this reason that the United States, whatever its decision on the matter of resuming nuclear tests, must explain it carefully to its allies, to its other friends, and to its own citizens.

As a matter of fact, it was my view that in order to get this explanation, and in order to have a better understanding, we should have set a date for the negotiations. Then the world would have known exactly what we were working for.

I am prepared to endorse the resumption of weapons testing if the U.S. defense requirements clearly demand it. I believe this is the overriding reason.

All of us will be interested in the findings of the President's special panel on this matter. I hope that that panel will intensively, comprehensively, extensively investigate every possible bit of evidence as to whether our security needs require the resumption of testing.

There are other nuclear tests, however, that do seem to me to be warranted. They relate to my earlier points on the need for legislation to create a new Disarmament Agency, even though the world outlook is grim. I believe we should undertake nuclear underground tests of small nonweapons devices to perfect our knowledge of test detection.

I think we should take this action without any sense of guilt whatsoever, but as a real responsibility in the cause of peace and disarmament.

Some may argue against such tests on the grounds that they are pointless so long as the Soviets refuse to sign a test ban agreement. But, like the need for a new disarmament agency, even in the

face of a sullen international atmosphere, there is the need to perfect our knowledge of the techniques of disarmament control even though agreement is not in sight. The time might come when not only the Soviet Union but also the Chinese Communists would be willing to join in a treaty to prohibit nuclear weapons tests. If this time should come, the United States must be ready with the most efficient, effective, and the simplest control system that can be devised.

Additionally, what I call research testing is needed for the entire disarmament inspection and control program. We do not have such a control system today. But our disarmament efforts cannot wait until agreement is in sight. We must prepare now for the possible outbreak of peace and the reduction of tensions—and what a happy day that will be—just as we are willing to prepare for the defense of our and other countries from the war we do not seek and do not want.

I appeal to Senators to prepare for the possibility for which we pray and for which we work. That is the possibility of peace. We have not prepared for it. We have not even prepared for it in terms of economic planning. I think it is fair to ask Senators what would happen if we should sign a disarmament agreement that would be safe and effective, one that we could rely on. What would happen if that happy occasion should ever arise? What kind of planning does our country have for economic demobilization of its defense industries and the impact of such demobilization upon this country? I know we can make plans for such an occurrence. I have no doubt that America would be much better off.

I have no doubt that our industries would welcome the opportunity. But to make such statements does not in any way deny the need of some kind of forward-looking planning and such a disarmament agency as we believe would accomplish that objective. Our Subcommittee on Disarmament has made an extensive study of this area, and the information we have gathered is anything but consoling.

Our efforts to build our military defenses and to curb the weapons of nations on an equitable and balanced basis must proceed side by side. These are the directions our policies must go.

Madam President, I ask unanimous consent to have one of the feature articles entitled "President Orders a Study of Possible Soviet A-Tests," by John W. Finney, published in the New York Times, issue of June 29, printed at this point in the RECORD.

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

PRESIDENT ORDERS A STUDY OF POSSIBLE SOVIET A-TESTS

(By John W. Finney)

WASHINGTON, June 28.—President Kennedy announced today that he had ordered a special committee of scientists to assess whether the Soviet Union could be conducting secret atomic tests and thus making a significant advance in weapons technology.

He made clear that the study by a specially constituted panel of the President's Scientific Advisory Committee was a prelude to an administration decision on whether the United States should resume nuclear testing.

The President raised the test ban issue and the possible resumption of tests in a statement read at the outset of his news conference.

In effect, his statement was a combination of an appeal to the Soviet leaders to end their intransigence on a test ban treaty and a warning that a continued deadlock could force the United States into renewing tests.

REFUSAL TO NEGOTIATE SEEN

The Soviet Union's refusal to negotiate seriously on a nuclear test ban at Geneva, he said, "raises a serious question about how long we can safely continue on a voluntary basis a refusal to undertake tests in this country without any assurance that the Russians are not testing."

As a result, he continued, he has directed the President's Scientific Advisory Committee to convene a special panel of eminent scientists to take a close and up-to-date look at the serious questions involved, and these two questions in particular:

What is the extent of the U.S.'s information on whether the Soviet Union has been or could be engaged in secret testing of nuclear weapons?

To the extent that certain types of tests can be concealed by the Soviet Union, what technical progress in weapons could be under way without the United States' knowledge?

Meanwhile, it was announced that the administration would submit to Congress tomorrow its proposals for an enlarged disarmament agency to strengthen planning and research on arms control measures.

The announcement was made by Representative ROBERT W. KASTENMEIER, Democrat, of Wisconsin, following a meeting with President Kennedy along with 17 other congressional cosponsors of a national peace agency proposal.

BASIC OBJECTIVES HELD MET

Mr. KASTENMEIER said in a statement that the administration's plan would meet the basic objectives of the national peace agency bill previously introduced by him and 34 other Members of Congress.

The statement was an indication that the administration had resolved a prolonged debate within its own ranks in favor of an arms control agency of greater scope and authority than the present U.S. disarmament administration in the State Department.

The key controversy was over whether the agency should have its own laboratory to do scientific and economic research on arms control measures. As was indicated in Mr. KASTENMEIER's statement, the laboratory is now included in the administration's forthcoming proposal.

At his news conference the President said the United States had no information or evidence indicating that the Soviet Union had been secretly testing since the voluntary moratorium went into effect in November 1958.

At the same time, he said, the administration is concerned about and wants to explore the possibility that in the present uninspected moratorium such clandestine tests could be carried on without being observed by Western detection stations outside the Soviet Union.

The White House said later that the members of the panel were still being selected and their names should be announced within the next few days.

PERSONS BEING CONSIDERED

Among the persons known to be under consideration for the panel are such weapons scientists as Dr. Norris E. Bradbury, director of the Los Alamos (N. Mex.) Scientific Laboratory, and leading scientists who in the past played an important role in weapons development, such as Dr. Hans A. Bethe, of Cornell University.

The President's announcement indicated that the administration was not prepared to make any immediate decision on the resumption of tests.

First, the technical problems will have to be reviewed by the scientific panel, a process that could take several weeks. Then, the President pointed out, the conclusions of the committee will have to be reviewed by himself, by the Joint Chiefs of Staff, and by the National Security Council "in the light of what they mean to the security of the free world."

In the meantime, Mr. Kennedy said, the U.S. negotiating team will remain in Geneva. He thus opened up the possibility of ultimately adopting the TNT approach—test 'n', talk—advocated on Capitol Hill by Representative CHET HOLIFIELD, Democrat, of California, chairman of the Joint Congressional Committee on Atomic Energy, and by Senator HENRY M. JACKSON, Democrat, of Washington.

PESSIMISM ON ARMS TALKS

Other officials were also pessimistic today over the prospects of United States-Soviet talks now in their second week here on the plans for a general disarmament conference this summer.

Officials said it was too early to say that nothing would come of the talks, but they indicated that negotiations were nevertheless not going well.

The Soviet Union has been pressing for substantive negotiations in the talks here, while the United States has been arguing to keep the talks restricted to procedures and proposals for the conference tentatively scheduled to begin July 31.

The scientific panel mentioned by the President is considerably broader than indicated in his announcement.

Aside from examining the possibility of clandestine Soviet tests, the group also is to examine what weapons advances could be made by the United States through further testing, how important these weapons would be to the national security and what chances there are that the Soviet Union could overcome the United States lead in weapons technology, either through clandestine tests or by a mutual resumption of tests.

Mr. HUMPRHEY. Madam President, I ask unanimous consent that the statement of the President yesterday at his press conference on Germany and Berlin, which was a fine, statesmanlike statement, 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 Washington Post, June 29, 1961]

PRESIDENT'S STATEMENTS—GERMANY AND BERLIN

I should like to comment briefly on Germany and Berlin. Soviet and East German leaders have followed the recent Soviet aide-memoire with speeches which were apparently designed to heighten tension.

It is of the greatest importance that the American people understand the basic issues involved and the threats to the peace and security of Europe and of ourselves posed by the Soviet announcement that they intend to change unilaterally the existing arrangements for Berlin.

The crisis over Berlin is Soviet-manufactured. The Soviets illegally blockaded the city in 1948 and lifted the blockade in the spring of 1949. From that time until November 1958—almost a decade—the situation in Berlin was relatively peaceful.

The peoples of West Berlin developed a vital and thriving city. We carried out our

responsibilities and exercised our rights of access to the city without serious incident, although we were never completely free from irritating difficulties that were put in our way.

In November 1958, the Soviets began a new campaign to force the allied powers out of Berlin, a program which led up to the abortive summit conference in Paris in May of last year. Now they have revived that drive.

They call upon us to sign what they call a peace treaty with the regime that they have created in East Germany. If we refuse, they say, they themselves will sign such a treaty. The obvious purpose here is not to have peace, but to make permanent the partition to Germany.

NO EFFECTS ON RIGHTS

The Soviets also say that their unilateral action in signing a peace treaty with East Germany would bring an end to Allied rights to be in West Berlin and to have free access to that city. It is clear that such unilateral action cannot affect these rights, which stem from the surrender of Nazi Germany.

Such action would simply be a repudiation by the Soviets of multilateral commitments to which they solemnly subscribed, and have repeatedly affirmed, about the exercise of the rights of the principal powers associated in World War II.

If the Soviets thus withdraw from their own obligations, it is clearly a matter for the other three allies to decide how they will exercise their rights and meet their responsibilities. But the Soviets say that when we do so, we will be subject to the designs of the East German regime and that these designs will be backed by force.

Recent statements by leaders of this regime make it very plain that the kind of "free city" which they have in mind is one in which the rights of the citizens of West Berlin are gradually but relentlessly extinguished; in other words, a city which is not free.

GRAVITY EMPHASIZED

No one can fail to appreciate the gravity of this threat. No one can reconcile it with the Soviet professions of a desire to coexist peacefully.

This is not just a question of technical legal rights. It involves the peace and security of the peoples of West Berlin. It involves the direct responsibilities and commitments of the United States, the United Kingdom, and France. It involves the peace and the security of the Western World.

In the interest of our vital security, we and other Western countries entered into defense arrangements in direct response to direct Soviet moves following World War II. These alliances are wholly defensive in nature, but the Soviets would make a grave mistake if they suppose that Allied unity and determination can be undermined by threats or fresh aggressive acts.

There is peace in Germany and in Berlin. If it is disturbed, it will be a direct Soviet responsibility.

There is a danger that totalitarian governments not subject to vigorous popular debate will underestimate the will and unity of democratic societies where vital interests are concerned. The Soviet Government has an obligation both to its own people and to the peace of the world to recognize how vital is this commitment.

UNFINISHED BUSINESS

We would agree that there is unfinished business to be settled as concerns Germany. For many years, the Western nations have proposed a permanent and peaceful settlement of such questions on the basis of self-determination of the German people. Moreover, we shall always be ready to discuss any proposals which would give increased protection to the right of the people of Berlin to exercise their independent choice as freemen.

The proposals which have now been placed before us move in the opposite direction and are so recognized throughout the world. Discussions will be profitable if the Soviets will accept in Berlin—and indeed in Europe—self-determination, which they profess in other parts of the world, and if they will work sincerely for peace rather than an extension of power.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Problem of Berlin," by Walter Lippmann, published in the Washington Post of recent date.

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

THE PROBLEM OF BERLIN

(By Walter Lippmann)

Since Vienna there have been many statements about Berlin from both sides of the Iron Curtain. They are significant for what they do say. They are not less significant for what they do not say.

Each side has said what is the vital interest which it will fight for rather than surrender. The West has made it unmistakably clear that it will fight for, rather than surrender, the freedom of West Berlin and freedom of access to West Berlin. The Soviet Government has made it very clear that it will sign a peace treaty with East Germany, and it argues from it all the legal consequences. But the West has said it will refuse to discuss the guarantees of the freedom of West Berlin. And the Soviet Government has not said that it will support the East German government in a blockade or in occupation of West Berlin.

Thus far, both sides have been firm and cautious, vehement that they will not surrender their vital interests, and careful not to close the door to negotiations. The doors would be closed if Khrushchev declared that the allies must evacuate West Berlin. The doors would be closed if we refused to discuss West Berlin. But these doors, which are the critical ones, have not been closed. That is what Mayor Willy Brandt of West Berlin seems to have meant when he said the other day that the situation is very dangerous, but that it may not be as dramatic as some suppose.

The basic American position has always been that the problem of Berlin can be solved definitely only if the West Germans are reunited and the whole of Berlin becomes the capital of Germany. Then there would be no problem of access because the roads, the canals, and the airlines would all be inside of one Germany. There would be no problem of freedom because all the Berliners would have the same rights as all the other Germans.

But, unhappily, there is no visible chance of reuniting the two Germanys. They have been divided for 15 years, and in that time almost all of Europe on both sides of the Iron Curtain has acquired vested interests which oppose the reunion of Germany. There are, of course, the Soviet Union and all its satellites, especially Poland and Czechoslovakia, which would regard one Germany of 80 million people, armed by and allied with the United States, as a mortal danger. But they are not alone. The truth is that France and Britain are decided as a matter of undeclared national policy to prevent the unification of the two Germanys. The flourishing idea of European unity has as one of its cardinal purposes the cementing of West Germany into Western Europe in order to obviate the danger of an independent, united, armed, and venturesome Germany.

Because the Soviet Union will not permit the reunification of Germany, because it has in this the unavowed support of almost all of Western Europe, including a very large section of the Western Germans, there is no prospect of solving the Berlin problem according to the classic American formula.

This is the setting in which the problem of West Berlin is posed today. There are some who say that there would be no problem if Khrushchev had not deliberately and unnecessarily created one. I am afraid they have not fully understood the problem. For while the Communists do not like the status quo in Berlin—showplace, propaganda, espionage, and escape hatch—the West also has a good deal to worry about. I shall cite as a witness the German Ambassador to Washington, Dr. Wilhelm Grewe, quoting from his official commentary on the Geneva conference of 1959.

After arguing that no negotiated compromise is possible, Dr. Grewe says: "At most, the only conceivable thing would be a silent agreement which would let the other partner know the situation is accepted as irrevocable in Berlin, on the one hand (by continued presence of Western troops), and in the Soviet zone, on the other (by continued existence of the Ulbricht regime)." This is the preservation of the status quo, which so many tell us should be our objective.

But what does the German Ambassador say about this objective? "If the West would acquiesce, then this too would not be a true compromise, but rather the beginning of a capitulation. West Berlin cannot, in the long run, be held if its population must come to the conclusion that the West has in fact accepted the division of Germany."

That last cuts to the heart of the issue. West Berlin, says the German Ambassador, cannot, in the long run be held if the people come to believe that the West has accepted the division of Germany. Why not? Presumably because many of the Berliners will move to the West and others will make their way to the East. It is this recognition of the division of Germany that Khrushchev has as his primary object. The Ambassador may be right, and if all we can do is to stand firm and stand fast, almost surely the Ambassador's pessimism will prove to have been right.

But there is no compelling reason why we should accept so desperate a conclusion. For if the German Ambassador is right, we are risking a thermonuclear war to preserve a situation in which "West Berlin cannot in the long run be held."

It would be a wiser policy, it seems to me, to recognize the fact that for the indefinite future the two Germanys will not reunite, and to insist as a matter of positive Western policy, not as a shamefaced concession to the Soviets, or new guarantees to meet this new situation, guarantees under which West Berlin can live confidently and in freedom until the day, not so remote, when it will again be the capital of Germany.

I am convinced that the failure by the President to take such a positive line will mean that he has surrendered the initiative in German affairs to Khrushchev. If there is nothing he wants to do in Germany except to do nothing, the President will have lost the power to direct and control the struggle, and to use force and the threat of force intelligently to achieve real results.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed at this point in the RECORD the letter of transmittal to the President by Mr. John J. McCloy, Special Adviser to the President of Disarmament, dated June 23, with the bill which I am introducing to establish a U.S. Disarmament Agency for World Peace and Security.

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

THE WHITE HOUSE,
Washington, D.C., June 23, 1961.

MY DEAR MR. PRESIDENT: There is enclosed herewith a draft of a bill, "To establish a U.S. Disarmament Agency for World Peace and Security."

The bill carries out the recommendation, contained in your special message on urgent national needs, dated May 25, 1961, that a strengthened and enlarged disarmament agency be established. The provisions of the bill have been developed in consultation with the agencies principally concerned. The Secretary of State, the Secretary of Defense, the heads of other affected agencies, and I, all concur in these provisions.

The purpose of this legislation is to establish such an agency at an authoritative level in the Government, with the exceptionally broad competence, functions, and resources required to work toward the objective of a peaceful world society in which disarmament, except for the forces needed to apply international sanctions, is the accepted condition of international life. An agency of such far-reaching scope should be able to bring its point of view and recommendations promptly to the highest level of Government. The agency should have primary responsibility within the Government for disarmament matters, but there must be close cooperation and coordination with other affected agencies, particularly the Department of State, since a disarmament program must take into account the national security; foreign policy; the relationships of this country to international peace-keeping agencies, including the United Nations; and our domestic, economic, and other policies.

The Secretary of State, the Secretary of Defense, the heads of other affected agencies, and I agree that the performance of these tasks requires the establishment of the new agency which would be created by the enactment of this bill.

The draft legislation provides that the Director of this new U.S. Disarmament Agency for World Peace and Security be under the direction of the President and the Secretary of State. This arrangement recognizes that disarmament considerations are so all-pervasive in scope and importance that the President must concern himself with these matters on a continuing basis. It also recognizes the fact that disarmament policies, negotiations, and programs must be very closely coordinated with State Department activities and responsibilities. Appropriate provision is also made for coordination and cooperation with other affected agencies such as the Department of Defense and the Atomic Energy Commission.

The bill vests the Director with primary responsibility for all U.S. disarmament activities. The agency would, in addition, participate in or contribute to the formulation of overall policy in areas importantly related to or affecting disarmament such as basic national security policies, strengthening of the peace-maintaining machinery of international institutions, and procedures for the settlement of international disputes and the reduction of tensions among nations.

In addition to providing a focal point for the integration of the Government's overall efforts in disarmament, establishment of the U.S. Disarmament Agency for World Peace and Security by enactment of the bill will make possible the necessary augmentation and coordination of the various programs of research and development already being conducted by other agencies of the Government. When it appears that projects now assigned to other agencies would be more effectively performed if made the responsibility of the new agency, they would be transferred at the direction of the President.

The new Agency would be authorized and directed by the bill to develop and conduct broad programs of research, development, and study relating to disarmament. It would utilize private or public institutions or its own facilities for this purpose. It would take the lead in the acquisition of a fund of theoretical and practical knowledge in the disarmament field. This responsibility would encompass the scientific and technical assessment of all aspects of arms control, including detection, identification, inspection, monitoring, limitation, reduction and control of Armed Forces and armaments, and the development and testing of weapons. The Agency would also be responsible for studies of the structure and operation of international organizations and the methods of maintaining peace and security during different stages of disarmament. It would analyze the economic and political consequences of disarmament and would be responsible for assessing the implications of foreign and military policies of the United States as they relate to possible disarmament measures. In the conduct of research and development programs by the new Agency, full use would be made of the resources of other agencies of the Government as well as of outside facilities and personnel.

The research and planning done by the new Agency would provide the basis for recommendations, appropriately coordinated with other agencies with affected responsibilities, for the President, the Secretary of State, and the heads of other agencies.

Under the bill, the Director would be responsible for conducting negotiations based on approved policy, under the direction of the Secretary of State. Such negotiations may take the form of formal conferences or informal communications through regular diplomatic missions.

It is essential that in this country and throughout the world the public be kept fully informed of U.S. disarmament policy. The Director would work closely with the U.S. Information Agency to assure that its broadcasts and other information programs properly reflect our disarmament policy.

Tasks of inspection and control will fall upon the shoulders of any government participating in a disarmament treaty. The bill contemplates that the planning of U.S. participation in any agreed-upon inspection and control system would be done by the Agency. The nature and extent of any such systems are as yet unclear, but the Agency would be expected to play the primary U.S. role in developing and, as appropriate, directing U.S. participation in such arrangements as might result from disarmament activities.

To assist in the discharge of the various responsibilities assigned to the Agency, the bill provides for the appointment of an advisory committee of outstanding citizens to advise the Director on such matters as he might request.

The exact nature of the skills or organization required to perform the tasks envisaged for the Agency cannot be clearly foreseen at this time. Therefore the maximum amount of flexibility consistent with responsible direction is provided by the bill to permit recruitment by the Agency of high-caliber personnel, and to permit the establishment of internal arrangements adequate to meet changing requirements.

In conclusion, I must stress that organization, machinery and competent people alone cannot guarantee the success of the mission of our country to prevent war, curb the arms race, and create lasting conditions of peace. But they can assure that the best efforts of which we are capable is directed toward these ends.

Respectfully,

JOHN J. MCCLOY.

DRAFT BILL FOR THE UNITED STATES DISARMAMENT AGENCY FOR WORLD PEACE AND SECURITY

A bill to establish a United States Disarmament Agency for World Peace and Security

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

TITLE I—SHORT TITLE, PURPOSE, AND DEFINITIONS

Short title

SECTION 1. This Act may be cited as the Disarmament Act for World Peace and Security.

Purpose

SEC. 2. An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this Act to provide impetus toward this goal by creating a new agency of peace to deal with the problem of disarmament.

The formulation and implementation of United States disarmament policy in a manner which will promote the national security require a central organization charged by statute with primary responsibility for this field. This organization must be so placed within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic disarmament policy must be based. It must be able to carry out the following primary functions:

(1) The conduct, support, and coordination of research for disarmament policy formulation.

(2) The preparation for and direction of United States participation in international negotiations in the disarmament field.

(3) The dissemination and coordination of public information concerning disarmament.

(4) The preparation for, operation of, or, as appropriate, direction of United States participation in such control systems as may become part of United States disarmament activities.

Definitions

As used in this Act:

SEC. 3. (a) The term "disarmament" includes the elimination, reduction, control, limitation, inspection, verification or identification, of armed forces and armaments of all kinds under international agreement or measure; including the necessary steps in connection with disarmament to create and strengthen international organizations for the maintenance of peace.

(b) The term "Government agency" means any executive department, commission, agency, independent establishment, corporation, wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

(c) The term "Agency" means the United States Disarmament Agency.

(d) The term "person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Agency, any State or any political

subdivision thereof, or any political entity within a State, any foreign government or nation, any international organization, or other entity, and (2) any legal successor, representative, agent, or agency of the foregoing.

TITLE II—ORGANIZATION

United States Disarmament Agency for World Peace and Security

SEC. 21. There is hereby established the United States Disarmament Agency for World Peace and Security.

DIRECTOR

SEC. 22. The Agency shall be headed by a Director. He shall be appointed by the President, by and with the advice and consent of the Senate. He shall receive compensation at the rate of $22,500 per annum. The Director shall serve as the principal adviser to the President on disarmament matters. Under the direction of the President and the Secretary of State, the Director shall have primary responsibility within the Government for disarmament matters.

Deputy Director

SEC. 23. A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. He shall receive compensation at the rate of $21,500 per annum. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office.

Assistant Directors

SEC. 24. Not to exceed four Assistant Directors may be appointed by the President, by and with the advice and consent of the Senate. They shall receive compensation at the rate of $20,000 per annum. They shall perform such duties and exercise such powers as the Director may prescribe.

Bureaus, offices, and divisions

SEC. 25. The Director may establish within the Agency such program and staff bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities under this Act, including, but not limited to, an Office of Public Affairs and an Office of the General Counsel.

General Advisory Committee

SEC. 26. The President may appoint a General Advisory Committee of not to exceed 15 members to advise the Director on disarmament policy and activities. The President shall designate one of the members as Chairman. The members of the committee may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act.

TITLE III—FUNCTIONS

Research

SEC. 31. The Director is authorized and directed to exercise his powers in such manner as to insure the conduct of research, development and other studies relating to disarmament, by private or public institutions or persons, and to assist in the acquisition of a fund of theoretical and practical knowledge in this field. To this end, the Director, under the direction of the President, is authorized and directed to coordinate the research, development, and other studies conducted in this field by or for other Government agencies in accordance with procedures established under section 37 of this Act. To the same end, the Director is authorized and directed to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies relating to disarmament, including:

(a) the detection, identification, inspection, monitoring, limitation, reduction, control and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;

(b) the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(c) the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments;

(d) the control, reduction and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) the structure and operation of international control and other organizations useful for disarmament;

(f) the training of scientists, technicians, and other personnel for manning the control systems which may be created by international disarmanent agreements;

(g) the reduction and elimination of the danger of war resulting from accident, miscalculation or surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(h) the economic and political consequences of disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

(i) the disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of disarmament;

(j) the national security and foreign policy implications of disarmament proposals with a view to a better understanding of the affect of such proposals upon national security and foreign policy;

(k) methods for the maintenance of peace and security during different stages of disarmament;

(l) the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established.

(m) such related problems as the Director may determine to be in need of research, development or study in order to carry out the provisions of this Act.

Research facilities

SEC. 32. The Director is authorized (1) to conduct and support research, development, and other studies of the types specified in the preceding section through use of the Agency's own facilities, and (2) to use, with their consent, the facilities of other Government agencies or those of outside organizations. In carrying out his responsibilities under this Act the Director shall, to the extent feasible, make full use of available facilities, Government and private, and may construct such new laboratories as he deems necessary.

Policy formulation

SEC. 33. The Director is authorized and directed to prepare for the President, the Secretary of State, the heads of such other Government agencies as the President may determine, recommendations concerning United States disarmament policy.

Negotiation of international agreements

SEC. 34. Under the direction of the Secretary of State, the Director may (a) consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations, for the purpose of conducting negotiations concerning disarmament, or for the purpose of exercising any other authority given to the Director by this Act; and (b) communicate in the name of the Secretary with diplomatic representatives of the United States in this country and abroad.

Public information

SEC. 35. Under the direction of the Secretary of State, the Director shall perform functions pursuant to section 2(c) of Reorganization Plan 8 of 1953 with respect to the dissemination abroad of information concerning United States disarmament activities.

Inspection and control

SEC. 36. The Director is authorized (1) to formulate plans and make preparations for the establishment, operation, and funding of inspection and control systems which may become part of United States disarmament activities and, (2) as appropriate, to put into effect, direct, or otherwise assume United States responsibility for such systems.

Cooperation and coordination

SEC. 37. The Director, in consultation with other appropriate Government agencies and subject to approval by the President, shall develop suitable procedures to assure cooperation, coordination, and a continuing exchange of information among affected Government agencies on all significant aspects of United States disarmament policy and related matters, including current and prospective policies, plans, and programs. The Director and such Government agencies shall keep each other fully informed, currently and prospectively, of policy decisions, activities, statements, studies, research, and other matters which are within the scope of their respective responsibilities and which affect disarmament matters.

TITLE IV—GENERAL PROVISIONS

General authority

SEC. 41. In the performance of his functions, the Director is authorized to—

(a) With the consent of the Secretary of State or other officer or agency concerned, utilize or employ the services, personnel, equipment, or facilities of the Department of State, or any other Government agency to perform such functions on behalf of the agency as may appear desirable. It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(b) Appoint officers and employees, including attorneys, for the Agency in accordance with the civil service laws and fix their compensation in accordance with the Classification Act of 1949, as amended, except that, to the extent that the Director deems such action necessary to the discharge of his responsibilities, not to exceed 45 scientific, technical, administrative and professional personnel may be appointed, compensated and removed without regard to the provisions of any other law, of whom not to exceed 20 may be compensated at annual rates not more than $500 in excess of the compensation now or hereafter fixed by law for grade 18 of General Schedule, and of whom not to exceed 2 may be compensated at annual rates not more than $1,500 in excess of that now or hereafter fixed by law for grade 18.

(c) Enter into agreements with other Government agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Agency for the performance of service pursuant to this Act without prejudice to the status or advancement of such officers or employees within their own agencies.

(d) Procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) at rates not to exceed $100 per diem for individuals, and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5 of said Act, as amended (5 U.S.C. 73b–2): *Provided*, That such contracts may be renewed annually.

(e) Employ individuals of outstanding ability without compensation in accordance with the provisions of section 710(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2160), and regulations issued thereunder.

(f) Employ, with the prior approval of the President, not to exceed three retired commissioned officers of the Armed Forces who are experts in military strategy or weapons systems and whose service shall not be considered as employment or holding of office or position bringing such individuals within the provisions of section 2 of the Act of July 31, 1894 (5 U.S.C. 62); section 13 of the Civil Service Retirement Act, as amended, (5 U.S.C. 2263); section 212 of Public Law 72–212, as amended (5 U.S.C. 59a); or any other law limiting the reemployment of such officers or governing their simultaneous receipt of compensation and retired pay or annuities.

(g) Establish advisory boards to advise with and make recommendations to the Director on United States disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act.

(h) Make such investigations and obtain such information, as the Director may deem necessary or proper to assist him in exercising any authority provided in this Act.

(i) Acquire, purchase, lease and hold real and personal property, including patents, as agent of and on behalf of the United States, subject to the provisions of section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and sell, lease, grant and dispose of such real and personal property in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

(j) Accept in the name of the Agency and to hold and administer any conditional or unconditional gifts, devises, bequests, grants or other donations or contributions of money, securities, or real or personal property, for use in the furtherance of the purposes of this Act. The Director shall not accept any conditional gift, devise, bequest, grant or other donation or contribution which is conditioned upon any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

(k) Delegate, as appropriate, to the Deputy Director or other officers of the Agency, with power to redelegate as needed, any authority conferred upon the Director by the provisions of this Act.

(l) Make, promulgate, issue, rescind and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Director by the provisions of this Act.

Foreign Service Reserve and staff officers

SEC. 42. The Secretary of State may authorize the Director to exercise, with respect to Foreign Service Reserve Officers and Foreign Service Staff Officers and employees appointed or employed for the Agency, the following authority: (i) the authority available to the Secretary of State under the Foreign Service Act of 1946, as amended, (ii) the authority available to the Secretary under any other provision of law pertaining specifically, or generally applicable, to such officers or employees, and (iii) the authority of the Board of Foreign Service pursuant to the Foreign Service Act of 1946, as amended. The appointment or employment of Foreign Service Reserve Officers pursuant to this subsection may be made without regard to the term or terms of appointment or employment prescribed by section 522 of the Foreign Service Act of 1946, as amended.

Contracts or expenditures

SEC. 43. The President may, in advance, exempt actions of the Director from the provisions of law relating to contracts or expenditures of government funds whenever he determines that such action is essential in the interest of the United States disarmament policy.

Conflict of interest and dual compensation laws

SEC. 44. The members of the General Advisory Committee created by section 26 of this Act; and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided for in section 41 of this Act; may serve as such without regard to the provisions of sections 281, 283, 284, or 1914 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter in which the Agency is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act (5 U.S.C. 2263), section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities.

Security requirements

SEC. 45. (a) The director shall establish such security requirements, restrictions, and safeguards as he deems necessary in the interest of national security. The Director may arrange with the Secretary of State or with the Civil Service Commission for the conduct of such security or other personnel investigations of the Agency's officers, employees, consultants, persons detailed from other Government agencies, and its contractors and subcontractors and their officers and employees, actual or prospective, as he deems appropriate; and if any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty, the matter shall be referred to the Federal Bureau of Investigation, the results of which shall be furnished to the Director.

(b) The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to restricted data by the Atomic Energy Commission under section 2165 of title 42, to permit the Director or any officer, employee, consultant, person detailed from other Government agencies, member of the General Advisory Committee or of an advisory board, contractor, subcontractor, prospective contractor, or prospective subcontractor, or officer or employee of such contractor, subcontractor, prospective contractor or prospective subcontractor, to have access to restricted data which is required in the performance of his duties and so certified by the Director, but only if (1) the Director has determined, in accordance with the established personnel security procedures and standards of the Agency, that permitting such individual to have access to such restricted data will not endanger the common defense and security, and (2) the Director finds that the established personnel and other security procedures and standards of the Agency are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 2165 of title 42, including those for interim clearance in subsection (b) thereof. Any individual granted access to such restricted data pursuant to this subsection may exchange such data with any individual who (a) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the Armed Forces, or an officer or employee of the National Aeronautics and Space Administration, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (b) has been authorized to have access to restricted data under the provisions of section 2163 or 2455 of title 42.

(c) Any and all of the functions of the Director described in this section may be the subject of an agreement between the Director and the Secretary of State under section 41(a) of this Act.

Comptroller General audit

SEC. 46. No moneys appropriated for the purpose of this Act shall be available for payment under any contract with the Director, negotiated without advertising, except contracts with any foreign government, international organization or any agency thereof, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts; *Provided, however*, That no moneys so appropriated shall be available for payment under such contract which includes any provisions precluding an audit of the General Accounting Office of any transaction under such contract; *And, provided further*, That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Director and the General Accounting Office.

Presidential authority to transfer certain functions

SEC. 47. The President may transfer to the Director any functions (including powers, duties, acitvities, facilities, and parts of functions) of any Government agency which relate primarily to disarmament. In connection with any such transfer, the President may provide for appropriate transfer of funds, records, property, and for necessary civilian and military personnel to be made available from the agency from which the transfer is made.

Use of funds

SEC. 48. Appropriations made to the Director for the purposes of this Act, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this Act, and shall also be available for the following uses to carry out the purposes of this Act:

(1) rent of buildings and space in buildings in the District of Columbia: *Provided*, That to the extent feasible, the Director shall rely upon the General Services Administration for this purpose.

(2) administrative expenses incident to carrying out the purposes of this Act, including, without limitation, expenses of printing and binding without regard to the provisions of section 11 of the Act of March 1, 1919 (44 U.S.C. 111);

(3) purchase or hire of one passenger motor vehicle for the official use of the Director without regard to the limitations contained in section 78(c) of title 5 of the United States Code or any other law relating to the purchase or use of Government-owned motor vehicles;

(4) entertainment and official courtesies (not to exceed $25,000 in any fiscal year except as may otherwise be provided in an appropriation);

(5) expenditures (not to exceed $50,000 in any fiscal year except as may be provided in an appropriation) of a confidential character other than entertainment; *Provided*, That a certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the Director and every such certificate shall be deemed a sufficient voucher for the amount therein specified;

(6) expenses authorized by the Foreign Service Act of 1946, as amended, not otherwise provided for;

(7) expenses in connection with travel of personnel outside the United States, including transportation expenses of dependents, and transportation of personal effects, household goods, and automobiles of such personnel, and including all such expenses when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year;

(8) expenditures necessary to make grants for, and to pay expenses incident to, training and study;

(9) expenditures in connection with participation in international conferences for the purposes described in section 3 of this act, including, but not limited to, rental of quarters by contract or otherwise.

Appropriations

SEC. 49. (a) There are hereby authorized to be appropriated to the agency such sums as may be necessary and appropriate to carry out the purposes of this act. Sums appropriated pursuant to this section for research development and studies shall remain available until expended.

(b) Funds appropriated to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with authority granted in this Act, or under authority governing the activities of the agencies to which such funds are allocated or transferred.

Report to Congress

SEC. 50. The Director shall submit to the President, for transmittal to the Congress, not later than January 31 of each year, a report concerning activities of the agency. The Director shall include in his report, and shall at such other times as he deems desirable submit to the Congress, such recommendations for additional legislation as he deems necessary or advisable.

Mr. HUMPHREY. Madam President, the letter of Mr. McCloy should be read by every Senator. I ask Senators to remember that, as the prospects for the attainment of a just and enduring peace and for some kind of effective disarmament seem to be farther and farther away, at this time the United States ought to make clear to the world that we consider the greatest act of courage to be a peacemaker, not a warrior; that we consider the greatest act of moral integrity and moral courage to be willing to plan for the attainment of a just and enduring peace.

I am proud of a President, a Government, and a Nation that is willing, even as we face the terrible possibilities of a struggle or war in Berlin, to plan ahead in the field of disarmament, in the ways of seeking peace with honor, freedom, and justice. I believe that this particular proposal, coming at this time, indicates with great force the difference between a free society and a totalitarian society.

Blessed are the peacemakers. The President of the United States, even as he meets with the Security Council of our Government this afternoon, sends to the Congress a proposal to establish an agency for disarmament, for world peace and security. I submit that we have seen the test of greatness. I herald and commend the President of the United States and his administration for this foresight, adventure, and willingness to move out into new ground. This action is what is needed. Thank goodness, America has taken the lead. I only hope and pray that every other country will do the same.

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

The bill (S. 2180) to establish a U.S. Disarmament Agency for World Peace and Security, introduced by Mr. HUMPHREY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the letter of transmittal relating to the U.S. Agency for Disarmament, signed by the President, be made a part of the RECORD.

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

JUNE 29, 1961.

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

DEAR MR. PRESIDENT: I am transmitting herewith, for consideration by the Congress, a draft of legislation to carry out the recommendation contained in my May 25 message, for the establishment of a strengthened and enlarged disarmament agency to make an intensified effort to develop acceptable political and technical alternatives to the present arms race.

Today, ability of man to master his environment threatens to outpace his ability to control himself. The world is more and more interdependent, and the people of the earth can now look beyond this planet to a new age of discovery, but they have not yet been able to banish the primitive threat of war. The ingenuity that has made the weapons of war vastly more destructive should be applied to the development of a system of control of these weapons.

But peace cannot be brought about by concentrating solely on measures to control and eliminate weapons. It must also encompass measures to sustain and strengthen international institutions and the rule of law. A disarmament program must take into account the national security, our foreign policy, the relationships of this country to international peacekeeping agencies, including the United Nations, and our domestic, economic, and other policies. It should drive toward the creation of a peaceful world society in which disarmament, except for the forces needed to apply international sanctions, is the accepted condition of international life.

For the past 5 months, Mr. John J. McCloy, my adviser on disarmament matters, has been conducting, at my request, an extensive study of the governmental effort and organization necessary to give effect to our national purpose in this field. He has had available to him the results of searching studies by individual Members and committees of the Congress, the agencies of Government principally concerned, national and international organizations and eminent private individuals. During the course of his study, Mr. McCloy has consulted closely with Secretary Rusk, Secretary McNamara, Chairman Seaborg, and other high officials. All of these studies and consultations have inescapably pointed to the conclusion that a new effort, considerably larger than our present effort, in terms of size, range of skills and authority will be necessary. This can best be accomplished by the creation of a new U.S. agency.

Following Mr. McCloy's recommendations, I am therefore proposing that a new United States Disarmament Agency for World Peace and Security be established. Enactment of the proposed legislation will permit this agency to deal broadly with the whole range of disarmament matters, including research, policies, and programs.

The importance and broad scope of disarmament matters require continuing Presidential attention. The complex interrelationships between disarmament activities, foreign affairs, and national security also require that close working-level coordination and cooperation be established between the new agency and the Departments of State and Defense, the Atomic Energy Commission, and other agencies.

The proposed legislation provides that the Director of the new agency function under the direction of the President and the Secretary of State. This arrangement will permit coordination of disarmament matters within the purview of the various agencies; it will give special recognition to the need for intermeshing disarmament policies and programs with the broad conduct of foreign affairs; and it will provide a focal point at the highest level of Government for the consideration of disarmament matters.

In the light of these unique relationships the Director, as the principal adviser to the President in the disarmament field, will have direct access to him but will, of course, notify the Secretary of State as to the occasion and substance of the advice he offers. In addition, the Director will report to the Secretary of State, without going through intermediate authority, and he will act as the agent of the Secretary of State with authority, under his direction, to act in his name. Also, I intend that he participate in all meetings of the National Security Council having to do with disarmament.

I am enclosing a letter from Mr. McCloy describing the legislation in more detail.

Sincerely yours,

JOHN F. KENNEDY.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 2154) to amend Public Law 85–626, as amended by Public Law 86–542, relating to dual rate contract agreements, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 6845) to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GEORGE P. MILLER, of California, Mr. DINGELL, Mr. LENNON, Mr. PELLY, and Mr. MCDONOUGH were appointed managers on the part of the House at the conference.

The message further announced that the House had passed, without amendment, the following bills of the Senate:

S. 1748. An act to provide for the increased distribution of the CONGRESSIONAL RECORD to the Federal judiciary; and

S. 2083. An act to correct a technical inaccuracy in the act of May 19, 1961 (P.L. 87-36).

The message also announced that the House had agreed to the following concurrent resolutions of the Senate:

S. Con. Res. 17. Concurrent resolution authorizing the printing of the pamphlet entitled "Our Capitol" as a Senate document and providing for additional copies;

S. Con. Res. 23. Concurrent resolution to print additional copies of part I of hearing on migratory labor;

S. Con. Res. 24. Concurrent resolution relating to printing of publications of the Internal Security Subcommittee of the Senate Committee on the Judiciary; and

S. Con. Res. 27. Concurrent resolution authorizing the printing as a Senate document of the proceedings of the National Water Research Symposium.

SOCIAL SECURITY AMENDMENTS OF 1961—CONFERENCE REPORT

Mr. SYMINGTON obtained the floor.

Mr. KERR. Madam President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. KERR. The Senator from Missouri yields for a unanimous-consent request for the immediate consideration of a conference report on the Social Security Amendments of 1961, with the understanding that if the conference report is not disposed of in 3 minutes, it will be withdrawn.

The PRESIDING OFFICER. How much time does the Senator from Missouri yield?

Mr. SYMINGTON. I yield whatever time the distinguished Senator from Oklahoma feels is right and proper.

Mr. KERR. Madam President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6027) to improve benefits under the old-age, survivors, and disability insurance program by increasing the minimum benefits and aged widow's benefits and by making additional persons eligible for benefits under the program, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). 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. KERR. Madam President, I ask unanimous consent that a brief statement of explanation be printed at this point in the RECORD.

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

I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6027) to improve benefits under the old-age survivors and disability insurance program by increasing the minimum benefits and aged widows benefits and by making additional persons eligible for benefits under the program, and for other purposes.

On the major provision of H.R. 6027 there was no disagreement between the two bodies. These were President Kennedy's recommendations, slightly modified, which will increase the social security minimum benefit and the widow's benefit, liberalize the insured status requirement, and provide an actuarially reduced benefit for men at age 62. As was pointed out in the Senate debate on the bill, the result will be new or increase benefits for 4.4 million people totaling some $800 million in the first year.

I am happy to say that the House receded on all the major provisions added by the Senate. The liberalization of the income limitation (retirement test) was approved in the same form as it passed the Senate. The Senator from New Hampshire will be particularly pleased, I know, that we were able to accomplish this result without "one tiny bit of fiscal irresponsibility" since the bill is now in exact actuarial balance. As you will recall, the Senate bill moves up the effective date of the ultimate social security tax rate by 1 year, from 1969 to 1968, to meet the 0.02 percent of payroll cost of this amendment.

The House also receded on the Senate amendment facilitating social security coverage of State and local employees and of certain ministers.

With respect to the changes in the public assistance program adopted by the Senate a compromise was reached in the conference which has the effect of providing higher Federal participation to all jurisdictions rather than just those States who are making payments at or above the Federal maximum.

The compromise adopted by the conference will increase Federal matching for the lower payment States—by increasing from $30 to $31 the amount the Federal Government will match at the 80 percent base level and then, in line with the philosophy of the Senate bill, will increase the maximum which will be matched from $65 to $66. The compromise also makes October 1, 1961 the effective date of this provision, reducing the total Federal cost from approximately $20 million to $15 million, since it will cover a period of 9 months rather than a full year. The total cost of this provision will be more than offset by the public assistance savings which will be brought about by the enactment of the old-age and survivors insurance provisions in the bill, particularly the increase in the minimum benefit and the liberalization of the insured status requirement.

The Senate amendment granting assistance to Americans returning from foreign countries because they are ill, destitute, or have been displaced by international disturbances was accepted by the House with some modifications. The program, under the conference agreement, will apply only to U.S. citizens, rather than to U.S. nationals, and will continue for only 1 year, rather than indefinitely.

The Senate receded on the floor amendment which would have required the States to allow the individual recipient of medical assistance to the aged the choice of who would provide him medical services. Although this amendment has much appeal, there was the feeling that its implications should be much more thoroughly explored inasmuch as some questions arose as to whether it might interfere with the traditional relationship of doctors with hospitals and also reduce the attitude of the States in controlling their medical programs.

I ask that the Senate accept the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JAVITS. Madam President, I ask whether the conference report was agreed to unanimously by the conferees.

Mr. KERR. It was.

Mr. CURTIS. Madam President, will the Senator yield for a question?

Mr. KERR. I yield.

Mr. CURTIS. Will the Senator state for the record on what points, if any, the Senate yielded in the conference with the House?

Mr. KERR. I have asked to have printed in the RECORD a brief statement concerning the report of the committee of conference. In the main, the House agreed to the Senate amendments. On the amendment of the Senator from Minnesota the Senate receded. The amendment of the Senator from Iowa with reference to caring for indigent returning citizens was amended and agreed to. The public assistance amendment of the Senate to the bill was reduced about 25 percent and agreed to.

Mr. CURTIS. Is the Senator referring to the Long amendment?

Mr. KERR. Yes.

Mr. CURTIS. I ask concerning the so-called Smathers amendment, relating to the authorization for the Secretary of Health, Education, and Welfare to take care of certain individuals brought to this country by reason of war or other emergency.

Mr. KERR. The amendment was reduced in its extent and scope to apply to citizens. Its effectiveness was limited to 1 year, and it was accepted in that form.

Mr. CURTIS. In the main, the conference report slightly reduced the scope of the Senate bill.

Mr. KERR. Any changes were in the nature of reductions.

Mr. DIRKSEN. I understand that the conference report was signed by both the majority and the minority members of the conference committee. Is that correct?

Mr. KERR. The conference report is on the desk. They all signed it.

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

Mr. KERR. I yield.

Mr. JAVITS. I understand that with respect to the matter of citizens and nationals, as the bill left the Senate, it referred to both citizens and nationals, but that in conference it was changed to refer to citizens only. Is that correct?

Mr. KERR. That is correct.

Mr. JAVITS. Obviously the report will be agreed to. I have no intention of opposing it. I should like to say to my friend from Oklahoma that this is a rather fundamental point. There are many laws under which we deprive nationals of the same opportunities that we give our citizens. They relate, for example, most damagingly in the cases of agreements with foreign countries, or funding agreements with relation to Iron Curtain countries, where the people have suffered losses when the Communists took over. For instance, there are cases where there is money left, and it is distributed. The distribution is then confined to citizens, although most of the people affected are alien residents who have not yet become citizens.

As I understand, the provision is limited to 1 year.

Mr. KERR. The Senator is correct.

Mr. JAVITS. So that there will be an opportunity again to consider the matter within that time.

Mr. KERR. The statement on the part of the House conferees is to the effect that that will be done.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. KERR. Madam President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. SYMINGTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERR. I thank my good friend from Missouri for his courtesy in permitting the Senate to dispose of the conference report. We had word from the White House that the President would like to receive the bill at this time, to be able to sign it, in order that it might become effective on July 1st for hundreds of thousands of beneficiaries for the month of August. I am very grateful to the Senator from Missouri.

NUCLEAR TESTING

Mr. SYMINGTON. Madam President, in its lead editorial of June 28, under the title "Decision on Testing," the Washington Post states:

> He (the President) must not be pushed by insistent clamor into a hasty resolution of the complicated scientific and political issues here involved.

How could any decision made now be considered a "hasty resolution." This Nation has adopted a policy of unilateral test cessation for over 2½ years; that is, since October 1958.

During this long time these issues have been under continuous review by everyone concerned.

The editorial further states:

> Khrushchev's recent speeches have made it clear that he would like to resume testing under circumstances that would permit him to blame us for it.

But the premise of that statement can only be that the Russians have not been testing during these years.

Informed experts say, however, that in this free society we could test without the Soviet Communists knowing it; therefore under these and all the other circumstances, who wants to assert to the American people that the Soviet Communists in their closed and secret society have not been testing.

So let us face it. In an effort to curry favorable world opinion, we may well be risking the future of the United States, and therefore the free world, on the sincerity and honor of the rulers of the Soviet Communists.

Much is still denied. But that fact can no longer be denied.

An article last Sunday in the St. Louis Post-Dispatch by the able military commentator Gen. Thomas Phillips, states:

> Civilian officials in the Pentagon, and those closely involved with disarmament policies * * * are inclined to believe that the Soviet Union would gain more from resumption of testing that the United States.

First, this statement in itself is too embracive. But more important, again the premise is that the Russians are not testing.

In that same article, General Phillips quotes Dr. Hans Bethe as saying:

> If we had stopped nuclear testing when the Russians first suggesting doing so, at the beginning of 1956, we would presumably have had a great superiority in hydrogen bombs. We had tested at least half a dozen; they had tested one type only. We might possibly have a situation in which the Russians would not now have a hydrogen warhead for their I.C.B.M.

Inasmuch as it is now universally agreed the Russians leapfrogged the long-range bomber into the long-range missile, those who want to follow Dr. Bethe in this queer reasoning can do so. I do not.

Not long ago, one of these people who make a business of constantly portraying the horrors of nuclear war—to me, all war is horrible—delivered a talk here at a lunch.

When it was over I asked, "Is not your entire argument based on the premise that we can trust the word, the honor, of the Russians? Would not your argument fail if that was not the premise?

He said, "That is correct."

The American people have the right to know more about this matter, about changed scientific opinion on such new weapons as the neutron bomb.

There is too much secrecy about subjects which cannot possibly help a possible enemy. For example, the people should know just how relatively easy it would be for the Soviets to cheat on their test agreement. This fact involves no security classification whatever.

The people have the right to know the truth, the truth as to just what we are risking in our effort to regain the world prestige we have lost in the last 10 years.

Now let us listen to a real expert, one who has no political, scientific, military, or ideological barriers to his thinking.

On June 15, 1961, Dr. Charles Allen Thomas, native of Kentucky, chairman of the board of the Monsanto Chemical Corp., delivered an address before the Rotary Club of Houston, Tex.

Dr. Thomas is a farmer. He is board chairman of the generally considered largest business in my State.

More important, he is a world renowned chemist. He was a member of the Manhattan project, in fact in charge of the Clinton Laboratories at Oak Ridge, Tenn., during the period of the all-out effort America undertook in the early 1940's so as to be first in the nuclear field.

Dr. Thomas has been the recipient of many of the highest scientific honors that can be given, including the Priestly Medal. He is a former president of the American Chemical Society.

I have referred to the accomplishments of this citizen's life because of the importance of this address he made in Texas, which he entitled "The Future Is Nearly Here."

May I respectfully urge every Member of Congress to read these thoughts as presented by an able, practical, and experienced scientist, one who over the years also has demonstrated his patriotism by periodically accepting many Government jobs.

After reviewing the importance of such developments as the wheel, which Dr. Thomas notes "took thousands of years to really affect man's ability to move around"; and gunpowder, "known for centuries before it changed man's traditional methods of warfare," he says for example:

> In contrast, the nuclear revolution is only 16 years old, and we have already reached a state of acute national peril.

It was pointed out in the talk that other powerful forces have been let loose since the close of World War II; viz, the collapse of colonialism, the radical change in the international balance of power, the population explosion, and the technical revolution and its impact on defense.

Then Dr. Thomas also stressed that in 1945 our scientists estimated that the Soviet Communists would not be able to develop a nuclear weapon until 1970. Nevertheless, they first tested such a weapon 21 years ahead of what the doctor terms "our happy little timetable."

He then refers to Korea, and to the Panmunjon talks, "an incredible introduction to the Communist tactics of talk, talk, talk, and delay, delay, delay."

How true it is that since then "there have been no shortages of either talk or delay."

Dr. Thomas then brings up this vital question of nuclear test cessation, the problems, the delay, the subterfuges, and continues:

> We do know they (the Russians) announced a mysterious new sort of weapon

last year, without releasing any details, and later in 1960 they saw fit to say that some unusually large chemical explosions had occurred inside their borders.

He then states:

While there was hope for international agreement, the halt to our test program made some sense. But the talks in Geneva have gone around and around the Communist mulberry bush and the only thing in prospect is additional delay on their part.

Further discussion seems pointless, and an open resumption of our nuclear test program is clearly indicated.

These tests can be carried out underground, so there is no danger of damaging fallout at all.

Some may argue that we already know how to explode a nuclear weapon, and that further testing is unnecessary. This is not exactly true. We have some pretty good 1958 models, but the test ban has kept us from further trials. Whether it is an automobile or a kitchen knife, engineers count on actual tests to prove the true merit of any new design, and complex nuclear weapons certainly are not excluded from this rule.

Let us remember, Madam President, that this statement is not made by any theoretician, but by one of the most sucfessful industrialists and scientists of our time. I emphasize this fact because some queer talk that testing is not really necessary is being advanced by certain so-called experts who have no knowledge of this situation comparable to that of Dr. Thomas.

Dr. Thomas concludes:

If the Soviets decide to move ahead with a nuclear test program while we stand still (and they may have made this decision already), we will probably lose our lead in nuclear power within a short time. In this manner, the greatest deterrent to war will have disappeared.

As we showed in 1945 and 1946, nuclear leadership is no threat to the world when we have it. Whether a similar statement can be made about Soviet ownership of such leadership is a proposition I would rather not put to a test.

In all the policy shifts of the last 16 years, our nuclear leadership has been our one big stick. We are close to losing it. I want to be completely understood. We must not have another world war. But, I believe history shows us that the correct way of preventing war is to be strong. Hoodlums do not try to open a well-guarded bank vault. Peace is earned by moving decisively from a base of strength, and not by shifting feet continually in an attitude of weakness.

Our national objective should be to acquire a sense of purpose and a sense of direction, and to accept the world leadership which has been thrust upon us. We should forsake this adolescent attitude of continually worrying about what people think of us. We should set about the task of protecting the peace.

To do this we will have to be strong, and to be strong we need to resume our nuclear testing program. To me, the logic is inescapable.

If any Senator wishes to dispute the logic of this carefully thought out presentation by an experienced, dedicated, and thoughtful American, let him stand on this floor and make his case.

Madam President, I ask unanimous consent that the address by Dr. Charles Thomas be printed at this point in the RECORD.

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

THE FUTURE IS NEARLY HERE

(Address by Dr. Charles Allen Thomas)

My subject today is our future, our future as individuals and as members of the various groups to which each of us belong: Families, churches, companies, and governments. Our times possess a peculiarly hectic and hazardous nature. It has become easier and easier to avoid decisions by the simple process of not making them. Because of the speed with which history moves, the opportunity for deciding which fork in the road should be taken passes us all too rapidly. Quite often a government gets by one of these points of decision only to find it cannot retrace its steps.

Everyone in this room has participated in the history of the last 16 years, and I am sure we can all remember 1945 quite clearly. The United States of America, in 1945, was without doubt the most powerful nation in the world. We possessed the greatest fighting machine the world had ever seen. We could have controlled the land, the oceans and the air of the entire globe if we had wanted to. We had established an industrial and transportation complex which could support our military strength. And we had a monopoly on nuclear weapons.

As a democracy, dedicated to individual freedoms and adhering to Christian principles, we had no intention of forcing our will on the world. America fights defensive battles; it doesn't wage wars of aggression.

In order to provide a basis for examining our future, let's review some of the developments of the last 16 years. A few outstanding trends of this recent past will do.

One of the forces which has already affected the lives of each of us is the nuclear revolution, which has been compared to man's invention of the wheel, to the discovery of gunpowder and to the industrial revolution. There is a strange difference between each of these innovations.

It took thousands of years for the wheel to really affect man's ability to move around. Gunpowder was known for centuries before it changed man's traditional methods of warfare. The industrial revolution required decades to alter the fabric of society. In contrast, the nuclear revolution is only 16 years old, and we have already reached a state of acute national peril.

Since 1945, we have witnessed the collapse of the old colonial system as a result of World War II. New national states in Africa and Asia are eager to exchange their primitive living conditions and poverty for the good life of advanced industrial states. These new national entities, recognized or not, are brutal, hungry groups of individuals in a great hurry. Their path has already been marked by violence, and this trend is sure to continue and even accelerate as they try to build their futures on the body of the past, whether the past is dead or not.

We have also seen a radical change in the international balance of power. Prior to World War II, the unity and military power of Germany in Europe and of Japan in Asia contributed a great deal to this balance. Now we find Eastern Europe and the mainland of China dominated by militant communism, a form of culture dedicated to the extermination of what we stand for. Communism now controls a land mass, a population and resource base which geopolitical thinkers have long believed might be enough to give its masters a good claim to world power.

Another force at work in the world is the first phase of a population growth which may become an explosion in its own right. As Americans, we take some pride in the fact that the net annual increase in our population equals that of the metropolitan area of Boston. On a global scale, however, the net population increase in just the last 9 months has been sufficient to equal the population of America's 16 largest cities. This is a noticeable number of human beings, even on a planet the size of our globe. It is large enough literally to join hands around the earth. And most of these new individuals are short of possessions such as food, machinery, and education.

And, finally, in the last 16 years we have experienced a technological revolution, particularly important in the implements of war, through which the B–29 has been replaced by the intercontinental ballistic missile.

Any one of these five powerful forces let loose in the world during the last 16 years would have been sufficient by itself to have changed the course of history. Coming, as they have, all together and in such a short time, is the reason why our times are so tense and turbulent.

The progress of the United States of America through some parts of this recent span of history has not been particularly inspiring. Our course is marked with zigs and zags, and wobbles between the reefs of indecision and the shoals of expediency.

In 1945 we were dealing from strength, but we reversed ourselves in a typical manner. We dismantled our military machine. "Cut the fat out of the military" was a very popular slogan on Capitol Hill. The Soviets did exactly the opposite.

In 1946, Russia provoked a crisis in Iran. They subjected Turkey to great pressures. In 1948, they provided underground support for the Communist takeover of Czechoslovakia. In 1948 and 1949 they deliberately blockaded Berlin. While all these alarums and excursions were taking place, the Chinese Communists took over the mainland of China.

In 1945, we believed that the Russians would not have the nuclear bomb until 1970. It was said the Soviet system was too rigid to accommodate the new nuclear technology, that their bureaucracy would order scientists to follow certain paths, and that their program would fall into the many pitfalls we knew existed between concept and execution.

In 1945 and 1946 we felt a grave responsibility in our monopoly position in nuclear weapons, and we foresaw an international arms race in this newly developed area of destruction unless some international control could be established. After considerable study and deliberation we proposed a plan for international control. We offered to relinquish our nuclear resources, and even a part of our sovereignty, to an international body equipped with suitable safeguards, including the right of inspection, to preserve the peace.

At the time, we could not understand why the Soviets rejected our offer. It seemed they had everything to gain.

One little anecdote may provide a better understanding of why they turned us down. I remember back in the early days of nuclear work, when everything was under lock and key, scientists were amazed at the ease with which some atoms could stop certain neutrons. One of them compared the process with the ease of hitting a barn when it presented a broadside target. As a result of this chance remark, the unit of measure for nuclear capture cross sections became the "barn" and this function of atoms is still measured in "barns," just as distance is measured in miles.

When we first learned of Soviet nuclear technology some years later, we were surprised to hear they were measuring these

same sections in terms of "barns," even though the closest word to "barn" in the Russian language is "baran" (Bah-rahn), which means mutton. I leave it to you to say who has been whose lamb chop.

In any case, the Soviets tested their first nuclear weapon in 1949, 21 years ahead of our happy little timetable. In 1950, the Korean engagement began.

By that time the fat had been so well cut out of the military, that we only had available for deployment overseas, according to congressional testimony, one part of a division of marines and a single airborne division. We quickly set about putting some muscle back into the military, reversing ourselves all along the line.

Then we had the strange spectacle of a President of the United States relieving a commander in the field. The national policy took another change in direction. We began the Panmunjom talks, an incredible introduction to the Communist tactics of talk, talk, talk, and delay, delay, delay.

There have been no shortages of either talk or delay in the world since then. We were led to believe some 3 years ago that there was still some hope for international control of nuclear weapons. We began meetings with the Russians and the British on October 31, 1958, in search of such an agreement. To show we were serious, we announced we would bring our test program to a halt provided the Soviets did the same. They carried out two nuclear tests the very next month, but our program has been in mothballs since that time.

An underground nuclear explosion transmits shock waves identical to those of explosions of a chemical nature, and very nearly identical to the shock waves of minor earthquakes. There are several hundred minor earthquakes in Russia every year, and we have no way of discovering whether or not they have resumed their own testing.

We do know they announced a mysterious new sort of weapon last year, without releasing any details, and later in 1960 they saw fit to say that some unusually large chemical explosions had occurred inside their borders.

While there was hope for international agreement, the halt to our test program made some sense. But the talks in Geneva have gone around and around the Communist mulberry bush and the only thing in prospect is additional delay on their part.

Further discussion seems pointless, and an open resumption of our nuclear test program is clearly indicated.

These tests can be carried out underground, so there is no danger of damaging fallout at all. Another possible method of weapons testing would involve the use of outer space, millions of miles away, with instrumentation rocketed out to radio back the test results in code.

Some may argue that we already know how to explode a nuclear weapon, and that further testing is unnecessary. This is not exactly true. We have some pretty good 1958 models, but the test ban has kept us from further trials. Whether it is an automobile or a kitchen knife, engineers count on actual tests to prove the true merit of any new design, and complex nuclear weapons certainly are not excluded from this rule.

The test ban stopped in madtrack a program to develop a "clean" nuclear bomb which could be used on the battlefield against military targets. Such a bomb would destroy the enemy potential but would have a minimum aftereffect so that the cleared territory could be occupied rapidly by friendly forces. It has been pointed out that we have never actually fired a missile with a working warhead. We need sophisticated new weapons tailored to recent and prospective defense systems, such as a nuclear instrument to detonate missiles in flight toward us while they are still at a safe distance. The yield-weight ratio of missile warheads should be improved so we can boost the deterrent efficiency of our existing rocket supply, which is apparently not the best in the world.

If the Soviets decide to move ahead with a nuclear test program while we stand still (and they may have made this decision already), we will probably lose our lead in nuclear power within a short time. In this manner, the greatest deterrent to war will have disappeared.

As we showed in 1945 and 1946, nuclear leadership is no threat to the world when we have it. Whether a similar statement can be made about Soviet ownership of such leadership is a proposition I would rather not put to a test.

In all the policy shifts of the last 16 years, our nuclear leadership has been our one big stick. We are close to losing it. I want to be completely understood. We must not have another world war. But I believe history shows us that the correct way of preventing war is to be strong. Hoodlums don't try to open a well-guarded bank vault. Peace is earned by moving decisively from a base of strength, and not by shifting feet continually in an attitude of weakness.

Our national objective should be to acquire a sense of purpose and a sense of direction, and to accept the world leadership which has been thrust upon us. We should forsake this adolescent attitude of continually worrying about what people think of us. We should set about the task of protecting the peace.

To do this we will have to be strong, and to be strong we need to resume our nuclear testing program. To me, the logic is inescapable.

Mr. SYMINGTON. Madam President, what we are talking about may well be the most important subject in the world.

It may be the world.

Nevertheless, except for some secret hearings in a subcommittee of the Joint Atomic Energy Committee—and it is interesting to note the chairman of that subcommittee, the distinguished Senator from Washington [Mr. JACKSON], has now recommended that we renew testing—to the best of my knowledge there have been no hearings on this subject during the past 6 months of this congressional session.

We have spent much time on many other matters. But those matters will mean nothing unless we do what is necessary to be certain we can negotiate for peace and freedom from a position of strength.

All of us want that arms control which could lead to disarmament—and all of us want permanent world peace under law.

But based on the record, I for one am not willing to trust the future of this country to the sincerity and honor of the rulers of the Kremlin.

PROJECTS APPROVED BY COMMITTEE ON PUBLIC WORKS

Mr. KERR. Madam President, in order that the Members of the Senate and other interested parties may be advised of various projects approved by the Committee on Public Works, I submit for inclusion in the CONGRESSIONAL RECORD, information on this matter.

The first is a list of new buildings approved by the committee on June 26, 1961, under the provisions of the Public Buildings Act of 1959.

The second is a list of projects for modification, alterations, and repairs to existing buildings, also approved by the committee under the provisions of that act.

Approval of these buildings is based on prospectuses submitted to the committee by the Administrator of General Services, in compliance with Public Law 248, 86th Congress. In addition, representatives of the General Services Administration appeared before the committee in executive session, and discussed the public building program, its operation, and the need for the recommended new buildings and alterations to existing buildings.

The committee has also approved eight small watershed projects under the provisions of Public Law 566, 83d Congress, as amended. A list of these projects is attached.

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

Resolutions approving projects under the Public Buildings Act of 1959 (Public Law 249, 86th Cong.)

Date referred to committee	Location	Project	Estimated cost	Date approved
June 7, 1961	Calexico, Calif.	Border patrol station	$375,000	June 26, 1961
June 14, 1961	Los Angeles-Long Beach Area, Calif.	Customhouse	3,250,000	Do.
Mar. 23, 1961	Jacksonville, Fla.	Federal office building	9,573,000	Do.
June 7, 1961	Marianna, Fla.	Post office and courthouse	633,000	Do.
Mar. 23, 1961	St. Petersburg, Fla.	Federal office building	5,325,000	Do.
Do	Macon, Ga.	Post office and Federal office building	4,334,000	May 23, 1961
June 7, 1961	Porthill, Idaho	Border station	152,000	June 26, 1961
Do	Louisville, Ky.	Federal office building	13,100,000	Do.
Do	Houlton, Maine	Border Patrol headquarters	410,000	Do.
Do	Harvard Area, Mass.	Civil defense headquarters	3,000,000	Do.
Do	Sault Ste. Marie, Mich.	Border station	312,000	Do.
Do	Pigeon River, Minn.	do	351,000	Do.
Do	St. Paul, Minn.	Courthouse and Federal office building	11,673,000	Do.
Do	Harrisburg, Pa.	do	7,470,000	Do.
Do	Philadelphia, Pa.	do	42,680,000	June 27, 1961
Do	Del Rio, Tex.	Border patrol station	342,000	June 26, 1961
Do	do	Sector headquarters, Border Patrol	535,000	Do.
Sept. 12, 1960	Charlottesville, Va.	Federal office building	2,333,000	Do.
June 7, 1961	Spokane, Wash.	Courthouse and Federal office building	8,694,000	Do.
Mar. 20, 1961	Washington, D.C.	Federal Office Building No. 5	42,000,000	Do.
	Total estimated cost (20 buildings)		156,542,000	

Alteration projects approved by the Public Works Committee on June 26, 1961, under the provisions of Public Law 249, 86th Cong.

Location	Type	Total estimated	Design and supervision costs	Alteration costs
Sacramento, Calif.	Post office and courthouse	$1,059,000	$71,000	$988,000
San Francisco, Calif.	Appraisers Bldg.	709,000	70,000	639,000
Chicago, Ill.	Federal building	2,044,000	203,000	1,841,000
Do.	Main post office	3,890,000	385,000	3,505,000
Do.	Railroad Retirement Bldg.	1,468,000	145,000	1,323,000
Louisville, Ky.	Post office and customhouse	1,209,000	114,000	1,095,000
Owensboro, Ky.	do.	337,000	42,000	295,000
New Orleans, La.	do.	3,872,000	243,000	3,629,000
Do.	Federal office building	1,415,000	125,000	1,290,000
Bethesda, Md.	National Institutes of Health	2,328,000	236,000	2,092,000
Grand Rapids, Mich.	Post office and courthouse	831,000	94,000	737,000
Minneapolis, Minn.	Federal office building	1,129,000	112,000	1,017,000
Do.	Post office and garage	595,200	59,000	536,200
Grand Island, Nebr.	Post office and courthouse	364,000	42,000	322,000
Jersey City, N.J.	Post office	228,000	23,000	205,000
New York, N.Y.	General post office	1,168,000	115,000	1,053,000
Do.	Vesey Street Federal Office Bldg.	4,040,000	400,000	3,640,000
Grand Forks, N. Dak.	Post office and courthouse	370,000	45,000	325,000
Oklahoma City, Okla.	do.	879,000	85,000	794,000
Portland, Oreg.	Courthouse	269,100	27,000	242,100
Do.	Interior Bldg.	1,442,000	144,000	1,298,000
Philadelphia, Pa.	Pennsylvania A.C. Bldg.	704,000	70,000	634,000
Do.	5000 Wissahickon Ave.	5,296,000	524,000	4,772,000
Knoxville, Tenn.	Post office and courthouse	462,000	45,000	417,000
Dallas, Tex.	Federal office building	819,000	81,000	738,000
Houston, Tex.	Post office and courthouse	1,518,000	125,000	1,393,000
Arlington, Va.	Pentagon Bldg.	6,915,000	685,000	6,230,000
Washington, D.C.	Agriculture Bldg.	3,538,000	350,000	3,188,000
Do.	Treasury Bldg.	2,386,000	237,000	2,149,000
Total estimated cost (29 alterations)		51,284,300	4,897,000	46,387,300

Projects approved by the Committee on Public Works on May 31, 1961, under the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Cong., as amended

Project:	Estimated Federal cost
Magma Creek, Ariz.	$2,544,500
Muddy Fork of Illinois River, Ark.	710,500
Bull Creek, Ga.	1,849,300
Seven Mile Creek, Ill.	190,200
Fall River, Kans.	4,188,800
Bayou Rapids, La.	1,143,200
Camp Rice Arroyo, Tex.	395,300
Lower Plum Creek, Tex.	3,303,900
Total estimated cost (8 projects)	14,325,700

ORDER OF BUSINESS

Mr. MANSFIELD. Madam President, I desire to propound a unanimous-consent request. I have discussed it with interested Senators on both sides of the aisle, and with the distinguished minority leader, as well.

I ask unanimous consent that during the consideration of Reorganization Plan No. 4, the time allocated may be confined to 2 hours, 1 hour to be under the control of the minority leader and 1 hour to be under the control of the distinguished senior Senator from Arkansas [Mr. McCLELLAN].

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. Madam President, does the Senator from Montana desire that the time limitation start now?

Mr. MANSFIELD. Yes.

Mr. McCLELLAN. I wish to speak for about 5 minutes on another subject. Then I would be willing to have the agreement become effective. However, I understand two or three other Senators also wish to place material in the RECORD. In fairness to all Senators who may wish to make statements for the RECORD concerning extraneous subjects, I suggest that such matters be disposed of before the time limitation on the reorganization plan begins. That is the only reason why I shall object at the moment. I would appreciate it if the majority leader would withhold his request for a few minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas that the limitation of time start after he has concluded his remarks on another subject?

Mr. McCLELLAN. Madam President, as I understand, two or three other Senators also wish to make short statements on other subjects. Would the majority leader be willing to withhold his request for a short time?

Mr. MANSFIELD. Madam President, I withhold my request.

FEES FOR SPECIAL SERVICES

Mr. McCLELLAN. Madam President, the staff of the Committee on Government Operations initiated a study early in 1950, at my direction, to provide adequate authority to Federal agencies for the establishment of fees for services rendered which result in benefits to special interests. On July 24, 1950, the committee submitted to the Senate a report—Senate Report No. 2120, 81st Congress—with appropriate recommendations for legislative action.

The committee approach to the development of the program was not from a revenue-raising perspective but rather with the objective of determining the feasibility of offsetting items necessarily included in the Federal budget as nonreimbursable by transferring the financial burden thereof to the special beneficiaries.

Following the submission of Senate Report No. 2120 to the various jurisdictional committees of the 81st Congress for their consideration and action, the committee requested the Bureau of the Budget to complete studies initiated by the committee staff with respect to the assessment of appropriate service fees by agencies of the entire executive branch of the Government. It was also recommended that the Bureau take necessary administrative actions or to recommend legislation considered to be desirable in conformity with the objectives set forth in the committee's report.

Statutory language designed to stimulate adequate charges for special services by the Government was subsequently prepared by the General Accounting Office and the Bureau of the Budget, at the request of the Independent Offices Appropriations Subcommittee of the House Appropriations Committee to fully implement this program. As a result, the independent-offices aspect of the Omnibus Appropriation Act of 1952—title V—gave general authority to Government agencies to make charges for services in cases where no charge had been made and to revise them where the charges were too low, except in cases where the law specifically provides that no charge shall be made, or fixes its amount in the law.

To implement this legislative authorization, the Bureau of the Budget issued Bulletin No. 51–13, on May 21, 1951, to the heads of executive departments and establishments, setting up appropriate guidelines for full operation of the program. This directive was further supplemented by Circular No. A–45, establishing a rent policy for quarters supplied to Federal employees on July 9, 1951.

Also, pursuant to the request of the Committee on Government Operations, the Director of the Bureau submitted a "Progress Report on the Review of Charges for Services and Products" to the committee and to the Congress, on January 28, 1952. The Director estimated that, as of that date, additional annual revenues expected to accrue from special services performed by the Government as a result of the committee's recommended program would total approximately $48 million in its initial year of operation in fiscal year 1953. The final report on revenues for 1952, the first year of operation, shows that the actual increase on receipts for such services totaled $71.2 million over previous annual revenues before the program was established.

Since that time, a number of actions have been taken both by the Congress and the Bureau of the Budget, some of which were set forth in Senate Report No. 1467, 84th Congress, filed in the Senate on February 1, 1956, pursuant to Senate Resolution 140, which provided for the establishment of uniform fees and charges by Government agencies for work or other things of value performed by them. In lieu of taking action on Senate Resolution 140, the Committee on Government Operations recommended that the committees of the Congress having oversight jurisdiction over agencies rendering special services should review such programs and recommend the enactment of appropriate legislation to attain the objectives originally set forth in this committee's report in the 81st Congress.

The Bureau of the Budget also assured the committee that appropriate administrative actions were being taken to fully evaluate existing programs which would permit the Bureau to recommend to the appropriate committees of Congress further legislative action to attain the recommended objectives. To further this objective, the Bureau issued Bulletin 58–3, on November 13, 1957, to the heads of executive departments and establishments which called for the further appropriate administrative actions and for the preparation of legislative proposals toward the development of an equitable and uniform Government-wide policy on charges for certain Government services or property, pursuant to a directive from the President.

Madam President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "United States Seeks a Rise in Services Fees," published in the New York Times of June 22, 1961. The article reports that President Kennedy has now initiated a program to carry on the directive issued during the Eisenhower administration, referred to above, in order to continue this program in full force and effect in an effort to collect more money from the users who are recipients of special Government services.

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

UNITED STATES SEEKS A RISE IN SERVICES FEES—WANTS MORE INCOME FROM USERS OF ITS ACTIVITIES

WASHINGTON, June 21.—President Kennedy has taken up where President Dwight D. Eisenhower left off with the difficult business of trying to collect more money from the users of Government services. The administration is studying at least a half-dozen lines of Government activity on which user charges might be established or increased.

The Budget Bureau published a routine annual report today on last year's developments. It included "a partial list of subjects presently under study."

One of the six subjects listed was business regulation. That could mean, for example, broadcast license fees high enough to cover costs incurred by the Federal Communications Commission in considering license applications and awarding licenses.

Other subjects under study include inspection of private aircraft crossing borders, telephone service provided by the Defense Department to persons who live in Government housing and contractors working on Government installations, and the use of Federal natural resources.

Use charges currently bring in more than $500 million a year, or about twice as much as they did 10 years ago. The increase results from the combination of increased charges and increased Government activity.

The report said that the number of new charges established in the last year or old charges increased totaled 95, including 2 passed by Congress. It noted, however, that Congress had not passed 12 others that would have brought in $155 million a year, including $122 million of taxes on airplane fuels.

Mr. McCLELLAN. Madam President, as a result of the progressive steps taken since the program was first initiated by the Committee on Government Operations in 1950, the report of the Bureau of the Budget reflects that there have been steady increases in receipts from fees and charges for services to groups and individuals who receive special benefits from Government programs over and above those benefits which accrue to the public at large.

Madam President, I ask unanimous consent to have printed at this point in the RECORD a table reflecting the steady increases in receipts from fees and charges.

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

[Amounts in millions]

Fiscal year	Sale of products	Rents and royalties	Permits and license fees	Miscellaneous fees and charges	Total
1950	$45.9	$87.9	$32.3	$50.0	$216.1
1952	100.6	103.8	34.8	48.1	287.3
1954	108.6	141.5	45.0	29.8	324.9
1956	170.3	150.6	48.9	35.6	405.4
1958	145.3	172.8	52.8	41.1	412.8
1959	171.5	181.3	53.6	33.4	439.8
1960	211.1	194.6	56.7	36.0	498.4
1961 [1]	199.2	225.5	59.7	38.7	523.1
1962 [1]	219.6	234.1	63.0	39.9	556.6

[1] Estimated.

NOTE.—The table does not cover any taxes or charges for postal services; it also excludes such other sources of revenues as sale of property and electric power. The growth in receipts is the result of increases in volume of activity and increases in rates to cover higher costs of performing the services, as well as the extension of the user charges policy to new activities.

Mr. McCLELLAN. Madam President, the report of the Bureau of the Budget, compiled as of May 1961, reflects the fact that use charges currently bring in excess of $500 million a year, or more than twice as much as they did 10 years ago. This appreciable revenue realized by the Federal Government during the 10 years that have elapsed since the Committee on Government Operations first made this proposal illustrates the fact that the committee's initiation of this program has resulted in additional revenues running from $70 million in 1952 to an estimated $523 million in 1961, which would not have otherwise been paid into the Treasury. This totals in excess of $1 billion during the last 4 years, 1958–61. It also means that recurring annual revenues from $250 million upward—an amount sufficient to cover the cost of operating the entire legislative branch of the Government for 2 years—will continue to accrue from the combination of new charges and increased Government activity, as pointed out in the report of the Bureau of the Budget. In its report, the Bureau of the Budget, commented on continuing actions by the executive agencies, as follows:

Action to change fees and charges normally results from agency studies of areas where cost changes have made present charges inadequate or excessive, or where examination of a service or privilege indicates that establishment or change of fees or charges under the policy is necessary and practical. In those cases where products are sold or resources leased, studies of market activity are made to determine if revised fees or charges are required. A partial list of subjects presently under study to determine necessity for establishing or revising fees and charges includes:

Use of Federal natural resources.

Recovery from negligent third parties the expenses, other than costs of medical care, incurred by the Government when its personnel are killed or injured as a result of such negligence.

Administrative costs of regulation for Civil Aeronautics Board, Federal Aviation Agency, Federal Communications Commission, Federal Maritime Board, Federal Power Commission, Interstate Commerce Commission.

Telephone services provided by the Department of Defense to occupants of Government housing, contractors located on installations, concessionaires, etc.

Border inspection fees for private aircraft (interdepartmental study).

Military and civilian labor costs involved in the operation of commissary stores.

With expanding activities and increases in costs, this program is a continuing one that must be considered a permanent part of agency activity. Although progress to date has been significant, efforts must continue in order to insure uniformity and equity in the imposition of fees and charges.

ORDER OF BUSINESS

Mr. McNAMARA. Madam President——

The PRESIDING OFFICER. The Senator from Arkansas is in control of the time.

Mr. McCLELLAN. Madam President, I believe the Senator from Montana withdrew his request temporarily. Did he not?

Mr. MANSFIELD. Yes.

Mr. McCLELLAN. So at the moment there is no time control.

The PRESIDING OFFICER. The Chair reminds Senators that the Senate is still proceeding under the 10-hour time limitation.

Mr. MANSFIELD. Madam President, I wish to withhold my request until the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. McNAMARA], the Senator from Florida [Mr. HOLLAND], and the Senator from Colorado have made their requests.

A CONSTANT PURCHASING POWER RETIREMENT INCOME SAVINGS BOND

Mr. McNAMARA. Madam President, last year I introduced a bill which would authorize the Treasury to issue "constant purchasing power" bonds. The idea is an old one; but it was not until the Senate had a subcommittee on problems of the aged—and now a Special Committee on Aging—that the idea was put into concrete form as a legislative proposal. I now introduce the bill again.

The purpose of the bill is to assure individuals retiring in the future of the protection of their savings put aside for retirement income. This would be accomplished by purchasing bonds from the Treasury, the face value of which would be adjusted to keep pace with any subsequent increases in the cost of living. Individuals and eligible institutions, such as pension plans and life insurance companies, could purchase the bonds, with certain limitations in amounts.

The cost-of-living protection provision would accrue only if the bonds were kept until the person reached the age of 60—with certain exceptions, such as death or disability. Bonds redeemed before this period would carry only a given

interest rate, and not the purchasing power protection.

I have an analysis of the bill which includes detailed information on the proposal. I should like to add this comment, however:

The only criticism I have heard about my proposal is that it might aggravate an inflationary trend. On the other hand, it should be pointed out that anything that encourages increased savings can actually mean a brake on inflationary pressures.

And the constant purchasing power bond certainly would encourage more savings, and also would reduce the rate of prematurity redemption of ordinary savings bonds.

Furthermore, the bill includes certain limitations that would guarantee against any runaway use of the proposal.

Madam President, I ask unanimous consent that a further statement on the bill and an analysis be printed in the RECORD at the conclusion of my remarks.

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

STATEMENT BY SENATOR MCNAMARA

Price fluctuations have an important bearing on the economic well-being of every citizen, but particularly for retired persons. Traditionally, people save—and are expected to save—to assure themselves a decent, comfortable old age. When people save for their retirement, their primary concern is the security of their savings. They want to have their money available when they need it—at the time, and for the purpose of their retirement. Consequently, for retirement purposes, people want savings instruments that are free from risk.

Bonds, particularly Government bonds, have long been looked upon as one of the best means of saving for retirement purposes, since they have a fixed monetary value which is not influenced by economic trends, by speculation, or by other sources of instability in our economic world. Unfortunately, at times when inflation is a matter of public concern, people shy away from investing in bonds, as the danger of inflation removes that most important characteristic of all bonds—their risklessness.

With the weakening of bonds as a form of riskless investment in times of inflationary expectations, a great segment of the saving public, especially the small, unsophisticated investor saving for his old age, is deprived of the only form of investment which he can understand, and with which he can cope in terms of his daily life and future expectations. The result is a reduced inclination to save for old age, and increased economic insecurity in old age.

In modern industrial society, the burden of providing for retirement does not, of course, rest solely on the availability of avenues for private individual saving. We do have governmental and private pension plans designed to assure a decent standard of living to an increasing number of our retired citizens. But in an age of inflationary fears, and fluctuating prices, a guarantee of a fixed monetary income upon retirement is not sufficient.

There is legitimate fear that, however promising a given retirement plan may look on paper, in reality it may be less than adequate, if the inflation of the intervening years eats away the purchasing power of the promised annuity.

This fear is the basis for the repeated attempts to write into pension contracts clauses that would tie the amount of annuities to the fluctuating price level. The reason for a lack of any appreciable success in this direction is the contention of management that no actuarially sound pension plan could provide a cost-of-living adjustment in pensions in the absence of proven ways of guaranteeing cost-of-living protection to the pension funds themselves.

Undoubtedly, management would take a much more favorable view of cost-of-living provisions in pension contracts, if pension funds could be invested in a way that would protect them from the erosion of inflation. The traditional practice of investing these funds in fixed-return investments—bonds—provides no such security any more; in fact, with the inflationary psychology during recent years, pension-fund portfolio managers have deserted the bond market to a considerable extent, and entered the stock market—not for the purpose of trying to find means to provide cost-of-living protection to their beneficiaries, but simply to enable the funds to keep paying their fixed pension obligations.

There are definite limits to the investing of pension fund moneys in stocks. In fact, it is questionable whether the whole practice is at all sound, except to the extent that the investing takes place in really blue chip stocks. Consequently, it is not only the individual saver who has been deprived by inflationary expectations of his major avenue for saving, but also the employee who has placed his faith in the industrial organization for which he has worked for many years, if not a lifetime. He is denied the prospect of maintaining a decent standard of living in his retirement years by the inability of pension funds to protect him from the erosion of his pension's purchasing power.

An inflation-proof pension bond issued by the Treasury would increase the incentive of individuals to save for old age—either on his own part or through a labor-management pension plan.

Even though the idea of a purchasing-power bond is an old one, no serious effort has been made in this country to introduce it. One of the major reasons for this is the oft-repeated fear that the Government could not issue a purchasing-power bond without publicly admitting its inability to cope with inflation, and consequently, without undermining the confidence of the public in the currency.

No one denies that psychology—confidence—plays a very important role in economic, and especially in monetary matters. But the lessons of the past several years should be sufficient proof that psychology alone is not enough to account for the presence, or absence, of inflation. Official attempts to exorcise inflation by repeated and ceremonial professions of abhorrence have failed completely, and it is now time to realize what has really been obvious all along—that inflation is caused, above all, by fundamental factors operating in our complex economy.

There is, therefore, no reason to believe that the introduction of purchasing power bonds, if done on a relatively modest scale and with appropriate prudence, would have any adverse effect on public confidence. On the contrary, to the extent that they would induce individuals to save more, they might even have a dampening effect on inflationary tendencies underlying the economy. Even if we were to have further inflation in the future, the extra cost incurred by the Treasury through adjustments in the face value of these bonds would be more than compensated for by the real benefits to the economy derived from the ability of pensioners to maintain their purchasing power in times of inflation. This, in turn, would reduce the burden on public assistance agencies.

As the Staff Report on Employment, Growth, and Price Level, of the Joint Economic Committee, said recently:

"On balance, there is much to be said for the view that it is a proper function of the Government to provide the small, unsophisticated investor with a form of investment which contains protection against the erosion of his wealth through inflation."

The same can be said, no doubt, about providing the same protection for institutions that take care of the retirement years of the same honest, unsophisticated small man—the pensioner of our industrial and commercial corporations.

In the subcommittee report of last February [1960], we pointed out that the emergence of an aged population on the scale we now have and will have in the future calls for new ideas and preparation today for the even greater scope of the issue in generations to come—even in this century. While most of the subcommittee's recommendations bear on the well-being of today's senior citizens, this particular bill has far-reaching potential beneficial provisions for the retirees of the next generation and beyond.

ANALYSIS OF THE MCNAMARA PURCHASING POWER BOND BILL FOR RETIREMENT INCOME

Section 1 of the bill adds a new section—section 26—to the Second Liberty Bond Act.

Subsection (a) of the new section authorizes and directs the Secretary of the Treasury to issue purchasing power bonds subject, unless otherwise provided for in the bill, to the provisions of existing law.

Subsection (b) defines the pension and profit-sharing plans, and the institutions which are eligible to purchase the bonds, and requires that, in case of profit-sharing and pension plans, periodical adjustments be made in the paid-out benefits for the purpose of compensating for increases in the cost of living.

Subsection (c) states that the bonds to be issued—

1. May be interest-bearing (coupon) or discount type, or a combination of the two;
2. Shall mature in 20 years;
3. May be redeemed before maturity;
4. Shall bear interest rates identical with the going rate of interest on ordinary savings bonds;
5. Their denominations shall be geared to the needs of the purchasing individuals and institutions;
6. May be retained after maturity;
7. Shall be nontransferable;
8. May be purchased only by or for individuals and eligible institutions.

Subsection (d) limits the amount of purchasing power bonds that may be purchased by individuals to $10,000 annually, and the total holdings of individuals to $60,000 (both figures computed on the basis of purchase price); it also limits the purchase by, and holdings of, eligible institutions to amounts required to back their obligations under the pension and profit-sharing plans under their management.

Subsection (e) provides for the calculation of the cost-of-living adjustments in the face value of the bonds; it also specifies that such adjustments are to be made in case of individual holders only if the holders have either reached the age of 60 or have become permanently disabled, and in case of institutions only if the bonds are held to maturity or, if redeemed before maturity, if such redemption is necessary to enable the institutions to meet their obligations under the plans under their management.

Section 2 of the bill states that, for purposes of calculating the statutory debt limit, the face amount of the bonds—before cost-of-living adjustments—shall be considered the amount outstanding.

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

The bill (S. 2181) to assist individuals to obtain retirement benefits protected against increases in the cost of living by

providing for the issuance by the Treasury of a new series of bonds containing adjustments, under certain conditions, in maturity and redemption values to compensate for increases in the cost of living which may be purchased by individuals and eligible institutions, introduced by Mr. MCNAMARA, was received, read twice by its title, and referred to the Committee on Finance.

REAR ADM. ELLIS M. ZACHARIAS

Mr. HOLLAND. Madam President, today the Nation has been saddened by the news of the passing of Rear Adm. Ellis M. Zacharias, U.S. Navy, retired, of Jacksonville, Fla. We of Florida are proud of Admiral Zacharias' distinguished record of service to our Nation in a wide variety of capacities during his almost 40 years of naval service, which began in 1908 and ended in 1946. He was awarded the Legion of Merit three times, and on another occasion received a special commendation recognizing his outstanding service to our Nation.

Admiral Zacharias was born in Jacksonville on January 1, 1890, a member of a prominent family which through the years has contributed to the civic betterment of the community. Throughout his entire lifetime, he retained Jacksonville as his permanent residence.

He was appointed to the Naval Academy by Florida's Senator James B. Taliaferro; and he graduated and began his service as a commissioned officer in 1912.

After service on several cruisers in World War I, Admiral Zacharias was appointed assistant naval attaché to Japan, in 1920. While there, he completely mastered the Japanese language and made an intensive study of the Japanese people. In 1923, he was assigned to rescue work after the great Japanese earthquake. He served with Gen. John J. Pershing in settling the Tacna-Arica boundary dispute between Chile and Peru.

Admiral Zacharias' greatest usefulness to our Nation resulted from his mastery of the Japanese language and his understanding of the Japanese people. Between wars, he served two tours of duty in charge of the Far Eastern division of the Office of Naval Intelligence and in other Naval Intelligence assignments. This experience gave him the insight which enabled him to predict the Japanese attack on Pearl Harbor 9 months before it came. It also served him in good stead in his extraordinary exploits during World War II, for which he was awarded the Legion of Merit with two gold stars. The first of these was awarded for his liaison work between the Office of Naval Intelligence and the Office of Strategic Services from May 10 to November 1, 1943. The second was for exceptionally meritorious conduct in the performance of outstanding services as a spokesman for the U.S. Government psychological warfare program from May 8 to August 4, 1945. In the citation for this award, it is recited that he contributed materially to the reduction of Japanese morale toward the end of World War II. His third Legion of Merit was awarded for exceptionally meritorious conduct as commanding officer of the U.S.S. *New Mexico* from November 20, 1943, to July 30, 1944. He received a letter of commendation with authorization to wear the commendation ribbon for his exploits as commanding officer of the cruiser U.S.S. *Salt Lake City*, soon after Pearl Harbor.

Among his other activities during World War II, he served as Acting Chief of Naval Intelligence for almost a year.

The people of Florida and the Nation are grateful for the outstanding services of this native son of Florida to the cause of freedom and democracy. I know I speak for them in extending to Mrs. Zacharias, their two sons, and their six grandchildren our heartfelt sympathy.

Madam President, I ask unanimous consent to have printed at this point in the RECORD an article in regard to Admiral Zacharias which was published this morning in the Washington Post.

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

[From the Washington Post, June 29, 1961]

ADM. ELLIS ZACHARIAS DEAD; PREDICTED PEARL HARBOR

Rear Adm. Ellis M. Zacharias, USN, retired, a top-ranking naval intelligence officer in World War II and a controversial critic of U.S. military and foreign policy both before and after his retirement from the Navy, died Tuesday after a heart attack at his home in West Springfield, N.H. He was 71.

Admiral Zacharias suffered a heart attack March 1 but appeared to be recovering satisfactorily until this week, his wife said.

He first gained fame when it was disclosed in a wartime congressional investigation that he had predicted the Japanese attack on Pearl Harbor 9 months before it came.

He was in the headlines again in 1945 when he made one of this country's first ventures into the realm of psychological warfare—in a series of broadcasts to the Japanese stressing the futility of their fight and urging unconditional surrender.

He played a large part in easing the Japanese into surrender in 1945 by defining the term "unconditional surrender" so that it did not imply an overturning of the Japanese national system.

His most crucial part in these moves was his anonymous letter which the Washington Post published on July 21, 1945—a letter which went a long way in encouraging the peace party in Tokyo to tender peace overtures.

After his retirement from the Navy in 1946, Admiral Zacharias almost immediately became a center of controversy. That year he published his book "Secret Missions," which was both the story of his intelligence career and a document in favor of more psychological warfare.

Four years later he published another book, "Behind Closed Doors," in which he criticized much of the U.S. policy in World War II in the Pacific and predicted war with Russia by 1956.

Admiral Zacharias was born in Jacksonville, Fla., and was graduated from the Naval Academy in 1912. In 1920, while serving as naval attaché to the U.S. Embassy in Tokyo, he became one of the first American naval officers to learn Japanese.

Until the outbreak of World War II, he alternated between sea duty and intelligence service, specializing in Far Eastern affairs.

During the war, he was passed over for the post of Chief of Naval Intelligence after serving as acting chief for almost a year, in 1942–43.

COMMANDS SHIPS IN PACIFIC

Also during World War II, Admiral Zacharias held several combat ship commands in the Pacific, before returning to Washington to make his famous broadcasts.

His commands included the first raid by an American destroyer on Japanese-held territory.

After his retirement he became an often-heard voice on matters of U.S. security and foreign policy, almost always advocating a hard line against Russia and criticizing past U.S. mistakes. Besides his books, he wrote numerous articles in national magazine and newspapers.

Surviving are his wife, Clara, of the home in West Springfield, and a son, Ellis M. Zacharias, Jr., of Livingston, N.J.

THE FOREIGN-AID BILL

Mr. FULBRIGHT. Madam President, this morning there appeared in the Washington Post a letter on the subject of the foreign-aid bill. The letter is signed by a number of nearby presidents of Leagues of Women Voters.

I have received similar communications from leagues all over the United States. They all endorse the concept of the aid program and support the long-range financing of the program.

In acknowledging these letters, I have been bold enough to suggest that persons interested in this program let their own Congressmen know of their interest; and I note that the letter to the Post suggests just that. After all, I can vote only once.

I ask unanimous consent that the league letter to the Washington Post be printed in the RECORD at this point; and I commend it as a brief, well-reasoned statement worthy of the attention of each Member of this body.

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

[From the Washington Post, June 29, 1961]

FOREIGN-AID ENDORSEMENT

The League of Women Voters of the Washington area want to express publicly and in unison their support of the administration's foreign-economic-aid program. We urge others who want the program to do the same.

Our foreign-aid program is not new. We have had more than 13 years of experience, of trial and error and experimentation. Now the administration is proposing new concepts and new methods for development assistance which, we believe, deserve public and congressional support.

The cardinal points of the new approach, first outlined in President Kennedy's special message to Congress in March, are: (1) Long-term financing for long-range approaches to long-range problems; (2) improved, more efficient, and simplified administration; (3) encouragement of intensive efforts by recipient countries to mobilize their resources and especially to make necessary internal reforms; (4) increased cooperative efforts by all industrial nations—a partnership effort, not solely an American effort.

No doubt most Congressmen, with their knowledge of world affairs, realize that we will need a program of foreign economic aid this year and for many years to come. Hopefully, they will also agree that only with long-term planning, made possible by long-term financing, can we, other industrialized nations, and the recipient countries engage in meaningful development programs. In other words, the long-term approach—which, incidentally, was recommended by President Eisenhower during his administration—can

facilitate more efficient, more economical, more rational expenditure of the taxpayers' dollars. As the President said, it does not make sense to build a bridge halfway across a river.

Granting the President authority to borrow from the Treasury over a 5-year period does not mean that Congress will lose control of the Nation's purse strings. Such authority must come in the first place from Congress; subsequently, Congress can call for an annual review and explanation of the program; and finally, Congress can—if it so desires—revoke the authority it granted.

We want our Congressmen to be critical, to examine our failures and our mistakes as well as our successes. Then, on the basis of their examination, we want them to offer constructive criticisms to strengthen and improve the program.

In answer to the question, "Can we afford it?" we would like to point out that the total amount ($2.9 billion) requested for foreign economic aid for fiscal 1962 represents less than 1 percent of our gross national product—a small price to pay for waging peace.

From all accounts, lobbies opposing the program are well organized and articulate, and Congressmen are being deluged with shortsighted demands to curtail the program and, above all, to prohibit long-term financing. Those who believe in this program should communicate with their Congressmen now.

Mrs. RICHARD SIMONSON,
President D.C. League of Women Voters.
Mrs. C. M. DERRYBERRY,
President Montgomery County League.
Mrs. ROBERT WOLF,
President Prince Georges County League.
Mrs. ROBERT S. ROE,
President Alexandria League.
Mrs. C. F. NAUMANN,
President Arlington County League.
Mrs. TERRY DALTON,
President Fairfax County League.
Mrs. WALTER F. CRONIN,
President Falls Church League.

THE SCHOOL BILL

Mr. FULBRIGHT. Madam President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The School Bill," written by Walter Lippmann.

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

THE SCHOOL BILL

(By Walter Lippmann)

After foreign aid, the most urgent business before Congress is the bill known as the School Assistance Act of 1961. The Senate passed the administration bill on May 25 by a vote of 49 to 34. This bill authorizes for a period of 3 years the payment of $850 million a year in grants to the States for the construction of public schools, for payment of teachers' salaries, for operating and maintenance costs. The funds are to be allocated among the States in proportion to the number of children of school age weighted by an equalization formula based on personal income per child of school age in each State. The Federal Government would then be paying about 10 percent, instead of 5 percent as now, of the Nation's bill for public school education.

In the House, a bill authorizing substantially the same amount and kind of aid has been voted by the committee, and will presumably come to the floor during the last week of June.

In order to arrive at this point the administration has had to unravel the tangled question, raised by the Catholic hierarchy at the beginning of March, whether Congress could give aid to the public schools without providing some kind of aid for the parochial schools. President Kennedy's view has been that it is unconstitutional for the Federal Government to give to the parochial schools the same kind of aid it proposes to give to the public schools. The hierarchy did not deny this. But it argued that it would be constitutional to authorize not grants, as to the public schools, but loans over a long term and at low interest rates, and that this be done in the same legislation which makes grants to the public schools.

The administration response was that the public school aid issue should not be confused by linking it inseparably with private school loans. If the Congress later chose to provide loans to private schools in separate legislation, well and good; its constitutionality could be tested in the Supreme Court. The administration went so far as to provide the Senate education subcommittee with a memorandum of law concerning the constitutionality of various forms of aid to private schools. Grants and loans for general purpose "across the board" and tuition payments for all church school pupils would be clearly unconstitutional, it said. But it is probably possible, according to the memorandum, to grant loans to private schools for special national purposes, as in the National Defense Education Act, without constitutional objections. This memorandum pointed the way to the present plan to give aid for special purposes to private schools through expansion of the National Defense Education Act.

This was, it seems to me, the right course to take. It would be a grave matter, divisive in its effect throughout the Nation, if Congress were prevented from voting aid to the public schools unless it also voted aid to the parochial schools. Speaker RAYBURN was surely right in his insistence last week that the original priorities be kept, that public school aid be considered before the question of limited aid to parochial schools.

On the other hand, the 5 million children in the parochial schools are just as important to the Nation as any other children. If, as has been made clear in an admirable series of articles by Terry Ferrer in the New York Herald Tribune, the parochial schools are in serious financial trouble, anything that can be done to help them which does not violate the constitutional principle of separation of church and state should be done.

It is often said by skeptics and by opponents that there is too much emphasis on money, and that what ails American education is not so much poverty as mediocrity. This might be described as a profound half-truth. It is true that a good educational system requires a lot more than money. It requires, in fact, a rising standard of intellectual interest and of moral purpose in the whole community. But it is also true that without money, without much more money, without at least twice as much money as is now spent on public education, the intellectual and moral standards of our schools will deteriorate in years to come. For with the enormous increase in the school population which is just ahead, the money now available will not pay for enough schoolrooms and enough qualified schoolteachers.

The most important and the most appealing point raised by the opponents of school aid is that education is a matter that belongs to the States and to the localities. There is no doubt of this. None of the supporters of the administration bill denies that education belongs to the States and localities, and there is nothing in the bill which impairs in any degree their control of the schools, their power to build them, their power to decide what shall be taught in them, their power to choose the men and women who shall teach in them.

With this principle undisputed, we are nevertheless confronted with a condition which cannot be wished away by ignoring it. The fact is that most of the States and localities cannot raise enough money to provide the public education which must be provided in the years ahead of us. In the past 10 years the States and localities have made a mighty effort. They have tripled their expenditure on public education from $5.8 billion in 1950 to $15.3 billion in 1960.

They cannot do what has to be done in the next 10 years, which at a conservative estimate is to raise the expenditure on education to $30 billion a year. Why not? Because the demands on State and localities have caused them to tax and to borrow at rates which cannot be raised much further. Besides the schools, they have gigantic burdens of public improvements made necessary by the growth of cities. In the postwar years State and local tax revenues have tripled and their debt has quadrupled. Furthermore, even prosperous States and localities are prevented from utilizing fully their taxpaying ability by a host of administrative, jurisdictional, and political factors.

Federal tax revenues on the other hand have less than doubled since the war and Federal indebtedness has risen only 6 percent, representing a decreased proportion of our gross national product. The Federal Government has vast tax-gathering advantages: Broad geographic distribution, freedom from fear of migration of people or industry, more efficient and better financed tax administration. The fiscal machinery of the Federal Government is such that given an adequate recovery and adequate economic growth, it can quite effectively and painlessly provide aid to the public schools.

The essence of the bill now before Congress is that it brings to the support of public education in America the fiscal powers of the Federal Government. Only if this is done can public education in America look to the future with hope.

THE PROBLEM OF BERLIN

Mr. FULBRIGHT. Madam President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Problem of Berlin," written by Walter Lippmann.

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

THE PROBLEM OF BERLIN

(By Walter Lippmann)

Since Vienna there have been many statements about Berlin from both sides of the Iron Curtain. They are significant for what they do say. They are no less significant for what they do not say.

Each side has said what is the vital interest which it will fight for rather than surrender. The West has made it unmistakably clear that it will fight for, rather than surrender, the freedom of West Berlin, and freedom of access in West Berlin. The Soviet Government has made it very clear that it will sign a peace treaty with East Germany and it argues from it all the legal consequences. But the West has not said it will refuse to discuss the guarantees of the freedom of West Berlin. And the Soviet Government has not said that it will support the East German Government in a blockade or in occupation of West Berlin.

Thus far, both sides have been firm and cautious, vehement that they will not surrender their vital interests and careful not to close the door to negotiations. The doors would be closed if Khrushchev declared that the Allies must evacuate West Berlin. The doors would be closed if we refused to discuss West Berlin. But these doors, which are the critical ones, have not been closed. That is what Mayor Willy Brandt of West Berlin

seems to have meant when he said the other day that the situation is very dangerous but that it may not be as dramatic as some suppose.

The basic American position has always been that the problem of Berlin can be solved definitively only if the West Germans are reunited and the whole of Berlin becomes the capital of Germany. Then there would be no problem of access because the roads, the canals, and the airlines would all be inside of one Germany. There would be no problem of freedom because all the Berliners would have the same rights as all the other Germans.

But, unhappily, there is no visible chance of reuniting the two Germanys. They have been divided for 15 years, and in that time almost all of Europe on both sides of the Iron Curtain has acquired vested interests which oppose the reunion of Germany. There are, of course, the Soviet Union and all its satelites, especially Poland and Czechoslovakia, which would regard one Germany of 80 million people, armed by and allied with the United States, as a mortal danger. But they are not alone. The truth is that France and Britain are decided as a matter of undeclared national policy to prevent the unification of the two Germanys. The flourishing idea of "European unity" has as one of its cardinal purposes the cementing of West Germany into Western Europe in order to obviate the danger of an independent, united, armed and venturesome Germany.

Because the Soviet Union will not permit the reunification of Germany, because it has in this the unavowed support of almost all of Western Europe, including a very large section of the Western Germans, there is no prospect of solving the Berlin problem according to the classic American formula.

This is the setting in which the problem of West Berlin is posed today. There are some who say that there would be no problem if Khrushchev had not deliberately and unnecessarily created one. I am afraid they have not fully understood the problem. For while the Communists do not like the status quo in Berlin—showplace, propaganda, espionage and escape hatch—the West also has a good deal to worry about. I shall cite as a witness the German Ambassador to Washington, Dr. Wilhelm Grewe, quoting from his official commentary on the Geneva Conference of 1959.

After arguing that no negotiated compromise is possible, Dr. Grewe says: "At most, the only conceivable thing would be a silent agreement which would let the other partner know the situation is accepted as irrevocable in Berlin, on the one hand (by continued presence of Western troops), and in the Soviet Zone, on the other (by continued existence of the Ulbricht regime)." This is the preservation of the status quo, which so many tells us should be our objective.

But what does the German Ambassador say about this objective? "If the West would acquiesce, then this too would not be a true compromise but rather the beginning of a capitulation. West Berlin cannot, in the long run, be held if its population must come to the conclusion that the West has in fact accepted the division of Germany."

That last cuts to the heart of the issue. West Berlin, says the German Ambassador, cannot in the long run be held if the people come to believe that the West has accepted the division of Germany. Why not? Presumably because many of the Berliners will move to the West and others will make their way to the East. It is this recognition of the division of Germany that Khrushchev has as his primary object. The Ambassador may be right, and if all we can do is to stand firm and stand fast, almost surely the Ambassador's permission will prove to have been right.

But there is no compelling reason why we should accept so desperate a conclusion. For if the German Ambassador is right, we are risking a thermonuclear war to preserve a situation in which "West Berlin cannot in the long run be held."

It would be a wiser policy, it seems to me, to recognize the fact that for the indefinite future the two Germanys will not reunite, and to insist as a matter of positive Western policy, not as a shamefaced concession to the Soviets, on new guarantees to meet this new situation, guarantees under which West Berlin can live confidently and in freedom until the day, not so remote, when it will again be the capital of Germany.

I am convinced that the failure by the President to take such a positive line will mean that he has surrendered the initiative in German affairs to Khrushchev. If there is nothing he wants to do in Germany except to do nothing, the President will have lost the power to direct and control the struggle, and to use force and the threat of force intelligently to achieve real results.

THE COMMUNISTS AND THE RULE OF LAW

Mr. FULBRIGHT. Madam President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Rule of Law," written by Walter Lippmann.

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

THE RULE OF LAW

(By Walter Lippmann)

At the end of a very fair postmortem on the Cuban failure, Mr. Stewart Alsop writes in the Saturday Evening Post that: "If the Communists are permitted indefinitely to retain their present monopoly of the techniques of the oblique thrust, the invasion by proxy, they will win in the end all over the world, as they are winning now in Southeast Asia." This raises, though it does not answer, the question which greatly troubles the country: In order to resist and repel the advance of communism, how far may we and should we go in fighting fire with fire—resorting, as Communists in fact do resort, to illegal means such as the violation of treaties and of international law and of the charter of the United Nations?

As the beginning of an answer, we may say that the basic rule is that intervention is lawful if it is done in support of an existing government at the request of that government. It would be lawful, for example, for the United States to put our whole Army and Air Force in South Vietnam if President Diem asked for it. It is unlawful for the Soviet Union to give one rifle to a guerrilla fighter against President Diem's government.

I am using these extreme examples to emphasize two points. One is that within the law there is no theoretical limit on how much intervention is permissible to defend a government which asks to be defended. The second point is that the law forbids intervention to overthrow a government, which is why our venture in Cuba and why the Soviet venture in South Vietnam are both illegal.

If we look at the situation from the point of view of high policy, we must remember that, under the rule of law, intervention, unless it is requested by the lawful government, is forbidden, be it to promote revolution as in South Vietnam or to promote counterrevolution as in Cuba. We should think two or three times before we declare, as some among us have been advocating, that, in view of the illegal activities of the Communists, we are no longer bound by the rule of law, and that we are free to intervene when and where we choose.

They forget that in a revolutionary age like this one the rule of law is the armor of conservatism, and to throw it away in a fit of frustration over Castro would be to strip ourselves and our allies of their strongest defenses. The proof of how mighty is the rule of law is that, while the Soviet Union violates the rule of law and intervenes illegally, it never dares to defy the rule and to denounce it as a capitalist and reactionary device. Were we to follow the hot blooded by adopting a policy of illegal intervention, we should be silenced when Moscow and Peiping intervene. In abandoning the rule of law, which is at the very heart of Western freedom, we would have cast away our power to oppose revolutionary communism with anything except physical force.

But we must ask ourselves, Does loyalty to the rule of law mean that we must abandon all intelligence work? For almost all of it is contrary to the laws of the country which is spied upon.

The answer is "no." The textbooks of international law which I have looked into are curiously silent about the fact—known to all historians and observers of affairs—that spying on each other and secret efforts to influence each other are the ancient and universal practice of great states. There is in international relations a public world and there is also an underworld. The relationship between the public world and the underworld—between the governments in office and the spies, has never been codified.

But there have developed certain rules—a kind of common law—and one of these rules is that if a spy is caught, he is disavowed and left to his fate. This, by the way was the rule that President Eisenhower violated in the U–2 affairs. Another rule is that the secret operation must remain secret in the sense that it remains invisible, that it is never acknowledged, its failures are never explained, and its successes are never celebrated.

This is a limiting rule for a wide open democracy like our own. It means that while clandestine help can be given in the Cuban underground an operation of the size and character of the Cuban invasion cannot be undertaken. As affecting the United States there is no great difference between what is feasible in practice and what is permissible in law. It was not feasible to overthrow Castro with 1,400 refugees, and it was unlawful to attempt it. But it is feasible, and in the practice of states it is not prohibited to give clandestine help, so long as it remains clandestine, to Castro's opponents. So while the rule of law does not have to be obeyed absolutely and literally, the rule of law must not be broken flagrantly and defied publicly.

IMPORTANCE OF U.S. SUPPORT OF MOVEMENTS OF SOCIAL CHANGE

Mr. FULBRIGHT. Madam President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Folly of Despair," written by Walter Lippmann.

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 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 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.

SOME REFLECTIONS UPON RECENT EVENTS AND CONTINUING PROBLEMS

Mr. FULBRIGHT. Madam President, for the past 2 months the attention of the world has been engaged by a series of dramatic events. In their wake, a great many Americans have been left shocked, confused, and frustrated by unmistakable blows to the prestige of the United States. First, a Soviet flier orbited the earth in a space vehicle. Then came the misadventure in Cuba. This was quickly followed by a further decline in the Laos situation, which has set the stage for what may be an unhappy denouement to that affair.

On the heels of these events, there has emerged another Berlin crisis, one that probably is more serious than any of its predecessors. I do not now intend to explore the elements of the Berlin situation. It is at this moment under the most serious study by this Government and our European allies.

My fear is that many Americans, including some whose judgment is generally good, are drawing the wrong conclusions from the earlier events I mentioned. From the Soviet space achievement, they conclude that we must dramatically expand our man-in-space program, whatever the cost. The lesson of Cuba, they suggest, is that the objective was the correct one, but that the means employed were inadequate. And they further suggest that any means by which we can block Communist encroachment in our hemispheric garden is the proper course of action. From the events in Laos, many of these voices argue that a political settlement in the present circumstances will simply yield up another country to communism; that we must prevent with any available means the formation in Laos of a government that includes Communist participation.

What these voices are saying is that the United States is the strongest country in the world, and should not hesitate to commit its strength to the active defense of its policies anywhere outside the Communist empire. This is dangerous doctrine; nothing would please Communist leaders more than to draw the United States into costly commitments of its resources to peripheral struggles in which the principal Communist powers are not themselves directly involved.

As a Nation, we are understandably prone to be more responsive to dramatic events than to the hard, continuing struggle itself. This is a susceptibility that is common to free societies, but much less a problem to totalitarian societies. As a Nation, we are a ruggedly pragmatic people, accustomed to disposing of problems swiftly and resolutely. Yet it may be that the simple trial and error methods that accompanied our growth are not relevant to our present role as defenders of Western civilization.

As leader, we must recognize that the struggle with our Communist adversary has entered a critical phase. Our position has been steadily receding over the past several years. We can no longer afford errors. Henceforth, we must endow our actions with greater wisdom, judgment, and consistency than has been the case in recent years. This is a large order. We are caught up in a swirl of events. Wisdom and judgment derive from reflective thought. It is difficult to bring these qualities to bear on events that often develop with bewildering speed. The answer, of course, is policy. We must develop policies against which we can properly evaluate our initiatives and our responses to critical events. We must also develop style. It is one thing to enunciate policies, and another to make them credible. It is style, our performance as a Nation and a great power, that determines the credibility of our policies. In the present struggle, style is as important as power. They have a 1-to-1 relationship.

Cuba, Laos, the Soviet cosmonaut—none of these by itself is a threat to our national security or to the long-term success of our policies. But by exaggerating their significance and reacting to them injudiciously we disfigure our national style and undermine our policies.

Since the end of World War II, our overall policy has been clear to us; but its outlines have occasionally been blurred in the view of others by our diplomatic performance. Our objective has been world peace, which we have tried to maintain by cooperating with many other countries and assisting the efforts of each one to find its own destiny in an atmosphere free of coercion. More specifically, we helped to preserve the independence of Greece and Turkey with timely assistance. The Marshall plan allowed each country of Western Europe to preserve its independent character, and restored the entire area to economic health.

We sought to internationalize control of the atom at a moment when we, alone, possessed the knowledge of nuclear power. This initiative was frustrated by the Soviet Union. At that moment, when we possessed a nuclear monopoly, we might have imposed our will upon the Soviet Union; but we did not. Subsequently, the pressures arising from the Soviet Union's imperialistic design induced us to form defensive alliances with other countries. As the stress of the struggle shifted from a military to an economic and social context, we intensified our efforts to enable other countries to develop strong institutions and better standards of life for their peoples. We have encouraged regional groupings. With the OECD, we have recognized the interdependence of our own economy with those of 19 countries; and we have led in creating an instrument that will enable other capital exporting countries to join with us in an effort to narrow the

gap between the rich and the poor societies of the world. We helped to create the United Nations, and we have faithfully honored our obligations and commitments to the world organization.

It is with such policies that we have sought to clarify our intentions, and to achieve our objective of peace, stability, and progress in a changing world. Many of our most vexatious problems have grown out of the occasional lapses and departures from the philosophy that has inspired our policies. Our equivocal position in the mid-1950's on the question of so-called neutralism is one example of such a lapse. The impetuous withdrawal of our support for the Aswan Dam project in Egypt is another, and has had far-reaching consequences. The massive retaliation statement was a lapse. We can point to the Cuban affair as a more recent example. In the past 10 years, we have sometimes defended what may be regarded as the indefensible—the regimes of certain anachronistic leaders whose only virtue was their anticommunism. Such gestures have harmed, not helped, our position. The point is this: We are confident that our objectives are correct and unassailable; yet our bona fides will be fully accepted by others only if and when our performance is fully consistent with these stated objectives. That is part of the burden of being a great power and a leader.

It may be that the time has come to reappraise some of our basic assumptions. Throughout much of this century many Americans assumed—wrongly—that the transgressions and affronts to world order committed by aggressive forces were none of our business. With the collapse of that assumption, a good many of us have swung in the other direction and to the opposite conclusion that we can—and should—impose our design for living upon the uncertain but aspirant societies of the world. This assumption is also illogical. However admirable our design may be, it cannot be imposed.

In the struggle with communism, there is a double standard. The Communists seek to impose their design on other countries. Their tactics most often are a brew of terror, subversion, and saturation propaganda, mixed with promises, of which a number are translated into meaningful assistance. The United States seeks not to impose its hegemony upon others, but to help others remain independent and safe from foreign domination. It is suggested with some frequency that U.S. policies would be improved by an infusion of the more mischievous tactics employed by the Communists; that with some application we could beat the Communists at their own game. This, I think, totally misses the point and the real nature of the struggle. The fact is that our greatest strength—indeed, our greatest asset in the struggle—is this double standard. Ours is a permissive system, challenged by one that is totalitarian. Our system guarantees certain basic rights to the individual, and it is these that have made the United States the focus of man's best hope for a way of life that is consistent with his quest for freedom and dignity.

It is not our affluence, or our plumbing, or our clogged freeways that grip the imagination of others. Rather, it is the values upon which our system is built. These values imply our adherence not only to liberty and individual freedom, but also to international peace, law and order, and constructive social purpose. When we depart from these values, we do so at our peril. The world, as we have come to realize, also recognizes the double standard, and demands from the United States a higher order of conduct than is expected from others. Whether this distinction will be an asset or a liability in the struggle with communism, remains to be seen. Certainly the answer rests with us. If we are faithful to our own values, while following an intelligent, courageous, and consistent line or policy, we are likely to find a high measure of the support we seek abroad. But if we fail our own values and ideals, ultimately we shall have failed ourselves.

In glancing over the shards of past civilizations, the eye pauses wistfully over the glory radiated by Periclean Athens. As if plotted by one of its own dramatists, the seed of the tragedy that befell Athens and the other city states can be traced to the highest moment of Athenian brilliance. Shortly after the start of their brief ascendency—and well before the outbreak of the Peloponnesian War—the Athenians made a distinction between themselves and those who depended on their leadership and benevolence. They denied to these others the elevated and enlightened attitudes which inspired the genius of their own society. Thus, the Athenians lost the respect and good will of those who might have supported them in the struggle against Sparta.

The highest achievements of our society are also the product of ideas first put forth in the world by these old Athenians. And as Athens was the leader of a league of city states, so is the United States the leader of a number of societies who seek primarily the continuing right to be free to choose for themselves.

Some may object that, as a practical matter, the fire spread by communism can be fought effectively only with fire. I disagree. The United States must remain strong and firm. But the United States, in order to prevail, must also help others toward the fulfillment of their own highest purposes. The United States cannot guarantee the borders of a neutral country against infiltration, or its villages from subversion. But the United States can become a pivotal force in enabling well-intentioned governments of independent countries to bring about the economic and social reforms that their societies are understandably enough insisting upon. Given such reforms, subversive efforts fail, and terrorists are unable to intimidate unsympathetic peasants and villagers backed up by alert government forces. The late President Magsaysay of the Philippines understood the elements of the problem, and in his country disposed of it decisively.

Mao Tse-tung, who directed the most stupendous of guerrilla operations, is a high authority on the subject. In his treatise on guerrilla warfare, he wrote:

> Guerrillas are like fish, and the people are the water in which the fish swim. If the temperature of the water is right, the fish multiply and flourish.

In colonial Indochina, the temperature was right; the French spent 8 years trying to defeat the Vietminh guerrilla army. They invested $7 billion in this war, which cost the lives of 100,000 French and Vietnamese soldiers. At one stage, the French committed a force of a half million men to the fighting. But France bore the heavy burden of its colonial record and its unconcern with political and social reform. Inevitably, France lost.

In Laos, the Communist Pathet Lao guerrillas have also found the temperature of the water agreeable. Here, however, the situation lacked the element of inevitability. Somewhat quixotically, the United States sought to make an armed anti-Communist bastion of Laos. This was a mistake. Laos is a primitive country. Most Lao are rooted in the past. Theirs is the pace of the meandering Mekong River which nourishes their lands. Most are concerned, not with an entity known as Laos, but with their families, with the life in their villages, and with their religion. They are a disarmingly gentle people, for whom conflict is disagreeable. They keenly dislike killing each other. It is likely that many more people are presently losing their lives in the terror-ridden countryside of South Vietnam each month than have died from all the strife in Laos.

I say that our policy in Laos was a mistake, because it was not related to the needs of the country or to the nature of its people and their interests. In a landlocked country of mountains, rain forests, and river delta—a country profoundly backward, even by regional standards—the United States attempted to establish an anti-Communist force in the form of an elaborately outfitted 29,000-man army and a tame government.

The situation in Laos has wobbled, ever since, between tragedy and farce. Just as there was never any pro-Communist motivation among most Lao there was no anti-Communist motivation, either. And the United States utterly failed to inspire it. The illusion that we could make a bastion of Laos cost us more than $300 million. The cost to our prestige cannot be measured.

South Vietnam is a different case. The people are anti-Communist. That would seem to raise a question. If the temperature of the water is not right, how is it that the Communist Viet Cong guerrillas in south Vietnam have managed to gain a foothold in much of the countryside? The answer appears to rest with the regime of Vietnam's President Diem.

The regime in Vietnam has been strong in a situation where strength has been essential. It has been courageous and diligent in bringing order and economic progress out of the chaos that attended the country's birth. It can

point to a record of steady accomplishment. Yet the regime has lacked something in benevolence and has shown impatience toward a people who have suffered a great deal. Opposition, including that of anti-Communist elements, has been vigorously suppressed. It is a regime that of necessity has been authoritarian, but one that also has been perhaps unnecessarily severe. On balance, however, it should be said that the accomplishments of this regime are overlooked by many observers and commentators, who all too frequently have accepted uncritically the most abusive gossip and propaganda circulated about President Diem and his administration.

The term "qualified success" could be used to describe the American performance in Vietnam, as well as the Diem regime. Our aid programs have enabled the country to endure and to achieve modest progress. Yet the emphasis has been too heavily weighted on the military side. If there has been any assessment by us of Vietnam's long-range economic problems—any coherent effort to measure programs against economic targets—I am not aware of it.

Ultimately, Vietnam's struggle for survival as an independent country will be determined by the economic and social progress that flow from the programs and policies of its Government. Paramilitary operations might influence, but would not determine the outcome. Neither would a costly, protracted, and inconclusive military struggle in Laos determine the outcome in Vietnam. For the United States, the proper course is to continue sustaining and supporting efforts of the Vietnamese Army to cope effectively with the foe in being—tough bands of hit-and-run Communist guerrillas—while devoting at least as much effort to assisting and guiding the Vietnamese people in their struggle for dignity and economic independence.

One of President Diem's responsible critics in the Far East is the correspondent for the French newspaper, Le Monde, who said last month:

> Contrary to what some might believe, the Vietminh does not pretend, at the present time, to convert the South Vietnam population to communism. This population knows too much about communism and does not like it. The Vietminh knows this and is far less ambitious. It only tries to accomplish one thing: That Mr. Diem's government does not conquer this population or rather that it loses it, that the population completely ceases to obey him.

The obvious consequence of serious defections away from the Diem regime by the Vietnamese people would be a vacuum. This vacuum inevitably would be filled by the only other significant force in the country—the Communists.

The tempo of Communist subversion in Southeast Asia has been stepped up briskly in the past several months. We can hardly expect a respite; indeed, one can safely assume only that the struggle for independence in Southeast Asia has entered a decisive stage. The pressure will be relentless. Some countries, especially the politically nonalined, have not yet been exposed to the weight of the problem, but they are acutely conscious of the danger.

Were I the leader of one of these countries, I would adopt the following policy toward the United States. I would repeat and clarify my determination to remain free of political alinement with either power bloc. I would seek economic and technical assistance from the United States, and remind the United States that if I choose to accept limited aid from the Communist bloc I am not unaware of communism's ultimate plans for my country. But I would discreetly point out that the United States cannot with guns, tanks, jeeps—or even with dollars—keep communism out of my country. The United States, I would add, can help me keep communism out of my country by imaginatively and dispassionately supporting my efforts to promote the welfare of my people. If communism should attack my country from without, I would call upon the United States and its allies for whatever military support they could make available. If communism should commence a campaign of terror and subversion inside my country, I would seek from the United States technical military assistance so that I might cope effectively with this Communist device. And I would seek still further direct economic assistance so that I could quicken the pace of progress in my country.

If I were one of the so-called neutralist leaders of a newly independent country, I—like most of this group—would have silently identified my hopes for the future with American leadership. And despairing of consistently wise American leadership, as I often would, I might impart this thought to my American colleagues. The Soviet revolution occurred more recently than the American. And its heirs are adroit in trimming their sails to the revolutionary winds of change around the world. Yet much of the world remembers what the American Revolution has accomplished. And the countless millions who do remember—whether in Vietnam, Iran, Cuba, or elsewhere—hope and insist that the spirit and intelligence that inspired America's revolution will animate America's foreign policy.

Earlier in these remarks, I referred to the alarming reactions of many Americans to the Cuban affair, as well as to the worsened Laotian situation. Cuba, of course, for all intents and purposes, has been transformed into a Communist oriented, totalitarian state. It is idle to expect the present Cuban regime to reform, to collapse, or to be overthrown by its exiles. And I submit that to overthrow it by American force, or by some combination including American force, would be self-defeating and would create more problems than would be solved. We often hear that the existence of a Communist regime in Cuba is intolerable to the United States. But is that really the case? I know it is embarrassing and annoying and potentially dangerous, but is it really intolerable?

The possibility of Soviet missile bases and jet aircraft bases in Cuba is frequently noted. I suppose we would all be less comfortable if the Soviets did install missile bases in Cuba, but I am not sure that our national existence would be in substantially greater danger than is the case today. Nor do I think that such bases would substantially alter the balance of power in the world.

What would substantially alter the balance of power in the world would be precipitate action by the United States resulting in the alienation of most of Latin America, Asia and Africa.

I believe that if we intervene unilaterally in Cuba, we prejudice our cause in the hemisphere. The contrary argument by the interventionists is that if we do not intervene, we lose the hemisphere—that is, that if Cuba continues to exist as a base for Communist propaganda, subversion, and agitation, the other countries of Latin America, beginning first in Central America and the Caribbean, will gradually be subverted and overthrown.

It is quite true that, as President Kennedy said to the newspaper editors, a Communist Cuba poses greater dangers to Latin America than it does to us. My point is that the vulnerability of Latin America to communism may well be increased more by unilateral action against Cuba than by the continued existence of Castro's Cuba. One cannot honestly be dogmatic about this. The hour is very late in Latin America. Many of the free governments of that area walk a tightrope. But the situation is not completely hopeless, nor are we completely helpless.

There is much that we can do to strengthen the cause of freedom in the Western Hemisphere, if we have the wit to do it and if we get on with the job. We have neglected the job as long as we dare.

We can act vigorously and imaginatively to implement the alliance for progress and the act of Bogata. This is a slow, long-term job, but that is all the more reason for starting at once.

We can give technical assistance in police work and countersubversive activities to the free governments of the hemisphere which request it.

We can improve the breadth and depth of our contacts with free labor groups and with the intellectual non-Communist left in Latin America.

We can give technical assistance to the progressive democratic political groups of Latin America in the techniques of political organization and action. I am becoming increasingly disturbed that this kind of activity is left so largely to the Communists, with the result that they frequently take over positions of leadership in labor unions, student organizations, and other groups.

We can take every opportunity to impress upon the governments and the people of Latin America that a Communist Cuba is a greater threat to them than it is to us, that it is not solely our problem, but also their problem, that we are not going to solve it for them at great expense to ourselves, and that they would be well advised to meet their own responsibilities in the matter.

The Organization of American States must take a broader and more active role in the affairs of the hemisphere. Within hours after the announcement of the assassination of General Trujillo, voices were heard here urging U.S. intervention. Those voices should instead have

been reminding the Organization of American States of its responsibility. Our neighbors would quite rightly be quick to criticize a unilateral intervention by the United States in a situation such as that which occurred in the Dominican Republic.

The action of the Organization of American States in sending a fact-finding commission to the Dominican Republic is encouraging evidence that the organization is now accepting some of its hard responsibilities.

A peaceful revolution should be brought about in the Dominican Republic. The enormous properties of the late dictator should be turned over to the Dominican people to be operated for their benefit. And a moderate government based upon democratic principles should be encouraged.

The meeting in Uruguay this August of the Organization of American States offers an opportunity to give additional credibility and momentum to the alliance for progress. Few such opportunities may remain. On this and related occasions the United States must make clear that it is not seeking to cultivate complaint regimes, but rather independent and progressive societies. Our duty is to show that between communism and the flickering old order, the United States recognizes a third choice—permissive societies whose central purpose is to embody the peoples' will and the peoples' needs.

In Latin America, as in much of the rest of the world, the question is being posed: Can social and economic progress proceed apart from totalitarian discipline? It is our duty to provide a credible case for the affirmative side of this debate. Our economic and philosophical resources, if wisely used, should enable us to succeed.

REORGANIZATION PLAN NO. 4

The Senate resumed the consideration of Reorganization Plan No. 4 of 1961.

Mr. MANSFIELD. Madam President, I wish to renew my request made previously that the discussion on Reorganization Plan No. 4 be limited to 2 hours, 1 hour to be under the control of the distinguished minority leader [Mr. DIRKSEN] and 1 hour under the control of the chairman of the committee, the distinguished Senator from Arkansas [Mr. MCCLELLAN], with the proviso that prior to the limitations going into effect 5 minutes will be allocated to the Senator from Idaho [Mr. CHURCH], 5 minutes to the Senator from New York [Mr. KEATING], and 5 minutes to the Senator from South Dakota [Mr. MUNDT].

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

SPORTS ANTIRIGGING BILL

Mr. KEATING. Madam President, I introduce for appropriate reference a bill to prohibit schemes in interstate and foreign commerce to influence by bribery the outcome of sporting contests.

The bill would make a Federal crime any conspiracy in interstate commerce which sought to influence by bribery the outcome of any sporting event. The bill would apply to players or other contest officials as well as to fixers. However, an immunity section is included to enable the Justice Department to compel testimony when necessary in the public interest. The bill provides penalties of fines of not more than $5,000, or imprisonment for not more than 10 years, or both.

The bill contains a unique presumption section under which proof of bribery would raise a presumption that there was a scheme in interstate commerce to fix the event. There are precedents for such presumptions in other criminal statutes such as those relating to narcotics. I believe that the reasonableness of such a presumption was amply demonstrated in a recent report of the New York State Commission on Investigations showing the nationwide network relied upon by professional gamblers.

Today's gambling fraternity is not just a local operation. The bigtime bookmaker, in order to survive, must have a reliable line on the contest, which requires expert, up-to-the-minute advice, a method of layoffs to insure against financial disaster, and quick results in order to function efficiently. With so much at stake, the temptation to fix various athletic events is always present. For all of these services the bookmaker must rely upon a syndicated operation and upon many individuals outside his community.

We have all been shocked by the recent basketball scandals which are still being investigated. This is the second basketball scandal to come to light in a relatively short time. The last basketball investigation involved 23 cities, including New York, and 17 different States, and exposed score rigging deals in almost 50 college games.

The scandalous basketball fixes are imperiling intercollegiate athletics and undermining public confidence in sports. Knowing of the deep concern of the NCAA with this problem, I conferred with the association's officials on what action the Federal Government could take in this field. We all know from numerous investigations that these "fixes" are engineered by a combination of people operating without any regard to State boundaries. The use of interstate facilities makes these schemes a matter of Federal concern. We have agreed that this bill—which will supplement but not overrule State laws—represents the best hope for wiping out the vipers infecting our college sports. I am very happy with the cooperation and support which I have received from the NCAA. I am convinced that enactment of this measure would greatly assist in the fight against the contamination of amateur and professional sporting events by professional gamblers.

The Senate Judiciary Committee now has under consideration a number of antigambling bills, but they deal only peripherally with this problem. This bill will represent a direct attack on the evil figures who attempt to corrupt college youths and on the misguided players and others who cooperate in such schemes.

I have been encouraged by preliminary indications of strong support for this measure. I hope it will be quickly scheduled for hearings so that it can be acted upon at the same time we deal with other pending anticrime bills.

Madam President, 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. 2182) to amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery the outcome of sporting contests, and for other purposes, 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) chapter 11, United States Code (entitled "Bribery and Graft"), is amended by adding at the end thereof the following new section:

"§ 224. Bribery of participants in sporting contests

"(a) Whoever carries into effect, attempts to carry into effect, or conspires with any other person to carry into effect any scheme in commerce to influence by bribery the outcome of any sporting contest, with knowledge that the purpose of such scheme is to influence by bribery the outcome of that contest, shall be fined not more than $5,000, or imprisoned not more than 10 years, or both.

"(b) In any prosecution under this section—

"(1) proof that any person gave, or offered or promised to give, to any individual any valuable consideration, with intent to induce that individual (A) to refrain from participating in any sporting contest, (B) to refrain as a participant in any such contest from exerting his best effort to gain victory in that contest, or (C) to perform his duties as an official in any such contest knowingly in a manner unfair or prejudicial to any contestant in that contest, shall be prima facie proof that the person who gave, or offered or promised to give, such valuable consideration was carrying into effect a scheme in commerce to influence by bribery the outcome of that contest with knowledge of the purpose of that scheme;

"(2) proof that any individual solicited, or received or agreed to receive, from any person engaged in carrying into effect any scheme in commerce to influence by bribery the outcome of any sporting contest, any valuable consideration in exchange for the agreement or promise of that individual (A) to refrain from participating in any sporting contest, (B) to refrain as a participant in that contest from exerting his best effort to gain victory in that contest, or (C) to perform his duties as an official in that contest knowingly in a manner unfair or prejudicial to any contestant in that contest, shall be prima facie proof that such individual was engaged in a scheme in commerce to influence by bribery the outcome of that contest with knowledge of the purpose of that scheme.

"(c) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving any violation of this section, is necessary to the

public interest, he, upon the written approval of the Attorney General, or an Assistant Attorney General designated by him, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecution described in the next sentence) against him in any court. No witness shall be exempt under the provisions of this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

"(d) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.

"(e) As used in this section—

"(1) The term 'scheme in commerce' means any scheme effectuated in whole or in part through the use of any facility for transportation or communication in interstate or foreign commerce;

"(2) The term 'sporting contest' means any contest in any sport, between individual contestants or teams of contestants (without regard to the amateur or professional status of the contestants therein), the occurrence of which is publicly announced before its occurrence;

"(3) The term 'participant,' as used with regard to any sporting contest, means any individual engaging in that contest as a contestant individually or as a member of a team, or participating therein on behalf of a contestant or team of contestants as a manager, coach, assistant, or other retainer;

"(4) The term 'best effort to gain victory,' as used with regard to the effort of any participant in a sporting contest, means the use by that participant of his maximum skill and capacity to gain victory in that contest for himself, the team of which he is a member, or the contestant served by him at the earliest time and by the most decisive margin permitted by the rules applicable to the sport in which that participant is engaging; and

"(5) The term 'person' means any individual and any partnership, corporation, association, or other entity."

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

"224. Bribery of participants in sporting contests."

SELLING BY TREASURY OF SILVER

Mr. CHURCH. Madam President, during the past few months I have repeatedly called the attention of the Treasury to the fact that it is selling our much-needed reserves of nonmonetary or so-called free silver at unjustifiably low prices to a handful of corporate industrial users, thereby undercutting and depressing the price of silver in the marketplace.

At the same time, the Treasury is exhausting the reserves of silver metal to which we must have recourse to meet our ever-growing needs for small change, which have doubled since 1945.

No satisfactory explanation of this policy on the part of the Treasury has been forthcoming. For this reason I am impelled to direct to the Secretary of the Treasury a most urgent request that bargain sales of public free silver reserves be stopped.

I will review the background and implications of this Treasury sell-out in a later speech, but now I must warn that the Treasury is well on its way to dissipating our public reserves of nonmonetized silver.

Since 1955, the free world has been dipping into past accumulations of silver bullion—to supply current industrial demand, to say nothing of coinage. The free world stocks of silver are being drawn down at an unprecedented rate. We will unquestionably exhaust our present reserves of free silver within a year, if present trends continue.

In the face of the evident need to hold our free silver reserves for coinage, the Treasury persists in selling for 91 cents per ounce silver which would be valued at $1.29 per ounce were it monetized, and $1.38 per ounce, were it minted in subsidiary coin, such as dimes and quarters.

The Treasury has thus forgone a profit of at least 38 cents per ounce on the 56 million ounces which it sold, at prices below the world market price, to private industrial consumers during the past 2 years.

Unless the Treasury retains its remaining reserves of free silver—seriously depleted as they already are—it will soon be forced to either:

First. Enter the market in competition with other governments and private users, thereby being forced to pay, perhaps, upwards of $1.20 per ounce for the silver which it is now selling to favored private users for 91 cents per ounce; or

Second. Demonetize the silver which backs roughly a fifth of our paper currency, in order to obtain silver metal for coinage, replacing the silver-backed currency with debt-backed notes.

In view of these facts I respectfully request the Secretary of the Treasury to cease selling our free silver reserves immediately.

The interest of the public demands no less.

GREAT LAKES NAVAL TRAINING CENTER 50TH ANNIVERSARY

Mr. MUNDT. Madam President, the commander of the U.S. Naval Training Center at Great Lakes, Ill., Capt. J. C. Ford, USN, informs me through a most gracious invitation that on this Friday, June 30, and Saturday, July 1, a special "open house" program will be held to commemorate the golden anniversary of the Great Lakes Naval Training Center.

I have written the commander advising that it will not be possible for me to be with him on this notable occasion, much to my regret, for this training center is intimately associated with my home State of South Dakota, in that so many of our boys have received their training at Great Lakes.

It would be a high privilege and honor for me, and I know for my colleagues of those States served by this important center to take part in the anniversary observance of an installation to which so many of our young men, from my State and others, were first assigned as they entered naval service in behalf of our country.

One of the highlights of the open house will take place Saturday morning when a special Golden Anniversary Company, comprised of men from all 50 States of the Union, will pass in review on Ross Field.

The founding of the Great Lakes Naval Training Center in 1911 was a momentous move, and today, 50 years later, we look upon it as one of the best steps taken in creating a strong and vigorous Navy. At the time when the center was founded not many people thought that sailors for eventual duty on the high seas could be adequately trained on the shore of a lake, but the fact is that during the first half century of its existence the center has not only proved its inestimable service to the Nation, but it has also become our largest naval recruit training center, with our biggest naval installation in the Middle West.

The stationing of this important naval training center in the Middle West had its advantages, the best advantage being that in times of danger to such training centers on our Atlantic and Pacific shores, such a base hidden deep in the continental United States, is relatively safe. There training could proceed without interruption and without fear from enemy ships. Perhaps that is the reason why so many of America's fighting Navy men during the last war—one-third of the total Navy men in service—were "trained in the midwestern boondocks" at Great Lakes. And since 1911, approximately 1,500,000 men and women have learned their ABC's at that training center. As it is today, on its 50th anniversary, the center has accommodations for 10,000 "boots," in addition to about 10,000 other people who are assigned to such activities as the 9th Naval District headquarters, the 16-school training command and one of the largest naval hospitals in the Midwest. The training center continues to perform its vital service in a nuclear age which requires ever increasing technological understanding on the part of our naval officers and men.

Great Lakes itself, though small in comparison to wide open oceans, looks as big to young boys straight from midwestern farms. I know many lads from my own State of South Dakota who have gone there, and then have dedicated their lives for service in our naval forces. Many other Senators from the Middle West could say the same about lads from their own States who have entered this great center, and have made good.

Let us all observe the 50th anniversary of this great national institution, this true fortress of freedom where the real backbone of our Navy is recruited,

trained and seasoned to defend this great Republic, the Great Lakes Naval Training Center. Happy anniversary on reaching the midcentury mark.

Mr. DIRKSEN. Madam President, I wish to concur in the solicitous sentiments expressed by my colleague about the great training plant on Lake Michigan, above Chicago.

I suppose, to those who have been brought up on the seacoast who look upon the people of the inland empire as "landlubbers," there must have been at one time some doubt as to whether, on the waving wheatfields and the waving cornfields of the Middle West, we could find young men with instincts and attributes to make them great sailors and great defenders of our country. If ever that fact was established it has been established by the 50-year history of Great Lakes. Frankly, without being immodest, I am not so sure it is not true that those who come from the waving wheatfields, in a sense, make better sailors than those who have heard the lashing of the waves on the rockbound Atlantic, or the quiet Pacific, over half a lifetime.

We salute this great training center for its contribution to the defense of the country and for what it has done for the young men of the Union recruited from that whole section of the land.

Mr. MUNDT. Madam President, confirming what the Senator has said, for many years, to my surprise, I received more applications for service with the Naval Training Academy at Annapolis than I did for service with the Academy at West Point. I must confess that in this air-minded age the Colorado installation of the Air Force Academy has surpassed both other institutions in general appeal.

Mr. DIRKSEN. Madam President, I join my friend from South Dakota in extending hearty congratulations to Great Lakes and to the whole series of commanders who have given direction to the destiny of this training plant.

Mr. MUNDT. I thank the Senator.

Mr. WILEY. Madam President, I join with the distinguished Senators who have spoken with respect to this great institution which for 50 years has given to the country men ably trained to meet any emergency. Boys from my own State have gone to the institution, and have been promoted up through the ranks.

I compliment the distinguished Senator from South Dakota [Mr. MUNDT] for bringing the attention of the country to the 50 years of service of this great institution, which has become one of the fine institutions in service of our great Nation.

THE COLORADO RIVER STORAGE PROJECT

Mr. MOSS. Madam President, there was a most unusual occurrence in my home State recently which I believe warrants mention today as a real example of democracy in action. We people of the Intermountain States have a controversy going about the direction the Colorado River storage project will take. The question is whether the transmission lines interconnecting the great hydroelectric plants, which the Congress has authorized as a part of that project to move the power from those plants to market centers, shall be built by the Federal Government or whether key portions of them should be constructed by the private utilities in the area and, as a result, the Federal Government, and indirectly, the power users, shall pay a fee for moving energy over those lines. Also involved are interconnections with other Federal systems which will enhance the firm power output and financial return to all of them.

The heat of battle has generated a lot of smoke and beclouded the true facts to such an extent that the Democratic State Central Committee and radio station KSL took the initiative in arranging a public meeting in Salt Lake City. Participating in a panel discussion were Commissioner of Reclamation Floyd E. Dominy, H. F. McPhail, executive director of the Colorado River Basin Consumers Power, Inc., and E. M. Naughton, president of the Utah Power & Light Co.

I have available, for insertion in the CONGRESSIONAL RECORD, a transcript of that meeting and I hope it will be read thoroughly in order that there may be a better understanding of the basic issues involved. I urge Senators to note particularly the explanation of Commissioner of Reclamation Dominy that a Federal system is essential in order to assure lowest cost power and at the same time to assure revenue to assist in the payout in a timely manner consistent with the requirements of law of the participating water utilization projects, which are so vital to the future of our great intermountain States. Of course, there is a larger initial investment required by the Federal Government for a Federal transmission system, but all of that money will be returned with interest. And when the system is paid for, the money that would otherwise go into paying a perpetual rent will be available for paying other development costs. It is as simple as that.

I ask unanimous consent that the transcript be printed in the RECORD.

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

DEMAR TEUSCHER (political writer, Deseret News). Good evening, ladies and gentlemen. Tonight we're here to hear a discussion on a question that, while it is vitally important to most of us, is not generally understood in all of its ramifications by the general public. It is a controversial question, one which has and will stir strong feeling on both sides of the issue. For this reason, and because it is felt that the general public should understand questions of this importance, the Democratic State Central Committee of Utah is sponsoring this discussion tonight so that you may understand.

We will hear both sides of this issue discussed by men who have a thorough knowledge of this subject and a strong conviction simply held as to the rightness of position.

It is understood why this question is of major importance, both to our expanding West and to the region as a whole. It is necessary that we also understand why this has come up at all.

In our arid land, which is now switching from an agriculture to an industrial economy, two things are of vital importance, water and power. Projects are now underway that are in your lifetime and mine to bring to our State and to our neighboring States, both of these vital necessities in usable quantities.

Near the north border of Utah at Flaming Gorge, a dam is now under construction to impound and store the waters of the Green River and to generate power. Just across the south border of Utah, in Arizona, at Glen Canyon, another dam is arising to store the waters of the Colorado.

In between, in all the years to come, will be a network of dams and storage reservoirs designed to store our precious water for later use as is needed. And at both of these sites, power will be generated which can be used for our industrial Utah. To bring this power from its point of production at these isolated dams in sparsely settled areas to points where it can be distributed to preference customers according to law, will require a network of transmission lines which must be built soon.

In 1963, power will begin being produced at Flaming Gorge. In 1964 power turbines will hum at Glen Canyon. Herein lies the controversy which we will hear discussed tonight. This question isn't whether these dams should be built or whether the power will be produced. They will and it will. The question is whether the transmission lines shall be built by the Federal Government to these distribution points or whether private utilities shall construct these lines.

The lines will carry power from the sources at the dam to points in Utah, Wyoming, Colorado, New Mexico, and Arizona. The Federal Government will build one-third of these lines. The question is, Who will build the other two-thirds?

The final answer will come from the Congress of the United States. Two Secretaries of Interior have recommended that the lines be built by Federal construction. Two proposals have been made to the Congress and to the congressional committees by the power companies and private utilities that these people construct these facilities.

So that you may understand, we are here tonight to bring this problem to you. Our first speaker, in fact our first two speakers, will be on the subject of Federal power construction.

Our first speaker will be the U.S. Commissioner for Reclamation, Floyd E. Dominy.

Commissioner DOMINY. The question has been stated: Who should build the backbone transmission lines to carry the hydroelectric power from the powerplants at Glen Canyon Dam, Flaming Gorge Dam, and the Curecanti unit to the load center delivery points? The answer is clear.

It is in the national interest that the Federal Government should build the transmission lines to interconnect these great federally constructed powerplants. This is the bipartisan answer given in clear and unmistakable terms. Fred A. Seaton, Secretary of the Interior under President Eisenhower, gave that answer. And Secretary Stewart L. Udall, Interior Secretary for President Kennedy, has reaffirmed that answer.

Searching consideration with specific reference to what is most advantageous to all of the people of the marketing area primarily in Arizona, New Mexico, Colorado, Utah, and Wyoming, led to the bipartisan decision that the Federal Government should build lines to carry Colorado River storage unit power to the load centers.

A welter of confusing details is involved in analyzing the facts supporting the secretarial decision for Federal construction of these transmission lines.

Several points should be made clear at the outset. First, the Federal transmission lines will carry power to specified delivery points at the load centers. Distribution of

power beyond those load centers points to individual customers is not involved. Second, all costs of Federal lines will be repaid in full and with interest from the sale of power. Third, the proposed Federal lines would interconnect with three large existing Federal systems adjacent to the Colorado River Basin. Thus, reserve or emergency backup power would be assured from those systems and diversity of load and diversity of stream runoff would also be realized. Fourth, although not necessary, in the operation of the Federal lines, interconnections with private utilities systems are anticipated. Because of the mutual benefits which would result for both the private company systems and the Federal Government systems, someone has to build lines to transmit storage project Federal hydroelectric power.

There are no existing lines to deliver power from the storage project powerplants to the load centers. So new lines must be built. Either the Federal Government must build these new lines or the private companies must build them. The situation is as simple at that.

Of course, the private power companies will build new powerplants, probably thermoplants, and they will build new lines in future years, as they are now doing and have done in the past. These new lines will transmit power from new and existing private company plants and will not be capable of carrying storage unit power unless built to a size and in the right direction to specifically perform that function.

Some Federal lines are already under construction as part of this grid. Why is this so? Because the private power companies express no interest in building them and agreed that the Federal Government should build them and the congress appropriated funds to do so.

They will, for the most part, be east-west lines from Flaming Gorge, Utah, to Green Mountain, Colo., by way of Vernal and Rangely and Oak Creek, and from Glen Canyon Dam, Ariz., to Salina, Colo., by way of Four Corners and the Curecanti unit.

These east-west Federal lines could feed power into the present and future systems of the private companies which are oriented largely in the north-south direction. If the Federal Government does not also build the remainder of the backbone transmission system, private company lines would have to be built to reach the specified delivery points. Here is where the wheeling charge comes into the picture. The wheeling charge is simply the rent which the Federal Government would have to pay to the private power companies for use of lines they do not have now and would have to build in order to carry out the job.

The private companies want to build the remaining north-south two-thirds of the storage unit transmission system and charge for wheeling Federal power over these new lines. The Federal Government, by building the lines, will avoid the never-ending wheeling charge and thus avoid the maximum rate for repaying storage project costs and for accumulating reserve for financing future water projects.

If the Federal Government builds this remaining two-thirds of the backbone system, the cost can be paid off with interest in 44 years at less outlay than paying the wheeling rental charge for the same 44-year period. After the 44-year period, the only cost for the Federal system would then be the operation, maintenance, and replacement expense whereas the wheeling rental charge would be paid to the private companies continuing on as long as the wheeling was carried out over their lines.

The fact is very similar to that which any individuals face in answering the question: Should I rent a house for a lifetime or should I buy a house so that I can look forward to the day I don't have to pay rent?

Now what does this mean in the terms of dollars and cents? We have made an analysis covering the 86-year Colorado River storage project payout period and this is what that analysis shows. If the private companies proposals are accepted, to build the remaining two-thirds of the transmission system, the Federal Government would pay $610 million to the private company as wheeling line rental charges over the 86-year period.

By comparison, what cost would the Federal Government save, or more properly, what expenditures would the Federal Government not have to make? The Federal Government would not have to build the remaining two-thirds of the lines, would not have to spend the money to operate and maintain those lines, and would lose the Federal taxes the private companies pay. But this totals only $324 million over the 86-year period. The real saving then is $286 million which is the difference between $610 million or paying wheeling charges to the private companies and the so-called savings of $324 million.

After the year 2007, the year when the Federal power system, including the back-one transmission lines would be paid for, including interest on this power investment, all surplus returns from the sale of power will go into the Upper Colorado River Basin Fund and be available for and used to help pay for the participating water use projects in the Upper Basin States.

To be specific, for nearly 40 years the Vernal, Utah, project of the central Utah project has been urgently needed. Year after year, farms in that Vernal unit area have suffered water shortage. Now why hasn't that water project been built long ago? Simply because the farmers could not pay the full cost of that project. Now, with the power revenues which would be available from the basin fund authorized by Congress in the Colorado River Storage Project Act, $5.5 million of the $8 million Vernal irrigation unit cost or about 70 percent of the project would be paid back to the Government from power revenues. Now this is just one small project in the Colorado storage project plan.

In the authorizing act of 1956, 11 water projects were authorized, and 6 are now under construction. All of those units must have basin fund power revenue to help repay basin costs. In addition, 25 other water projects were earmarked by the Congress for priority in providing the planning studies. If those additional projects are to be built, all must have basin power revenues to help repay the project costs.

Here is the crux of the argument for Federal construction of the transmission system. To assure full development of the water resources of the Upper Basin States under the requirements of the Colorado River Storage Act, there must be available at least $952 million by the year 2049. Correspondingly, earlier goals of financial assistance must be met to keep construction of the participating projects on schedule. For example, the basin fund must contain at least $22,600,000 by the year 2015 in order to repay the cost of the Vernal unit which is nearing completion and to make proportionate distribution for the participating projects in the intermountain States of the upper basin.

Under the private utilities' wheeling proposals and at a 6-mill power rate, the same rate as for Federal transmission systems, there would be a deficit in the basin fund in the year 2015. Even if it were legal to have a deficit in 2015, which it is not, the private utilities' proposal would accumulate only $591 million by the year 2049. Thus, we are short of the $952 million which the all-Federal system will produce at the same 6-mill power rate and which is needed to assure full development of the upper basin water resources. The only way this financing could be accomplished under the private utilities proposed wheeling arrangement would be to charge more for the power and to do this would be to disregard congressional directives.

Private utilities, in their advertising and direct mail campaign, are asserting that they must pay State and local taxes while the Federal Government does not. As with all Federal projects, this is true. But do the people want State and local tax revenues or money in the basin fund to finance water projects, which in turn will widen the State and county tax base immeasurably? Which is more important to the future growth of the intermountain West? Remember that the initial phase of the central Utah project, which is already under construction, will cost $250 million, and the ultimate phase, which is so essential to Utah's future, will cost $750 million more. The impact of such projects as these on your economy and the increased tax base that will result, has been proved again and again in reclamation's 60-year history in the West.

The private utilities state that the proposed Federal system will be inadequate. Well, Bureau of Reclamation engineers have been designing, building, and operating powerplants and high-voltage transmission systems for more than 50 years. We have 42 hydropowerplants rated at more than 5 million kilowatts, and we transmit power from other Federal projects as well. All of our systems have proven adequate. To say that we now propose to design and build an inadequate system is a challenge to the integrity of a dedicated and technically competent staff.

We have been accused of stating incorrect costs and underestimating revenues to the basin fund under the private utilities' proposal. Our records are open and directly available for public scrutiny. No one has yet proven—they have accused, but not proven—wherein our computations are incorrect.

We took the offers of the private utilities in good faith and evaluated them by time-tested formulas which have been used on all of our projects in presenting project feasibility and payout in accordance with the legal requirements established by Congress. The private utilities proposal was found wanting. They have submitted no data to prove otherwise. Paid advertisements and propaganda, yes; but factual data to support those claims, no. On this basis our findings for the all-Federal transmission system stand.

As a responsible head of the Bureau of Reclamation and supported by the Bureau's exhaustive and objective studies, I cannot accept the private companies' claim, that their offer to build and operate two-thirds of the transmission grid is better than the all-Federal system.

Mr. TEUSCHER. You have just heard the U.S. Commissioner of Reclamation, Floyd E. Dominy discussing the question of why he feels the Federal Government should construct transmission powerlines from the Glen Canyon, Flaming Gorge, and Curecanti Dam projects to disposal points throughout the five-city area.

Also on this same question from the same side, we will hear from Harvey McPhail, executive director of the Colorado River Basin Consumers Power Association of Preference Users and a former Assistant of Commissioner of Reclamation.

Mr. MCPHAIL. Mr. Moderator, members of the panel, ladies and gentlemen, I am very grateful for the opportunity to appear on this panel and bring to you further information concerning the transmission line controversy of the Colorado River storage project which is so important to those of us who live in the Colorado River Basin. We believe the very principle of multipurpose development of our natural resources is an issue in the existing controversy over the construction of these transmission lines.

The Colorado River Basin Consumers Power, Inc., was formed in February 1960, to seek for its members dependable hydroelectric power under the most advantageous delivery conditions consistent with repayment requirements of the Colorado River storage project of the Bureau of Reclamation. This membership includes 150 independent operating entities engaged in the nonprofit distribution of electricity for almost 100 such organizations in the affected area. About 1,500,000 people are served by these groups or about 30 percent of the total population in the five-State area of Colorado, New Mexico, Arizona, Wyoming, and Utah.

Our members are just as concerned over the welfare of the Nation, the States and the local communities as our opponents in this controversy claim to be. We deplore a great mass of misinformation which has been broadcast by them. We realize the vast benefits that come from the reclamation of arid lands and also the necessity under law of repaying the costs involved. We are convinced that acceptance of the utilities proposal would delay such repayment way beyond the time permitted under law and therefore threaten the possibility that the Bureau of Reclamation can proceed with the construction of participating projects under its presently contemplated program.

Also, we maintain that if project repayment is to be accomplished under law, then rates for sale of power must be raised if these proposals are accepted. The development of a broadened tax base through irrigation, the availability of market to absorb the power at firm rates and the healthy benefit of competition in the power field would all be adversely affected.

Commissioner Dominy has just described to you the comparative studies made by the Bureau of Reclamation and the results thereof. He maintains the payment of the repayment requirements cannot be made without raising the cost to the power users by about $3 million per year. We agree in principle with the Commissioner's statement but believe the initial costs involved are understated.

These understatements primarily fall into two categories. One is the area of wheeling charges. We believe the Bureau in its excess of caution gave insufficient weight to the probable multiplicity of wheeling charges.

Under the utilities' proposal, particularly after a few initial years of operation, the majority of the power delivered would have to carry wheeling tolls on at least two private utility systems. Our studies indicate the Bureau is about $900,000 per year short in its estimate of wheeling charges. The other is in the area of Federal income taxes and imputed tax costs on irrigation allocation. Our interest is in getting the participating projects built and paid for as required by law. There is no legislation that would permit the application of income taxes or savings in interest on irrigation investment to project repayment. On an annual basis, these tax and interest items amount to about $1,100,000 per year. These the power users would have to pay in increased charges.

Thus we maintain that the Bureau should have shown an average annual increase in cost to the power users of $3 million plus $900,000 in wheeling charges plus $1,100,000 in imputed interest in taxes for a total of approximately $5 million per year more as is indicated by the studies made by our group. Over and beyond these two considerations, we doubt that the Bureau of Reclamation with its responsibility for project repayment, could properly accept present proposals. We maintain the proposals cannot be considered firm since they are hedged by language similar to the following from one of their proposals, and I quote:

"This proposal is, of course, contingent upon obtaining the necessary approval of regulatory authorities by jurisdiction and acceptable contract form."

An all Federal system would for all practical purposes establish a level of costs which would prevail for the 86 to 100 year payout period of this project. We see no assurance that the utilities' proposal would receive regulatory approval. Or, if initially approved, could it possibly be held firm for more than a temporary period.

The propaganda campaign of the private utilities has, in large measures, stressed the item of taxes forgone, particularly State and local taxes if the system is government constructed.

Mr. Naughton is quoted in the April 1, 1961 issue of the Salt Lake Tribune as saying "The entire State is covered with high voltage lines which interconnect Glen Canyon and Flaming Gorge which can carry any or all power produced from the projects to the preference customers."

If this is true, there obviously would be no additional State or local taxes. Assuming, however, that the private utilities can build these necessary lines and dedicate them to project purposes only, we find no evidence to substantiate a payment of more than a total of $750,000 per year in all five States combined for such taxes. Thus local users would be asked to pay about $6.50 for each $1 of taxes so collected.

With regard to questions of Federal income taxes, Federal Power Commission records indicate income taxes actually paid by the five private utilities in 1959 amounted to only 6.6 percent of electric operating revenue. On the basis of annual wheeling revenues of $7,100,000 per year, 6.6 percent would amount to only $470,000 per year. Each dollar of this tax payment would cost the user more than $10 in increased power rates.

Market studies plainly demonstrate that no project power will be available for private utilities. It will all be required for those agencies entitled under law to preference in its purchase. The total wheeling charges estimated by the Bureau are equivalent to be only about 7 percent annual return on a proposed investment by the utilities of $100 million. In order to return taxes, utilities ordinarily argue that they need 12 percent or better. In view of the above, just why are the private utilities spending literally hundreds of thousands of dollars in newspaper and magazine advertising, propaganda leaflets, door-to-door campaigns, and other activities to sway local and national feelings. There must be a profitmaking incentive of large magnitude behind these efforts.

W. T. Lucking, president of the Public Service Co. of Arizona, is quoted in the October 24, 1960, issue of Electrical World magazine as saying: "Who controls major transmission will control electricity in this country." Such control would permit the utilities, at no additional cost to themselves to (1) dispatch power operations as to most efficiently load their own steam units, (2) to the maximum of peaking with hydrounits, (3) provide for scheduled outages of maintenance of their steam units with the installation of additional capacity by them and (4) provide for the system's enormous standby and reserve pool. The above items are certainly worth several million dollars a year to the private utilities but they would all be paid for by the users of project power. In addition, the private utilities would, without question, welcome any situation for controlling competition from nonprofit groups that could be provided or made less substantial. Control of the transmission system, with tollgates established between generation and all points in major use, would be most effective in this regard.

Since there is no legal method whereby taxpayments, either Federal or local, can be guarded against project repayment, what happens if this item is successfully used to cause a decision in the favor of the utilities' proposal?

First, the power user must pay in power rates an amount sufficient to pay the utility taxes. Next, he must pay, in addition, an equivalent amount to make up the necessary deficiency for the project payment. In other words, he is subject to double taxation. Users of power to be generated by the storage project will pay in power revenues about 90 percent of the total cost of the project including the participating project. The private utilities will not receive any other power and therefore will contribute nothing toward repayment.

Why then should they, at this additional cost to the users, be permitted to step in as a middleman between Federal generation and customer usage? We contend they should not. Only adverse effect on project repayment or higher costs to the power users can possibly result.

Mr. TEUSCHER. Ladies and gentleman, you have just heard Mr. Harvey McPhail, former Assistant Commissioner of Reclamation, now representing an organization of preference users of Colorado River Basin Consumers Power.

Now that you have heard the side of those who advocate Federal construction of power transmission lines from Glen Canyon Dam, Flaming Gorge, Curecanti, and other power producing dams of the Upper Colorado River Basin projects, the Democratic State Central Committee of Utah takes pleasure in presenting to you, in sponsoring this program, also, now the other side of this question.

The proposition as to whether or not private utilities should be given the job of constructing these backbone transmission lines which will bring you power from these dams to where it can be disbursed and given to the preferenced users as set up by the law under the Reclamation Act. Speaking for the private utilities will be E. M. Naughton, president and general manager of the Utah Power & Light Co.

Mr. NAUGHTON. Mr. Teuscher, Mr. Dominy, and Mr. McPhail, ladies and gentleman. I very much appreciate this opportunity to tell you people in the audience here and you in the radio audience, of the plans the investor-owned utilities have for meeting the electric power requirements of this intermountian area for the next several years. It is interesting and challenging to have the pleasure of following two distinguished gentlemen, Mr. Dominy, the U.S. Commissioner of Reclamation who has come all the way from Washington for this meeting, and Mr. McPhail, who for some 35 years, worked for the Bureau of Reclamation but who is now employed by certain cooperatives and municipalities which operate their own electric facilities and serve consumers directly, known as the Colorado River Basin Consumers of Power.

I recognize that this is a very complex problem to discuss but in the time allotted me, I propose to cover three points; first, to explain why the investor-owned utilities' plan is superior to the proposal of the Federal Government in that it would do a better transmission job, avoid wasteful duplication, and unnecessary use of taxpayers money because:

(a) The Government would not have to spend $136 million to construct transmission lines and thus delay the payout of the project water development.

(b) It would produce $1 million per year more in revenue to the Federal Government through elimination of heavy transmission lines losses on the Bureau proposed system.

(c) It would pay $3,280,000 in taxes as compared to no payment from the Bureau system.

(d) It would assure preference or project customers better electric service at no increase in rate.

Second, that the Federal construction of the Colorado River transmission system lines is just another attempt to socialize the electric power industry. It is a part of a long-standing plan that had its roots back in the early twenties to socialize our industry by putting the Government in direct competition with its own citizens.

Third, that the Federal plan is not in the best interest to preferenced customers themselves. Many who have been sold a bill of goods without realizing what they are buying also need to get things clear.

First, the preferenced customers will get whatever power they want no matter who delivers it. The only point at issue is whether the Government builds the transmission lines or uses our facilities.

Second, nothing which the private utilities propose in any way interferes with the water development aspects of the project. In effect, our plan enhances them quite materially. The private utilities of the intermountain area have served their customers well for nearly 50 years. The rates of these companies are among the lowest in the United States.

I know of no case where an industry has ever failed to locate in the territory to which my company is responsible because of lack of or price of electric power.

From our beginning we have pioneered bringing power to rural areas. In fact, the percentage of the area farms which have electrical service available has been among the highest in the United States since long before the REA Act. The intermountain private electric utilities know full well that the growth of our resources rich area depends to a large degree on the availability of adequate water. We surely appreciate the need for conservation and the highest beneficial use of water.

As a matter of fact, over the years, the Utah Power & Light Co. has adjusted a number of its longstanding water rights in order to aid local citizens and the Bureau of Reclamation in the development of several projects. The private utilities agree that the generation and sale of electric power is a byproduct of economically conceived reclamation projects that benefit land use and aids in the development of water. To this end, we have always been ready to coordinate our plans so that the electricity produced as a byproduct in connection with the use of water may aid in the repayment in funds advanced by land-use reclamation. On the other hand, these private taxpaying principally home-owned companies must be alert to unfair competition which impairs our ability to serve our territory and threatens to destroy our business.

There is no question that there is a highly organized minority in this country advocating central control and responsibilities for electric requirements in this Nation. The current controversy over who shall build the transmission lines is a definite part of the plan revealed by Government planners many years ago.

In 1925, Carl E. Thompson, secretary of Public Ownership League of America, said, and I quote: "The question of the ownership and control of the super power system of the continent, namely the United States, becomes at once the most vital and strategic issue in the whole utility field." The 1928 Socialist Party platform contained the following plank, and I quote: "We propose a properly owned giant power system under which the Federal Government shall cooperate with the States and municipalities in the distribution of electric energy." Early in the thirties, the Tennessee Valley Authority was a Federal experiment in socialism enacted to harness the Tennessee River. Originally all the electric plants were hydraulic byproducts of flood control. Power generation was supposed to be incident to it. But today, after 25 years, TVA has been developed by the Federal Government into the largest single power system in America and 75 percent of TVA power is from stream motivation. Despite this socialistic Federal endeavor, TVA economy still lags behind.

About the same time the Bonneville Power Administration was created—a "white elephant" at the time—it was losing over $10 million a year. Also, in the mid-thirties, we had the creation of the Rural Electrification Administration to sell power to American farms which admittedly was a subsidy designed to loan $360 million to farm cooperatives desiring to extend electric service into local areas it then served. In 25 years the agency has loaned not the original $360 million, but over $4 billion, and most of its loans are now being made to service industry at subsidized rates because as cooperatives they pay little or no taxes and borrow money at 2 percent.

Harold Ickes, Secretary of the Interior in the mid-forties, failed to obtain legislative authority to render full utility responsibility in serving customers and took a major step to accomplish his purpose administratively in 1946. Ickes embarked the Federal Government on a program of development and promotion designed to put it into direct competition with the investor-owned utilities of this Nation. He advocated hydroelectric generation at lowest possible prices, with steam standby, and integration of our Government plants by Government transmission ties and Government transmission lines to all existing and potential wholesale markets. He also advocated Government assistance in the organization of public agencies and cooperatives.

Mr. McPhail, when with the Bureau of Reclamation in 1947, is reported as having said, and I quote: "I feel the Bureau will some day have to go beyond its present scope and get into the use of fuel resources for power generation." This is far afield from water development. By that time, the Department of Interior power planners were in high gear. The Department published a large book entitled, "The Bureau of Reclamation Program for Power Development, 1948 to 1957." Its stated purpose was the proposed power-development program of the Bureau of Reclamation over the next 10 years, based on anticipated future power requirements. The report included a map showing the then existing Federal powerplants and transmission lines as well as Bureau plans for more plants and more transmission lines throughout the 17 Western States. This plan, dormant for a number of years, is now being dusted off and reactivated almost verbatim by the current administration through Secretary of Interior Udall.

Many of the old personnel in the Bureau are still there and they have been whittling away at the private power industry.

Mr. N. B. Bennett, now responsible to Mr. Dominy as Assistant Commissioner of Reclamation, had this to say with reference to the $50 million ill-advised Burns Creek power project which the Bureau for 4 years has been trying to get authorized, and I quote: "These people, preference customers, now have contracts for power with the Federal Government and we believe that they should continue to receive from the Federal Government power to meet their needs." It is found emphatically that the Bureau of Reclamation is more interested in power than water development.

Let me call your attention to a statement attributed just a few days ago to Mr. Dominy as reported in the Wall Street Journal—"I don't think" (I am quoting), "we'll ever again decide not to build a dam simply because it is only a power project. Our main point of interest will be to sell power cheaply to the public." If this is the policy at the Bureau, then Congress should change its name from the Bureau of Reclamation to the Bureau of Power. It is not fair to hoodwink the public.

The present controversy between the Rocky Mountain utilities and the Department of Interior stems from the same desire that Ickes and his plan had in the late forties. The transmission plan promulgated by the Bureau for the Colorado projects is virtually the same as it was then and is part of the Department's overall transmission coverage for the 17 Western States.

Ickes' admonition to the Department to actively assist in the organization of such agencies and cooperatives instead of waiting for preference customers to come forward and his offer of Government assistance to the Bureau agencies and cooperatives in promoting their programs, has obviously been adopted by the current administration. The Bureau seems to attach some significance to the fact that Republican Secretary of Interior Seaton and Democratic Secretary Udall have agreed that Federal lines should be built for the Colorado project. Neither one of these men knows much about the electric power business. It is a matter of public record that the recommendation of Mr. Seaton was made by Mr. Dominy, his Commissioner of Reclamation and it was the same Mr. Dominy who made the same recommendation to Mr. Udall after Udall became Secretary of Interior. I fail to find any significance in the fact that Mr. Dominy didn't change his mind.

The Colorado River Basins Consumers Powers, Inc., is working hand in glove with the Bureau of Reclamation. They, of course, have employed Mr. McPhail, who devotes full time to the furtherance of Ickes' socialistic plan.

Mr. W. Berry Hutching, president of Inter-Mountain Consumers Power Association, an organization of the few preferenced customers in Utah, is certainly giving active assistance to Mr. Ickes' program in going far and wide over this State to make incorrect and misleading statements with respect to savings for preferenced customers through the purchase of Colorado River power.

And now, what are the issues that we are discussing tonight? It seems strange that the fundamental objectives of the Colorado River project water development have apparently been forgotten. I talked to Mr. Dominy's associate, Mr. N. B. Bennett, many times and certainly power is of much more interest to him than water development.

Mr. McPhail is paid by some of the municipalities and cooperatives to get power for a favorite few as cheaply as possible at the expense of the Nation's taxpayers without much, if any, regard to water development.

Mr. Hutchings, operator of a small diesel plant in an electric system in Bountiful, has taken up the cudgel of Ickes to promote government in the electric power business. He is trying to get municipalities to throw out the power company, build their own distribution system, and purchase power from the Federal Government at what he says, would be great savings although there would, in fact, result no savings.

The basic obligation of the Colorado River Storage Act is first to harness the widely varying year-to-year flow of the Colorado River through the construction of storage dams, so that water obtained in years of good precipitation can be held over and used in years of little precipitation.

All the intermountain utilities are well aware that water is the key to the development of the areas many natural resources and they actively promoted the construction of the Colorado River project. These utilities know that generation of electric power is essential as a secondary purpose of the project.

The offer to transmit to preference customers is a promise to carry whatever power preference customers purchase from the Government. The private utilities also offer to absorb through their own systems any excess power available from the project. Prior to enactment of the legislation and again in 1959, congressional committees directed the Bureau of Reclamation to coordinate the Bureau's plan with those of the private utilities. The major private utilities operating in Arizona, New Mexico, Colorado, Utah, and Wyoming are constantly making and carrying out long-range plans for generating plants and transmission line interconnections between companies to assure adequate power.

Several years ago, we recognized that in the sixties there would be 2 million kilowatts of electric generation available on the Government's Colorado River plant that must be transmitted to market and our plan has made provisions for it. Integration of facilities to take advantage of diversity between loads, time zones, and climates was not invented by the Bureau of Reclamation. It is almost as old as the private power companies and industry itself.

Utah Power & Light first integrated with the Idaho Power & Light Co., in the midtwenties and with the Northwest in 1941. The whole Northwest area is fully integrated with a total capacity of 14 million kilowatts. The other intermountain companies have done the same thing. The Arizona Public Service Co., is a member of the Southwest Power Pool which also contains 14 million kilowatts of capacity.

The Arizona and the Utah companies, knowing that there was considerable diversity as to time of occurrance of their maximum loads brought about by different climatic conditions, made a study which clearly showed that it was in the interest of their respective customers for them to construct a 250,000 volt interconnection which would not only integrate the facilities of the two companies but would also integrate the Northwest and Southwest Power Pools.

Long before the Bureau announced its transmission plan, these companies had committed themselves to construct this tie not later than 1964. This map shows the route of the line and the picture to follow shows part of the 65-mile section that the Utah Power & Light completed over a year ago. The Arizona has completed a good part of its line and now serves a contract at Glen Canyon. An important part of any of this matter is the determination of future loads and where they will tend to concentrate. The chart you now see was the private utilities' estimate of their respective loads and where they believe they will concentrate by 1980. It is interesting to note that in 1980 the utilities estimate that the total loads will be about 20 million kilowatts. These companies also announced their program for the next few years as to plants new generating capacity. Major private utilities in New Mexico, Colorado, and Wyoming joined the Utah and Arizona companies in the transmission study and, collectively, we have announced our 10 years' transmission plans, the lines which we will build are shown on this side. They will cost about $105 million. Now let's return to the load estimate slide. On the righthand side is the planned 20-million kilowatt load estimated by the private utilities. Alongside it, to the same scale, is the capacity of the Glen Canyon plants. The Government's 1.25 million kilowatt is but 6 percent of the 20 million kilowatt load. In addition, let's bring the basic objective of the Colorado River Storage Act into clearer focus—water development.

Power generation is incident to water development and revenues from the sale of power are to repay the Federal investment within the 50-year period required by law. What then is the purpose of this meeting? It was not instigated by water users. It was instigated by certain preference customers whose sole ambition is to put the responsibility of meeting all their power requirements on the Federal Government with little, if any, regard as to whether it would be good or bad as water development. They want subsidized Federal electric power without any consideration for the taxpayers of the United States, who put up the money to build the projects. The private utilities here have promoted the project. We offered to transmit power to preferenced customers and to aid in marketing excess power in our systems. What then is the controversy?

It is simply the desire on the part of the Bureau of Reclamation to carry out Ickes' dictum of 1946, more recently adopted by Udall, to encourage utility responsibilities on the part of the Federal Government at least insofar as the preferenced customers are concerned. It is the desire of certain municipalities and apparently all of the REA's to get Federal subsidized power through the taxes of the other citizens.

The Bureau of Reclamation is telling the preference customers that the average price at which it will deliver electric power to certain geographic delivery points is 6 mills per kilowatt-hour. Obviously, that could only be an average price and I would assume it would vary quite markedly accordingly to varying load factors. I don't quite understand this 6 mills per kilowatt-hour inasmuch as it was first talked about back in 1958. After all, it is just an estimate.

I do know that there has since been considerable inflation and we all know that Government projects often cost considerably more than they were first estimated to cost. Recently, the Bureau estimated that certain transmission facilities between Glen Canyon and Four Corners would cost $2,995,000, but when it received bids, the lowest was 50 percent higher than the estimate. Maybe the Bureau just pulled the 6 mills out of the air but let's accept is as a valid figure and use it in our comparison.

It would be foolish for my company and other utilities to propose charges for transmitting power to preferenced customers that would result in a higher delivery price than the figure for which the Government could do it. It seems rather pointless for three men to stand here arguing back and forth, one proponent of Federal lines saying that if the Government pays these wheeling charges it will necessitate the Government raising its sale price from 6 mills to 6.57 mills per kilowatt-hour, while the other proponent representing a preference group has claimed 6.87 mills per kilowatt-hour while I claim that our plan would save the Government money.

Time does not permit full discussion of the subject of this magnitude but you may rest assured that we will prove our contention and will submit proof to Congress and Appropriations Committees within the next few weeks.

The facts are these: The Government has selected certain geographical points in the various States and has indicated in its own analysis that the price at which it will sell power to preference customers at these delivery points is 6 mills per kilowatt-hour. Regardless of who builds the transmission lines, the contracts will be between the preferenced customers and the Bureau of Reclamation.

Our studies prove that the Bureau can pay the wheeling charges offered by the utilities rather than spend Federal funds to build a Government system and repay the investment 5 years earlier than could be done with an all-Federal transmission system. Our figures also prove that by use of the wheeling revenues that the utilities would receive, they would pay $100 million in income taxes to the Federal Government and pay $184 million in taxes of all kinds to State and local governments over the 86-year study period chosen by the Bureau. The Bureau of Reclamation pays little attention to Federal income taxes and no attention whatever to State and local taxes on the grounds that such consideration would be fully academic. Is $284 million academic?

Now why is it possible for the utilities to pay these taxes and still do the job cheaper and better than the Federal Government even though the Federal Government pays no income taxes, no State and local taxes? The reason is quite simple. The utilities have a big job to do—20 million kilowatts by 1980. The preference customers loads are not large and won't be for some time. The utilities must have transmission facilities for their own requirements and these lines will always have excess capacity. Therefore, the utilities can charge the Federal Government for transmitting power to preference customers on the basis of the amount of transmission line capacity that would actually be devoted to the job at hand. Doesn't it seem that the tail would be wagging the dog for the Federal Government's 1.25 million kilowatts of Colorado River power to control or influence the 20-million-kilowatt job?

Why does the Bureau's analysis show its plans as better, while our analysis shows our is best? There are several reasons. Mathematics, where certain assumptions have to be made, can result in various conclusions depending entirely on the manner of figuring. We in the utility business are accustomed to living in gold fish bowls. We have to prove every statement we make to State and local commissions and to congressional committees. We are not naive enough to make statements that we cannot back up.

The Bureau, on the other hand, is not unaccustomed to modifying its figures at frequent intervals. For example, when we proved to the Interior and Insular Affairs Committee of the House and Senate that the plan for the Burns Creek project was in violation of the 50-year payout law, which is a very ill-advised project I might add, the Bureau simply adjusted its figures in order to come within the 50-year limit.

The Bureau has come up with what it calls a yardstick system for distribution of Colorado River power. When the Bureau compared its system with our system, including our wheeling charges, certain Bureau lines common to the two plans were assumed by the Bureau to be more expensive when it considered our plan, than the same lines were when it considered its own yardstick plan. In one location in Arizona, in order to meet the Bureau's own criteria which the utilities fully met, it would require that 600,000 kilowatt be delivered to Arizona preference customers. Where the utilities had used three lines as being absolutely necessary and concurred in by the Bureau engineers, the Bureau used only two. Two lines could not possibly meet Bureau criteria but gave the Bureau a misleading advantage when making a comparison.

In explaining the elimination of a line during the discussion between the engineers of the two concerns, the Bureau states that it was afraid Congress would not appropriate funds for the third line in Arizona.

Mr. Dominy has said that we haven't explained it. I don't think his associates, Mr. Clinton, Mr. Bennett, or Mr. Cummings would quite agree with him. I'm afraid that Mr. Dominy has made up his mind already. I think we can best sum up this argument by a statement in the Deseret News of May 31—"Government transmission lines in our region would be a serious mistake. Government duplication would do nothing to promote the electrical or moral welfare of our people. Thoughtful westerners do not favor public ownership of any industry, including the utility industry."

Mr. TEUSCHER. For the past hour you have heard discussed both sides of the question of construction of power transmission lines from power producing dams of the Upper Colorado River project. The question is whether these lines could best be constructed by the Federal Government or whether they could best be constructed by private utilities in the States of Utah, Arizona, Colorado, Wyoming, and New Mexico.

You have heard the arguments for the Federal transmission system advanced by United States Commissioner of Reclamation Floyd E. Dominy and by Harvey McPhail, representing an organization of preferenced users, the Colorado River Basin Consumers Power. You have heard the case for the private utilities just as ably stated by the last speaker, Mr. E. M. Naughton, president of Utah Power & Light Co.

For the next half hour we will give the members of the audience here in Carpenters Hall tonight, a chance to ask questions on both sides of the issue of who would construct the backbone transmission lines of the Upper Colorado River project. These transmission lines carry power from the dams to disposal points where the power can be used. Very briefly, we have some ground rules that we will go over here for the benefit of our audience here in the hall.

The questions must, of necessity, be brief because we have only one-half hour. We are sure that you will get concise and to-the-point answers. In order that we can adequately state both sides of the questions we are asking (1) that you try to alternate your questions, and (2) I'll give speakers for both sides of the question an opportunity to present their viewpoint. If you have a question, if you could bring it to the microphone in the center of the hall then your question can be heard so that the people can hear it. And here to answer your questions are the gentlemen who have already been heard tonight, Mr. Dominy, Mr. McPhail, and Mr. E. M. Naughton, president of Utah Power & Light Co. I am certain that you do have questions. Now is the time to bring them out and we will see what sort of answers we can get from them.

Question. My name is Leon Ward from Salt Lake City. This is a very technical subject and Mr. Naughton's talk raised several questions in my mind that I don't feel competent to comment on. I would like to ask Commissioner Dominy for a rebuttal on Mr. Naughton's remarks.

MODERATOR. This is a rather overpowering question. Do you have something like a 2-minute rebuttal, Commissioner Dominy?

Answer. Mr. Dominy: Well I was going to say, Mr. Naughton and ladies and gentlemen, that this is quite an undertaking. I listened with a great deal of interest to a very splendid statement. I do not agree fully with it. I want to say first of all that I will be very happy at any time, in any company, to be associated with Harold Ickes. I think he was one of the great Secretaries of all time. I think he acted in the public interest upon every occasion and I think his record will bear that out.

Now since we have gotten to the subject of this socialism of power, let me point out that in 1960 that if this was our aim, we are very inefficient people because the private power companies in the United States produce 76.5 percent of the power produced, and the remainder is Federal cooperative and in Federal public. In the total, energy sales by the Bureau of Reclamation and Bonneville Power Administration amounts to 6.6 percent, whereas all others amount to 93.4 percent.

I want to say just one word about this business of difference in the lines in our yardstick system as compared to what we calculated on the combined system. It is certainly true that in evaluating the five utilities' proposal, there were certain lines differing from those which we would build under the Federal system. This is just the nature of the offer that was made. There would be certain connections under their offer that we could not take for granted under the Federal system and for this reason there were some differences in the two analyses. But, the propriety of these two analyses, I think, will not be questioned by any technical expert in the power field who would review it in detail.

Question. My name is John Trainer. I live out in Holladay. I would like to ask two questions leading to both men. I would like to ask it first of Mr. McPhail and also Mr. Naughton. First, he said that they don't want to sell to the private utilities the power that otherwise would be unused. If that is the case, if they don't want to sell to private utilities, is there any way that Utah Power & Light could buy the power which is just for the preference customers?

Answer. Mr. MCPHAIL. I might tell the gentleman that it is not a question of choice by the Bureau of Reclamation to whom it may sell power. It is a matter of law. Laws which have been in existence for almost the total life of reclamation provide that nonprofit organizations receive preference in purchase of Federal power. There is no question involved as to whether the Bureau is willing to sell to utilities or others. The law governs this.

Answer. Mr. NAUGHTON. It is interesting to note that the law does give preference, but it was not so in the original reclamation law of 1906. Preference was given in the original law of 1906 to municipalities' purchases. Mr. Dominy does not agree with Mr. Ickes. Mr. Ickes, under the Flood Control Act of 1944 and certain other acts prior to that time, worked it around so that if a municipality sold power to customers directly or if you were a cooperative paying low taxes and getting subsidized money at 2 percent, which now costs us almost 4 percent, you sat on top of the totem pole. Mr. Dominy also pointed out that the percentage between investor-owned and Government power is now 75 percent investor owned and 25 percent Federal Government. I would like to point out to him that prior to Mr. Ickes' time, in the early thirties, 1 percent was Federal Government power.

Question. My name is Rex Times. I am from New Mexico, one of the States affected by the project. In the early part of Mr. Naughton's talk, he criticized the Bureau for going into the power business as such, into the pool power business, and cited some examples of statements that Mr. McPhail had previously made, also Mr. Dominy and others. My question is this—If the Government, through the Bureau of Reclamation, can produce cheap power, sell it cheap to the user, Mr. Dominy, what is wrong with that?

Answer. Mr. DOMINY. Well, I want to make it abundantly clear that power is not now nor has it ever been the prime purpose of the Bureau of Reclamation, any of its Commissioners, or any of the acts under which w operate. Certainly the 1939 Reclamation Project Act does authorize us to build single-purpose power projects. It also authorized us to build single-purpose municipal and industrial water projects. But almost 100 percent of our projects are interrelated with irrigation and are tied into multiple-purpose uses for the full development of our natural resources. And certainly I think that we have proved again and again the value of that to the Nation. Hoover Dam was thought to be a white elephant when it was constructed. The objectionists to Grand Coulee claimed it to be a white elephant. But I am very thankful, and so are you, that we had those white elephants producing hydroelectric power to build ships, submarines, and airplanes and aluminum during our critical period following 1941, Pearl Harbor. I do think it is in the national interest, and I might point out that we have in this authorized storage project, in the power features alone, an investment—that is in the total project we will have an investment—of over $1 billion.

Now in the Missouri Basin project, which will be intertied into this system, we have an investment of over $1,295 million in power. We have in the Rio Grande project a $9 million investment. The Parker Davis-Hoover project, we have $106 million investment. And I submit that it is fitting and proper that all of these systems should be interconnected with the federally constructed grid so that the full benefits from those federally financed and to be repaid with interest, be put to work under preference laws as established by the Congress of the United States.

Answer (Mr. Naughton). Mr. Dominy is reported in the morning paper that his main interest, as I got it, was to get people to use more power, that they were not, in his judgment, using enough. I, of course, have known for some time that controls are increasing in Washington but I am rather amazed that Washington is going to force electric power down people's throats. I always thought you had to buy things to use it. That has been our experience up to now.

Now this matter of preference and the promotion of preference on the part of Mr. Dominy rather amazes me. It goes back to Mr. Ickes. I can see that he totally agrees with Mr. Ickes' philosophy and doctrine, I don't. I don't see why, when the Federal Government has a resource which has a value, that the Federal Government won't get from that resource its real value. If the Federal Government were to sell property like a rubber plant or a piece of land or something like that, it gets bids and under law it has to take the highest bid. But for some odd reason that's had me puzzled for many years, it has been the philosophy of the Bureau not to sell power at its value—to always substitute it to the detriment to other taxpayers in the United States who put up the money in the first place.

Question. I am E. A. Hunter, of Salt Lake City. My question is directed to Mr. Dominy. Mr. Dominy, about a year ago you announced your yardstick system and the points of delivery that the investor-owned utilities were to consider in quoting their wheeling rate. The investor-owned facilities considered those things. Since then, there have been some changes in the points of delivery, there have been changes in the yardstick system. Now my question is, Are there additional changes or do you contemplate new points of delivery or other contemplated changes in the yardstick system that you have failed to bring to the attention of the investor-owned utilities?

Answer (Mr. Dominy). Well, of course, Mr. Hunter, from the very nature of the work that we do, the dynamic nature of it, I would not stand here before this audience and before this radio audience and predict that there would not be additional changes or adjustments if we build this great complex multiple purpose project reaching close to a billion dollars in present-day cost.

We are analyzing the needs further. We will continue to put these facts, as we determine them, on a network analyzer. And we certainly expect to build that system with such interconnections if we can negotiate contracts to mutual advantage of our system with the private systems and publicly owned systems throughout the basin area to make the maximum possible potential use of this great resource.

Question. My name is Robert Daly. I have a question for Mr. Naughton. In April of 1961 you stated that your wheeling proposals and your wheeling arrangements in this area were working well. I want to know

what power you wheel for the Bureau and if you wheel any power for the preference users of the Deer Creek project on the Weber Basin project. Plus, there is one more little question, Mr. Naughton—the big major companies in the State of Utah, the Kennecott Copper Corp., and United States Steel, both have their own generating facilities. You just made the statement that you produce cheap power. Why is it necessary for them to generate their own power if yours is so cheap?

Answer (Mr. Naughton). I'll answer the last question first. We served the Kennecott Copper Corp. from 1913 to 1944 and our relationship was quite amicable. In about 1941 the copper company decided to build its own plant. It got a certificate of convenience and necessity which permitted it to amortize, for tax purposes, the first 50,000-kilowatt unit in the plant which gave it 20-cent dollars. Now with respect to Geneva, you apparently are not aware that there is considerable waste heat from coke ovens and blast furnaces in connection with the steel business. That is primarily the reason that Geneva installed its own unit. I point out to you, however, that Geneva buys 30,000 kilowatts from the Utah Power & Light Co. and the minute its load exceeded its available heat, it bought from us.

You are asking whether or not we have any wheeling arrangements with the Bureau of Reclamation. We have three in Idaho which are working out most satisfactorily. Mr. Harold Nelson, the director under Mr. Dominy of that area, I think is quite happy with it.

Two of those contracts are contracts for wheeling with the Bureau of Reclamation. The third one is a contract with the city of Idaho Falls. You ask whether or not we have any wheeling contracts with Deer Creek. There is no firm power available at Deer Creek. All of it is dump power. And one of the reasons that Deer Creek has any success whatever is one I can illustrate as an example of cooperation with our company.

Deer Creek would never have been built in the first place, had we not modified five contracts. These dated back to the beginning of our company. In the interest of developing power at Deer Creek, it has no firm power, we buy dump power which is power available this month but is not available next month.

Question. My name is Mr. Gray, Salt Lake County. I have two questions in one. I don't get clear what Mr. Naughton said as to how the cost of the dams project was to be repaid if the private companies took it over. That is one. It has cost, and will cost, over a billion dollars. Why should the Government put that money into it and turn it over to a private industry?

Answer (Mr. Naughton). I thought I explained it, I'm sorry that I didn't, that all power that comes out of the Colorado River project, and by the way this is not cheap power, 6 mills is not cheap power and none of you should get the impression that it is, Mr. Dominy will tell you that—but all of this power by law, as Mr. McPhail has so ably pointed out, is available to the preference customers if they want it. I don't believe that there are enough preference customers at the outset of the project to begin to consume it. I firmly believe that we will, as we have in the past, cooperate with the Bureau of Reclamation in taking to market, through our systems, any excess power. I can assure him, as we have many times before Congress in the past, that we would do that. Now the power will not be used to benefit whatever the Utah Power & Light Co. or any other companies. We rather would do a small job of wheeling the power over lines that we're going to build anyway, our job being 20 million kilowatts and the Bureau's job being only 1.25 million kilowatts. That means they have 6 percent of the total job. Inasmuch as we have to build the lines anyway, all our lines have excess capacity, doesn't it seem quite logical that we could add a 6-percent addition to our job and save the Government money?

Question. My name is C. Nelson, I'm from Salt Lake City. Considering the existing system or segments of the power network and the network that will have to be constructed to take care of the requirements in the future, I'm not at all certain where this duplication is going to be. It appears to me that we're talking about the periphery of the individual companies systems when I look at these two maps that are available here that the Reclamation has proposed. I'm also not at all sure what bearing this 16 percent has or the 20 has on the whole thing because we are not talking about distributing to the individual customers, we're talking about interchanges. I would like this cleared up, if I could please.

Answer (Mr. Naughton). I believe the question indicates that we have not made it quite clear to you. This is not a job of interchanges—it is a job of transmitting power and that is all we're talking about. From Glen Canyon, which is approximately 300 miles from Salt Lake City and almost that distance, more like 150 miles from Phoenix, approximately 300 miles to the middle of New Mexico and some 400 miles to Colorado. In addition, all we're talking about here is transmitting power as a common carrier over lines that we are going to have. There is no interchange of power except to the degree that contracts may work out.

Mr. Dominy said that the preference customers may use all the power. Maybe that is right. And if they do use all the power, all we're suggesting here is that we can save them money, save the Federal Government money. Now in Utah, for example, the facilities which we have already built and are going to build prior to 1964 we are committed to, and my board of directors has authorized me to do it, we will have enough capacity in those lines to take care of any power that the preference customers could possibly use beyond the year 1970. So I submit that it would be rather a waste of money to duplicate any of these facilities.

Answer (Mr. Dominy). I can understand that question because the very problem was before the House committee during the authorization consideration under the Colorado Storage Project and they too, I think, would be somewhat confused by this discussion here tonight. Because at those hearings on the project authorization, the private utilities offered the use of existing and planned outages to the utilities' system for the marketing, transmission and delivery of storage project power within our areas. The testimony was understood by the congressional committees to be an offer to provide necessary marketing lines as distinguished from this Federal backbone grid that we are talking about here tonight and the proof of that is in the House Report No. 1087, which contains the following statement, and I quote:

"Their proposal, the utilities proposal, provides essentially that the Secretary construct the backbone transmission lines connecting major powerplants of the project and that use be made of the existing systems of the companies and additions thereto to market the power.

"The proposal is consistent with the policy expressed by the Congress for many years in appropriations acts and elsewhere whereby the Federal Government builds the basic backbone transmission system and distribution is made through existing systems where satisfactory arrangements can be worked out. * * * Therefore, the committee expects the proposal by the private power companies for cooperation in the development to be carefully considered by the Department of the Interior and the electric power and energy of the project to be marketed so far as possible through the facilities of the electric utilities operating in the area, provided, of course, that power preference laws are complied with and project repayment and consumer power rates are not adversely affected."

I submit that the Bureau of Reclamation proposes to comply with these instructions from Congress.

ADDRESS BY SENATOR VANCE HARTKE TO SAGEBRUSH CLUB, SALT LAKE CITY, UTAH

Mr. MOSS. Madam President, the able and energetic junior Senator from Indiana [Mr. HARTKE], the chairman of the Democratic Senatorial Campaign Committee, recently made a very interesting and stirring address in Salt Lake City, Utah, June 24. I ask unanimous consent that the address be printed in the RECORD at this point.

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

ADDRESS BY SENATOR HARTKE TO SAGEBRUSH CLUB, SALT LAKE CITY, UTAH

Even by today's standards, with today's jet airplanes, it is a long way from Washington to Salt Lake City. And it is a long way from the flatlands and the rolling country of Indiana to the majestic mountains and level desert of Utah. Yet, I feel at home here tonight. I am among Democrats.

I am among a hearty people whose land resembles the old frontier, not yet fully conquered even as we move onto the horizons of the New Frontier. I am among the friends, supporters, and constituents of my good friend, TED MOSS, who was elected 2½ years ago as I was. Both of us, by the way, were elected after a long dry spell for our party. Both of us have Republican colleagues whom we hope to help retire next year.

And, speaking of dry spells, both of us spend a good deal of time and effort on the water problems of our home folks. Your water problems are that you do not have enough. We Hoosiers too often have too much. It is too bad that we are not able to pipe you some of our water, which in 10 years has done more than $66 million in flood damage.

I only wish that we Hoosiers had learned as long ago as did you in Utah that water problems involve whole river basins, which are complex entities that take work and interest on a local level, State level, interstate level, and Federal level. The Senate has just passed a bill of mine creating a Wabash Basin Interagency Commission to work for development and protection of the valley that is best known as the stream on which the moon shines bright through the sycamores at night. But this storied river from song and fable goes on rampages often, flooding out thousands and causing untold damage and misery. When I speak of $66 million in flood damage, I cannot count suffering and displacement, or washed out crops that did not even have a chance to sprout.

One of the experts in the Senate on water problems, especially in the field of reclamation, is your own TED MOSS. Senator Moss is a member of the Senate Interior Committee from which base he battles constantly against your water problems. He is of great help to all of us in spreading understanding of this great gift of nature and ways to keep it, control it, expand its uses and prepare for the future day when we shall need even more of this precious resource.

Over in the House, you have two great Congressmen from your State who also have

made a mark in their own fields and in representing you Utahans as you should be represented. I refer, of course, to Congressmen KING and PETERSON.

Their position on the vital matter of water resource development and control is intelligent and prudent. Their dedication to preservation and development of our great natural resources, as is Senator Moss', is in full keeping with those of many great western Democrats.

Do I dwell on the record and the opinions of Democrats only because I am a Democrat and sometimes a partisan? Not at all. The record bears me out.

You never heard a Democrat cry out: "No new starts in public works." You never heard of a Democrat involved in giving away natural resources—water, electric power, atomic energy, vast timberlands or the oil of Teapot Dome. These are sins of the Republicans. You know, better probably than I, that nearly all were perpetrated in the Rocky Mountain empire.

And the leadership, the vision in the fields of conservation and development of natural resources for the good of all Americans also has come largely from the West—from western Democrats generally.

More than a decade ago, the distinguished Senator Joseph O'Mahoney of Wyoming rose on the floor of the Senate to propose a Federal study of methods to remove salt from sea water in order to create the fresh water needed to bloom the arid section of the West.

Senator O'Mahoney's suggestion got light treatment. Today private enterprise and local communities are screaming for sweet water made from ocean water with the salt wrung out. It can be done. A new plant to convert ocean water has just been opened.

It seems certain that private engineers and chemists along with the Government experts and Government funds will produce fresh water from sea water at a reasonable price and that new techniques can then be applied to antipollution campaigns.

Once the technique has been developed by the Government or with Government help, we can fully expect some misguided Republican officeholders to try and figure out a way to get rid of the process free of charge and we can visualize some captain of industry, equally misguided, to shout socialism concerning the project from which his cohorts may be drawing aid.

These predictions are the result of no great ability to read palms or the stars. They are the results of reading the newspapers and hearing some so-called Republican leaders speak. It is easy and safe to predict the future because their performance has been so consistent in the past and in the present. How long has it been since you heard a fresh, new approach or a bold, new idea from a Republican officeholder They have 20-20 hindsight and plenty of vision through the rearview mirror. But they have blinders when it comes to looking ahead.

These Republican leaders comfort themselves, it seems, with the knowledge that a man who stands still cannot make a misstep. But this philosophy cannot move a man through the 20th century. Meanwhile, the world is charging ahead, not just moving.

We Democrats are not cut from this cloth. Our party is blessed with leadership because leadership springs from the people to lead the the people. It is our party that knows the hearts and minds of the people because it is the party of the people. As long as we have been a political party, we have been a party of the people.

In today's world of ferment, more countries need more parties such as our party. If there were more, there would be fewer Castros and Trujillos.

Thomas Jefferson, the founder of the Democratic Party, put these simple truths and wisdoms into the Constitution, using his great powers of persuasion and influence for a system that is the beacon today for a free world. From time to time in our own country it has been necessary for we Democrats, for the leaders who sprung from our party, to reestablish these principles.

It was Jackson who rescued them from special interests and monopolies and later Wilson, Franklin Roosevelt, and Harry Truman who rescued us from our greediest fellow citizens. With our new and complex problems, the philosophies of these greats again will solve our problems.

Our basic goal at home today is to implement the economic bill of rights which the Franklin Roosevelt administration wrote for us 17 years ago. Our basic goal in international affairs is to regain the stature of "good neighbor" which President Roosevelt and President Truman projected. President Kennedy is doing just that, but he is hampered at home by a recession not of his own making and a cold war abroad sparked by a clever and diabolical adversary.

The last administration did not want a recession, did not want high unemployment. But its leaders disregarded the danger signals of months on end, failed to learn lessons from two previous slumps and closed their eyes to what was going on in the hope it would go away.

The first efforts of the present administration have been to solve the immediate business at hand—ending the recession. We have passed a series of bills to ease the suffering, provide new buying power, rehabilitate areas where unemployment has been a real and chronic problem for years. We have tried to help these unfortunate Americans keep their bodies from starvation and give them hope for the future.

Nearly all of these jobless Americans are out of work through no fault of their own. Nearly all these jobless Americans prefer to buy food and shelter and clothing with money they have earned rather than get something free because they cannot earn their own.

It is in the great American tradition and in the tradition of the Democratic Party that President Kennedy acted first to put decent food into the bellies of the jobless and their families and then to set about to the task of a real solution.

Not alone must we find jobs for some 5 million jobless Americans, but we must find more jobs for those coming into the labor market and for those replaced by automation. We must, in short, narrow the gap between what America can produce and what America can use. Today we produce more than we can use in food and in fiber and, so, some Americans have to be laid off to create a balance between production and consumption.

As a member of the Committee on Unemployment Problems, I have had a firsthand look at this problem. As a member of the Commerce and Finance Committees, I have had a chance to view world trade and the problems of taxation and tariffs. I am neither an unrestricted freetrader nor protectionist. I am impressed that foreign competition grows, in part, because of the tax advantages foreign governments give their businesses for the purpose of keeping modern.

It is easier today to maintain a modern factory with the latest machinery in Canada, France, Japan, Germany, or Italy than it is in this country where we pride ourselves on our industrial genius and our fantastic production. This explains my bill for amortization of capital invested in new plants and machinery, a principle also supported by the White House now.

We also have tried to boost buying power with a new minimum wage law, which extended coverage for the first time since the early New Deal. Is there anyone here who does not think that $1.25 an hour is the lowest decent wage that should be paid a breadwinner?

We have also passed a feed grain bill, one which should reduce the surplus in corn, wheat, and other feed grains. These are the only agricultural products which have piled up in unmanageable quantities. We look forward to the day when farm products can be used in the full abundance with which today's farming methods can produce them. Until then, we have stopped using the small farmer as a whipping boy and have at least offered a stopgap solution.

This Congress is moving. When the critics ignore the strides I have just mentioned—and these are only a few since I have not mentioned housing or education or aid to the aged—they also ignore the miserable record of the first months of Congress in the Eisenhower administration of 1953. In the first 100 days of the Republican-dominated Congress under Eisenhower, one new piece of legislation was passed. The rest were extensions of existing laws.

This is typical Republican standpatism, though.

The challenges of Russia, farm abundance, unemployment, outer space and inner security, crippling diseases and better roads, too much water and not enough water cannot be solved by standing pat or looking in that rearview mirror. They will be met and solved by men on top who are also men on tap—on tap for work.

I hope that next year you will send to Washington men of this caliber—a colleague who will make TED Moss a senior Senator because he will be a new colleague. I hope that you will begin work now to organize and to talk and to do battle with us in the party of the people along the New Frontier.

TRIBUTE TO GEN. THOMAS D. WHITE

Mr. MOSS. Madam President, I take this opportunity of entering a word with respect to the services of the senior airman who tomorrow will retire from active duty for his country. I speak, of course, of Gen. Thomas D. White, who heads the Air Force. To my mind the Nation has no higher custodian of its security than the Chief of Staff of the Air Force. Others play major roles—other forces are important, even critical—but all of us long ago have been educated to the overriding and supercritical role of airpower—and now of aerospace forces—to the security of our land.

Something akin to humble awe must cross the mind when one looks upon the tremendous responsibilities which the times and the affairs of men have placed upon the shoulders of our top airman. The Chief of Staff, more than any other, must bear this weight and carry it well in the interest of our Nation.

For the past 8 years—4 as Vice Chief of Staff and the last 4 as Chief—Tommy White has guided our air arm. During this tenure the whole face and figure of airpower has changed. Under his guidance our forces have entered the awesome missile and space age, and accepted its challenges, and because of his leadership we have not entered it barehanded and without tools. The record will show that he told us 7 years ago of the critical need for stepped-up missile technologies and a positive missile posture in this era.

Four years ago he told us of the military uses of space, and even today some

of us are a little too blind to see what the vision of this man has drawn for us in the future.

For the past 8 years, and for the 33 years preceding them, Thomas D. White has been everything that our country could possibly expect of its officers. He clearly exemplifies the perfection of a man under the pressure of arms and in the legislative-political crucible which shapes our national defenses.

For his foresight, his courage, and candor, and for his intelligent and positive leadership of our Air Force during this most critical period of national history, the Nation is, I am sure, most grateful.

Mr. BRIDGES. Madam President, on the occasion of his retirement from long and honorable service with the U.S. Air Force, Gen. Thomas Dresser White deserves special national recognition from a grateful nation.

The facts of General White's many and varied contributions to this Nation's security and to the aerospace forces of tomorrow are well known. I do not wish to labor the record of his service.

But I do want to pay tribute to General White's astute professional character—to his devotion to integrity and honesty in a time when candor and personal courage are of such urgent national need among our leaders. General White has appeared before committees of our Congress with increasing frequency since 1952, nearly a decade. Always we have found his testimony to be sincere, courageous, and accurate. He has spoken from the deep personal conviction of a dedicated leader who knew and loved his chosen profession from the bottom to the top. His views on national defense—and upon the changing aerospace threats to our Nation—have been consistently realistic.

General White's personal motivations have been synonymous with the national needs and ideals. He has truly been in the forefront of those American military leaders who placed country above self, only to find in the end that in the unselfish service of his Nation, he served his U.S. Air Force and himself equally well.

We do not want this gallant, selfless airman to fade away. As he enters retirement, we expect to hear his voice time and again on issues of national importance. We value his counsel as we value our liberty. And indeed our liberty has well been served and protected during the long career of this dedicated American.

Mr. CANNON. Madam President, today a great American and a foremost military statesman, Gen. Thomas D. White, Chief of Staff of the U.S. Air Force, is retiring after 41 years of distinguished service to his country.

General White's career has literally spanned the maturing of airpower. Although General White spent his first 4 years of his military service in the infantry, he has been a pilot for over 35 years. He has seen the U.S. Air Force grow from the Army Air Corps, through the Army Air Forces of World War II, to the powerful force for peace the U.S. Air Force is today. During this time, General White has flown some 100 different types of aircraft from the Jenny in which he soloed to late model jet aircraft.

General White's service has taken him to many foreign lands both in peace and in war. He was our first military attaché for air to the Soviet Union and served in a similar capacity in Italy and in Brazil.

During World War II, General White served in the Southwest Pacific as deputy commander of the 13th Air Force taking part in the New Guinea, southern Philippines, and Borneo campaigns, and later assumed command of the 7th Air Force in the Marianas.

Since 1948, General White has served in Washington in important and critical positions of responsibility. He was the Air Force's first Director of Legislation and Liaison, and performed outstanding service as Director of Plans of the Air Force and later as its Deputy Chief of Staff, Operations. His service as Vice Chief of Staff of the Air Force and as Chief of Staff of the Air Force is well known to all of us.

His forward thinking, his devotion to his country and his dedication to making U.S. aerospace power preeminent mark General White as both a distinguished airman and an outstanding American in the mold of other outstanding air leaders such as Gen. Henry H. Arnold, Gen. Carl Spaatz, Gen. Hoyt Vandenberg, and Gen. Nathan F. Twining.

We will miss General White's counsel, but we wish him happiness and tranquillity in the years ahead.

Mr. THURMOND. Madam President, Gen. Thomas Dresser White is unique in the annals of distinguished military men who are retired on completion of their service to their country in that his career has transcended that of the military.

In 41 years' service dating from his commissioning as a lieutenant at the U.S. Military Academy in 1920 at the astonishing age of 18 to the present day, he has been in turn a military attaché to many foreign countries, including the U.S.S.R.; a linguist several times over; an early advocate of geopolitics and world education; a combat officer in the Pacific in World War II, and a leading architect of the current strong aerospace-missile force of today's U.S. Air Force.

Although his primary driving force over this long period of time has been that of a military man engaged in making decisions that have reflected on a strong Air Force in-being to defend our country in event of aggression, General White has always been cognizant of the political and economic events in the world as they reflect on military might. And in this respect, because of his knowledge of world affairs as they relate to the military and his excellent appraisal of their effects, he has been in a unique position to make decisions with unerring judgment and of great importance to all of us.

I join the Nation in wishing him well in the years to come. He shall be missed at the conference table of the Joint Chiefs of Staff, in the Office of the Chief of Staff, and at all levels of our U.S. Air Force.

INACCURACY OF DESIGNATION "LOYAL OPPOSITION"

Mr. BRIDGES. Madam President, I have been concerned for some time, as have others, about the appellation "Loyal Opposition," which gratuitously has been assigned to the Republican Party by certain segments of the press.

I believe this expression is inaccurate and nondescriptive. The term, of course, had its origin in the history of Great Britain, where, interestingly enough, it no longer is in use. It never has enjoyed widespread currency on the political scene of this country and I, for one, have every hope that it soon will be relegated to the oblivion it deserves.

An article in the current issue of Human Events, for June 30, 1961, written by its able and distinguished editor and publisher, Mr. Frank C. Hanighen, points out succinctly and with clarity the fallacy of applying this term to the attitude of the minority party in American politics. I ask unanimous consent that this excellent statement be printed in the RECORD at the conclusion of my remarks. As the article so aptly puts it, the loyalty of Americans is to the flag, the Republic and the Constitution; not to the head of a political party.

We do have a very real obligation, of course, as Mr. Hanighen suggests, to supply constructive criticism to the present administration. This we are doing and will continue to do, in support of our conscientious loyalty to the country which belongs to us all. We have every expectation that our attitude will be not only constructive, but vigorous and affirmative. We much prefer this course to the negative and complacent posture implied by the expression "Loyal Opposition."

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

[From Human Events, June 30, 1961]

LOYAL OPPOSITION

Events of last week may bring an abandonment in polite society of the term "The Loyal Opposition," the title used by NBC for its June 18 program of separately filmed interviews with 22 Republican leaders, headed by former President Eisenhower. It is rumored that both Ike and the GOP National Committee objected to the title as "negative." But it is well known that Republican leaders have for some time been far from enthusiastic about the phrase as used in the press. Their reactions run as follows:

What opposition party since the Civil War has not been loyal? (Since the War Between the States the southerners' patriotism has, if anything, outshone that of their brothers in the North.) The very use of the word "loyal" implies that the opposition, whether Democratic or Republican, could possibly be disloyal. Use of the expression is, to say the least, presumptuous. So runs the criticism of many in Washington.

It is believed that some of the eggheads now at large in Washington have sought to propagate use of the term in order to intimidate Republicans into acquiescence of the New Frontier program.

Apparently the liberals have borrowed the term from English history, and in so doing have gotten in over their depth. Profs. W. B. Munro and M. Ayearst in their book, "The Governments of Europe," remark that the expression "loyal opposition" has now passed

out of general use in England. The Ministers of the Crown Act of 1937 simply refers to "the opposition."

The professors point out how the expression arose, following the fierce dynastic conflicts of the 17th century, before there were parties, only "King's men" and "King's enemies." In the 18th and 19th centuries the gradual evolution of the Crown and Cabinet took place as real parties developed. Then "King's enemies" faded as the English accepted the idea that men could be opposed to the existing government without being enemies of the state. The concept of "His Majesty's loyal opposition" emphasized this revolutionary change. By this century, the expression went into disuse, and has only been kept alive in the United States through ignorance or guile.

Actually, no Englishman would entertain the idea of loyalty to the Prime Minister; his loyalty is to the Crown. The Prime Minister is an elected official and as head of the majority party is subjected to constant criticism from the opposition. Similarly, it is pointed out, the U.S. President is a party head, popularly elected, to whom the opposition owes nothing but constructive criticism. He has no loyal opposition; he has only the opposition. Loyalty is to the flag, the Republic, and the Constitution.

FLOW OF COMMUNIST PROPAGANDA TO THE UNITED STATES

Mr. KEATING. Mr. President, the testimony of Irving Fishman, Deputy Collector of Customs of the Port of New York, before the Senate Internal Security Subcommittee released yesterday, indicated that Communist propaganda coming into the United States has been stepped up considerably in the last year. Charges have also been made by political refugees from Soviet-bloc nations in this country that the Communists are beginning to flood this Nation with political propaganda.

The charges are serious, and, I believe, deserve further study by the Senate Internal Security Subcommittee. In that connection, I believe that representatives of the Post Office Department, State Department, and other interested Government agencies should be called to testify before the Internal Security Subcommittee as to the impact this propaganda is having in the United States and to what extent we are able to send similar material to Iron Curtain countries.

This is a delicate problem since we must be careful to protect the rights of freedom of expression and freedom of press. Foreign propaganda, however, is not constitutionally privileged. There is a responsibility to expose such propaganda and at the very least, if any of it is to be admitted, the United States should be enabled to carry out a program of truth in the Soviet-bloc nations.

IMPORT DUTIES TO MAINTAIN VITAL JOBS

Mr. SYMINGTON. Madam President, earlier today our two distinguished colleagues from West Virginia brought to the attention of the Senate a resolution of the Legislature of West Virginia urging the President to accept the recommendation of the Tariff Commission for an increase in import duties on certain types of glass.

Foreign competition presents a growing problem for a number of domestic industries.

We in Missouri have a particular concern in the recommendations of the Tariff Commission now before the President not only with reference to import duties on glass but also on baseball and softball gloves.

The senior Senator from West Virginia ably presented reasons for a revision in the regulations governing the importation of certain types of glass.

I should also like to bring to the attention of the Senate the fact that foreign imports have increased in the baseball and softball glove market at a startling rate over the past 4 years. In fact, imports in the first 3 months of 1961 are 40 percent ahead of the same period in 1960. It is estimated that imports will take more than half of the total potential market in the year 1961.

My State of Missouri has a particular interest in maintaining an American share in this market. Four factories have been established in the past few years in small towns in our State, Licking, Newburg, Willow Springs, and Ava.

These factories employ 791 persons, primarily in the manufacture of baseball and softball gloves and mitts for the U.S. market. The total population of the 4 towns in which these plants are located is only 5,332. Each is in an area which needs even more payroll. To them, these plants are of great importance.

For the reasons given, therefore, I hope the President will approve these recommendations of the Tariff Commission for small increases in the import duties on glass and baseball equipment.

REPORT OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

Mr. BIBLE. Madam President, in late April it was my privilege and pleasure, as a member of the Board of Visitors to the U.S. Military Academy, to spend a weekend at West Point.

I was impressed by the uniformly high standards maintained by the Academy under the able supervision of Maj. Gen. W. C. Westmoreland, the superintendent.

Members of the Board of Visitors had the opportunity to acquaint ourselves with the mission, operations, and problems of this splendid institution, Madam President, and have compiled a report on our visit.

I ask unanimous consent that this report be printed in the RECORD immediately following my remarks.

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

REPORT OF THE BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY, WEST POINT, N.Y., APRIL 29, 1961

Subject: Report of the Board of Visitors to the U.S. Military Academy, 1961.

To: The President of the United States.

1. APPOINTMENT OF THE BOARD

The Board of Visitors to the U.S. Military Academy was appointed in accordance with the provisions of section 4355 of title 10, United States Code. Pertinent extracts from the Code are appended to this report and are marked "exhibit A."

2. PERSONNEL OF THE BOARD

The membership of the Board as constituted for the year 1961 was as follows:

Senators: RICHARD B. RUSSELL, of Georgia, chairman of the Committee on Armed Services; HENRY DWORSHAK, of Idaho; ALAN BIBLE, of Nevada; EUGENE J. MCCARTHY, of Minnesota.

Representatives: L. MENDEL RIVERS, of South Carolina, representing CARL VINSON, of Georgia, chairman of the Committee on Armed Services; OLIN E. TEAGUE, of Texas; R. WALTER RIEHLMAN, of New York; WILLIAM H. NATCHER, of Kentucky; WILLIAM E. MINSHALL, of Ohio.

Presidential appointees: Dr. Harlan Hatcher, president, University of Michigan; Dr. George L. Cross, president, University of Oklahoma; General of the Army Omar N. Bradley, U.S. Army; Maj. Gen. Leif J. Sverdrup, USAR retired, president, Sverdrup & Parcel & Associates, St. Louis, Mo.; Mr. Robert T. Stevens, president, J. P. Stevens & Co., Inc., New York, N.Y.; Dr. Edwin D. Harrison, president, Georgia Institute of Technology.

Col. Charles J. Barrett, professor of foreign languages, U.S. Military Academy, was appointed executive secretary for the Board by the Superintendent, U.S. Military Academy.

3. PRELIMINARY DATA

After considering the wishes of the Board of Visitors for 1960 and the academic calendar of the Military Academy, the Superintendent notified all members whose terms extended into 1961 that the period April 27–29 had been selected for the visit.

The Superintendent likewise caused to be distributed to all members of the Board certain reports and informational material, and a suggested program for the visit. A list of the data furnished is appended and marked "exhibit B."

4. CONVENING OF THE BOARD

Certain of the Board members arrived at West Point on April 26, others on the morning of April 27. A formal organization of the Board took place at noon on the latter date. Present at that time were: Senator Bible, Mr. Rivers, Mr. Teague, Mr. Riehlman, Mr. Natcher, Mr. Minshall, Dr. Cross, General Bradley, General Sverdrup, Mr. Stevens, Dr. Harrison.

The Board unanimously elected General Bradley chairman for the 1961 annual visit.

The members present regretted that the pressure of business prevented the attendance of Senator RUSSELL and Dr. Hatcher, and that illness was responsible for the absence of Senator DWORSHAK and Senator MCCARTHY.

Urgent business required General Sverdrup to leave at 3:15 p.m. on April 27. The remaining members departed following the final meeting, which ended at 10:20 a.m. on April 29.

5. PROCEDURE

The detailed program followed by the Board during its visit is appended and marked "Exhibit C." The members present on the morning of April 27 conferred with the Dean of the Academic Board and visited academic departments with classes in session prior to the formal organization of the Board. Thereafter the Board made its inspections generally as a group but again divided during parts of April 28 for classroom visits and for individual conferences with officers commanding companies of cadets. On the evening of April 27 the members of the Board conducted interviews individually with cadets.

6. COMMENTS

a. Morale

From everything the Board was able to see the morale of the cadets is excellent. The

members of the Board were able to visit with cadets in their rooms and to associate with them in the dining hall with the feeling that no command or administrative restraint was being exercised; this condition permitted all views to be frankly expressed. The cadets are loyal to the ideals and principles of the Military Academy and apparently well motivated toward the career which lies ahead of them.

The officers with whom the Board came in contact are obviously enthusiastic and interested in their work. All take pride in what they are contributing toward the officer corps of tomorrow. They are aware of and living up to their responsibilities as models for and as mentors of the cadets in their charge.

Little occasion was offered to judge the morale of enlisted members of the garrison but no reason exists for belief that their morale is different from that of the officers and cadets.

b. Discipline

The Board saw no evidence of lack of discipline and believes that a satisfactory standard is being maintained. Cadet officers and noncommissioned officers willingly accept their responsibilities in the chain of command and effectively perform their duties while maintaining the respect of their classmates and their subordinates.

c. Selection of candidates for West Point

The Board reviewed the methods used to spread information concerning the Military Academy among the secondary schools of the country and the principles applied in determining the applicants best qualified for admission. It was brought out that the Admissions Division of the Military Academy staff is available to assist Members of Congress in the distribution of West Point catalogs and other literature, and in selecting the individuals among their applicants for appointment who have the greatest potential for future military leadership.

The members of the Board are satisfied that these methods and policies are well adapted for their intended purpose.

d. Curriculum

The Board noted that a new curriculum has been adopted as a result of a study conducted during the past 4 years. In this curriculum credit is given, after proper validating examination, for subjects studied before a cadet enters the Academy. This provides more time for advanced or elective courses.

It is also noted that the new curriculum retains the four semesters of engineering instruction, which, under earlier proposals, would have been reduced to three.

The Board feels that the new curriculum is a great improvement and will contribute to better overall education of the graduates.

e. Instruction

(1) Methods

Methods of instruction are modern and effective; they are chosen and applied in such a way as to elicit maximum classroom participation by each cadet. Potential use of television has not been overlooked. A general listing of television equipment already installed was given to the Board, together with citation of instances of use of both closed-circuit presentations and commercial newscasts projected before cadet audiences in support of regular course work.

(2) Instructors

Observation of instructors in the classroom leads to the belief that they are enthusiastic, well-qualified in their fields, patient and understanding with their students. Unanticipated corroboration of this belief came from several cadets interviewed by one member of the Board; the cadets stated that their instructors were well-informed, knew how to explain away difficulties, and were very helpful.

(3) Duration of Instructors' Assignments

The 1960 Report of the Board of Visitors noted (paragraph 3) that "* * * the benefits to the Military Academy of longer tenure for officer instructors must not be overlooked." The 1960 report recognized also the "* * * advantages in extending the standard tour of duty from 3 years to 4."

The present Board concurs in those comments and gives them even greater weight based on a review of one year's experience under the current academic program, which reflects recent curriculum changes. With added emphasis placed on advanced courses and elective courses of an advanced character, the requirement for longer tours of duty for instructors has become more acute.

The explosive expansion of knowledge in many of the fields of learning represented in the West Point curriculum, and the fundamental requirement for thoroughness and depth of study traditional to the Academy from the days of Thayer, impose a demand for well-grounded instructors. To meet this demand the faculty must have assurance that the bulk of its instructors will be available for 4 years.

While it is recognized that Army-wide requirements may curtail tours to 3 years in a limited number of individual cases, the general rule of a 4-year tour should be established.

Economies will result from 4-year tours. Adequate training in graduate schools is vital if instructors are to be prepared properly to teach advanced courses. The cost of this training is substantially reduced if instructors serve for 4 years rather than 3. Further economies result from the smaller number of changes of station under the 4-year tour plan.

For these reasons the Board concurs in the recommendation of last year for longer tenure of instructors. It would appear, however, that much of what has been said above would apply with equal validity to the tenure of the Superintendent. A brief assignment does not give the Superintendent opportunity to establish his policies and effect improvements suggested by his experience. Since he is selected from the group of officers of highest potential in the Army, a Superintendent is naturally desired for other important assignments. At times his retention at West Point might operate to inhibit or postpone his promotion, and such a situation should never be permitted to occur. It is to be hoped that the Army will find it possible to allow each Superintendent a tour of sufficient duration to make a lasting contribution to the good of the Military Academy, provided it does not interfere with the career progress of these gifted officers.

f. Physical equipment

(1) Library

The Board is convinced that a new and larger library is urgently needed. The present building was designed and erected as an observatory nearly a century and a quarter ago. It is not suited for its purposes, being too small to accommodate more than a very small number of the students and not more than 170,000 books. The library is essentially the heart of an institution of higher learning, particularly with the advanced courses and electives now included in West Point's curriculum. The Board believes that the present library is completely inadequate.

The Board reviewed the problem of site, including the recommendation of the Board of Visitors for 1960 that alternate locations be considered. The present Board concurs in the recommendation of the Superintendent that a new library be constructed on the site of the present library. Professional studies have demonstrated the feasibility of erecting a building of suitable size on this spot, in the heart of the educational area of West Point, and easily accessible to all its students.

(2) Gymnasium

The Board devoted considerable time to a study of the physical training program at West Point. Over the years it has been found that the incoming cadets are softer, that more hardening, particularly of leg muscles, is required, that the strength and physical toughness essential to the combat leader must be developed by a broader range of instruction and exercise. The increasing range is now pressing against the barrier of available space in the present gymnasium.

One deficiency reported is inadequate space for instruction in swimming (approximately 5 percent of all entering cadets cannot swim at all, and an additional 5 percent are barely able to swim the length of the pool) and for developing confidence in and near the water. It was also reported that one of the present swimming pools has so deteriorated in its 50 years of existence as to furnish problems of keeping the water in the pool itself.

Other desirable increases are in the number of handball courts (one of the most popular cadet games and a suitable sport for maintaining physical fitness as an officer), in areas suitable for instruction in boxing, and in shower and dressing room facilities. A new requirement exists for a training room where treatment can be given for minor injuries incurred in intramural athletics, for which the average cadet is reluctant to go to the hospital.

Some measure of relief will be afforded if and when the theater, now a flat-floor auditorium occupying a part of the gymnasium, is moved to the proposed cadet activities building discussed elsewhere in this report.

It is the opinion of the Board that the proposed addition to the gymnasium should be undertaken without delay. The site is available, immediately adjoining the present gymnasium. The pressing need for the additional swimming pool lends special urgency to the project, all items of which fit neatly into a package with little engineering difficulty.

(3) Cadet Activities Building

During the past year some additional space has been provided by housing visiting athletic teams in a barracks building outside the cadet area, thus freeing the building formerly used by visiting teams for extracurricular activities. The latter building is immediately contiguous to the cadet barracks area. By this and other changes the availability of recreational facilities has been increased by about 15 percent.

West Point is an isolated community, dependent upon its own resources alone for the type of entertainment and social activities considered normal and necessary for the people of today. Within that community are 2,500 young men, representative of the Nation as a whole. They lead a very restricted life in comparison with that of most college students. They receive and entertain many invited guests during weekends, yet have most limited facilities for such entertainment. It was reported to the Board that weekend weather bad enough to drive most people indoors results in such a crush in the facilities available to cadets as to make the situation unpleasant.

The cadets have 61 extracurricular activity organizations, many of them requiring space. Musical groups require practice and storage space; publication groups require editorial and office space; hobby groups require dark rooms, or space for model railroad layouts, or perhaps only quiet rooms for chess or bridge. Cadets should be given opportunity to take their activities out of attics or basements or drafty storerooms in order that they may derive more pleasure and greater benefits from this portion of their academic life.

Several members of the Board of Visitors, more by coincidence than by design, inquired

of cadets as to their most pressing needs. The almost unanimous answer was that they most missed entertainment facilities on weekends.

This Board is convinced that a cadet activities building is urgently needed. Makeshift arrangements, such as the change in visiting team housing, serve to alleviate but not to eliminate overcrowding. The need to provide for all of the cadet activities, for which no outlet is to be found in neighboring communities, requires a project of considerable magnitude and of comparable cost, a cost well beyond the capabilities of students and alumni of an institution such as the Military Academy. West Point's graduates enter a rewarding but not a lucrative profession, and very few of those graduates are able to contribute significant amounts of money to worthwhile projects at their alma mater.

The need is there, and no method of overcoming the need by private means is available. To continue as at present causes young men, with nowhere else to turn, to pursue their recreational activities in most unsatisfactory conditions, which cannot but affect their morale. Visiting friends of cadets, especially in the winter months, go away with an unflattering recollection of their visits, and frequently ask cadets why they want to continue a life which holds such discomfort. Again, the effect on cadet morale is apparent.

The proposed site for a cadet activities building was pointed out to the Board. It is a commanding location, easily accessible to the cadets, and one which lends itself pleasantly to the West Point scene. Erection of a suitable building should be begun at the earliest practicable date.

g. Fiscal affairs

No serious deficiencies were reported to the Board, and no major problems of operation are known to exist.

h. Post administration

The members of the Board were favorably impressed by the consolidation of functions which made possible the release of 250 soldiers, the equivalent of a company of infantry, for service elsewhere in the Army. They note also the helpful use of outside consultants, at no expense to the Government; their advice has contributed to many phases of post management. The members are pleased to learn that better use of available space, plus consolidation of functions, is resulting in significant savings of both time and money. Though many changes have been effected, still others are planned for the comparatively near future.

i. Superintendent's fund

The Board believes that particular benefit to the Military Academy will derive from the efforts of the Superintendent to establish a fund, to be raised by voluntary contribution, and to provide certain facilities better suited to this type of funding than to the expenditure of appropriated funds.

j. Size of corps of cadets

(1) With Present Facilities

In its report for 1958 the Board of Visitors pointed out: (a) that the corps of cadets is, because of attrition, below its authorized strength for almost the whole of every year; and (b) that a larger number of cadets could be trained at little or no expense to the Government, other than the pay and subsistence of the additional cadets. In 1959, the Board commented that it would be happy to see an increase in the number of young men admitted to the Military Academy, though it believed that such increase should be limited to a figure which, while making maximum utilization of existing or then-projected housing facilities, would not necessitate construction of still more living space.

In its report for 1960 the Board said: "The present Board feels strongly that the Military Academy is open to criticism if it does not fully utilize its physical plant and facilities. Construction of the newest cadet barracks, designed to permit the accommodation of all cadets two to a room, is already authorized and underway. The physical plant upon completion of these barracks will accommodate an initial overstrength on the first Tuesday in July which should permit an end strength the following June equal to the present authorized strength of 2,536 cadets. Messing facilities, classroom space, and even the staff and faculty would need no increase. It would be necessary for the fourth class to return temporarily to the undesirable condition of housing three cadets in a room designed for two. However, this condition would prevail for less than 5 months of the fourth class year and, therefore, for the great majority of cadets, would amount to only a small fraction of their stay at the Military Academy.

"It is the view of the Board of Visitors that the presently proposed amendment to title 10 will enable the Military Academy to make maximum utilization of its facilities and, by so doing, graduate more officers for the Army. In this sense, the proposed amendment represents the same view of the values of education and training as does the National Defense Education Act in its assistance to civilian colleges and universities in the achievement of their necessary goals of graduating more students."

It is estimated that an overstrength of about 200 cadets in July would be reduced by normal losses during the year, so that the authorized strength of 2,536 would be reached in the following June. This should result in an increase of approximately 50 graduates per year.

The present Board concurs fully in the views expressed by the 1960 Board and urgently recommends that the authorizing legislation be secured.

(2) Long-Range Increase

The Board understands that the Army needs 1,800 new line officers each year. It would be desirable to commission one half of these from the graduates of West Point. But the class of 1961 is furnishing less than a third of the annual requirement and other classes in the Military Academy now, most of them larger than this year's graduating class, will still be too small to furnish one third of the requirement.

To attain the desirable objective of half the annual input of officers would require a total strength of the Corps of Cadets considerably in excess of the present authorization. Planning for an increase of cadet strength to 4,250 is well along. The necessary buildings for such an increase can be erected on space presently available, limited as such space is on the irregular terrain at West Point.

The present authorized cadet strength of the Military Academy is the same as that of the Air Force Academy but greatly below that of the Naval Academy, which is 4,426. Since the officer requirements of the three services are approximately the same and their needs are evident, it seems eminently desirable to bring the strength of the service academies into proper balance.

k. Pay of professors

The Pay Act of 1958 provided maximum pay for a colonel after 26 years of service and no further increase was established because most officers who have not attained general officer rank are required to retire after 30 years of service.

The one exception to the 30-year retirement rule is that of professors of the U.S. Military Academy. The title "Professor" is used at the U.S. Military Academy to designate those officers permanently assigned to the senior academic positions. By law they now must retire at age 64. There is no position other than that of Dean of the Academic Board into which they may be promoted, yet one requirement for their selection for the professorship is possession of the qualities sought in a general officer.

It seems appropriate to recognize the qualities and the dedicated service of the professors by some increase in pay if not in rank. Most of them will have completed more than 40 years of service by the time they retire. A proposal now before Congress is to provide a small increase in pay for colonels upon completion of 31 years of service and a similar increase at 36 years of service. This will apply only to professors, as other colonels will have retired with 30 years of service. Nor will it apply to all professors at any one time since proper spacing in age is sought in selection in order to give continuity of experience among the several Department heads. At no time would the pay of any colonel be as great as the pay of a brigadier general. The estimated annual cost in the foreseeable future is in the neighborhood of $15,000.

The Board believes that the proposal gives appropriate recognition at minor cost to the high quality of the professors at West Point, and to the dedication which led them to give up prospect of advancement in the Army for the sake of developing our future officers. The Board endorses the measure and hopes that it may soon be made effective.

1. Date of Next Annual Visit

After consideration of the calendar for 1962 the Board suggests the dates May 3–5, 1962, for the next annual visit.

7. RECOMMENDATIONS

a. Tenure of instructors

That the normal length of assignment of officer instructors at the Military Academy be set at 4 years, in addition to the period of postgraduate training required for the specific duty (par. 6(e)(3), p. 5).

b. Library

That a new library of size suitable for the needs of the Military Academy as an institution of higher learning be erected on the very useful and accessible site of the present inadequate library (par. 6(f)(1), p. 7).

c. Increased facilities for physical education

That the existing gymnasium facilities be expanded by the authorization and construction of additional space for physical education in the vicinity of the present gymnasium (par. 6(f)(2), p. 7).

d. Cadet Activities Building

That the urgently needed building to provide facilities for the reception and entertainment of cadet guests and for numerous other cadet activities be undertaken at the earliest practicable date (par. 6(f)(3), p. 8).

e. Size of Corps of Cadets

That the highest possible priority be given to securing legislative authorization to exceed the presently established strength of the Corps of Cadets during the school year, subject to the provision that the excess be absorbed by the end of the year, thus permitting the training at very little extra cost of additional officers for the Army (par. 6(j)(1), p. 11).

f. Long-range expansion of Cadet strength

That planning continue for expansion of the Corps of Cadets to a size of approximately 4,250 and that authorization for that strength be sought as soon as study of all aspects of the project indicates its feasibility (par. 6(j)(2), p. 12).

g. Pay of professors

That the length of service of professors and the basis upon which they were selected be recognized by step increases in pay for periods of service in excess of those normally to be attained by other colonels on active duty (par. 6(k), p. 13).

8. CONCLUSION

The members of the Board believe that the Military Academy is successfully accomplishing its mission. The staff and faculty, under the leadership of Maj. Gen. W. C. Westmoreland, are effectively and efficiently performing their duties. General Westmoreland is especially to be commended for his continuous efforts to improve administration and to secure better use of available facilities.

The Board takes pride in the spirit and the work of the U.S. Military Academy. We believe it would be an inspiration to every American citizen to see the enthusiasm, and the warm and vital loyalty of the corps of cadets, supported by the entire staff. It is our belief that these young men will be worthy defenders of the American way of life.

OMAR N. BRADLEY,
General of the Army, Chairman of the Board, Bulova Watch Co., Chairman.
L. MENDEL RIVERS,
U.S. House of Representatives.
ALAN BIBLE,
U.S. Senate.
OLIN E. TEAGUE,
U.S. House of Representatives.
GEORGE L. CROSS,
President, University of Oklahoma.
R. WALTER RIEHLMAN,
U.S. House of Representatives.
LEIF J. SVERDRUP,
Major General, USAR, Retired, Sverdrup and Parcel & Associates, Inc.
WILLIAM H. NATCHER,
U.S. House of Representatives.
ROBERT T. STEVENS,
President, J. P. Stevens & Co., Inc.
WILLIAM E. MINSHALL,
U.S. House of Representatives.
EDWIN D. HARRISON,
President, Georgia Institute of Technology.

EXHIBIT A–1

[10 U.S.C. 4355, Board of Visitors, United States Military Academy]

SEC. 4355. Board of Visitors:

(a) A Board of Visitors to the Academy is constituted annually of—

(1) the chairman of the Committee on Armed Services of the Senate, or his designee;

(2) three other Members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;

(3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;

(4) four other Members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and

(5) six persons designated by the President.

(b) The persons designated by the President serve for three years. Two persons shall be designated by him each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Army, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(f) Within sixty days after its annual visit, the Board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within sixty days after the approval.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing his duties, each member of the Board and each adviser is entitled to not more than $5 a day and shall be reimbursed under Government travel regulations for his travel expenses.

EXHIBIT B—INFORMATION FURNISHED TO MEMBERS OF THE BOARD OF VISITORS, 1961

Official Register of the Officers and Cadets, U.S. Military Academy, for the academic year ending June 30, 1960.

Catalog of the U.S. Military Academy, 1960–61.

Report of the Board of Visitors, U.S. Military Academy, 1959.

Report of the Board of Visitors, U. S. Military Academy, 1960.

Annual Report of the Superintendent to the Chief of Staff, U.S. Army, 1960.

Abbreviated organization chart, U.S. Military Academy.

Proposed schedule for 1961 visit.

EXHIBIT C–I—PROGRAM FOLLOWED BY BOARD OF VISITORS, ANNUAL VISIT, 1961

THURSDAY, APRIL 27, 1961

8:45: Call on Superintendent at his office (by members who had arrived on Wednesday, April 26).

9:10: Conference with Dean of the Academic Board.

11:00: Visits to academic departments and to classes in session.

12: Luncheon and organization meeting, U.S. Hotel Thayer.

1:15: Opening conference with Superintendent.

3:15: Conference with commandant of cadets.

4:05: Conference with Director, Office of Military Psychology and Leadership.

4:20: Conference with cadet first captain and brigade commander.

5:30: Review of Corps of Cadets, dinner with Superintendent.

8:45: Informal visits and interviews with cadets in barracks.

FRIDAY, APRIL 28, 1961

9: Inspection of gymnasium and of physical training classes.

10: Conference with Chief, Admissions Division.

10:30: Conference with Registrar.

11: Visits to academic departments and to classes in session or to debates of 15th National Debate Tournament in progress.

12: Inspection of cadet mess, Washington Hall. Lunch with cadets in Washington Hall.

1: Conference with Dean of the Academic Board.

2: Visits to cadet recreational facilities, to sites of proposed construction, discussion on ground of the Military Academy's general development plan. The tour of the several areas included a visit to the Cadet Chapel and an interview with the Cadet Chaplain and his assistant.

4: Observation of varsity athletics. Evening was unscheduled, but many members attended the 15th National Debate Tournament banquet and presentation of awards.

SATURDAY, APRIL 29, 1961

8:30: Executive session and preparation of Board report.

10:30–12: Departure.

GEN. THOMAS D. WHITE

Mr. GOLDWATER. Madam President, during the past 4 years as Chief of Staff, General White led the Air Force into the aerospace age. He guided the free world's largest and most complex aerospace organization toward achieving unprecedented military power for peace and making major advancements for the Nation in aeronautics, science, and space technology. Under his leadership the Air Force became, in fact, the Nation's aerospace arm—dedicated to the conviction that aerospace supremacy is as vital to the free world's peaceful objectives as was air supremacy in the days before ICBM's and Earth satellites. At the same time, General White led in developing a close working relationship with NASA.

During the past 3 years, rocket engines, initially developed for Air Force intercontinental missiles, gave thrust to our first and heaviest satellites for peaceful exploration of space. While maintaining our military strength, General White led the Air Force in its efforts to advance our Nation in many space achievements.

He managed these monumental tasks so as to give full return on the taxpayers' dollar. Last year, for example, with some 43 percent of the military budget, the Air Force provided approximately 91 percent of the Department of Defense effort in space systems; 73 percent of the U.S. continental aerospace defense effort and approximately 90 percent of the general war striking power of the free world. It also provided the Nation's strategic airlift forces, MATS; our primary limited war air superiority forces; and an overall global communication capability more extensive than that of any other single operating agency in the world.

Planet-spanning strategic airlift, ocean-hopping small war air forces, air defense interceptors, refueling aircraft, cargo and troop carriers, and other Air Force aircraft flew approximately 7.3 million hours last year, maintaining constant readiness as a powerful counterforce to protect the Nation. In these millions of hours of flying of 104 types of aircraft under all conditions, including simulated combat conditions, the Air Force reduced major flying accidents by 30 percent and fatal accidents by 50 percent in the aerospace arm's safest flying year.

During the past 4 years, the Air Force has been engaged globally in difficult air logistics feats such as the Congo airlift, the Chile airlift for earthquake victims, and Big Slam/Puerto Pine, the largest peacetime airborne maneuver ever conducted by the United States. In a different area, it has developed the Thor IRBM and the Atlas and Titan ICBM's.

In the face of difficult budget problems, General White developed programs for the long-range, mach 3, B–70 counterforce bomber, the 1,000-mile range air-to-surface ballistic missile, Skybolt, pressed forward the design and ground testing program for the Dyna-Soar boost glide piloted aerospacecraft and accelerated the Minuteman ICBM program.

Highly motivated Air Force men not only flew far with heavy loads in 1960,

but to new speeds and altitudes and with amazing skill. Capsules ejected from Discoverer satellites in space have been recovered in midair by Air Force pilots; and only a few days ago an Air Force pilot flew at 3,690 miles per hour.

Building on the work of his great predecessors, Generals Spaatz, Vandenberg, and Twining, General White has shown the vision, imagination, leadership and management ability to keep our Nation strong in its air and space forces and advanced in space technology.

SENATOR WILLIAM HENRY KING

Mr. MOSS. Madam President, one of my predecessors in the seat I now occupy in the Senate was Senator William Henry King, from Utah, who served for 24 years. When Senator King retired from public life and returned to Utah, Senator Henry Fountain Ashurst, of Arizona, also an eloquent Senator of years gone by, paid a very moving tribute to Senator King. Since the address has been in great demand, I should like to make it available to all to read. I ask unanimous consent that there be printed in the RECORD at this point in my remarks a copy of the address delivered by Hon. Henry Fountain Ashurst at the farewell party in honor of Senator William Henry King, of Utah.

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

ADDRESS BY HENRY FOUNTAIN ASHURST AT THE FAREWELL PARTY, APRIL 11, 1947, IN HONOR OF SENATOR WILLIAM HENRY KING AT THE WASHINGTON CHAPEL, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

We are assembled to offer our tokens of affection and respect to William Henry King: orator, jurist, statesman, scholar. The citizens of a free nation, above all, should honor the brave and independent man of integrity and intellectual power. The shoulders of such men bear the weight and safety of our Republic and its hope of perpetuity.

Such men are the infrangible, diamond pivot upon whom the events of a nation's life may safely revolve.

Such a man is William Henry King.

This occasion is one of mingled regretting and rejoicing: the citizens of the District of Columbia are regretting that they are to be deprived of Senator King's wise and helpful counsel. They gratefully remember his services as the Chairman of the Senate Committee on the District of Columbia. To him as Chairman, no citizen of this District was so poor, so lowly or so obscure as to be below the reach of his recognition, and likewise no citizen of this District was so opulent, so famous or so powerful as to be above the reach of his helpful admonition and gentle reproof. Many of the marks of progress and utility and many of the lines of elegance and art, in this beautiful Capital City, were brought about by his vision and his unrelenting zeal.

But while the citizens of the District of Columbia are regretting his departure hitherfrom, his native Utah, a State of romantic history, of patriotic and industrious people, sublime scenery and vast potential wealth, is rejoicing that its distinguished son, and his estimable wife of starlit charm, are returning to Utah to dwell.

Shakespeare, in his play "Coriolanus" makes Junius Brutus to say of Coriolanus, a Roman hero: "How youngly he began to serve his country; how long continued!" Truly may we say that same thing of Senator King. When he was a very young man, he was clothed with the ermine of a U.S. judge of a large judicial district in the territory of Utah and he served with distinction in those pioneer days when disputes over mining claims, water rights, land limits and range boundaries were litigated, with now and then taming a two-gun badman who needed a lesson in the supremacy of law and order.

At the expiration of the term of his judicial office, he laid aside a spotless ermine and served in the National House of Representatives.

Then, after some years in the practice of the law, a profession in which he was a leader; a profession which he adorned, he entered the U.S. Senate on March 4, 1917, where he served for 27 consecutive years and in the last year of his service was chosen by his fellow Senators to be their President, pro tempore. It was while he was Senator that I came to know him so intimately and in any attempt to appraise the wide range of his senatorial labors, my words would flow into superlatives.

I have heard him speak many times: As an orator, he was clear and lucid; he always spoke interestingly and sometimes delightfully. I often sat in bygone days in mute amazement at his vast reservoir of information: historical, classical, and legal, and his rich, ripe erudition.

Senator King believed that the people of Utah and the people of all of the other States as well, were entitled to the fruits of his learning and experience and were entitled to his best and noblest thought. He was a splendid Senator, faithful, able, diligent. No man ever held the standard of Senatorial service higher than he. He voted his mature judgment. Expediency played no part in his service and in his return to his native State. He and Mrs. King are accompanied by the sentiments of the affection and esteem of the people of this multitudinous city.

Senator King knew that there are many disappointments and crosses in the life of one who endeavors to serve the public but he also knew that there are many sources of comfort: the support of reasonable people and another is the assurance that every righteous thing one may do will, somehow, serve not only the good of his own State but the good of the entire Nation as well, for there is everywhere a conservation of spiritual energy that preserves every noble resolve and every worthy action and molds them into a beneficent achievement that will assist mankind's arduous struggle upward and onward.

Mr. CURTIS obtained the floor.

Mr. CURTIS. Madam President, I yield 5 minutes to the Senator from Arizona.

THE FACTS OF LIFE

Mr. GOLDWATER. Madam President, a very interesting article entitled "The Facts of Life," by Eric Sevareid was published in the Reporter. As a conservative, I called the article interesting because Mr. Sevareid is a liberal, and in the article Mr. Sevareid severely chastises liberals for apparently having gone to sleep on the entire world situation. In view of the recognition by a liberal himself of the failure of liberals in certain fields, I ask unanimous consent that the article by Mr. Eric Sevareid be printed at this point in my remarks.

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

THE FACTS OF LIFE

(By Eric Sevareid)

I hope American nerves are strong; I know American heads are befogged.

The showdown with the Communist world conspiracy is on. We have entered the final stage of the long struggle to determine if we can hold our world position short of a great war. We are in that stage because Khrushchev has decided we are. He will act accordingly, which will force us to act accordingly—if we can clear our heads.

He did his best at Vienna to make us understand, just as Hitler did, time after time. It is wrong to think Khrushchev said nothing new. When he said, in effect, "No negotiations or anything unless it suits us tactically, no disarmament agreement, no test-stoppage agreement, no U.N. save on our terms, no letup on Berlin"—when he said all this, he was saying: "We have you. Why go on with the chess game?"

He has concluded that the Western alliance cannot be pulled together, that north Africa will soon be wide open to Communist exploitation with central Africa to follow, that Southeast Asia is rapidly crumbling into Communist hands, that our Latin American flank is being turned. He is now sure that the great game of isolating the United States, then impoverishing it, then breaking its will, is all over save for our helpless, threshing convulsions, which will be interesting and from time to time dangerous.

No doubt there are afterhours parlor games in the Kremlin these nights—betting pools, for example, on the precise month when the United States, driven desperate by Castro's subversion of other Latin regimes, threatens to use force, whereupon Castro laughingly points out that he has short-range missile emplacements aimed at the lovely white city of Miami and would we care to test his will to use them.

I imagine they play an uproarious game of "Can You Top This?" reading selected items from the British and American press. The passionate claims of British Socialists that Britain will have more world influence if it gives up its atomic weapons must be a consistent funnybone tickler. These days they must particularly cherish the Whitehall-Lippmann theory that if we show willingness to renegotiate West Berlin, the Reds will obligingly give us at the bargaining table a stronger position than we have now.

Surely they adore reading the worrying, hair-shirt arguments that the United States must not do this or that because it will offend "world opinion," knowing as they do that there is no such thing in the moralistic sense—the proof of which is that after all their crimes, including Hungary, they enjoy more influence and respect in the world than ever. They must love the British-American notion that the bosses of the new "neutral" nations are somehow more high-minded and spiritual than those of the committed nations.

They must have shaken their heads in happy disbelief when they read that conservative newspaper executives, calling on the President, said "No" when asked if they accepted his premise that the United States has entered the most critical period of its history.

And they must love the large school of American liberals who assume that any given country, however, barren and illiterate, however profound its background of violence and chieftainship, is capable not only of economic modernization but of parliamentary democracy.

They must love the liberals with social-worker mentalities who do not grasp that illiteracy, low wages, concentrated landownership, and so on are not "social problems" but integral parts of a system of life and, therefore, enormously resistant to quick change by anything less than the "totalitarian disciples" the same liberals abhor. They must love the liberals who assume that because a Marshal plan worked in modern Europe, a similar plan can work among those regimes of Latin America where statistics are wild guesses, where trained econ-

omists hardly exist, where economic planning is finger painting, where, as between countries, there is very little background of communications, normal trade, or even intellectual interest in one another.

The gamesmen in the Kremlin must smile in their sleep as they realize how deeply ingrained is the American illusion that a ton of wheat can offset a ton of Communist artillery shells, that a squad of Peace Corpsmen is a match for a squad of guerrilla fighters.

But I hope they frowned a bit when they read the angry retort of Defense Secretary McNamara when he heard for the umpteenth time the pious theory that the Communists were gaining in Laos and South Vietnam because the regimes there are "unresponsive to the people's needs." A burning sense of reality on a short fuse can make a quiet man shout (as I'm afraid it makes me shout these days), and McNamara shouted that the Communists are gaining in those countries for very simple reasons known as guns, bombs, fighters, and threats.

Frightened people in a score of desperate countries want to be on the winning but not necessarily the moral side; and we have to start winning soon. We are going to lose in several more places before we do. We may as well face the fact that we will also lose in places we cannot afford to lose, until and unless we are willing to fight, no matter the reproving editorials in the Manchester Guardian, no matter what the temporary backlash of world opinion may be.

The relations between nations are not the same as those between individuals. We can afford to lose everything—except respect for our strength and determination. Lose that, and Khrushchev won't bother to sit down and talk again even to say no.

POLITICAL USE OF UNION DUES

Mr. GOLDWATER. Madam President, by a 5-to-4 decision the Supreme Court recently decided that railway workers who were compelled to join a union under a union shop agreement authorized by the Railway Labor Act had the right to prevent the union from using their dues for political purposes over their objections. Five separate opinions expressed the varying views of the nine Justices.

The real issue was whether the union shop provision in the act authorizing the union shop contract violated the freedom of speech guarantee of the first amendment.

The majority decided that no constitutional question was involved. It held simply that the union shop provision in the act denied unions, over an employee's objections, the power to use his exacted funds to support political causes which he opposes. The Court in justifying its conclusion stated that Congress was aware of the political activities of rail unions when it enacted the union shop provision in 1951 and that the result arrived at by the Court was just what Congress had in mind. The majority was very careful to stress that it was not outlawing the union shop nor curtailing the traditional political activities of rail unions.

The suggested remedy for the employees is a classic. Under the decision an aggrieved employee will have to go into court to recoup the proportionate share of dues used for political purposes or to prevent these dues from being used for political purposes. This is hardly a solution and obviously of little help to any employee. It ignores the fact that the average worker has an inherent distaste for becoming involved in any judicial proceedings, costly or otherwise, and a particular aversion to initiating such actions. In case this is not enough, consider the pressures that will be brought to bear on a worker by union bosses and others. How many employees can be expected to assert the rights that the Supreme Court says are theirs under these circumstances? I might add that the Court's remedy is not unlike the policy of the UAW and Walter Reuther. This policy calls for a refund to an objecting employee of that portion of his money used by the union for political purposes.

Justice Black, alone among the Justices, faced up to the constitutional issues and, in my opinion, his conclusion is sound. He would have held that the union shop provision in the act, in permitting the union shop contract to be applied to protesting employees, violated the free speech guarantee of the first amendment.

The decision of the Court points up the need for legislative measures designed to effectively protect the rights of union members in this important field. I have in the past proposed such legislation and I intend to study these proposals again in the light of this decision.

I ask unanimous consent to have printed in the RECORD two excellent editorials on the Court's decision. One is from the Los Angeles Times and is entitled "The Difficult Right of Dissent," the other, "Questionable Decision," is from the Oakland Tribune.

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

[From the Los Angeles Times, June 21, 1961]

THE DIFFICULT RIGHT OF DISSENT

THE COURT'S DECISION

The U.S. Supreme Court decision on the political use of union dues has restored at least one of the rights of individual members in a compulsory labor organization. The decision, however, sets forth a principle without specifically dealing with the problem.

By a 5-to-4 vote the Court ruled that, although a worker may be compelled to join a union, his dues may not be used for union political activities with which he does not agree.

The decision does not mark an end to the massive political power of organized labor. But it may make that strength less monolithic by reaffirming the right of individual dissent. The question now is how that right can be effectively exercised.

Before the Court was a finding by the Georgia Supreme Court that a union shop is unconstitutional when it obliges a member to contribute support to causes or candidates he opposes. Such a worker, said the Georgia court, "is just as much deprived of his freedom of speech as if he were compelled to give his vocal support to doctrines he opposes."

The Federal Court this week upheld the constitutionality of the union shop, but it also upheld the constitutional right of rank-and-file members not to be coerced into political unanimity.

The Corrupt Practices Act and Taft-Hartley law now prohibit the contribution of union dues to candidates for Federal office. But the restriction does not apply to State and local offices, and organized labor has circumvented the intent of the Federal statutes by voluntary contributions and what it calls political education programs. Organizations such as the AFL–CIO Committee on Political Education would be directly affected by the High Court ruling—if it were ever implemented.

When it sanctioned the union shop in 1956 the Supreme Court made clear by unanimous decision that the ruling would be reexamined "if the exaction of dues, initiation fees or assessments is used as a cover for forcing ideological conformity or other action in contravention of the first and fifth amendments."

But if conformity can no longer be legally forced by a dues checkoff, are individual members any better protected than they were before the Court spoke?

The decision places the entire responsibility of corrective action upon the union member. He must first overcome the great pressure against dissent that union officials will bring to bear. Then he must initiate prolonged and costly court actions to regain his dues or to prevent their political use.

FEW CAN FIGHT IT

This is a battle that the late producer Cecil B. De Mille could afford to fight as he did against his ouster by the American Federation of Radio Artists. De Mille refused to contribute to a political campaign conducted by the union and was never again allowed to go on the air.

A dissenting factory worker is not likely to work against such odds, even though the Supreme Court has now declared itself on his side.

What is needed is legislation that will provide practical means of protection for union members. Only then will the Court's statement of individual rights cease to be a judicial technicality.

[From the Oakland Tribune]

QUESTIONABLE DECISION

Anyone believing the recent Supreme Court decision on compulsory union dues payments for political purposes is likely to curb union political activity is sadly mistaken.

The Court ruled that railroad workers will still have to pay their dues in their compulsory membership union, but the union should refund a portion of the dues that would go to politics if the member objects to the union's selection of the political beneficiary.

The decision was close—5–4. It was ambiguous and maybe purposely so. The High Court left open to the lower courts what type of political activity workers could object to contributing toward.

In fact, the majority opinion written by Mr. Justice William J. Brennan, Jr., stated in part that the majority of the union members also have an interest in deciding their union's political views without being silenced by the dissenters.

Such a statement gives a lower court pretty wide latitude in deciding how much a union has to return to a dissenter—indeed, if any at all.

Several of the Justices felt it would be difficult to divide up an objector's dues to cut out the portion that would be used for political purposes.

In view of this difficulty, the Court should have demanded that a formula be worked out instead of merely leaving the matter open to more—and undoubtedly extensive litigation.

REORGANIZATION PLAN NO. 4

The Senate resumed the consideration of Reorganization Plan No. 4 of 1961.

Mr. DIRKSEN. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is Senate Resolution 147.

Mr. DIRKSEN. I ask that the resolution be read.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 147) opposing Reorganization Plan No. 4 of 1961, was read, as follows:

Resolved, That the Senate does not favor the Reorganization Plan Numbered 4 of 1961 transmitted to Congress by the President on May 9, 1961.

The PRESIDING OFFICER. Under the unanimous-consent agreement previously agreed to, the time on the pending business is now under the control of the Senator from Arkansas [Mr. McCLELLAN] and the Senator from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Madam President, I ask unanimous consent that, notwithstanding the order that has been entered, I be permitted to make a point of no quorum, and that the time required for the quorum call not be charged to either side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Madam President, I ask that the order for the quorum call be rescinded.

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

Mr. DIRKSEN. I yield 5 minutes to the Senator from Nebraska.

Mr. CURTIS. Madam President, I thank the distinguished minority leader. There was sent to Congress, Reorganization Plan No. 4 dealing with the Federal Trade Commission. One of the most astute lawyers in this body is my colleague, Senator HRUSKA of Nebraska. He is a distinguished member of the Committee on the Judiciary. He has made an exhaustive study of the Federal Trade Commission. He came to the conclusion that Reorganization Plan No. 4 was not in the public interest, that it was not in accord with our tradition, and that it would not result in better government. Therefore, my colleague from Nebraska on May 16, 1961, submitted a resolution which states:

Resolved, That the Senate does not favor Reorganization Plan No. 4 of 1961, transmitted to the Congress by the President on May 9, 1961.

Madam President, I ask unanimous consent that there be printed in the RECORD at this point a statement on this subject prepared by my distinguished colleague from Nebraska.

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

STATEMENT BY SENATOR HRUSKA

Senate Resolution 147 calls for the disapproval of Reorganization Plan No. 4 pertaining to the Federal Trade Commission. There are, in my opinion, several reasons why this plan is objectionable, and I earnestly hope that it will be rejected.

In brief, Reorganization Plan No. 4 provides that the Federal Trade Commission shall be authorized to delegate any of its functions to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board. Provision is made for appeal to the Commission of any action taken pursuant to this delegation, but such appeal is discretionary with the Commission, and a decision to grant an appeal requires the vote of a majority less one member of the Commission. The plan further provides that the authority to assign personnel to perform those functions which have been delegated shall be vested solely in the Chairman of the Commission.

In his message transmitting Reorganization Plan No. 4, President Kennedy stated:

"This plan will provide for greater efficiency in the dispatch of the business of the Federal Trade Commission.

"The plan provides greater flexibility in the handling of the business before the Commission, permitting its disposition at different levels so as better to promote its efficient dispatch."

These are most worthwhile objectives. We know that there is a serious problem of delay in our administrative agencies, and there is no dispute about the fact that a conscientious effort must be made to expedite the work of these agencies and increase their efficiency.

However, we must also recognize that expedition is not an end in itself. We must not, in the name of efficiency, sacrifice the quality of justice which these agencies are called upon to administer.

The Federal Trade Commission has far-reaching power over vital property rights of thousands of our citizens. Each litigant that appears before that body is entitled to his day in court. He has a right to expect a fair hearing before qualified and duly constituted officials.

Therefore, the question before us is not limited to whether or not the work of the Federal Trade Commission will be speeded up under plan No. 4. We must also satisfy ourselves that there will be no impairment of substantive rights and that the bipartisan character and basic mission of the FTC as it was originally intended by Congress will not be perverted.

The reorganization of the Federal Trade Commission was previously considered by the Senate when Reorganization Plan No. 8 was transmitted to the Congress in 1950. Hearings were held at that time, and plan No. 8 was accepted and permitted to become law.

I mentioned plan No. 8 because it has been boldly stated that plan No. 4 is just an extension of plan No. 8 and for that reason there should not be too much concern about the new powers that plan No. 4 confers on the Chairman. Upon comparison, however, it is quite apparent that there is a substantial and vital difference in the scope of these two plans.

In plan No. 8 of 1950 executive and administrative functions only were transferred from the Commission to the Chairman, and the plan spelled out certain specified powers which were reserved in the Commission. The Senate Committee on Expenditures in the executive departments which studied plan No. 8 made it clear that only executive and administrative functions were being delegated to the Chairman under the plan and that there was no transfer of substantive functions. At page 3 of Senate Report No. 1562, 81st Congress, second session (1950) the committee stated:

"It should be noted with all the emphasis that can be brought to bear that this reorganization plan in no way alters, modifies, or diminishes Federal Trade Commission which are vested by statute in the Chairman and the Commissioners or the Commission as a whole.

Contrast this with the broad delegation of powers in plan No. 4 which provides that any—and I emphasize the word "any"—function, including substantive quasi-judicial functions, may be delegated to "* * * a division of the Commission, an individual commissioner, a hearing examiner, or an employee or employee board." There can be no doubt about the fact that plan No. 4 does represent a broad departure from existing law.

It is difficult to anticipate all of its implications and the changes which may result from plan No. 4 because of its broad sweeping terms. Also, there are certain doubts which arise because some of its provisions appear to conflict with the law as it now exists under the organic act establishing the Federal Trade Commission and the Administrative Procedure Act and Reorganization Plan No. 8. There are, however, certain areas where questions immediately arise and cause some of us serious concern.

For example, under plan No. 4, the authority to issue complaints could be delegated to any employee. Even under the present procedure where the Commission issues the complaint and then later passes judgment on that complaint so that it is, in a sense, acting as both prosecutor and judge, there is a departure from our traditional system of jurisprudence. How much more of a departure there is going to be when this power can be delegated away to any "* * * examiner, or an employee or employee board." At least, under the present arrangement to which we have become accustomed, we have the assurance that the Commissioners who play this delicate dual role are responsible individuals appointed by the President and confirmed by the Senate. To that extent they are responsible to the President, the Congress, and the public, and are subject to some discipline and restraint. This would not be true in the case of civil service employees who are one step removed, who would be responsible only to the Chairman, and who would be nameless as far as the litigants and the public are concerned.

At the hearings which were held on Senate Resolution 147, Mr. Paul Rand Dixon, the present Chairman of the Federal Trade Commission, testified that he would not be in favor of having the Commission delegate the power to issue complaints to employers. This is heartening because I have much respect for Mr. Dixon and know him to be a man of great capability. Needless to say, however, after Mr. Dixon leaves, the Chairman who succeeds him might very well think otherwise and decide this power should be delegated. The point is, why should Congress grant the Commission an authority to delegate which is so broad that it includes areas where delegation is not deemed advisable and the authority is not needed?

Another area of concern is the procedure for appointing bureau heads. Reorganization Plan No. 8 specifically provided that the Chairman's appointment of heads of major administrative units would be subject to the approval of the Commission. The people holding these positions are major policy-making officials. It is important that the full Commission have an opportunity to inquire into their background and qualifications, as well as their predilections and philosophical bent. However, under section 1 of plan No. 4 this approval process could be eliminated by rule so that it would no longer be necessary for the Commission to pass upon these appointments.

If the authority to adjudicate the substantive rights of the litigant are to be delegated as proposed in plan No. 4, special precaution must be taken to insure that the litigant is given an effective right of appeal. However, the provisions for appeal which are contained in plan No. 4 are inadequate and do not fully protect the litigant's rights.

The appeal provided under plan No. 4 has been likened to a certiorari proceeding. Appeal is not granted as a matter of right but rather it remains within the discretion of the Commission. Unless a majority of the Commission less one member vote in favor of granting a review, the action taken on any matter which has been delegated will become final.

If the litigant is going to be deprived of a mandatory right of appeal, those persons who have been delegated the authority to pass judgment on his rights should be appointed for a term of years and should be subject to Senate confirmation. Otherwise, these employees may find it difficult to maintain their independence and could be subject to domination by the Chairman. Through the control which the Chairman has over the employees of the Commission, especially in the assignment of cases, it is quite conceivable that there could be a tendency for some examiners and other employees to decide cases in conformity with the individual views and philosophy of the Chairman. This, in turn, could develop into a direct line of command from the White House to the individual examiner via the Chairman. The end result would be the destruction of the bipartisan nature of this agency as it was intended by Congress.

Those who support plan No. 4 will argue that one less than a majority (in other words usually two Commissioners) may call a case up for review and that this provision preserves the bipartisan character of the Commission. However, this provision is not a sufficient protection. For example, if three members of the Commission embrace the political faith of the majority party and one member is an independent, the member of the minority party would have no control over the types of cases which are accepted for review. There would be no effective check of the majority party. With no check, there would be no balance.

It should also be mentioned that the general freedom of action and independence of the individual Commissioners would be limited to the extent that the assignment of their work would be controlled by the Chairman.

Under the present law, the decision of a hearing examiner is appealable to the Commission as a matter of right. If, as proposed in plan No. 4, there are to be further delegations of authority to employees including those who are less qualified than hearing examiners, there would be even more compelling reasons for providing a mandatory right of review rather than restricting review to those cases where the Commission grants certiorari.

Because of its quasi-judicial nature, much of the policy of the Commission will evolve from a line of decisions which are rendered in a particular type of case. Therefore, unless the Commission itself is placed on record in those cases which come before that agency, it is bound to become more difficult to ascertain the Commission's policies. It is sufficient to quote the President in his message to the Congress April 13, 1961, on regulatory agencies to illustrate this point:

"The practice of rendering anonymous decisions, which has hitherto generally prevailed, has served as a means of escaping precision and responsibility. When the actual source of the opinion is unknown save only that it is issued in the name of the agency, it not only impairs its value as a precedent, but also makes for that very dissipation of responsibility that we are trying to reduce in our administrative action.

"Fortunately, from the beginning of American law, our judges assumed an individual responsibility for uttering the bases which underlay their decisions. This practice has made not only for conscientiousness in undergoing the travail of decision, but has invited examination of each proffered brick that would seek a place in the structure of our law. The adoption of this practice by the regulatory agencies would, in my opinion, tend to develop the law that they administer, as well as be a continual challenge to each agency member to make his contribution to the advancement of administrative justice. I am requesting a wider adoption of this practice."

The problem of delay and congestion is not peculiar to the Federal Trade Commission or the administrative agencies. Many of our courts, particularly those in the larger metropolitan areas, are plagued with the same problem and probably to a greater degree. For several years now this has been of great concern to the bar, the judiciary, and the public. Books have been written on the subject, and literally hundreds of articles and speeches have addressed themselves to the problem. A great number and variety of new techniques and procedures have been employed with some being adopted and others being abandoned. At the present time, the Judiciary Subcommittee on Improvements in Judiciary Machinery is grappling with the problem as it relates to the Federal courts.

If I may call upon my experience as a member of that subcommittee, let me say that I have not seen any proposals for expediting the work of the courts which would, in the slightest degree, chip away at the quality of justice to be administered, nor have I seen any suggestions that such a compromise might be justifiable. The preservation of the rights of the litigants has always been the primary concern.

There has been a limited use of procedures calling for the delegation of judicial functions to inferior officers such as commissioners, referees, masters, and auditors, in order to lighten the work load of the judge. I know of no procedures, however, which would permit final decisions to be entered by anybody other than a duly constituted statutory tribunal without giving the litigant a mandatory right of review by the court having supervisory jurisdiction.

There are undoubtedly several functions now being performed by the Commissioners which should be delegated. And certainly in the interest of efficiency and economy there should be a delegation of those functions which can be transferred without jeopardizing the rights of litigants or changing the nature of the agency.

But, if this is to be accomplished by a reorganization plan, the plan should spell out the specific areas in which it is intended that delegations will be made. Otherwise, Congress has no way of evaluating the consequences of its action in endorsing the plan.

Reorganization Plan No. 4 does not do this. It contains broad general provisions and, in many respects, is vague. As I stated earlier, Congress is being asked to grant the Commission authority to delegate in certain areas where it apparently is not needed or even wanted at the present time.

The present Chairman of the Commission has stated that it has not yet been determined exactly what internal changes might be necessary to improve the efficiency of the Federal Trade Commission but that he believes Plan No. 4 should be adopted to clear up any doubts as to the Commission's authority in this regard.

It appears that Congress is being asked to sign over a blank authority which, in my opinion, would be an abdication of its legislative function. In effect Reorganization Plan No. 4 would be a further extension of the Reorganization Act of 1949 as it applies to a specific agency. Under that act Congress at least retained a veto power. Now it is being asked to relinquish the veto by approving a broad plan which would enable the Commission to carry out such reorganizations as it sees fit in the future without first giving Congress an opportunity to disapprove them.

We should have the assurance that the power to issue complaints will not be delegated; that the appointment of department heads will be subject to the approval of the Commission; that basic rights of litigants will not be sacrificed and that the Commission remains a bipartisan body with five Commissioners rather than one. If efficiency requires that certain functions be delegated let them be specified. Let such proposals be subjected to the full legislation process, so they can be carefully evaluated.

Mr. CURTIS. Madam President, in the Federal Trade Commission there are some distinguished and dedicated employees and examiners. There are distinguished members of that Commission, and a distinguished Chairman. They are dedicated, patriotic, intelligent individuals. However, the question before the Senate today is, Shall we make a delegation of power, not to these individuals I have mentioned, but shall we make a delegation of power within the framework of the Federal Trade Commission, which power will be vested not only today but also tomorrow and for time to come, when we know not who will occupy those positions?

In granting authority to a public official we should never grant authority because a good man happens to hold the position in question. We should delegate authority, keeping in mind that sometime an unwise man or an individual with not the ultimate in judicial temperament will hold that office.

The Federal Trade Commission is an agency set up by Congress. It makes rules, investigates, holds hearings, sits as a trial court, and renders judgment. It does all this without coming to Congress. Its rules have the effect of law. Its regulations have the effect of law. Its decisions could mean life or death for a business.

Anyone who believes in liberal government—and I do—must adhere to the position that such power, if it is to be delegated by the Congress, should be delegated to the whole Commission. After all, we give the Commission the power to investigate, to prosecute, to try, and to render judgment. The reorganization plan before the Senate would take power away from the Commission and center it in the Chairman.

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

Mr. DIRKSEN. Madam President, I yield 1 additional minute to the Senator from Nebraska.

Mr. CURTIS. The plan would give broad powers of delegation. That is wrong. The business before the agencies should be expedited, but this is not the answer. Concentration of power has never expedited proceedings in any sphere. The Federal Trade Commission and all other Commissions should come before Congress, if they cannot speed up their schedules and clear up their docket, and ask for specific legislation that they need. Congress should provide them with the manpower, so that all citizens of the United States can have their cases heard expeditiously. We should never, under the guise of speeding up or making efficient, concentrate power that was intended for an entire Commission.

Again I say, it is power to legislate, it is power to investigate, power to try, to prosecute, to decide, and power to enter a verdict which can sound the death knell to business.

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

Mr. DIRKSEN. Madam President, I yield 10 minutes to the distinguished Senator from South Dakota.

Mr. MUNDT. Madam President, first I wish to associate myself emphatically with the line of reasoning which has just been enunciated by the distinguished Senator from Nebraska [Mr. CURTIS]. He has placed before the Senate—more appropriately, I should say, he has stated in our nearly empty Senate Chamber—some very potent arguments, it seems to me, for the disapproval of Reorganization Plan No. 4. It seems to me that if there is a need and a desire to expedite the business of the Commission by changing its rules and regulations, the final paragraph issued by the Committee on Government Operations in its report recommending the disapproval of the reorganization plan spells out the proper procedure. I quote that paragraph:

> Finally, in the judgment of the committee, if action is required to streamline the Federal Trade Commission or to relieve its members of present burdens by authorizing extensive delegations and limiting administrative appeals, this should be done selectively by amending the organic statute of the Commission, and by the committees which normally process legislation pertaining to the Commission and which are familiar with their policies and activities, rather than by the device of a reorganization plan.

Certainly, I think one could say that procedure should be followed, rather than using this type of reorganization plan. Actually, this proposal is not a reorganization plan at all. It should more appropriately be designated as a "reorganization permit," because we are asked to issue a reorganization "permit" without guidelines, without limitations, whereby the Chairman of the Commission may introduce any kind of reorganization procedures which he desires.

A plan is one thing, because one can find in a plan those elements of which he approves or disapproves. At least with a plan before us we know what we are legislating about. But when in the form of a reorganization plan a carte blanche permit is issued to the Chairman of the Commission to do whatever he wishes to do under the guise of expediting legislation, I feel certain that that is entirely out of context with the intent of Congress when it approved the legislation permitting reorganization plans to be sent to Congress.

I recognize, of course, that it is a futile forensic exercise to address a host of empty seats on this sleepy, preholiday afternoon, talking about a reorganization plan or a bill, because if one could, by some rare stroke of luck, influence the votes of all who are here and multiply them by 2, he would still lose the vote by 3 to 1. Nevertheless, I still think that, to keep the record straight, a few things should be said, because I feel certain that the approval of this plan would come back to plague us time after time in the ensuing months and ensuing years.

Madam President, I shall explain why I refer to this proposal as an "organizational permit" instead of a reorganization plan. Under the proposals contained in this suggested delegation of authority as sent to Congress by the White House, and as prescribed, I presume, by Dr. Landis, there are virtually no limitations as to what can be done by the Chairman of the Commission in delegating the authority of the Commission and delegating the authority away from the various members of the Commission.

I may say, by way of interpolation, that when Congress created the Federal Trade Commission, it must have had some reason for making it bipartisan in nature. I think that was wise; I think it was good; because we are dealing with a Commission which has the power of life and death over American businesses, great and small. The Commission can, by unwise regulations, by impetuous regulations, by controversial regulations, virtually put out of business small concerns which cannot support the luxury of high-priced legal counsel to carry a controversy through the courts, and ultimately to the Supreme Court of the United States. However, this proposal would virtually destroy the significance of formulating this Commission so as to include bipartisan representation.

If the Federal Trade Commission takes some action against General Electric, Westinghouse, General Motors, or Du Pont, that action, of course, provides a challenge for their attorneys, and they have plenty of means and opportunity to have the case adjudicated by the high courts. But when the Commission takes some action which deals with a small business, which cannot afford to maintain a retinue of attorneys, which cannot afford to employ special counsel for important cases, it is hereby proposed to delegate, not only to the Chairman of the Commission, but also to the rules and regulations made by some employee, an appointee of an appointee of an appointee of the President, lethal powers over the free enterprise system.

In the committee report will be found the words of Commissioner Anderson, who, by the way, is a former Governor of South Dakota, and who is recognized as having made a great record as a Federal Trade Commissioner; a man whose judgment is sound, and whose experience is vast. He said:

> One of the dangers of a great delegation of power is that the authority making such delegation may eventually become too far removed from actual knowledge of operations as carried out by those to whom the power has been delegated. In big government this type of delegation could be most detrimental and inimical to the purposes for which an agency is created.

Commissioner Anderson continued later in his testimony with this statement:

> I am of the further opinion that Reorganization Plan No. 4 of 1961 vests too much power in the Chairman. The imposition of the plan would reduce the status of individual Commissioners. I am sure that it is not the intention of the Executive to create a one-man agency out of our multimember agency. This will, however, be the inevitable result if the individual Commission members are further reduced in status and the powers of Chairman increased. I feel that the members of a regulatory body who serve in quasi-judicial, quasi-legislative, and administrative capacities should not be reduced to staff status.

Madam President, I share that conviction, because the Federal Trade Commission is charged by law with the exercise of important powers over American business and industry, and its functions and responsibilities have been specifically vested and defined in the Commission by Congress.

What will happen if this reorganization permit is granted? What will be the result? The committee report does a little prognosticating in that direction. It states:

> If plan No. 4 of 1961 is permitted to go into effect, the Commission will have the power to (1) authorize the delegation of any and all of its functions to subordinates.

That is where I say we are delegating the capacity to make rulings which can be ruinous or beneficial to any industry, big or small, to an appointee of an appointee of an appointee of an appointee of an appointee, because it is possible to go down, down, and down, as far as there are subordinate echelons into which the authority which Congress originally reposed in the hands of a Federal Trade Commission, bipartisan in nature, can be drained.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. DIRKSEN. Madam President, I yield 5 additional minutes to the Senator from South Dakota.

Mr. MUNDT. Madam President, a second thing which will occur if this plan eventuates will be:

> (2) Afford review only at its discretion, unless two members of the Commission agree to a review.

In other words, the likelihood or the possibility of review is reduced. We will have narrowed the path which businesses can travel to be certain they will have an opportunity to have the type of review Congress intended them to have when the original act was passed.

Third, the proposed reorganization act will cause the decision of a subordinate to become final by denying automatic review. In other words, this proposal could result in death by anonymous attack, so far as concerns a business against which repressive action had been taken by some subordinate, if review were denied.

In addition, the Chairman of the Commission would be vested with the authority to choose the individuals who would exercise the delegated power.

Madam President, I am not in sympathy with the current trends in government which tend increasingly to place more and more authority in the hands of fewer and fewer individuals. I am not in sympathy with the general, overall tendency in 1961 to delegate and increase the powers, authorities, and prerogatives of the Executive—not that I distrust the Executive—but if Congress is to continue to justify its exist-

ence, Congress must exercise and retain its legislative prerogatives and functions. We find on every side the attack to cut down and cut back the authority of Congress, and to build up and expand the authority of the Executive.

The other day, a committee of prominent Americans suggested that perhaps the tax-writing authority should be turned over to the Executive, and that perhaps Congress should confine itself to fixing the amount to be raised by taxes, but that the Executive should determine how and largely by whom the taxes should be paid. Increasingly it is being suggested that the Congress give the Executive the power to engage in back-door spending procedures. In that connection, of course, no one is able to determine how much the actual taxpayers' Federal obligation or Federal debt would be.

We have had before us, at least for consideration by the Agriculture Committees of the House and of the Senate, a farm program proposal to turn over to the Secretary of Agriculture the right to write our agricultural legislation, and to deny—and, Madam President, I ask that Senators note the executive presumption implicit in the use of that word "deny"—the Congress and the people the right to say anything except one or the other of the two monosyllabic words "yes" or "no," but eliminating the right to amend.

I am happy to record that this week our Senate Committee on Agriculture and Forestry rejected this arrogant suggestion and today the ticker tape in our cloakroom reports our companion committee in the House rejected it even more emphatically.

I think there should be grave country-wide concern regarding the attempts to cut down Congress to the importance of a ceremonial group, and to build up the executive until it would virtually run the entire country and its people.

I submit, Madam President, that Reorganization Plan No. 4 is in keeping with the current concept of turning over to an individual all power over the people—in this instance, not only to turn it over to the President—in which case the people at least would know who was responsible—or to the Chairman of the Commission, but to turn it over to any subordinate employee of the Commission whom the Chairman might select, and to allow that employee to issue a decree or to hold a hearing, and thus to decide whether some small business in the United States would survive or would die.

Madam President, even though there are now less than a dozen Members of the Senate on the floor, to consider this matter, I, for one, want the record to be clear. I think this is an unfortunate day in American history, if by means of the forthcoming yea-and-nay vote we move further in the direction of decapitating Congress and glorifying the Executive so that by fiat or decree it can make rulings, to the ruination of America and its people. I hope Reorganization Plan No. 4 is rejected by the Senate.

Mr. DIRKSEN. Madam President, I yield 10 minutes to the Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Madam President, it is regrettable that there are not more Senators present in the Chamber at this time to deliberate upon this rather important subject. But I am sure other Members have work to do which they consider of greater importance than the subject we are now considering.

In respect to these reorganization plans, we shall be writing rather interesting legislative history, because although it may be that this plan will be rejected, as was the Securities and Exchange Commission plan, we shall at least be finding the area in which something which needs to be done can be done without running afoul of the dangers which I think are presented by the plan which now is before us.

I participated rather actively in the debate on Reorganization Plan No. 2, which related to the Securities and Exchange Commission; and it is my understanding that the Senate rejected that plan because it was proposed that the Commission be given authority to delegate powers which the Congress did not wish it to delegate. This is a very important point, and I believe it is the fulcrum upon which our decisions in regard to all of these plans should turn.

We are told that we must assume that a delegation of power will be exercised providently and that appointees whose nominations the Senate has confirmed will not delegate power capriciously or recklessly.

So the question is whether we wish to give the Commission authority to delegate certain types of authority. I believe we do not; and I believe that is why the Securities and Exchange Commission plan was rejected.

The types of authority which the Congress does not wish to give a commission the power to delegate are essentially the following:

First, the rulemaking power. I believe one of the fundamental arguments in connection with the Securities and Exchange Commission plan debate was that the rulemaking power represents the residual control which the Commission has over everything under its wings, so to speak, and that even though it might be vexatious to the Commission to deal with some of the rules—for instance, some of the agencies have rules in regard to the size of the paper on which memoranda shall be submitted—such disadvantages simply do not begin to rate with the advantage to be had by requiring the Commission to retain its rulemaking power, in view of the fact that all the work of the Commission proceeds under that power, and that, therefore, if the Commission retains that power, it retains the core of control over its work.

Hence, Madam President, it is my conviction that plan No. 4 is fatally defective, if for no other reason than the fact that it would give the Commission the right to delegate the rulemaking power, which the Congress does not believe should be delegated.

The second point is in connection with the so-called review procedure. The only way by which the Commission's review of a complicated matter may be obtained as a matter of right——

Mr. KEFAUVER. Madam President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. KEFAUVER. I always have great respect for the opinions of the Senator from New York. But aside from the procedural—as we might say—rulemaking power, where is there in this plan any provision for delegation of the rulemaking power?

Mr. JAVITS. The general and sweeping authority given by this reorganization plan to delegate practically any matter includes delegation of the rulemaking power, in my view, and, indeed, as I understand——

Mr. KEFAUVER. What rulemaking power could be delegated under this plan?

Mr. JAVITS. The Commission could delegate its power to make and to change the rules. That is what I am complaining about in this respect. The Commission could delegate to subordinates its power to issue rules, subject to the review rights, and so forth, of the Commission, of course. That is what I am discussing now.

Mr. KEFAUVER. But I cannot find in the plan any provision of power to delegate the rulemaking power.

Mr. JAVITS. If the Senator from Tennessee will follow me——

Mr. KEFAUVER. The Commission administers certain laws, particularly the Federal Trade Commission Act and the Robinson-Patman Act. Their purpose is not the rulemaking power, in the first place.

Mr. JAVITS. I understand. But, nonetheless, the Commission operates under a set of rules; and if the Commission obtains the general power of delegation, the Commission certainly could proceed with a specific delegation of that power.

Mr. KEFAUVER. I suppose the Senator from New York is talking about the power to issue subpenas.

Mr. JAVITS. And the power to issue complaints.

Mr. KEFAUVER. And the power to grant delays in regard to the time to file briefs, and so forth. But surely that is not the sort of thing the Senator from New York would wish to have the entire Commission act on.

Mr. JAVITS. What about delegation of the power to issue complaints? In many cases the mere issuance of a complaint—as the committee states in its report—can mean the life or the death of the firm concerned.

Mr. KEFAUVER. But in their testimony the Commissioners have stated that they would never delegate that power.

Mr. JAVITS. That is precisely the point I wish to make, and I am glad the Senator made it before I did. The point in all these reorganization plans—and this plan is not untypical of the other plans—is that the Commission says, in its testimony before the committee, it will not use the authority

which it asks the power to delegate. That is why I said, when I began, I think the cardinal question for the Congress to answer is, Do we want to give the Commissions authority to delegate power we do not want them to delegate under any circumstances, even though they may say they now have no present intention of using that authority?

Indeed, I think the fatal defect in all these plans is the extent to which the Commissions request authority beyond what they actually need, in order to give themselves what is called, in the committee report, "flexibility." But it is flexibility which, in my view, Congress should not give, because, in my view, Congress never intended that this kind of fundamental power should be exercised by anyone other than the Commission.

I think the Senator has put his finger exactly on the point.

Mr. DIRKSEN. Madam President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DIRKSEN. In response to the question raised by the Senator from Tennessee, if the Senator will examine the rules of practice and procedure of the Federal Trade Commission, part II, the rulemaking procedures, there will be found rules relating to wool, fur, flammable materials, and a great many other products, and also quantity limit rules under the Clayton Act. Then it is stated that these rules have the force and effect of law, in answer to the question as to whether or not there is a rulemaking power that the Commission can delegate to be exercised by some subordinate.

Mr. KEFAUVER. Under the Wool Labeling and Clayton Acts, the Federal Power Commission has set up rules and regulations. There would be no occasion for delegating them.

Mr. DIRKSEN. But it is a question of power.

Mr. JAVITS. If the power was delegated, all the rules made could be withdrawn by a new rule, or completely revised.

If I may point out what I consider to be a very important factor in respect to this plan. I have received, and I think other Senators also have received, a copy of a letter addressed to the Chairman of the Committee on Government Operations [Mr. McCLELLAN], dated June 28, 1961, from the Association of the Bar of the City of New York, a very distinguished lawyers' organization, our principal bar association, and from the committee on administrative law of that association, in which the committee recommends disapproval of Reorganization Plan No. 4.

The key to the committee's views is contained in these words. Speaking of the Commission, the letter states:

> They have pointed to only a few specific instances where additional authority may be needed to promote efficiency and reduce delay, but urge that the unrestricted authority provided by the plan will afford a useful flexibility in the future.
>
> While this committee assumes that the authority inherent in the proposed plan would not be used unwisely, as, for example, by delegation of the authority to issue complaints, we see no necessity of reposing such broad undefined and virtually unlimited powers in the Commission or in its Chairman without any better justification than the suggestion that they provide "flexibility" which may later be useful in some situation not presently foreseen.

I ask unanimous consent that the letter, addressed to the chairman of the Committee on Government Operations, and the letter of transmittal addressed to me, may be printed in the RECORD as a part of my remarks.

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

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK,
New York, N.Y., June 28,1961.

Senator JACOB K. JAVITS,
Government Operations Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: Enclosed, for your information, is a copy of a letter addressed to Senator JOHN L. MCCLELLAN in connection with Reorganization Plan No. 4 of 1961.

Very truly yours,
JUSTIN N. FELDMAN,
Chairman, Committee on Administrative Law.

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK,
New York, N.Y., June 28, 1961.

Senator JOHN L. MCCLELLAN,
Chairman, Government Operations Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: The committee on administrative law of the Association of the Bar of the City of New York respectfully submits its recommendations in support of Senate Resolution 147, disapproving Reorganization Plan No. 4 of 1961 with respect to the Federal Trade Commission. After studying the plan and the record of the hearings concerning it held by your committee and two other congressional committees, we conclude that the proposal (1) is broader than necessary to achieve its proponents' stated purposes of reducing delay and inefficiency, and (2) is so unlimited that it permits delegation of Commission functions which we believe should remain the responsibility of the Commission itself.

This committee endorses the Commission's present effort to reduce delay and promote efficiency, and to minimize the demands of routine ministerial duties upon the time of the five Commissioners. We note, however, that the Commission expects these objectives to be achieved in large part by means of certain internal, organizational, and procedural reforms designed particularly to eliminate divided responsibility for different phases of the same proceeding and to permit hearing examiners to handle contested actions more expeditiously. Proponents of the plan are generally agreed that these internal changes, together with the substantial increase in the Commission's budget already approved by Congress, will accomplish most of the objectives of the plan. They have pointed to only a few specific instances where additional authority may be needed to promote efficiency and reduce delay, but urge that the unrestricted authority provided by the plan will afford a useful flexibility in the future.

While this committee assumes that the authority inherent in the proposed plan would not be used unwisely, as, for example, by delegation of the authority to issue complaints, we see no necessity of reposing such broad, undefined, and virtually unlimited powers in the Commission or in its Chairman without any better justification than the suggestion that they provide "flexibility" which may later be useful in some situation not presently foreseen. The more orderly approach would be to provide by legislation for delegation in the few specific situations in which a need can be shown to exist.

Respectfully submitted.

JUSTIN N. FELDMAN,
Chairman, Committee on Administrative Law.

Mr. DIRKSEN. Madam President, will the Senator yield?

Mr. JAVITS. I yield.

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

Mr. DIRKSEN. I yield the Senator 2 additional minutes.

May I ask the Senator who signed the letter?

Mr. JAVITS. Justin N. Feldman, chairman, committee on administrative law.

Mr. DIRKSEN. It seems to me, if my memory serves me correctly, at one time he was associated with a very distinguished lawyer who is now the President's adviser on the matter of regulatory agencies.

Mr. JAVITS. That is true, but, if the Senator will allow me, I do not think that fact ought to be held against either of them. I think they are both lawyers in their own right. Mr. Feldman was serving, in a sense, in a representative capacity as chairman of the bar association committee. I believe, whether it was Dean Landis or Justin Feldman, even if the former was an active partner—and I believe he is on leave—either of them would be the kind of lawyer who would make his judgment as a member of the committee, without reference to what his partner thought.

Mr. DIRKSEN. The Senator has no doubt that he was expressing his own convictions?

Mr. JAVITS. He signed the letter. He is chairman of the committee. I see no reason to reach any other conclusion.

I think a majority of this body showed, on the previous reorganization plan involving the Securities and Exchange Commission, that we did not want to give a Commission the authority to delegate its power, even for prudent use of it, because our intention was that the power granted to it should be exercised only by that Commission.

I feel that factor inheres in this reorganization plan as well. I think it is a fatal defect. I feel the plan should be rejected for that reason alone.

The needs of the Commission can be tailored in complete consonance with the intention of the Congress in setting up the agency. The Senator from New Jersey [Mr. WILLIAMS] and I have offered a bill with respect to the SEC which will do everything that needs to be done without running afoul of these fundamental principles which I have stressed.

So I hope the majority of the Senate will, as it did with respect to Reorganization Plan No. 1, sustain the resolution of rejection.

I yield back the remainder of my time.

Mr. MCCLELLAN. Madam President, I yield 5 minutes to the distinguished Senator from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Madam President, I have some familiarity with the operations of the Federal Trade Commission, by virtue of the fact that for a number

of years in the House of Representatives, and for a number of years in the Senate, I have been a member or chairman of the committee having to do with antitrust and monopoly matters, which has dealt directly with the affairs of the Federal Trade Commission Act. Also, as Senators know, the present Chairman of the Federal Trade Commission was, for a number of years, the staff director and chief counsel of the Senate Antitrust and Monopoly Subcommittee.

So, both through legislative experience and through close association with Commissioners, lawyers, and officials in the Federal Trade Commission, I know something about its operations.

The Federal Trade Commission occupies a very important place in our economy. I think it is the greatest protector we have in our Government against predatory pricing, unfair trade practices, and other types of activities which destroy or unfairly deal with small business.

Time is of the essence in trying to protect small business from monopoly or unfair trade practices. If a large corporation determined to put a small company or business out of operation, and cut prices deeply, in violation of the Federal Trade Commission Act, or of some other law that the Commission has jurisdiction to administer, it might be a matter of only a few weeks or months that the small business could survive.

So if the Federal Trade Commission is going to be effective in enforcing the Clayton Act and the Federal Trade Commission Act and the other acts under its jurisdiction, it must have the authority and the means to expedite its business.

I have been impressed over a period of years with the slowness of the operations of the Federal Trade Commission. Mr. Dixon, in testifying before the Senate Committee on Commerce, cited many examples in which there was a lag of 7, 8, 9, or 10 years between the issuance of a complaint and final action. In the meantime the small business, unfairly competed against and unfairly dealt with, would fall by the wayside.

He and the other members of the Commission have a determination to do what ought to be done to expedite the business of the Commission and to stop the timelag between the issuance of a complaint and the handing down of a final order. They have put into operation some reforms on their own, which should be of great help.

In order to protect small business and to enforce the law as the Congress required when it established the Federal Trade Commission as an arm of the Congress, this power of delegation is needed, as well as a means of expediting and doing what must be done.

I have seen many examples of complaints which have been taken before the Federal Trade Commission by small business. Before the Commission has been able to do anything to protect or to help the small business being faced with illegal activities, the small businessman has had to go out of business, has had to fold up his tent and silently steal away in the night.

The Commission has not been functioning as it should. If there is any agency in the Federal Government which needs to shorten its procedures, which needs to give the public quicker action, it is this agency.

As I stated before, very often time is of the essence. A small filling station, for instance, may face a price reduction of a drastic nature by a filling station or service station across the street.

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

Mr. McCLELLAN. Madam President, I yield the Senator 2 more minutes.

Mr. KEFAUVER. The station being discriminated against will have to go out of business very quickly.

Madam President, the Federal Trade Commission differs from other agencies as to which reorganization plans have been forwarded, in that it is not a regulatory agency. With some few exceptions it is a law enforcement agency, and there are specific laws which it must administer and enforce, such as the Clayton Act, the Federal Trade Commission Act, and, of course the Wool Labeling Act. With the exception of some parts of the Wool Labeling Act, I do not believe there is any rulemaking procedure as to which the Commission would be changing the rules, such as the Senator from New York [Mr. JAVITS] talked about.

Even after the Federal Trade Commission issues a cease and desist order it must go to court to secure enforcement of its order. It has no power, under the Federal Trade Commission Act, to enforce its own order.

One part of the reason for the time lag has been a lack of personnel.

The PRESIDING OFFICER. The time of the Senator from Tennessee has again expired.

Mr. KEFAUVER. Madam President, will the Senator yield me 2 more minutes?

Mr. McCLELLAN. Madam President, I yield the Senator 3 more minutes.

Mr. KEFAUVER. I thank the chairman of the committee.

The main reason for the time lag, I think, and for the ineffectiveness of the Federal Trade Commission in protecting the small businessman and in enforcing the laws it is charged with enforcing, results from the onerous details placed upon the Commission as a whole. A hearing examiner may be in the middle of a hearing, but if a subpena is to be issued the request must go to the full Commission, merely to get the subpena issued. It may be a pretrial subpena or an investigative subpena. Even the issuing of an order requiring a corporation to file an annual report or a special report makes necessary a meeting of the full Commission, to have a vote. No committee of the Congress could operate on that basis, with the requirement of a quorum and a full committee meeting in order to issue a subpena for a witness, or something such as that.

In respect to issuing orders for the taking of testimony by depositions, in cases when the witness is sick or unavailable, neither the Chairman of the Commission nor any member of the Commission can issue an order, but it must be acted upon by the Commission as a whole.

If there is a need for granting or for denying a request for an extension of time to respond to a subpena, that is not anything which can be delegated. The Commission must be called into session to say whether there should be an extension of time.

Many other matters of incidental and inconsequential importance, when left for action of the whole Commission, greatly slow down the hearings and the handling of cases. A trial examiner may be in the midst of a hearing in Chicago. If he would like to have another subpena issued or would like to grant an extension of time, or something of that kind relating only to the method of carrying on the hearing, one Commissioner cannot grant the request, but there must be action by the whole Commission.

Manifestly, although any one of these things may not take much time, when they are considered all together they take much of the time of the Commission. That is why the Commission is behind in hearings, and is one of the main reasons for the big slowdown of the work of the Federal Trade Commission.

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

Mr. KEFAUVER. I yield.

Mr. JAVITS. I do not think any Senator—certainly not I— would deny or attempt to refute the fact that the Commission needs some way of expediting its work, including the delegation of many tasks which should not be done by the full Commission. The basis of opposition to the plan is the fact that it goes far beyond what is actually needed in order to expedite the work, in such a way as to jeopardize what people like myself consider to be the considered power Congress gave to the Commission, which it is now proposed they give themselves the right to delegate. The Senator and I differ on that issue. I am sure we do not differ on the point that, either by reorganization or by specific statute, we can and we should expedite the work of the FTC.

Mr. KEFAUVER. This Commission is an arm of the Congress. We should have some confidence in the integrity and the ability of the members of the Commission, the nominations of whom we confirm in the Senate. If at any time we find the Commissioners are abusing their power, Congress has a perfect right to limit them.

In considering whether we ought to expedite the work by allowing a substantial delegation of power, I think we ought to consider it from the overall point of view. From the overall point of view, the work of the Commission is stymied by the minutia the Commission must deal with. If it is desired to file a brief of more than a certain number of pages, as set forth in the rules of practice of the Commission, it is necessary to come before the whole Commission to get authority to file a brief of even 10 more pages.

The PRESIDING OFFICER. The time of the Senator from Tennessee has again expired.

Mr. McCLELLAN. Madam President, I yield the Senator 1 more minute.

Mr. KEFAUVER. There are many situations in which we are not giving the Commission as much authority as we give to the Senate committees to run their own affairs.

I think the reorganization plan should be approved.

AMENDMENT OF PUBLIC LAW 85-626, RELATING TO DUAL RATE CONTRACT AGREEMENTS

Mr. MAGNUSON. Mr. President, will the Senator yield to me to present an emergency matter? I will ask unanimous consent that the time required to consider it will not be charged to either side.

Mr. McCLELLAN. I yield.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may be allotted 3 minutes to present an emergency problem, and that the time necessary for its consideration not be charged to either side.

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, yesterday the Senate passed S. 2154. That bill would have extended for 1 year the interim dual rate law due to expire tomorrow. If the interim law expired, the thousands of dual rate contracts now used by ocean common carriers serving United States ports would be subjected to the full debilitating effect of the Supreme Court's decision in *Federal Maritime Board* v. *Isbrandtsen Co.*—356 U.S. 481 (1958).

It was the unanimous view of the Senate Committee on Commerce that S. 2154 should be enacted so that we could study steamship conferences and consider the House's recently passed steamship conference/dual rate bill, H.R. 6775, in much the same unpressured atmosphere as that in which the House Merchant Marine and Fisheries Committee and the House Judiciary Committee for the last 3 years have been conducting related studies.

The House bill, which would establish permanent legislation in this field, did not come to the Senate until June 13. Obviously in the case of a very comprehensive and controversial problem such as the one we have before us, we had no opportunity to give it the kind of hearing and consideration that should be given to it.

Apparently, the House has great confidence in our ability to resolve these complex legislative problems promptly. Today the House amended S. 2154 to extend the interim law until only September 15, 1961. In order that there be no lapse in the interim dual rate law, our committee recommends that the Senate accept the House amendment to S. 2154.

In doing so, I want to make one thing unmistakably clear: The committee feels that the Senate should not try to legislate on such matters as those covered by H.R. 6775 until we have received and had ample opportunity to study carefully the anticipated report of the House Judiciary Committee covering the studies of its Antitrust Subcommittee during the last 3 years into so-called monopoly problems in the ocean freight industry.

I can assure the Senate that we will schedule hearings as rapidly as possible, and go into this highly controversial and complex problem, and if we should not be able to finish consideration of the measure by September 15 or if adjournment is planned prior to that time, we shall be required to ask for a further extension. Apparently the House did not want an extension longer than September 15, and since there would probably be great confusion Monday morning when the courts open with respect to this subject unless we were to extend the law, I am prepared to ask that the amendment of the House be laid before the Senate and to move that the Senate concur in the House amendment.

Mr. DIRKSEN. Mr. President, I cannot accept the proposal without having some information from other members of the committee on the minority side. I cannot under any circumstances permit the consideration of the amendment at this time. It is presented out of order, and unless I am well informed by members of the committee on the minority side, I shall have to object to its present consideration.

Mr. MAGNUSON. Mr. President, I shall be glad to discuss the problem with the minority leader. But, as I said, we have only until midnight to take the required action in order to permit the President to sign the bill in time. I thought I explained it carefully.

Mr. DIRKSEN. Mr. President, I have not been advised of the proposal. I think it should be properly cleared. I could not detect from the statement of my distinguished friend the Senator from Washington that the question was one of high urgency. I am sure if it were, members of the committee on the minority side would have advised the minority leader, and until I am fully advised, I shall have to object to the immediate consideration of the amendment.

Mr. MAGNUSON. I will see that the Senator is advised. I thought I could explain the problem, obtain approval of the amendment, and get the bill signed. If the Senator from Illinois will be present in the Chamber for a few minutes——

Mr. DIRKSEN. The Senator will be right here.

Mr. MAGNUSON. I shall communicate with other members of the committee.

The PRESIDING OFFICER. Does the Senator from Washington wish to postpone action on the amendment?

Mr. MAGNUSON. I ask unanimous consent to postpone action at this time.

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

Mr. MAGNUSON. I will locate the proper advice for the Senator from Illinois, and I am sure he will agree with us when he receives it.

REORGANIZATION PLAN NO. 4

The Senate resumed the consideration of the resolution (S. Res. 147) opposing Reorganization Plan No. 4 of 1961.

Mr. McCLELLAN. I yield to the Senator from Colorado.

Mr. CARROLL. Mr. President, I commend the able Senator from Tennessee [Mr. KEFAUVER] for a very clear statement of the issues involved in the proposed plan of reorganization. Not only has the Senator from Tennessee stated a very clear picture of what we hope to achieve by the reorganization plan with respect to an agency that controls businesses whose transactions account for millions of dollars of the economy of this Nation, but also I suggest that no Senator has devoted more time to the subject or has had more experience in the field of antimonopoly than has the able Senator from Tennessee. My statement applies not only to giant corporations, but also small businesses.

I am happy to see that both the minority leader, the Senator from Illinois [Mr. DIRKSEN], the chairman of the Committee on Commerce [Mr. MAGNUSON], the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Tennessee [Mr. KEFAUVER], are present in the Chamber.

I wish to ask a question and then attempt to answer it. What is the reason for the reorganization plan? Why did the President of the United States submit a reorganization plan? For 15 years the field of regulatory bodies has been left practically untouched by the Congress. I refer to the field of administrative law dealing with some of the highly important regulatory bodies. What brings about the reorganization plan? During the last 4 or 5 years scandal after scandal has touched some of the regulatory bodies. Newspapers have been replete with articles on the subject. All scholars in the field agree that back-door influence and pressures arise from a backlog of cases.

The President of the United States has taken leadership in this field and has offered us a reorganization plan, an act for which I commend him.

What is the effect of the plan and why is there alarm about it? The reorganization plan would merely simplify procedures.

A majority of the Commission would still make decisions. The plan would remove some of the roadblocks which should have been removed 10 years ago.

Congressional committees operate under a similar system of delegation and no one cries "illegal."

We have been told that bills will be introduced that will provide the regulatory bodies with all the authority that they require. All I can say is that such authority has not been given in the past 15 years. Now there is an opportunity to act on such a plan.

If the Chairman of the Commission usurps his prerogative, thus abusing his power, the chairman of the Committee on Commerce, who is present in the Chamber today, can, through his committee, introduce an organic bill to change the reorganization plan very quickly. Under the rules of the Senate the Committee on Commerce would have jurisdiction. If there were any abuse attendant upon the adoption of the plan, it could be quickly corrected.

Today, as we examine the reorganization plan, I suggest that we ask what we are really trying to give the Commission. We would give the Commission the right to clear its own decks, to cut through the underbrush, and to give some of the small business people of this country the right to have their petitions heard quickly, and not months or years later. As chairman of a Subcommittee on Administrative Practice and Procedure, I can say that our committee has been engaged in the field which we are discussing for 2 years, studying what to do. We are now considering a bill, which is not as comprehensive as the plan before the Senate. However, I am perfectly willing, as chairman of that subcommittee, to see the reorganization plan approved. We will watch the operation under the plan. The Committee on Commerce and other congressional committees will watch its operation.

I say in all sincerity that Members of the Senate should pay attention to the remarks of the able senior Senator from Tennessee [Mr. KEFAUVER]. I see on the floor also the minority leader, the Senator from Illinois [Mr. DIRKSEN], who is also a member of the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary. We know that there are many pitfalls in this type of legislation. Some of us believe that perhaps our committee should have jurisdiction of matter in this field.

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

Mr. CARROLL. May I have an additional 3 minutes?

Mr. McCLELLAN. I yield 3 additional minutes to the Senator from Colorado.

Mr. CARROLL. I have listened with great attention to the remarks of the able Senator from New York [Mr. JAVITS], and he agrees in principle that we must have a clear interpretation and must make a proper approach in this area. I am not alarmed by the powers that we give under the plan. Before the Chairman can exercise that power he must have a majority vote of the Commission. If the majority vote of the Commission gives him the power to exercise some of their own power, they have the power to take it away from him.

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

Mr. CARROLL. I am glad to yield.

Mr. KEFAUVER. The opinion of the Senator from Colorado is very persuasive with me. Not only does the Senator have great knowledge of the Federal Trade Commission, being a very active member of the Committee on Antitrust and Monopoly, but his own subcommittee has been studying this problem.

One of the disputed matters here is in connection with the statement of Commissioner Anderson, when he said that it might affect the power of issuing a complaint. I notice on page 107 of the hearing that the delegation of that power is to be by vote of the Commission itself. Of course, that is subject to their review or change of mind at any time. There might be occasions when several members of the Commission would be out of town, necessarily, and when, in order to protect a small business concern, it would be important that that power be delegated to issue a complaint for a limited length of time, when it is a flagrant case.

However, even in that kind of situation, the Chairman of the Commission says that the Commission would not delegate that power, and he would be opposed to a general delegation. It seems to me that by expediting this procedure we might bring about some beneficial effects, and that the objection to the proposal does not have much merit, in my opinion. We ought to take a look at the overall good that will come from the reorganization plan.

Mr. CARROLL. I thank the Senator. I can understand why some Members of the Senate rejected the reorganization plan on SEC. It was rejected because SEC had some specific rulemaking functions which were considered to be so important that delegation was not feasible. It was quite broad, and it was stated that it would be unwise to change that set up. This is not true with respect to the reorganization plan now before the Senate. In my opinion the plan should have applied with respect to SEC. However, there is this great difference.

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

Mr. CARROLL. Mr. President, will the Senator yield me 1 more minute? I would like to engage in a brief colloquy with the chairman of the Committee on Commerce.

Mr. McCLELLAN. I yield 2 minutes to my distinguished two friends.

Mr. MAGNUSON. Mr. President, will the Senator yield for an observation?

Mr. CARROLL. I yield.

Mr. MAGNUSON. I will vote for the reorganization plan because, having been for many years involved not only with the legislative end of the Commission, but also as chairman of the subcommittee which handles appropriations for it, I know a little bit about the operation of the Commission.

Something has to be done with respect to the regulatory agencies. The lag in the agencies averages from 14 to 16 months. This is inexcusable. The plan would expedite the handling of their business. It would also give the chairman a little more authority. This is one way we can do it. As the Chairman of the Commission testified, they want to build up offices in the field, and delegate authority in the field. This would be good for small businessmen, many of whom cannot come to Washington. Under the plan this authority could be delegated. Second, a Commissioner could follow the case, so that there would be responsibility placed with someone, somewhere.

I know that some people in industry do not like the plan. As I said to my friend from Colorado, they do not want a chief of police; they want to have five policemen, so that different things might happen.

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

Mr. MAGNUSON. Only with some responsibility placed in the hands of the Chairman are we ever going to eliminate this terrible regulatory lag, and only with some responsibility placed in the hands of the Chairman are we ever going to have field offices established, to take care of situations in the field, so that small businessmen, particularly, will not have to come all the way to Washington.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. KEATING. Mr. President, when Reorganization Plan No. 1 for the SEC came before us, I opposed it, and explained my reasons for my opposition with regard to that plan. I opposed the plans in general on the same grounds, namely, that they could make errand boys out of the members of the Commission other than the Chairman, and undermine the independence and bipartisan character of these agencies. In addition the right to review within the agency would be drastically curtailed. The objections to this particular plan were very well stated in the excellent report of the Association of the Bar of the City of New York, which I found very persuasive.

There are many shortcomings in the method of operation of our Federal administrative agencies. However, it is difficult for me to see how piecemeal reorganization can ever solve the present jigsaw puzzle known as Federal administrative agencies. Complex and inconsistent rules and regulations are found in each agency, with virtually no relation to rules in other agencies. What is needed to bring order to this hodgepodge is coordination, not separate agency czars. The reorganization plans submitted by the President are based on the faulty premise that what the agencies need is powerful chairmen, when in truth the real need is for overall coordination, simplification, and expedition of agency procedures.

The needed changes will not be enacted overnight. They must be preceded by effective, continuing, and meaningful study of administrative agencies.

In my opinion, the best way to lay the groundwork for constructive reforms in this area would be by creation of a new Office of Federal Administrative Practice. The American Bar Association has given such a proposal its strong endorsement and support. In recent weeks I have been working closely with representatives of the ABA and today I am introducing a bill which we have prepared to provide for the establishment of such an Office.

Briefly, the bill would establish an Office of Federal Administrative Practice to carry on continuous studies and make recommendations regarding administrative practice and procedure. This would cover the full range of administrative practice from the rulemaking and adjudicatory functions to the development and adoption, where possible, of uniform rules of practice and procedure and ways to minimize the delay and expense of agency proceedings.

The bill would also establish a Hearing Commissioner Corps and set standard qualifications for Hearing Commissioners. This would greatly facilitate the

task of finding the best qualified people to serve in these important positions, and justify an increase in their responsibilities.

There is excellent precedent for this new office in the Administrative Office of the U.S. Courts, the work of which has won the commendation of all people concerned with judicial reform. The office would have the power to submit proposals for legislation to the Congress. It would provide an independent and authoritative surveillance of all agency proceedings. As I have indicated, it would also work for uniform agency rules and recommend, after thorough study, changes needed to shorten and cut the tremendous costs now required in administrative proceedings. Such an office would not be under the domination of either the President or the Congress and would not serve in any way to undermine the independence of Federal agencies.

This is the way to cut down on administrative agency inefficiency without imperiling needed safeguards. It offers much more promising prospects of sound reform in our administrative practices than the hastily conceived and inadequately buttressed reorganization plans which we have been considering for these alphabet agencies.

I hope that these reorganization plans will be rejected but that this will be an occasion, as it should be, for really constructive and thoughtful action on the multitude of problems in this field.

Mr. President, I introduced, for appropriate reference, a bill to establish an Office of Federal Administrative Practice and ask unanimous consent that the text of the bill be printed in the RECORD.

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

The bill (S. 2189) to establish an Office of Federal Administrative Practice and to provide for the appointment and administration of a Corps of Hearing Commissioners, and for other purposes, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following table of contents, may be cited as the "Federal Administrative Practice Act."

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TITLE I—OFFICE OF FEDERAL ADMINISTRATIVE PRACTICE

SEC. 101. ESTABLISHMENT OF THE OFFICE.—There is hereby created an agency of Government to be known as the Office of Federal Administrative Practice (referred to in this Act as "Office"), which shall be under the Director of Federal Administrative Practice and maintained at the seat of government. The Office shall be an independent agency of the Government and shall not be subject to the Reorganization Act of 1947 as amended.

SEC. 102. APPOINTMENT OF DIRECTOR.—The Director of Federal Administrative Practice (referred to in this Act as "Director") and a Deputy Director shall be appointed by the President, with the advice and consent of the Senate, and shall receive basic compensation at the rate of $22,500 and $20,000 per annum, respectively. The Director and Deputy Director shall be experienced and learned in the law. The Deputy Director shall perform such duties as may be assigned to him by the Director. During the absence or incapacity of the Director, or during a vacancy in the office of Director, the Deputy Director shall act as Director.

SEC. 103. TENURE.—Except as otherwise provided in this section, the Director shall be appointed for a term of ten years and the Deputy Director for a term of six years. The Director or Deputy Diector may be removed by the Pesident for inefficiency, neglect of duty, or malfeasance in office. The Director or Deputy Director shall be retired from office upon attaining the age of seventy years and shall receive retirement pay under the provisions of the Civil Service Retirement Act then in effect or otherwise as provided by law.

SEC. 104. ORGANIZATION OF OFFICE.—The duties and functions of the Office shall be divided as assigned by the Director between a Division of Administrative Procedure and a Division of Hearing Commissioners. Each division shall be supervised by an Assistant Director. The Assistant Director of each division and the Executive Secretary shall be appointed by and report to the Director. Each Assistant Director shall receive a basic compensation at the rate of $20,000 per annum and the Executive Secretary shall receive a basic compensation at the rate of $18,000 per annum.

SEC. 105. EMPLOYEES.—The Director, subject to the civil service laws, may appoint necessary employees for the administration of the Office. The Director, Deputy Director, and each Assistant Director, without regard to the Civil Service laws, but subject to the Classification Act, may appoint one administrative assistant and one secretary.

SEC. 106. SEAL.—The Executive Secretary and seal of the Office shall be the secretary and seal of the Office and of each division thereof.

SEC. 107. REPORTS.—The Director shall make an annual report to the Congress and to the President and he shall make such special reports as the Congress or the President may direct. The Director, from time to time, shall submit recommendations directly to the Congress for additional legislation which he deems necessary or desirable for furthering the purposes of this Act.

SEC. 108. ADVISORY COMMITTEE.—The Director shall designate annually an advisory committee consisting of such agency members, other officers of the Government, and members of the bar not in Government service as he may determine. The Advisory Committee shall meet in general assembly at least annually and upon special call by the Director. The Advisory Committee shall assist and advise the Director and furnish information to him on matters pertaining to the performance of his duties under this Act. The Director is authorized to utilize, with the consent of any agency, the personnel or facilities of that agency, and may utilize any other uncompensated personnel, services or facilities.

SEC. 109. EXPENDITURES.—The Director may make such expenditures (including expenditures for rent and personal services, for office employees, travel, law books, periodicals, books of reference, for printing and binding and for studies or investigations) as he may deem necessary for execution of the functions vested in the Office and as from time to time are appropriated for by Congress. All expenditures of the office shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Director or such other officers as may be designated by him for that purpose.

SEC. 110. DUTIES OF THE DIRECTOR.—(a) The Director shall supervise and direct administration of the provisions of this Act.

(b) The Director, as to this title I and matters of general application among the several agencies as set forth in the Administrative Procedure Act or successor statue of similar scope and purpose, shall—

(1) carry on continuous studies of and make recommendations regarding the adequacy of the procedures by which agencies determine the rights, duties, or privileges of persons;

(2) carry on continuous studies of and make recommendations regarding the adequacy of the procedures by which agencies exercise rulemaking and adjudicatory functions;

(3) carry on continuous studies and make recommendations regarding the adequacy of public information practices and procedures of the agencies related to rulemaking and adjudication;

(4) initiate consultative and cooperative efforts among the agencies and interested organizations for development and adoption, wherever feasible and appropriate, of uniform rules of practice and procedure;

(5) receive complaints regarding matters of practice and procedure and make investigations or recommendations as deemed appropriate;

(6) furnish assistance and advice upon request of any agency;

(7) examine the state of hearing dockets of agencies, secure information as to the agencies' need of assistance and prepare statistical data and reports on agency proceedings;

(8) study and make recommendations upon methods of organization appropriate for the separation of agency functions.

(c) Each agency shall furnish to the Director, upon request, information and data necessary to assist him in the administration of this Act and each agency shall designate a member or other officer who shall be authorized to represent the agency in liaison with the Director.

(d) The Director from time to time shall undertake special studies and make recommendations upon the following subjects and other subjects which may be recommended by the advisory committee, including—

(1) ways and means of minimizing undue delay and expense of agency proceedings;

(2) the feasibility of establishing a Federal reporter service covering agency decisions with current advance sheets, and a reporter service for agency practice and procedure decisions;

(3) methods for simplifying and reducing the cost of the agency hearing records and of agency records before the courts of appeals including incorporation, physically or by reference, without further printing of agency decisions and initial decisions;

(4) the feasibility of making the Code of Federal Regulations current by some looseleaf system and making the whole service or any part or subpart thereof available nationwide on subscription;

(5) the feasibility of correlating and annotating agency regulations with the related substantive provisions of statute or treaty and a periodic recodification of the rules for deletion of stale or obsolete regulations;

(6) procedures especially appropriate for multiparty proceedings, particularly in the fields of rate or price regulation;

(7) procedures and methods for effective participation by the public in agency rulemaking proceedings;

(8) the desirability of a uniform statute for judicial review of agency proceedings and the adequacy of statutory provisions on judicial review;

(9) promulgation of a single code of rules on those subjects which are found acceptable for uniform application among the several agencies;

(10) the adequacy of agency law libraries and their management to improve the efficiency of Government legal services;

(11) improvements in the form of agency applications, reports, or questionnaires of the the type which relate to agency proceedings.

TITLE II—HEARING COMMISSIONERS

SEC. 201. HEARING COMMISSIONER POSITIONS.—Upon the effective date of this title all positions classified by the Civil Service Commission as trial examiner positions or hearing examiner positions under section 11 of the Administrative Procedure Act are hereby designated Hearing Commissioner positions. Within thirty days after this title takes effect each agency shall certify to the Director the number of such Hearing Commissioner positions authorized and filled as of the date of the passage of this Act. At least annually thereafter each agency, after consultation with the Director, shall certify to him the number of Hearing Commissioner positions deemed necessary for the efficient conduct of the agency's proceedings and such number, to the extent that appropriations are available to the Director shall constitute the authorized Hearing Commissioner positions of the agency.

SEC. 202. INCUMBENTS.—Any person who, on the date of the passage of this Act, holds a position of trial examiner or hearing examiner under section 11 of the Administrative Procedure Act, if a citizen of the United States and a member of the bar of a State, territory, or the District of Columbia, shall become a Hearing Commissioner under this Act.

SEC. 203. APPOINTMENT AND ASSIGNMENT.—The Director from time to time shall appoint qualified Hearing Commissioners and, upon consultation with the agency concerned, assign them for duty among the several agencies. Such assignments shall be on a continuing basis subject only to reassignment by the Director as efficiency of operations or the needs of the service may require. The Director shall designate a selection committee to recruit, examine, and recommend appointment of persons found eligible and qualified for appointment to Hearing Commissioner positions. For each agency to which two Hearing Commissioners are assigned, the Director in consultation with the agency, shall designate one of them to serve as chief hearing commissioner for a term of one year.

SEC. 204. QUALIFICATIONS.—The Director shall determine the qualifications of persons for Hearing Commissioner appointment which shall include (1) United States citizenship, (2) membership in good standing for not less than seven years of the bar of a State, territory, or the District of Columbia, (3) capacity and experience to assure that high competence, impartiality, diligence, and independence of judgment essential to a proper discharge of the function of Hearing Commissioner, including the ability to preside at and control hearings with firmness and fairness, to determine the admissibility of evidence, to interpret and apply legal authorities and precedents, to arrive at decisions objectively and on the basis of law and evidence, and to write with clarity and conciseness.

SEC. 205. TENURE.—Hearing Commissioners shall serve during good behavior and shall be removed only for cause by the Director, or furloughed or separated by reduction in force under the express authorization of an Act of Congress. The Director by regulation shall prescribe procedures for reductions in force or furloughs and the further functioning of Hearing Commissioners.

SEC. 206. COMPENSATION AND RETIREMENT.—(a) Hearing Commissioners shall receive compensation at the effective rate of grade GS–18, in accordance with the Classification Act of 1949, as amended.

The provisions of the Performance Rating Act of 1950, as amended, shall not be applicable to Hearing Commissioners.

(b) Hearing Commissioners shall be subject to retirement as provided in the Civil Service Retirement Act of May 29, 1940, as amended.

SEC. 207. SUSPENSION AND REMOVAL.—(a) Hearing Commissioners may be suspended or removed by the Director, on his own motion or on complaint, for good cause established and determined by him after opportunity for hearing, conducted in compliance with such procedures as the Director shall by regulation prescribe in accordance with the Administrative Procedure Act or successor statute. The hearing shall be private unless the Hearing Commissioner affected requests that it be public.

(b) The suspension or removal of any Hearing Commissioner ordered under subsection (a) hereof shall be subject to judicial review upon appropriate petition therefor under section 10 of the Administrative Procedure Act or successor statute.

SEC. 208. FACILITIES AND SERVICES.—The Director shall make recommendations as necessary with regard to the needs of Hearing Commissioners for office space, secretarial assistance, law desks, library facilities, hearing rooms including field hearing rooms and other services or facilities to be provided by each agency.

SEC. 209. TEMPORARY POSITIONS.—The Director, within the limits of available appropriations to the Office therefor, is authorized to establish temporary Hearing Commissioner positions to meet any special needs of the agencies. Hearing Commissioners who have been separated by reason of reduction in force shall be given priority in appointments under this section.

SEC. 210. FIELD HEARINGS.—To facilitate the conduct of hearings at places of mutual convenience to the agency and to other parties in the field, the Director shall assist the agencies in coordinating the scheduling and assignment of hearings to be held outside of the District of Columbia.

SEC. 211. DUTIES AND ASSIGNMENT OF CASES.—(a) The duties and powers of Hearing Commissioners shall be those specified in the Administrative Procedure Act or other applicable statutes. Hearing Commissioners shall perform no duties inconsistent with their duties and responsibilities as Hearing Commissioners.

The Director shall promulgate regulations for the assignment of cases among Hearing Commissioners in accordance with the provisions of section 11 of the Administrative Procedure Act (5 U.S.C. 1010) or other applicable statute.

(b) Except where otherwise provided by statute, the Hearing Commissioner who presides at an adjudicatory proceeding shall make and publish an initial decision which within the time provided by agency rule shall become the decision of the agency in the absence of an appeal based upon the filing of exception by a party or review by the agency upon its own motion.

SEC. 212. TRANSFERS.—All functions vested in the Civil Service Commission under section 11 of the Administrative Procedure Act (5 U.S.C. 1010), are hereby transferred to the Office of Federal Administrative Practice to be administered by the Director to the extent not inconsistent with this Act, and wherever the term "examiner", "trial examiner", or "hearing officer", other than agency member, is used in the Administrative Procedure Act it shall hereafter be interpreted to mean Hearing Commissioner under this title II.

TITLE III—GENERAL PROVISIONS

SEC. 301. AGENCY.—The term "agency" as used in this Act shall include each executive and military department in the executive branch of the Government and any board, commission, authority, or independent establishment, including corporations of the Government, other than and not a part of an executive department.

SEC. 302. COMMITTEES.—Each member of the advisory committee or selection committee established under sections 108 and 203 of this Act who is not in Government service shall be entitled to compensation in the amount of $50 for each day or part of the day he shall be in attendance at any regularly called meeting of any such committee, together with reimbursement for all travel expenses incident to such attendance: *Provided*, That nothing contained in sections 434, 283, and 281 of title 18, United States Code; or in any other provision of Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States shall apply to such persons solely by reason of their appointment to and membership on any such committee. Facilities and services required by such committees shall be provided by the Director.

SEC. 303. SEPARABILITY.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 304. REPEALS.—All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

SEC. 305. EFFECTIVE DATE.—This Act shall take effect on the one hundred and eightieth day after the date of its enactment, except that title I of this Act shall take effect on the ninetieth day after the date of enactment.

SPECIAL METEOROLOGICAL SERVICES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 448, S. 680.

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

The LEGISLATIVE CLERK. A bill (S. 680) to authorize the Secretary of Commerce to utilize funds received from State and local governments and private organizations and individuals for special meteorological services.

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 amendments, on page 2, line 5, after the word "conducted" to insert a colon and *"Provided,* That all direct and indirect costs for work or services that are determined to have no value to the public at large shall be borne by the Government units, private organizations or individuals in behalf of, or with whom, such work or service is conducted."; in line 11, after the word "property", to insert "to be used in providing the work or service", and in line 17, after the word "paid", to insert a colon and *"Provided,* That payment for indirect costs not paid from the appropriation bearing the cost of the work shall be deposited into the Treasury as miscellaneous receipts."; 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 the Secretary of Commerce, in cooperation with or at the request of States, counties, cities, or other local government units, private organizations, or individuals, may conduct and provide meteorological investigations, tests, services, development projects, technical evaluations, surveys, studies, reports, documents, technical information, special joint interest projects, and any other work and studies in the meteorological sciences which the Secretary of Commerce is authorized by law to perform. The cost of the work or services enumerated herein may be paid in whole or in part by the Government units, private organizations, or individuals in behalf of, or with whom, such work or studies are to be conducted: *Provided,* That all direct and indirect costs for work or services that are determined to have no value to the public at large shall be borne by the Government units, private organizations or individuals in behalf of, or with whom, such work or service is conducted.

SEC. 2. The Secretary of Commerce may receive such payment in funds or property to be used in providing the work of service or both. All funds received in payment for work or services authorized herein shall be deposited in a separate account in the Treasury and shall be available to pay the costs of such work or services, for making refunds, or for crediting appropriations from which the cost of such work or services may have been paid: *Provided,* That payment for indirect costs not paid from the appropriation bearing the cost of the work shall be deposited into the Treasury as miscellaneous receipts.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the report on S. 680.

There being no objection, the excerpt from the report (Rept. No. 479) was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 680, which was introduced at the request of the Secretary of Commerce, is to authorize the Weather Bureau to accept and use funds from State and local governments and private organizations and individuals for special services which cannot be financed from available Weather Bureau resources.

GENERAL STATEMENT

The Weather Bureau which conducts various meteorological investigations and tests has often been requested by various State and local governments as well as private organizations and individuals to provide or undertake special meteorological investigations, tests, service development projects, technical evaluations, and other similar activities which the personnel and facilities of the Weather Bureau are specifically capable of carrying out.

At present, the Weather Bureau is prohibited from accepting funds to provide or undertake such special projects because it lacks adequate authority to use funds for these purposes which a requesting public or private agency would be willing to provide.

Under S. 680 the Weather Bureau would be authorized to accept and use property or funds provided by State and local governments and others for special services which cannot be financed from available Weather Bureau resources.

Your committee was impressed by the data submitted by the Secretary of Commerce in support of this legislation. Some of the instances in which the legislation herein proposed could be utilized for the benefit of local needs are as follows:

1. The State of California is embarking on a large-scale water resources program (headed by its new department of water resources) for which it requires a large increase in precipitation stations, in reporting, in maintenance, and inspection of stations, and in processing of data. The Weather Bureau's responsibility is national, with its available funds actually insufficient to cover the local needs of California. The State is willing to pay for the increase required to meet its needs. The necessary funds cannot be accepted and utilized by the Bureau unless the proposed legislation is enacted.

2. In 1955 the Kansas Water Resources Factfinding and Research Committee recommended to the Governor and legislature a "cooperative program with the U.S. Agricultural Research Service, U.S. Geological Survey, U.S. Weather Bureau, and U.S. Soil Conservation Service for comprehensive research in hydrology of small watersheds, requiring detailed data on all aspects of the water cycle and effects of man's operation. Estimated State funds, $150,000 per year for 20 years, to be matched by Federal funds." But of the four Federal agencies mentioned, only the Weather Bureau cannot now accept and utilize the State funds.

3. Many thousands of communities on lesser tributaries and in headwater areas suffer devastating flash floods. With the support of the Weather Bureau's national main stem and tributary flood forecasting system and its developing radar network, these communities could be warned effectively in many cases after establishment of special local observational and reporting networks and communications, development of localized forecast and warning procedures, and educational liaison in planning actions based on warnings. The costs may average only a few thousand dollars per community per year. There are thousands of such communities, and the Bureau is able to serve only a token few with its available funds. The job could be done wherever the community felt it was sufficiently needed to pay for it—if the Bureau could accept and use funds made available by the community.

4. Fire-Weather Service of the Weather Bureau is another service which operates on a cost-sharing basis in many instances and which is handicapped in its operation by lack of adequate legislative authority. The Service provides day-to-day forecasts and advices during the fire season and issues detailed localized operational forecasts for going fires. The Bureau is subject to a heavy demand from forest protection agencies for an expansion of this service to new areas. In most cases it is unable to provide the needed assistance. Enactment of the proposed legislation would greatly facilitate arrangements to provide additional badly needed services of this nature where Federal funds are not available but State or local governments are willing to help.

5. Agricultural weather services, particularly those requiring highly localized and detailed forecasts and special instrumentation, would be greatly benefited by enactment of the proposed legislation. This type of service cannot be adequately handled through the General Forecast Service and as a rule it is of direct benefit to a relatively small segment of the population. Accordingly, such services are often arranged on a cost-sharing basis where the recipients of the services assume a share of the costs involved. The Horticultural Protection Service which operates in Florida, California, Washington, Oregon, and a few other States is a good example of a specialized weather service that often uses cost-sharing procedures. Under present law the cooperating agency is limited to furnishing such items as communication expenses and office quarters while the full salary of the employee must be paid by the Federal Government. This seriously limits the number of points where such services can be provided since the major expense must continue to be handled by the Federal Government. The Bureau has had many requests from all parts of the country for more agricultural weather service of the above-mentioned type. Although cost sharing is one good way of furnishing more service of this kind, the Bureau is seriously handicapped by the present inability to utilize funds which the localities would be willing to furnish.

6. The Weather Bureau has, in the past few years, received several requests for special observations and assistance in the field of air pollution. Two specific examples of recent origin are the request from the Los Angeles County Air Pollution Control District for the reinstitution of intermediate upper air soundings at Santa Monica, Calif., and the request from the San Diego County Air Pollution District for additional wind installations and additional upper air soundings in the vicinity of San Diego. There have been other similar requests in the past. The Bureau has generally met such requests either by declining on the basis of inadequate funds or, where consultation work and a minimum of observations would suffice, arranging for support through other agencies such as the Public Health Service or the Atomic Energy Commission. In light of the increased interest in air pollution, it can be expected that the number of these requests will increase, particularly for specialized observational data such as low-level radiosondes and additional wind measurements. The Bureau will be unable to accommodate most of these requests unless it can accept reimbursement.

On December 22, 1955, the Presidential Advisory Committee on Water Resources Policy recommended:

"Continued cooperation with States and municipalities should be encouraged. Such cooperation serves to supplement the basic data programs of the Federal Government in fields in which there is substantial joint interest. State and local participation contributes to the fundamental programs for interpretation, analysis, and research which are primarily national in character and extend beyond the interests of any single geographical area. Federal matching of State financial support for data programs on a 50–50 basis has been mutually satisfactory and should continue to be a sound basis for such cooperation * * *. Authorization for cooperative participation should be provided if necessary authorization is lacking."

AMENDMENTS

In the comments submitted to this committee by the Comptroller General of the United States, Joseph Campbell, it was indicated that the property authorized to be received and exchanged for work should not be limited to property which will be consumed in the performance of the work. According-

ly, to accomplish this objective, your committee has amended the bill as follows:

On page 2, line 6, after the word "conducted" delete the period and insert the following: "; *Provided*, that all direct and indirect costs for work or services that are determined to have no value to the public at large shall be borne by the Government units, private organizations or individuals in behalf of, or with whom, such work or service is conducted."

On page 2, line 8, after the word "property" insert the following: "to be used in providing the work or service:".

On page 2, line 13, after the word "paid" delete the period and insert the following: "; *Provided*, that payment for indirect costs not paid from the appropriation bearing the cost of the work shall be deposited into the Treasury as miscellaneous receipts."

In addition, your committee was impressed by the comment made by the Comptroller General that where work is not of value to the public at large, consideration should be given to the inclusion of a mandatory requirement that both direct and indirect costs to the Government should be recovered in accordance with the policy established in title V of the Independent Offices Appropriation Act, 1952, 65 Stat. 290, 5 U.S.C. 140, which reads as follows:

"FEES AND CHARGES OF FEDERAL AGENCIES

"§ 140 Services as self-sustaining; uniformity; regulations; deposit in Treasury; effect on other laws

"It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable, taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provided*, That nothing contained in this section shall repeal or modify existing statutes prohibiting the collection, fixing the amount, or directing the disposition of any fee, charge or price: *Provided further*, That nothing contained in this section shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price, but this proviso shall not restrict the redetermination or recalculation in accordance with the prescribed bases of the amount of any such fee, charge, or price."

Your committee urges the Secretary of Commerce to adhere to this policy as closely as possible.

Also, the Comptroller General in his comments indicated that the amount of indirect costs recovered, such as depreciation on equipment, which were not paid from the appropriation bearing the cost of the work, should be deposited into the Treasury as miscellaneous receipts rather than being credited as an augmentation of the appropriation involved.

Your committee, therefore, adopted the amendment at the end of section 2, line 13, as follows: "; *Provided*, That payment for indirect costs not paid from the appropriation bearing the cost of the work shall be deposited into the Treasury as Miscellaneous Receipts."

CONCLUSION

Your committee is convinced that the legislation herein proposed will make it possible for the Weather Bureau to provide more effective service to the various localities throughout the United States and to the industry that depend upon such services without any additional costs to the Federal Government. Therefore, your committee urges that the legislation herewith reported be enacted.

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

The amendments were agreed to.

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

SUSPENSION OF DUTIES ON METAL SCRAP

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 449, H.R. 4591.

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

The LEGISLATIVE CLERK. A bill (H.R. 4591) to continue until the close of June 30, 1962, the suspension of duties on metal scrap, 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 Finance with amendments on page 2, line 3, after "Sec. 2.", to strike out "This" and insert "The first section of this", and in the same line, after the word "shall", to insert "not"; and after line 5, to insert a new section, as follows:

SEC. 3. (a) Section 201 of the Tariff Act of 1930, as amended (19 U.S.C., sec. 1201), is amended by adding at the end thereof the following new paragraph:

"PAR. 1826. Horsemeat, fresh, chilled, or frozen, whether or not decharacterized (except horsemeat packed in immediate containers weighing with their contents less than ten pounds each)."

(b) The amendments made by this section shall apply to articles entered, or withdrawn from warehouse, for consumption, on or after the date of enactment of this Act, and to articles covered by entries or withdrawals which have not been liquidated or the liquidation of which has not become final on such date of enactment.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the report on the bill.

There being no objection, the excerpt from the report (Rept. No. 480) was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 4591, as reported is to amend section 2 of Public Law 869, 81st Congress, as amended, to continue for 1 year (from the close of June 30, 1961, to the close of June 30, 1962) the suspension of duties on metal scrap. The bill contains the existing proviso that the suspension shall not apply to lead scrap, lead alloy scrap, antimonial lead scrap, scrap battery lead or plates, zinc scrap or zinc alloy scrap; or to any form of tungsten scrap, tungsten carbide scrap, or tungsten alloy scrap; or to articles of lead, lead alloy, antimonial lead, zinc, or zinc alloy; or to articles of tungsten, tungsten carbide, or tungsten alloy, imported for remanufacture by melting. The bill also continues the existing provision that the suspension shall not apply to any article provided for in section 4541 of the Internal Revenue Code of 1954.

COMMITTEE AMENDMENTS

The Finance Committee amended the bill H.R. 4591 to provide for the free entry of horsemeat, fresh, chilled, or frozen, when imported in immediate containers weighing, with their contents, 10 pounds or more.

The committee also added a technical amendment to section 2 of the bill by adding the word "not" after the first three words of the sentence. This word was inadvertently omitted in the printing of the bill as referred to the committee.

The use of horsemeat in the making of foods for dogs and other pets and for the feeding of mink and other fur-bearing animals has increased rapidly in recent years. On the other hand, the availability of horsemeat has been declining in inverse proportion to the demand. Present domestic supplies are very limited and the pet food industry and the farmers growing fur-bearing animals are severely handicapped.

On the other hand, the placing of bulk horsemeat on the free list is not expected to affect any domestic industry adversely nor to have any effect on present prices of such types of meat grown in the United States. Domestic canning plants are protected by the limitation of the free importation to that imported in bulk, so that when imported it constitutes an essential raw material for two important industries.

The Finance Committee reported the bill, as amended, without a dissenting vote, and no opposition to it, or to the amendment, has been made known.

GENERAL STATEMENT

The temporary suspension of the duties of imports on metal scrap provided under present law (Public Law 86–606, 86th Cong.) to the close of June 30, 1961, makes free of duty imports of metal scrap including such principal types of scrap as iron and steel, aluminum, magnesium, nickel, and nickel alloys. H.R. 4591 would continue this suspension through June 30, 1962. The suspension of duties as provided under present law and its proposed extension under your committee's bill are of no significance with respect to the tariff treatment of imports on tin and tinplate scrap, because imports of such scrap, along with imports of tin in other unmanufactured forms, would not be subject to duty or import taxes in any case.

Section 2 of the bill, as reported, provides that this suspension shall not apply to any article provided for in section 4541 of the Internal Revenue Code of 1954. In general, section 4541 of the Internal Revenue Code of 1954 imposes an import tax on certain copper-bearing ores and concentrates, other articles of which copper is the component material of chief value, and other articles containing 4 percent or more of copper by weight.

Scrap of the various nonferrous metals, whether imported or of domestic origin, may be considered for most purposes simply as relatively small components in the total U.S. supplies of the respective metals although some manufacturers depend wholly on metal scrap as a source of raw material. The relation of iron and steel scrap to the total supplies of iron and steel is somewhat different from that existing with respect to nonferrous metals. This is because the economical production of steel

by the open-hearth process requires that part of the iron-bearing materials used consist of heavy melting scrap. Thus, much iron and steel scrap constitutes a material important to the domestic production of steel. Despite the fact that imports of scrap meals have not in the past few years constituted important components of the total supplies of the various metals, the imports in some cases have represented important sources of the metals for limited numbers of consumers of such metals in some sections of the country.

The rates of duty on the principal types of ferrous and nonferrous metal scrap, the suspension of which would be continued by the bill, are shown in the following table:

Type of scrap	Paragraph No.	Rate of duty
Iron and steel	301	37½ cents per long ton plus additional duties on alloy content.
Aluminum	374	1½ cents per pound.
Nickel and nickel alloy.	5 or 389	10½ percent ad valorem or 1¼ cents per pound.
Tin and tinplate	1786	Free.
Magnesium	375	50 percent ad valorem.

Relaying and rerolling rails would, in the absence of this legislation, be dutiable at the rate of one-twentieth of 1 cent per pound plus additional duties on alloy content under paragraphs 305 and 322 of the Tariff Act of 1930, as modified. Other metal articles not considered scrap within the meaning of the tariff classifications but imported to be used in remanufacture by melting are also exempt from duty under Public Law 869 of the Eighty-first Congress. Such articles would be dutiable in the absence of special legislation, at various rates too numerous to mention in this report.

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

The amendments were agreed to.

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

The bill was read the third time and passed.

AMENDMENT OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 450, H.R. 1258.

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

The LEGISLATIVE CLERK. A bill (H.R. 1258) to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended, to provide increased benefits in case of disabling injuries, 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.

Mr. MANSFIELD. Mr President I ask unanimous consent to have printed at this point in the RECORD an excerpt from the report.

There being no objection, the excerpt from the report (Report No. 481) was ordered to be printed in the RECORD, as follows:

GENERAL PURPOSES

The purposes of H.R. 1258 are to amend the Longshoremen's and Harbor Workers' Compensation Act by—

(1) Increasing the maximum level of weekly compensation benefits payable to workers or to the beneficiary of workers within the coverage of the Act who are injured or disabled within the course of their employment from $54 to $70;

(2) Providing comparable increases in death cases, adjusting the ceiling on average weekly wages from $81 to $105;

(3) Increasing the statutory maximum compensation payable for all injuries other than cases of permanent total disability or death from $17,280 to $24,000.

Mr. MORSE. Mr. President, the RECORD should show that the bill, H.R. 1258, is identical with the Morse-Magnuson bill, S. 733, which the Senator from Washington and I introduced earlier this year. The House passed its bill. That is the bill which the Senate is about to pass. This action on the House bill will obviate the necessity for a conference.

Mr. President, H.R. 1258 makes necessary adjustments in the compensation ceilings provided by the Longshoremen and Harbor Workers Compensation Act for injured longshoremen, stevedores, harbor workers and other employees covered by the Longshoremen's Act. The maximum level of weekly compensation benefits now payable under this act is $54 per week. H.R. 1258 would increase this maximum to $70 per week to reflect substantial increases in wage levels during the years since the establishment of the present ceiling.

It is altogether appropriate that we should act upon this bill at this time since the year 1961 represents the 50th anniversary of the establishment of the workmen's compensation system in the United States.

The act which we are now amending provides compensation for injuries to workers employed within the admiralty and maritime jurisdiction of the United States. It also serves as the workmen's compensation law for employees privately employed in the District of Columbia and to U.S. citizens employed under Federal contract in areas outside the continental United States. It covers somewhat more than one-half million workers.

This law was enacted in 1927. It is based upon the principle that during periods of total disability, suffered in the course of employment, a worker should receive compensation in an amount equal to 66⅔ percent of his average weekly wage. Under its provisions an employee who has been partially disabled is assured of compensation equal to two-thirds of the difference between his average weekly wage prior to his injury and his earning capacity following his injury. This principle is not altered by the bill.

What is altered is the maximum benefit allowable for a week of disability whether total or partial. The original 1927 act provided a ceiling on benefits of $25. The original ceiling meant that a totally disabled worker earning $37.50 received $25 a week within the scheduled periods specified in the act. A disabled worker earning $50 a week at that time would have received only 50 percent of his salary because of this ceiling.

In 1948, following World War II, wage levels had substantially increased over the 1927 averages with the result that workers covered by the Longshoremen's Act were receiving compensation which was only a fraction of the two-thirds originally intended. Accordingly, at that time, the maximum weekly benefit was adjusted to $35. This represented, in effect, a congressional finding of an average salary of $52.50.

A third adjustment was necessary in 1956 when the Congress acted to raise the ceiling to the present level of $54 per week. This figure represents two-thirds of an average wage of $81.

What this history means is that Congress must periodically act to adjust the statutory maximum levels of compensation in order to reflect increases in wage levels. The fact is that there are no provisions in the act which operate automatically to make these adjustments to correspond with increases in average wages. If these adjustments are not made from time to time, the law loses its effectiveness and departs from its basic purpose to provide a system of fair wage restitution in lieu of the employee's right to common law action for damages which he would otherwise have, were it not for this law.

Compensation under this act is not paid by the Government and the bill therefore will require no appropriation. The benefits are paid by private employers and are secured, in almost all cases, by workmen's compensation insurance under the terms of the Longshoremen's Act.

In 1956, when the current maximum wage ceilings were established, the average weekly wages for longshoremen, harbor workers, construction employees, manufacturing employees, and others covered by this act were substantially less than they are today. The average weekly wage for regular longshoremen in 1955 was in the neighborhood of $80 or $85 per week. Longshoremen rates today, according to testimony developed in the hearings held by the subcommittee, average $115 per week.

In 1955 the average weekly wage paid in manufacturing in the District of Columbia was $86. Today the averages approximate $100 per week.

The combined rate for manufacturing and building and construction in the District of Columbia, the most hazardous occupations in this area, equals well in excess of $105 per week.

It is obvious that the ceiling of $54 on weekly disability benefits provided by the Longshoremen's Act is clearly out of line with current wage levels.

An increase in the ceiling to $70 per week is essential at this time if compensation benefits are to have any real relationship with the facts of employment.

The increase to $70 per week will have no effect on benefits payable to any injured employee who earns less than $81 per week. The reason for this is that no more than two-thirds of the average wage can be paid in any case.

The fact is that even under this increase, one out of every five workers will receive compensation which will amount to less than two-thirds of his average

weekly wage. The reason for this is that he earns more than $105 per week.

It must be remembered that the purpose of the compensation law is to provide a system of compensation for on-the-job injuries in lieu of the common law right of actions which employees had prior to 1927. In many of the cases to which the $54 limitation would apply, damages in excess of $100,000 might be awarded if the employee were to bring a common law action at this time. The employees have yielded this right and in return have been assured a fair and equitable system of compensation. The adjustment provided by the bill is required if we are to live up to this assurance.

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

The bill (H.R. 1258) was ordered to a third reading, read the third time, and passed.

DUAL-RATE CONTRACT AGREEMENTS

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2154) to amend Public Law 85–626, as amended by Public Law 86–542, relating to dual-rate contract agreements, which was, to strike out all after the enacting clause and insert:

That section 2 of the act entitled "to amend the Shipping Act, 1916", approved August 12, 1958 (72 Stat. 574), as amended by an act approved June 29, 1960 (74 Stat. 253), is further amended by striking out "June 30, 1961", and inserting in lieu thereof "September 15, 1961".

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

REORGANIZATION PLAN NO. 4

The Senate resumed the consideration of the resolution (S. Res. 147) opposing Reorganization Plan No. 4 of 1961.

Mr. McCLELLAN. Mr. President I yield 5 minutes to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I shall detain the Senate only long enough to state the complaint of my people in Florida who have repeatedly had matters before the Federal Trade Commission in recent years. They would like to have the delays shortened. They would be glad to approve any measure which would accomplish that end. But without exception, so far as I have heard from them, they are against the concentration of so much power in the hands of the Chairman of the Commission; not that they have any opposition to the present Chairman, who is a graduate of the University of Florida, and is a friend of all of us; but they think that in principle the concentration of too much power in the hands of any one man, bypassing, practically, the other members of the Commission, is unsound. They protest it.

I have received not only a long telephone message from Mr. Joffre David, general manager of the Florida Fruit and Vegetable Association, which represents thousands of fruit and vegetable growers in my State, but also telegrams from Robert W. Rutledge, executive vice president of Florida Citrus Mutual, which consists of more than 11,000 citrus growers; from Sam A. Banks, president and chairman of the Board of the Florida Fresh Citrus Shippers Association, which ships about 85 percent of the Florida citrus; from W. G. Strickland, general manager of the Florida Fresh Citrus Shippers Association; from J. J. Parrish, Jr., president of the Nevins Fruit Co., Inc., of Titusville, Fla.; from M. R. Buckalew, executive vice president of the Indian River Citrus League; and from John T. Lesley, general manager of the Florida Citrus Exchange, which is Florida's largest cooperative organization.

Mr. President, I ask unanimous consent that these telegrams be printed in the RECORD to show the opposition of these fine people in Florida who have had actual troubles before the Commission, and who are opposed to any over-concentration and centralization of power in the Commission.

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

LAKELAND, FLA.,
June 28, 1961.

Hon. SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.:

The following wire sent all members of Government Operations Committee of U.S. Senate, "Florida citrus mutual representing over 11,000 growers and Florida Fresh Citrus Shippers Association representing approximately 85 percent of Florida fresh citrus, urge you approve Senate Resolution 147 to disapprove Presidential Reorganization Plan No. 4 of 1961 which would give Chairman of Federal Trade Commission practically unlimited powers and control over the business organizations of this country. Such unwarranted and unnecessary delegation of power contrary to true democratic principles. Your efforts to accomplish this will be recognized and appreciated."

ROBERT W. RUTLEDGE,
Executive Vice President, Florida Citrus Mutual.

W. G. STRICKLAND,
General Manager, Florida Fresh Citrus Shippers Association.

LAKELAND, FLA.,
June 27, 1961.

Hon. SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.:

Florida Fresh Citrus Shippers Association, an organization of fresh fruit handlers and shippers handling approximately 85 percent of all citrus fruits shipped in fresh fruit form from Florida, is irrevocably opposed to Presidential Reorganization Plan No. 4 of 1961 under and by which the Chairman of the Federal Trade Commission would for all practical purposes be given almost unlimited powers and control over the business organizations of this country and would in effect reduce the other members of the Commission to a very innocuous status. Urge you to use your best efforts to have this proposed plan disapproved by the Senate of the United States.

SAM A. BANKS,
President and Chairman of the Board.

TITUSVILLE, FLA., *June 28, 1961.*

Senator SPESSARD HOLLAND,
U.S. Senate Office Building,
Washington, D.C.:

Nevins Fruit Co., Inc., also Nevins Ideal, Inc. organization handling approximately 15 percent of all citrus fruit shipped in fresh form from the Indian River area of Florida is very much opposed to Presidential Reorganization Plan No. 4 of 1961 under and by which the Chairman of the Federal Trade Commission would for all practical purposes be given unlimited powers and control over the business organizations of this country and would in effect reduce the other members of the Commission to a very minor status. I urge you to use your best effort to have this proposed plan disapproved by the Senate of the United States.

Best regards.

J. J. PARRISH, Jr.,
President.

VERO BEACH, FLA., *June 28, 1961.*

Hon. SPESSARD L. HOLLAND,
U.S. Senator from Florida,
Washington, D.C.:

The Indian River Citrus League, representing 1,567 citrus growers of the Indian River area, urge you to actively support the disapproval by the Senate of the President's Reorganization Plan No. 4 of 1961, which would authorize the Federal Trade Commission to delegate its powers to the Chairman. We believe this to be dangerous and detrimental to the best interest of everyone.

M. R. BUCKALEW,
Executive Vice President.

TAMPA, FLA., *June 27, 1961.*

Hon. SPESSARD HOLLAND,
Senate Office Building,
Washington, D. C.:

Urge you use your best efforts to have Presidential Reorganization Plan No. 4 of 1961 disapproved by Senate. In the judgment of everyone I have talked with in the citrus industry it is even worse and more far reaching than the reorganization plan for the Federal Communication Commission that was rejected by the House of Representatives.

JOHN T. LESLEY.

Mr. HOLLAND. Mr. President, I shall not read the other telegrams, which are similar.

I merely wish to state that the vegetable producers and the fruit producers of our State have had several cases before the Federal Trade Commission; and they prefer to rely upon what I shall refer to as the right of jury trial—in other words, the right to have five men, rather than only one man, pass upon their cases. I think they are within their rights in insisting upon the point that, generally, under our form of government, a person who has a litigation of importance to him has the right to be tried by a jury, or else to waive that and to be tried by only one man. But under this plan, one man would have that right at all times. I think these fruit producers and vegetable producers are on sound ground.

Therefore, Mr. President, I ask that the Senate disapprove this reorganization plan by approving the pending resolution to disapprove the plan.

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the distinguished Senator from Pennsylvania [Mr. CLARK].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. CLARK. Mr. President, the Federal Trade Commission should be one of the greatest protectors of the public interest in the United States. It is struggling hard to perform that function; but it is unable to do so, as the tables on pages 101 and 102 of the record very clearly show.

The number of complaints handled by the Commission is increasing, and the number of cases pending before the Commission is increasing. Thus it is that the ability of the Commission to deal with its enormous caseload is decreasing, because it cannot keep up with the work.

I strongly support the position taken by the Senator from Colorado [Mr. CARROLL], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Washington [Mr. MAGNUSON]. We should stand behind the President of the United States in his efforts to protect the public interest.

There is a very good analogy between the way these regulatory bodies must conduct themselves—they are partly legislative, partly executive, and partly judicial—and the way every Senator runs his own office. What Senator is there—except perhaps one or two from the smallest States of the Nation, and I think that even they must also run their offices in this way—who does not, almost every day, delegate every power he has as a Senator, except perhaps the power to vote? What Senator is there who is not willing to have most of his senatorial functions transferred to his administrative assistant every day of the week? It is a necessity that that be done, Mr. President. And if that is true of Senators, certainly the same is true of these commissions. After all, Mr. President, this is 1961, not 1787.

So I urge that the Senate give these regulatory commissions the streamlined power to act which the President has requested.

Mr. MUSKIE. Mr. President——

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MUSKIE. Mr. President, I think it important at this point that the need for such action with respect to the Federal Trade Commission be fully realized. Therefore, I should like to quote from the testimony of the Chairman of the Commission in regard to the Commission's workload:

> The workload of the Commission is greater today than ever before in its history. For the information of this committee, we have prepared tabulations which show the tremendous increase in the workload of the Commission even during the past 5 years. At the end of the fiscal year 1956, there were 213 formal matters, that is matters in which the Commission had issued its complaint, pending in the Commission. At the end of the fiscal year 1960, there were more than twice this number—449—pending cases, and at April 30 this year there were 522 cases pending. In 1956, the Commission issued 181 orders of which 173 were orders to cease and desist. In 1960, it issued 372 orders of which 354 were orders to cease and desist.

Therefore, Mr. President, this is the problem. As I indicated the other day in my argument on Reorganization Plan No. 1—which I opposed—the approach to this problem, as provided in these plans, is a correct one. The only reasonable way, I believe, in which the problem can be reduced is to enable the Commission to delegate some of its functions. The question involved is whether the means used are reasonable and sound.

Mr. JACKSON. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I am glad to yield.

Mr. JACKSON. Is there not the additional factor, in connection with the pending plan, that the substantive committee which has jurisdiction in this case—namely, the Senate Committee on Commerce, headed by the distinguished senior Senator from Washington [Mr. MAGNUSON]—conducted hearings and had an opportunity to take testimony, and agreed to go along and to support the plan? Let me say that if I am in error in that respect, in regard to the position taken by the Senate Commerce Committee, I should like to be corrected.

Mr. MUSKIE. The Senator from Washington is correct.

Mr. President, the question involved is whether the means used are sound and reasonable. In the case of the Securities and Exchange Commission—in other words, Reorganization Plan No. 1—I felt that the answer to this question was "No." So I voted against that plan.

In the case of the plan now before us, I think the answer is "Yes."

I shall indicate here my reasons for so thinking:

All these plans—that is to say, plans 1, 2, 3, and 4—contain the same basic elements. First of all, of course, is the authority on the part of the Commission to delegate; second, provisions with respect to limitation of review; third provisions for transfer of increased authority to the Chairman.

Although all these plans are similar, and when we read them, they seem very much alike, we should understand that they have different impacts on each of the regulatory agencies involved. Each of the activities of business regulated is different. In each instance, the functions of the agencies are different. The climate within which the plan would operate is different in each of these cases. So if we are truly and soundly to evaluate the impact of each plan, we must understand something of the operations of the agency—in this case, the operations of the Federal Trade Commission.

The PRESIDING OFFICER. The time yielded to the Senator from Maine has expired.

Mr. MUSKIE. Mr. President, I should like to have some additional time, if I may.

Mr. McCLELLAN. I yield 4 additional minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 4 additional minutes.

Mr. MUSKIE. I thank the Senator from Arkansas.

Mr. President, the Federal Trade Commission—as the distinguished Senator from Tennessee made clear—is a law-enforcement agency, with respect to which the Federal Trade Commission's hearing examiners now exercise most of the important functions which the Commission has. I should like to point out to the Senate the record of the hearing examiners, because I think it bears upon the soundness of this plan:

In the fiscal year 1956, of a total of 181 Commission actions on decisions of hearing examiners, 171 were affirmed without change by the Commission. In 1957, out of 200 such actions, 186 were affirmed without change. In 1958, 280 out of 299 were affirmed without change; in 1959, 351 out of 386; in 1960, 334 out of 372; and in 1961, 261 out of 284.

These are affirmations by the Commission of decisions made by hearing examiners with respect to functions which it is proposed be delegated, under this plan, to hearing examiners.

The second point involved, then, as we evaluate the plan, is the question of Commission review. On this question, let me read into the record an answer given by the Chairman of the Federal Trade Commission.

The question presented to him was:

> What change, if any, from present procedure in the Commission will plan No. 4 require with respect to the review accorded cases?

The answer was:

> Proposed plan No. 4 would make no change in the present or required review accorded Commission cases.

I ask unanimous consent that the full answer of the Chairman be printed in the RECORD at this point.

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

FEDERAL TRADE COMMISSION,
Washington, D.C., June 12, 1961.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In reference to proposed Reorganization Plan No. 4, relating to the Federal Trade Commission, I submit herewith the attached question and answer covering information which I understand your committee desires.

With all good wishes,
Sincerely yours,

PAUL RAND DIXON,
Chairman.

PROPOSED REORGANIZATION PLAN NO. 4 RELATING TO THE FEDERAL TRADE COMMISSION

Question: What change, if any, from present procedure in the Commission will plan No. 4 require with respect to the review accorded cases.

Answer: Proposed plan No. 4 would make no change in the present or required review accorded Commission cases.

At present, hearing examiners' initial decisions become final within 30 days unless they are appealed by the parties to the Commission or are taken up by the Commission on its own initiative for review. From final action before the Commission, cases are subject to review by the U.S. court of appeals upon petition of an aggrieved party. They will remain so under plan No. 4.

Two changes in Commission procedures are expected to be effected by internal revision under present law, but not as a result of plan No. 4. These changes are to be made for the purpose of simplifying and expediting Commission casework. The first such change is to have "consent settlement" cases

processed through a special section, thus relieving the hearing examiners of these matters so they may devote more time to their dockets of contested proceedings. Consent settlements are agreements worked out by counsel for the parties, disposing of the case by consent to a cease-and-desist order. Filing these consents with the hearing examiner as heretofore followed has overburdened such hearing examiners with a great volume of routine work even though the cases involved no contest and all matters were covered by the agreement between the parties. Consent settlements are akin to settlement of suits out of court by agreement between the parties.

This change, effected by rules of practice, not by plan No. 4, will afford the same amount of review and of final consideration and action by the Commission as heretofore.

The second procedural change contemplated, again not under plan No. 4, is that review of hearing examiners' decisions will be upon petition on the part of either party in nature of certiorari to the Commission, or by the Commission's own motion. This is highly desirable in the interest of expedition and of avoiding frivolous appeals and unnecessary delays. In the event no party acts to have the Commission review the case, the hearing examiner's decision will become final within a specified number of days.

Such change will reduce the paperwork accorded cases where neither party desires to have further review and where the Commission itself sees no substantial question involved indicating a need for further review.

As indicated above, the two changes mentioned will be made by provisions in the Commission's rules of practice. They do not flow in any respect from plan No. 4, but are internal changes within present law made under the rules of practice and in conformity with the Administrative Procedure Act.

Mr. MUSKIE. Mr. President, with respect to this plan, on the question of delegation, we have this fact: Most of the important functions bearing upon rights of persons appearing before the Commission on alleged violations are now heard by hearing examiners. They are now handled in such a responsible way by hearing examiners that, by and large, their findings are affirmed by the Commission.

Finally, with respect to the right of review, that right is not changed by this plan.

I wish to make one further point, and that is on the question of the authority which is granted to the Chairman. Some concern has been expressed by the Senator from Florida and his constituents on this point. I again read from the testimony:

[The plan] gives the Chairman no power that he doesn't presently have other than the selection and assignment of such personnel if a majority of the Commission decides first to delegate same.

I should like to make one closing comment on this plan. The distinguished chairman of the committee, the Senator from Arkansas [Mr. MCCLELLAN], and I both entertained reservations about all these plans, and the reasons were outlined in my remarks on plan No. 1.

After carefully examining the plan, on balance we feel that it ought to be approved. We think it ought to be approved because of the problem that is involved and because its application to the functions of the Commission is sound.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the distinguished Senator from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. President, there are two reasons why this resolution of disapproval should be adopted. The first is that it carries section 2, which transfers certain functions to the Chairman.

It is most significant that Reorganization Plan No. 5, which deals with the National Labor Relations Board, does not contain section 2. That is one of the five plans which does not propose to delegate certain powers to the Chairman.

The transfer of these functions to the Chairman, taken into consideration in connection with the change in the inherent right of review, which has always been considered a part of our practice, is the one which I think is the most objectionable.

The second reason why the plan should not be approved at this time is that the Federal Trade Commission itself, just this week, has instituted a sweeping reorganization aimed at speeding the Trade Commission's enforcement work.

I ask unanimous consent that I may have printed in the RECORD at this point in my remarks a statement on this reorganization. The reorganization which the Federal Trade Commission itself is instituting this week, effective July 1, is intended to make it possible for a senior attorney to follow through on a particular case from the initial investigation to the checks on compliance with agency orders.

It is intended to expedite the work of the Commission and to eliminate the backlog. This plan is being entered into by the Commission now. We ought not to reorganize the Commission under the plan proposed until the plan is worked out within the Trade Commission itself, and there is opportunity to study the results.

The PRESIDING OFFICER. Without objection, the statement referred to by the Senator will be printed in the RECORD.

The article ordered to be printed in the RECORD, is as follows:

[From the Wall Street Journal, June 26, 1961]

FTC IS REORGANIZED IN EFFORT TO SPEED ENFORCEMENT WORK—RESPONSIBILITY FROM FIRST STUDY TO PROSECUTION OF EACH CASE TO REST WITH SENIOR ATTORNEYS

WASHINGTON.—Federal Trade Commission Chairman Rand Dixon announced a sweeping reorganization aimed at speeding the FTC's enforcement work.

One major change will place the responsibility on individual senior attorneys for each case from initial investigation through prosecution and finally to checks on compliance with agency orders.

In the past, a complaint was referred to a field office, where generally a young lawyer would investigate and forward his findings and recommendations. These passed through staff levels and bureaus until a staff recommendation was made to the full Commission. The Commission issued a formal complaint, the case was referred to a trial attorney, who devised the prosecution. Often he had to do considerable field investigating himself before he was ready for a hearing before an FTC examiner.

Under the new system, beginning July 1, a senior attorney will be assigned a complaint and will send questions to the field. If this study shows the need for formal charges, the Washington-based attorney will develop the case and request investigators in one or more of the FTC's 10 field offices to obtain information that could be used in prosecution. This, essentially, is how the Justice Department's Antitrust Division has its cases investigated by the Federal Bureau of Investigation. The senior man will then supervise handling of the case at trial and later in compliance enforcement.

Chairman Dixon said the move will so center responsibility for each case "that no attorney will be able to shrug shoulders" and pass the buck to alibi a lack of progress. Six working bureaus will be created: For antimerger and other restraint of trade cases; for cases of deceptive practices, such as false advertising; to supervise operations of the field investigators; to police the textile and fur labeling acts; to make broad economic studies of industries and help develop the economic facets of individual cases; and to set up trade-practice conferences to obtain voluntary compliance with the law by whole industries.

Mr. Dixon said that at the end of May 2,591 investigations were pending, almost 40 percent more than a year earlier. The rise in activity calls for drastic steps to cut the burgeoning backlog of cases, he said.

Mr. DIRKSEN. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Illinois has 10 minutes left, and the Senator from Arkansas has 20 minutes left.

Mr. DIRKSEN. Mr. President, I yield myself 5 minutes.

The plan before us is not essentially different from the two plans already rejected, one by the House, by a proportion of 4½ to 1, and the other by the Senate, by a vote of 52 to 38.

Only two proposals are involved. The first is the delegation of powers.

In 1914 the Congress provided for a Federal Trade Commission of five members, and then it conferred certain powers on them. Later, Congress said that "no Commissioner shall engage in any other business," and so on.

Later, it provided that "whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition," it shall do certain things.

Under the Wool Products Labeling Act, we find it is provided that "the Commission is authorized and directed to prevent any person" and so forth.

Later, "the Commission is authorized and directed to make rules and regulations."

We impose a duty on the Commission. The proponents can argue until the first astronaut gets to the moon, but they cannot change the unshakable fact that it is recited in this plan, as well as in others, that "the Commission hereinafter referred to" shall have authority to delegate, by published order or rule, all its functions. The pending proposal would enable the Commission to delegate any function not only to a trial examiner or hearing examiner, but to an employee or group of employees. That is not what the Congress intended.

The second point is that here, as elsewhere, the right of review is discretionary. I am amazed by the argument of my esteemed friend from Colorado [Mr. CARROLL] and the chairman of the Antitrust and Monopoly Subcommittee [Mr. KEFAUVER], who have been "bleeding" for the "little guy." The "little guy" cannot get any review unless the Commission decides to give it to him. That procedure is a far cry from the juridical concept that I learned from the law books. It is alien to the whole American form of government and the whole American concept.

The issue is that simple. Those are the two issues involved, even as they would be in connection with the other plans. Are we to delegate all these functions and rulemaking powers with respect to judicatory powers? That is quite another thing. There we can get some expedition.

But what an amazing thing that the Wall Street Journal only this morning indicated that already there was a reorganization going on within the Federal Trade Commission, a plan to expedite enforcement and the business of the Commission.

There are two principal items, and they do not vary with respect to the plans which the Senate defeated heretofore. The proposed plan, like the ones involving the Securities and Exchange Commission and the Federal Communications Commission, ought to be defeated by a resounding vote.

According to information submitted to the committee by the Federal Trade Commission at the time of the hearing, in fiscal 1956 the Commission reversed or modified or remanded 13 initial decisions out of a total of 184. Four years later, in 1960, the number of decisions which the Commission found it had to reverse, modify, or remand had increased fivefold.

That fact would indicate whether or not there is a necessity for administrative review. If there is not to be one, the litigants must resort to the courts. That is a pretty difficult thing for the "little guy," for whom my friends have been pleading. It means great costs, and attorneys' fees on appeal. If the Senate wants to do something for the so-called little guy, the way to do it is to give him his right of administrative review by the Commission, which right was created by the Congress. It was intended that there be an exercise of such rights. If they are not going to do it, perhaps we ought to find some other method, because the nominations of Commissioners are confirmed by the Senate. We do not confirm nominations of people who are examiners and employees. I believe the "little guy," for whom they sweat and strain, should have his day in court, meaning an administrative court, and should have his case presented, if he so desires, to somebody whom the U.S. Senate has found to be fit to discharge the responsibilities of the position.

I hope the plan will be rejected.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

I fully associate myself with the remarks of the distinguished Senator from Maine. It is true he and I both had considerable misgivings about all four of these plans. I have not yet made up my mind to support any other except this plan.

If I were writing the plan, I would make some revisions in it, but at the same time I realize that there is a real problem in the Commission in respect to the workload. It is necessary to expedite the work. To the extent that power can be delegated to subordinates, at the same time protecting the rights of persons involved, it ought to be done, and the Congress ought to grant such power.

In this particular case I have conferred with the Chairman of the Commission, and I am of the opinion that the powers proposed to be conferred under the plan can be granted safely. Therefore, I shall support the plan.

I still maintain reservations with respect to the other plans.

I ask unanimous consent to have printed in the RECORD at this point a letter I have received from Chairman Dixon, of the Commission, dated June 28, 1961. I did not have the letter in time to incorporate it in the hearings. I believe it should be printed in the RECORD for the information of those who desire to read it. The letter relates to powers which the Commission probably will use by reason of the reorganization plan, if approved.

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

FEDERAL TRADE COMMISSION,
WASHINGTON, D.C.,
June 28, 1961.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request, the Commission by letter dated May 18, 1961, submitted comments and recommendations on Reorganization Plan No. 4 of 1961. Also on June 6, 1961, I appeared before your committee and testified in favor of the plan. After reviewing the comments and recommendations heretofore made and considering the fact that somewhat similar proposed reorganization plans for other agencies have been disapproved by the Congress, it occurred to me that some additional comments as to the Commission's need for the authority which the plan would provide might be helpful to the committee.

Reorganization Plan No. 4 would provide the Commission with needed additional authority to delegate functions, but at the same time the plan contains a number of safeguards against abuse of the authority. In addition, as you well know, the Commission is a creature of the Congress, and if at any time it should abuse any of the authority granted it, the Congress through its general oversight of the agency, its control over the budget, and its general interest in the effectiveness of the Commission undoubtedly would take such action as might appear necessary to correct such abuse. Moreover, the principal function of the Commission is to ferret out and stop unfair trade practices. It does not grant licenses and, except in limited fields, it does not regulate by rules, and in these respects its duties and functions differ materially from those of other regulatory agencies. The opportunity for abuse of the authority which the plan would provide simply does not exist insofar as the Commission's principal duties and functions are concerned.

As I have heretofore advised the committee, the Commission's workload is greater today than ever before in its history. The backlog of cases which the five-man Commission must consider is increasing every day. The time it now takes for the Commission to stop an unfair practice is unconscionably long. We simply must devise ways to speed up our cases. We have completed an internal reorganization of the Commission's staff which will be effective July 1. The primary objective of the reorganization is to eliminate delay at every stage of a proceeding. Also, the Commission's rules of practice for adjudicative proceedings are being revised in order that hearings may be concluded in much less time than heretofore. These changes plus an expected increase in the size of the Commission's staff are bound to result in more matters coming to the Commission for its consideration. Unless the Commission is provided with authority to delegate some of the functions it now performs, the Commission itself may be the bottleneck in our proceedings.

Some of the functions which the Commission now is required to perform and which it might find desirable to delegate to an individual Commissioner or to responsible staff members in the event Reorganization Plan No. 4 is not rejected could include such activities as issuing investigative or pretrial subpenas; issuing orders requiring corporations to file annual or special reports or answers to specific questions; issuing orders for the taking of testimony by deposition; granting or denying requests for extensions of time to respond to subpenas, to file reports or briefs, or to take other actions incident to the trial of a case; and ruling on interlocutory appeals from rulings of hearing examiners, motions to disqualify a hearing examiner, motions for leave to intervene in a proceeding, and motions for permission to file briefs in excess of the page limitation provided by the Commission's rules of practice. Such activities, while involving little time and effort when considered individually, necessarily occupy the Commission for a substantial part of each working day when considered collectively.

If Reorganization Plan No. 4 becomes effective and such functions are delegated the Commission will, of course, be free to devote its attention to overall policy matters and other duties of greater public interest. Before any delegation is made, however, a majority vote of the Commission will be required and if at any time it appears desirable for the delegation to be revoked, this could be done by the same vote.

It is my strong belief that Reorganization Plan No. 4 would result in substantial benefits to the public.

With kindest personal regards, I am,
Sincerely,

PAUL RAND DIXON,
Chairman.

Mr. DIRKSEN. Mr. President, since there is a desire to shorten the time somewhat, I ask unanimous consent to have printed in the RECORD a statement which is a little more elaborate than my previous remarks with respect to Reorganization Plan No. 4, and the "Conclusion" in the committee report, as shown on pages 8 and 9.

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

STATEMENT BY SENATOR DIRKSEN

REORGANIZATION PLAN NO. 4—FEDERAL TRADE COMMISSION

We come now to the reorganization plan for the Federal Trade Commission. It is called plan No. 4. This plan is identical to Reorganization Plan No. 1 for the Securities and Exchange Commission which the Senate recently rejected by a vote of 52 to 38. This reorganization plan is

also substantially identical to Reorganization Plan No. 2 which the other House rejected by the large margin of 323 to 77. It is also substantially identical to Reorganization Plan No. 3 for the CAB. The Committee on Government Operations of the Senate under the able chairmanship of the Senator from Arkansas [Mr. McCLELLAN] voted to disapprove both this plan and plan No. 3.

The principal issues involved in this plan are the same as the issues involved in the other plans. Let us turn first to the plan itself. Section 1 of the plan provides:

"In addition to its existing authority, the Federal Trade Commission, hereinafter referred to as the 'Commission,' shall have the authority to delegate by published order of rule, any of its functions."

I want to emphasize "delegate any of its functions."

Now, is this what the Congress intended when it passed the statutes giving the Federal Trade Commission its powers? The basic statute is the Federal Trade Commission Act of 1914. It begins:

"A Commission is created and established, to be known as the Federal Trade Commission, which shall be composed of five Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate."

It goes on to say, "No Commissioner shall engage in any other business, any vocation, or employment."

That is what the Congress has said the Federal Trade Commission consists of—five members appointed by the President, subject to confirmation by the Senate. Then the statute goes on to say in section 45:

"Whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition * * * and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public it shall issue and serve a complaint."

And then if we turn to the Wool Products Labeling Act we find that it provides "the Commission is authorized and directed to prevent any person."

And a little later:

"The Commission is authorized and directed to make rules and regulations."

And still further on: "Whenever the Commission has reason to believe."

The same thing holds true for the Fur Products Labeling Act. Thus, Congress members subject to Senate confirmation "to have reason to believe," wants the Commission to issue rules and regulations, not some employee who is selected with no congressional scrutiny.

Let us look further at some of these powers of the FTC. It has the authority to issue substantive rules.

"These rules have the force and effect of law." These are not my words. They are the words of the FTC on page 13 of its own statement of rules of practice, procedures, and organization, and again on page 14 in connection with its powers under the antitrust laws. Under plan 4 the Commission, which the Congress said should consist of five members appointed by the President and confirmed by the Senate, can delegate its function of making rules which have the force and effect of law over the lives of the people of this country.

Now I come to my next point. Plan No. 4 not only permits these functions to be delegated by the Commission to subordinates, but it also takes away from an aggrieved party the right to have the decision of such a subordinate reviewed by the Commission. It makes any review discretionary with the Commission. In other words, the Commission has the right to a review, but the public does not.

The language by which plan 4 eliminates the right of the public to agency review applies to the other functions of the FTC also—because the FTC has other vast powers. It can issue cease and desist orders. It can declare the prices of goods to be unlawful and prohibit mergers. These are broad powers. These are important powers. They are all set out in the Federal Trade Commission's own document and, under the plan, the public would have no right of review of a subordinate's decision on any of these matters.

Two important questions have already been asked on the floor by the able Senator from Maine [Mr. MUSKIE] in connection with the debate on the SEC plan:

"First, is it proper or desirable to delegate the exercise of the rulemaking and adjudicatory functions to subordinates on a staff without providing for mandatory review of their determination by the full agency?"

And then "by permitting only discretionary review before the full Commission, is the litigant being deprived of a substantial right?"

Let us see how important that right is to the aggrieved member of the public appearing before an agency. According to the information submitted to the committee by the FTC at the time of the hearings on this plan, in fiscal 1956, the Commission reversed, remanded, or modified 13 initial decisions out of a total of 184 decisions. By fiscal 1960, the number of decisions which the Commission found it had to reverse, remand, or modify increased 500 percent while the total number of decisions increased less than 150 percent. In other words, by the Commission's own figures, it is now reversing, remanding, or modifying six times as many decisions of the hearing examiners as it did before, while the total number of cases has only doubled. Yet, in the face of this tremendous increase in the number of decisions by subordinates which the Commission found it necessary to reverse or otherwise change, this plan No. 4 would take away the right of the public to obtain agency review of such decisions of subordinates.

In this connection I think that it is particularly important to note the remark of the Chairman of the FTC appearing at page 105 of the hearing record that "the Federal Trade Commission is primarily an enforcement agency or adjudicatory body."

The right of review by a higher authority is part and parcel of our system of justice. It should be just as much a part of our administrative system as it is a part of our judicial system. If the FTC is primarily an adjudicatory body it should provide for a right of review of a subordinate's decision by the full Commission just as the courts provide for a right of review from the trial court to the appellate court. Yet, this reorganization plan would cut out the right of an aggrieved party to get this review. It would send him to the courts instead. Let us not forget that this is not a matter of discretionary review like the certiorari appeal of the Supreme Court, because a party has already had one review in the appellate court as a matter of right.

What would this do to the workload and backlog of our courts? In this very term of Congress we have had to add 73 more judges to our Federal courts system to deal with the backlog of cases in these courts today. This reorganization plan would transfer to the courts an even greater backlog—all of the backlog of the agencies. But even if we were to add dozens or even hundreds of judges to handle such a backlog, I submit that it would not be desirable to eliminate the right to agency review. I encourage the delegation of decisionmaking in adjudicatory matters but I believe that we must maintain the doctrine of a right to have that decision by a subordinate reviewed within the administrative system.

Now the Chairman of the FTC has said that under the FTC statutes a party has no right to agency review. I would just like to remind him of the Administrative Procedure Act which also applies to the FTC. There the right of review is provided and if he has any doubts, I refer him to the Attorney General's Manual on the Administrative Procedure Act prepared for the guidance of Government agencies by the Department of Justice under the supervision of Tom C. Clark, now a Supreme Court Justice, which states at page 83:

"Parties may appeal from the hearing officer's initial decision to the agency, which must thereupon itself consider and decide the case. Also, the agency may review the hearing officer's initial decision even though the parties fail to appeal."

The Attorney General emphasized this point with a footnote which reads:

"It is important to note that section 10(c) permits an agency to require parties to appeal from hearing officers' initial decisions to the agency as a prerequisite to obtaining judicial review."

Therefore, a party not only has a right to agency review but the agency may require him to utilize that right as a prerequisite to obtaining a judicial review.

I come now to my next point. This plan, like the SEC reorganization plan, is no reorganization plan at all, but a blank check. We are not told what functions are to be delegated to what categories of employees. Instead the plan proposes that any function can be delegated to any employee. As a matter of fact this check is so blank that all it would have on it would be the name of the Congress as the signer and "pay to the order of" the FTC. Nobody knows what will be filled in, not even the Chairman of the FTC. At the hearings on plan 4 he stated:

"We have not yet determined what delegations should be made in implementing the planned reorganization."

What is the need for such a plan when not even the Chairman knows what needs to be done? Let the agency first decide what it wants and then let the Congress act. What is needed is to have definite proposals presented to Congress as legislative proposals. Then they can be referred to the proper committees which can give them appropriate time and study, modify them if the committees deem it necessary, and then present them to the respective Houses of the Congress for a vote.

When I spoke of the identical plan for the SEC, I commented on the possibility that under the language of these plans it is possible for the entire hearing examiners system, which the Congress has so carefully established and preserved, to be bypassed and I shall not elaborate further on that at this time.

In sum then, this plan should be rejected by the Senate, first because it provides for a delegation of any function, without limiting the functions which can be delegated or the persons to whom they can be delegated. These are the very functions which the Congress gave to five men whose nominations are subject to Senate confirmation. And, secondly, because the reorganization plan wipes out the right of an aggrieved party to have a review by the FTC of a decision which was delegated to a subordinate. Here I want to make reference to a statement by Mr. Landis during his testimony on the plans on June 8, 1961. He said:

"Whenever you lodge power anywhere, there is always a danger of its abuse. There is no doubt about that. The only thing that you can do is to build up as many safeguards as you can against the abuse of the power that you have been forced to lodge in some individual."

I suggest that Mr. Landis says more in this statement than I can ever say about the danger in this plan, for the plan takes away that very safeguard against the abuse of power by taking away the right of the public to have an agency review of a power which has been delegated.

My last point is that this plan is really no plan at all, because it doesn't say what functions can be delegated to what persons but instead that any functions can at any time be delegated to anybody.

CONCLUSION

The committee found that the Federal Trade Commission is charged by law with the exercise of important powers over American business and industry, and these functions and responsibilities have been specifically vested in the Commission by the Congress.

If plan No. 4 of 1961 is permitted to go into effect, the Commission will have the power to (1) authorize the delegation of any and all of its functions to subordinates; (2) afford review only at its discretion, unless two members of the Commission agree to a review; and (3) cause the decision of a subordinate to become final by denying review. In addition, there would be vested in the Chairman of the Commission the authority to choose the individuals who would exercise the delegated power.

It is the considered judgment of the committee that (1) unlimited authority in the Commission to delegate the exercise of its rulemaking and adjudicatory functions to subordinates or staff, without providing for mandatory review of their determinations by the full Commission, may involve the denial of substantive rights of persons doing business with the Commission; (2) the delegation which is authorized by plan No. 4 might well result in policy being made by the staff instead of by the Commission; and (3) the proposed delegation can result in final determinations being made by subordinates who are not subject to Senate scrutiny and confirmation, and such action is not desirable.

The committee is fully aware of the fact that the Federal Trade Commission is heavily burdened with a large volume of work, and that some action is necessary to enable the Commission to discharge its responsibilities more expeditiously. Furthermore, the committee has no doubt that if the plan is permitted to become effective, the Chairman and the other members of the Federal Trade Commission will do everything they can to administer the affairs of the Commission in a just and equitable manner.

However, the committee believes that when the Congress vests in a regulatory agency important policymaking, rulemaking, and adjudicatory functions, it is neither desirable nor in the public interest to permit such functions to be delegated to subordinates without limitations, and subject only to discretionary review of their determinations by the agency.

Finally, in the judgment of the committee, if action is required to streamline the Federal Trade Commission or to relieve its members of present burdens by authorizing extensive delegations and limiting administrative appeals, this should be done selectively by amending the organic statute of the Commission, and by the committees which normally process legislation pertaining to the Commission and which are familiar with their policies and activities, rather than by the device of a reorganization plan.

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

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

The PRESIDING OFFICER. All time has been yielded back.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. A vote "yea" is a vote for the resolution, which is a vote for rejection of the plan, and a vote "nay" is, in effect, a vote to accept the plan.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution. 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. ERVIN (when his name was called). On this vote I have a pair with the junior Senator from Missouri [Mr. LONG]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea"; I therefore withhold my vote.

Mr. RANDOLPH (when his name was called). On this vote I have a pair with the Senator from Maryland [Mr. BEALL]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay"; I therefore withhold my vote.

Mr. ROBERTSON (when his name was called). On this vote I have a pair with the junior Senator from Georgia [Mr. TALMADGE]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea"; I therefore withhold my vote.

Mr. WILEY (when his name was called). On this vote I have a pair with the Senator from Mississippi [Mr. EASTLAND]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea"; I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. McCARTHY], the Senator from Georgia [Mr. TALMADGE], and the Senator from Arizona [Mr. HAYDEN], are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], and the Senator from Arizona [Mr. HAYDEN] would vote "nay."

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from North Dakota would vote "nay," and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from New Mexico [Mr. CHAVEZ]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from New Mexico would vote "nay."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Minnesota [Mr. McCARTHY]. If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Minnesota would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Connecticut [Mr. BUSH], the Senator from Kansas [Mr. CARLSON], the Senator from Hawaii [Mr. FONG], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] is absent on official business.

The Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. SCHOEPPEL] are also necessarily absent.

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from North Dakota [Mr. BURDICK]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from North Dakota would vote "nay." If present and voting, the Senator from Kentucky [Mr. MORTON], the Senator from Connecticut [Mr. BUSH], the Senator from Kansas [Mr. CARLSON], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from Massachusetts [Mr. SALTONSTALL] would each vote "yea."

The pair of the Senator from Maryland [Mr. BEALL] has been previously announced.

The result was announced—yeas 31, nays 47, as follows:

[No. 89]

YEAS—31

Aiken	Curtis	Mundt
Allott	Dirksen	Prouty
Bennett	Dworshak	Scott
Boggs	Goldwater	Smathers
Bridges	Hickenlooper	Smith, Maine
Butler	Holland	Thurmond
Capehart	Javits	Tower
Case, N.J.	Jordan	Williams, Del.
Case, S. Dak.	Keating	Young, N. Dak.
Cooper	Kuchel	
Cotton	Miller	

NAYS—47

Anderson	Hill	Morse
Bartlett	Humphrey	Moss
Bible	Jackson	Muskie
Byrd, W. Va.	Johnston	Neuberger
Cannon	Kefauver	Pastore
Carroll	Kerr	Pell
Church	Lausche	Proxmire
Clark	Long, Hawaii	Russell
Dodd	Long, La.	Smith, Mass.
Douglas	Magnuson	Sparkman
Engle	Mansfield	Stennis
Fulbright	McClellan	Symington
Gruening	McGee	Williams, N.J.
Hart	McNamara	Yarborough
Hartke	Metcalf	Young, Ohio
Hickey	Monroney	

NOT VOTING—22

Beall	Ervin	Randolph
Burdick	Fong	Robertson
Bush	Gore	Saltonstall
Byrd, Va.	Hayden	Schoeppel
Carlson	Hruska	Talmadge
Chavez	Long, Mo.	Wiley
Eastland	McCarthy	
Ellender	Morton	

So the resolution (S. Res. 147) was rejected.

REORGANIZATION PLAN NO. 3

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 446, Senate Resolution 143.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 143) opposing Reorganization Plan No. 3 of 1961 was read as follows:

Resolved, That the Senate does not favor the Reorganization Plan Numbered 3 of 1961 transmitted to Congress by the President on May 3, 1961.

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 resolution.

Mr. MANSFIELD. Mr. President, I have discussed this subject with several Senators on both sides of the aisle who are interested in this particular measure. I should like to propound a unanimous-consent request that the time allotted for debate on Reorganization Plan No. 3 be limited to 30 minutes, 15 minutes to a side.

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

Mr. DIRKSEN. Reserving the right to object, I wish only to say that Reorganization Plan No. 3 deals with the Civil Aeronautics Board. I wonder whether the distinguished Chairman of the Committee on Government Operations, the Senator from Arkansas [Mr. McCLELLAN], would be willing to indicate now, while Senators are in attendance in goodly number, what his views are on the proposed plan.

Mr. McCLELLAN. Does the Senator from Illinois refer to Reorganization Plan No. 3?

Mr. DIRKSEN. Yes.

Mr. McCLELLAN. I shall oppose the plan and support the resolution of disapproval.

Mr. DIRKSEN. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, under the agreement entered into, half the available time will be allocated to the minority leader and half the time to the Senator from Arkansas [Mr. McCLELLAN], the chairman of the committee.

Will the Senator from Arkansas yield to me one-half minute?

Mr. McCLELLAN. I yield to the majority leader one-half minute.

AUTHORITY FOR THE VICE PRESIDENT OR THE PRESIDENT PRO TEMPORE TO SIGN ENROLLED BILLS DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Vice President or the President pro tempore be authorized to sign, during the adjournment following today's session, enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

REORGANIZATION PLAN NO. 3 OF 1961

The Senate resumed the consideration of Senate Resolution 143 opposing Reorganization Plan No. 3 of 1961.

Mr. DIRKSEN. I yield 3 minutes to the Senator from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. President, Reorganization Plan No. 3, which deals with the Civil Aeronautics Board, presents one element which was not present in the last previous plan upon which the Senate voted. When the distinguished Senator from Maine [Mr. MUSKIE] was speaking with reference to plan No. 4, he said it was necessary to take into consideration the powers of the agency and the nature of the subject with which the plan deals. I invite the attention of the Senate to the fact that we are considering the Civil Aeronautics Board.

In the case of the Civil Aeronautics Board these powers go to the question of granting licenses, which mean a life or death sentence with respect to the operation of an airline. The proposal to give to the Chairman of the Civil Aeronautics Board the power to assign personnel and to perform functions which have been delegated by the Board gives the Chairman of the Board the right, without respect to the principle of rotation, to assign cases in which the verdict of an employee, to whom the case may be assigned, will be final unless one less than a majority of the Board should vote for review.

The plan as submitted by the President suggests the form of bipartisan concept by providing for mandatory review on the vote of a majority of the Board, less one member. However, there is no requirement that a minority party have more than one member on the Board.

In the case of the Civil Aeronautics Board, it could be divided 3 to 2 or 4 to 1; yet it would be necessary to get two votes if an aggrieved party were to have the right of review by the Commission of a decision made in its case.

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

Mr. DIRKSEN. I yield 2 additional minutes to the Senator from South Dakota.

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

Mr. CASE of South Dakota. I yield.

Mr. CURTIS. The distinguished Senator is making a very valid point. While in the case of the Federal Trade Commission it might be assumed that perhaps there is some evidence of a violation, with the Civil Aeronautics Board it is the right to go into business.

Mr. CASE of South Dakota. It is the right of life or death.

Mr. CURTIS. It is the right to go into business.

Mr. CASE of South Dakota. That is correct.

Mr. CURTIS. How is a petitioner to get an opportunity to present his case to individual members of the Board in order to convince two of them to grant the right of certiorari? Is he to buttonhole them in the corridor? There is no forum provided where he can present his case, to show that he ought to have a rehearing.

Mr. CASE of South Dakota. That is correct. It seems to me that particularly in the case of agencies such as the Federal Communications Commission, with respect to the reorganization of which the Senate has already expressed an adverse vote, and in the case of the Civil Aeronautics Board, a plan which gives special power to the Chairman and then denies the right of review except under circumstances indicated, grants the power of confiscation of existing rights, when the question of the renewal of a license arises. Therefore it seems to me that the plan should not be approved.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from Oklahoma.

Mr. MONRONEY. Mr. President, the Aviation Subcommittee of the Commerce Committee has probably considered about as much aviation legislation as has any committee with respect to legislation within its jurisdiction.

Mr. MAGNUSON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONRONEY. At the request of the Committee on Government Operations we served notice on all branches of the aviation industry that we would hold hearings on this reorganization plan. When the hearings were held we heard testimony from the Civil Aeronautics Board and we heard testimony from Dean Landis, and we received three statements from various aviation organizations. There was no objection whatever on the part of any member of the Civil Aeronautics Board to the plan.

Dean Landis explained the plan for the administration, and the supporting letters from the industry were in favor of the plan.

I might say that I believe we are making a mountain out of a molehill. We are seeing ghosts behind every door. We are straining at a gnat.

If we do not in some way unburden the Civil Aeronautics Board of the small, insignificant regulatory detail that the present law requires be considered by the Board, there will continue to be 5 years of delay on an important case like the Southern Transcontinental case.

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

Mr. MONRONEY. I yield.

Mr. JACKSON. It is my understanding that the aviation industry as a whole is cognizant of this problem that the Senator is relating to the Senate.

Mr. MONRONEY. It is, because it incurs costs of millions of dollars because of delays. We all know that justice delayed is justice denied.

Mr. JACKSON. Am I correct in understanding that the industry is not opposing the plan?

Mr. MONRONEY. There was no evidence whatever of any opposition. We invited everyone in the industry who normally appears at any of our hearings. Those who testified were in favor of it. Three statements were submitted in

favor of it. The others did not even think it important enough to appear.

It meets a need that has been recognized in the Civil Aeronautics Board. As a matter of fact the testimony by the Chairman was that they had frequently been compelled to delegate minor functions that were supposed to come before the Board, even though it is not clear that they have the authority under law to do so. However, no one challenged their doing it, and until they were challenged, they felt they had to do it to get some semblance of speed in disposition of the workload that confronts them.

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

Mr. MONRONEY. I yield.

Mr. MANSFIELD. As I understand, the members of the Civil Aeronautics Board at the present time have a multiplicity of duties. Some are minor in nature. For example, when we go before the Board it is like appearing in a court of law. It is almost like taking an oath and then listening to these judges before whom we appear.

It appears to me, on the basis of activities which take place in the field and in Washington, that too much of a burden is placed on the Commissioners, and that some of the burden should be taken away from them.

I hope the resolution of disapproval will not be approved by the Senate, but that the recommendation of the President will be adopted.

Mr. MONRONEY. I thank the distinguished majority leader.

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

Mr. MONRONEY. I yield.

Mr. SYMINGTON. Mr. President, in my opinion, the foremost authority in this body on civil aviation is the distinguished Senator from Oklahoma. I have been impressed, over the years, with his efforts to get at the facts, to expedite proceedings, and to overcome the incredible delays which have cost so many States, so many airlines, and so many people so much money.

Am I to understand that after analyzing the proposed plan, it is the recommendation of the committee that it will go a long way toward eliminating the backlog which has built up over the years in the CAB?

Mr. MONRONEY. It will help materially by removing the necessity of the Board considering minutia. Let me give one illustration. We heard today in the supplemental carriers hearings that they are limited to 10 flights between 2 points each month. They cannot fly more often than that. This would mean that 1 flight beyond the 10 would require an exemption which would have to come before the Board itself for approval. The situation is ridiculous, especially in authorizing a charter flight.

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

Mr. McCLELLAN. I yield 2 additional minutes to the Senator from Oklahoma.

Mr. MONRONEY. On a transatlantic charter flight, the homogeneity of the group has to be considered by the Board before it can grant permission to fly the charter. It means that if a group wanted to charter a Constellation to carry 90 passengers, who were members of a Baptist church, the Board would have to consider an allegation that a few were Catholics or Episcopalians. That is the kind of minutiae that must be passed along to the staff for handling. There are hundreds and hundreds of minor cases that must come before the Board, by law.

They would like to delegate some of their authority, but it is unlawful for them to do so, because they do not have such statutory authority. They made a long, careful study through their staff to see if they could cut out some of the minutia. We are told by the Board counsel that they came up with almost an identical plan that they had intended to propose by legislation.

To be afraid of this plan is wrong. As few as two members can bring any matter before the full Board for review. Certainly three members can withdraw any delegation of authority that is made to the staff. It seems to me that we want action in this type of regulatory body if it is desired to speed up the certification of new routes waiting to be flown, to avoid the 5 years' time it took on the Southern Transcontinental case, or to extend the privilege of an additional stop to some airline. We ought to permit the Board to delegate some of the authority, the minor authority, away from the Board, and leave the Board free to handle the big decisions. A great many economic problems face the aviation industry, which had a revenue of $2 billion last year, and $1 million in profit. Someone will have to study the economics of this industry, but how can they do so if they do not have sufficient time?

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

Mr. MONRONEY. I yield.

Mr. HUMPHREY. I support the argument of the Senator from Oklahoma. The report made by McKinsey & Co., management experts hired by the Bureau of the Budget, seems to follow substantially the argument which has been made by the Senator from Oklahoma.

Rather than to take the time of the Senate to read the report as it relates to Reorganization Plan No. 3, I ask unanimous consent that it be printed at this point in the RECORD.

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

REORGANIZATION PLAN NO. 3—THE CAB

The reorganization plan for the Civil Aeronautics Board seeks to alleviate problems at that agency which are, in the large, nonexistent at the Securities and Exchange Commission. This is primarily attributable to a fundamental difference between the two agencies.

The Securities and Exchange Commission is engaged in formulating and promulgating rules for the guidance of concerns seeking public financing, as well as for the protection of public investors. It is a rule-making, enforcement agency. Its activities involve surveillance and investigation to a far greater extent than almost all of the other major agencies. There is no real adjudicatory backlog at the SEC because the SEC has a relatively minute number of cases that must receive a judicial type hearing. For instance, the 1959 Annual Report of the Office of Administrative Procedure shows that of the cases closed by final decision of the SEC in 1959, not a single one consumed in excess of 2 years from the date of commencement.

At the CAB, on the other hand, 24 of the cases closed had been pending at that agency for longer than 2 years and 14 of the 24 for longer than 3 years. Further, of the cases pending and not closed at the CAB at the end of fiscal 1959, 166 had been pending for over 3 years. This compares with three cases, pending and unclosed, at the Securities and Exchange Commission, which have been there for over 3 years.

If one turns to a recent study of the Civil Aeronautics Board (October 1960) made by McKinsey & Co. for the Bureau of the Budget, there are revealed some truly startling figures and comments, to wit:

"The time of the Board itself, our analyses reveal, is unduly concentrated on only two activities: (a) Adjudication, which consumes approximately 65 percent of its time; and (b) international affairs, which take almost 20 percent of its time (see table 1).

"This concentration of Board effort has denied adequate attention to its other major responsibilities; e.g., formulating substantive plans and policies, and planning the efforts of and appraising the effectiveness of its 750-member staff."

The study further shows that the average age of dockets closed in 1960 through formal proceedings ranged from 11 to 63 months with the average being 32 months. The study concludes with the recommendation:

"3. To provide the Board sufficient time to adequately meet all its responsibilities we propose:

"(a) Lessen the Board's emphasis on case-by-case adjudication, e.g., (1) Delegate more responsibility to the staff, particularly on cases that are usually noncontested; e.g., foreign permit applications, interlocking relationship cases, mail rate cases, and section 412 agreement; or

"(2) Limit the Board's participation in adjudication by:

"(a) Limiting the Board's review on appeal only to cases involving major points of law or major issues of policy.

"(b) Limit Board consideration of cases accepted for review to major points of law or major issues of policy in question, rather than trying the case de novo."

Reorganization Plan No. 3 will allow the Board to directly implement this recommendation which was made by a reputable independent concern after a long and detailed study. A similar study by a different firm on the SEC revealed no such problems as exist with the CAB. Indeed, most critics of the administrative process have singled out the SEC for favorable comment. The need at the SEC is seen primarily in terms of more personnel and funds for the purpose of investigating and surveying our expanding securities markets. If the Government is to continue to spend large sums of money for studies and recommendations on ways and means to improve specific agencies, we in Congress should support reorganization plans that directly implement such recommendations.

TABLE 1.—*Allocation of Board time*

	Percent
(a) Preparation for and adjudication of specific cases	65
(b) Preparation for and participation in international negotiations and consultations	20
(c) General communications and miscellaneous office work	10
(d) Speeches and public relations	3
(e) Accident hearings	2
Total	100

Mr. HUMPHREY. Mr. President, I ask unanimous consent also that a statement I have prepared relating to Re-

organization Plans Nos. 3 and 4—plan No. 4 having just been adopted—may be printed at this point in the RECORD.

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

STATEMENT BY SENATOR HUMPHREY

REORGANIZATION PLANS 3 AND 4

Without attempting to offer a complete litany of the problems besetting the independent regulatory agencies, let me enumerate from the President's message relative to the regulatory agencies:

1. The proper relationship of Congress and Congressmen to the independent agencies;
2. the proper role of the President vis-a-vis these agencies;
3. the personal problems in the agencies;
4. the focusing of rsponsibility;
5. the problem of delay; and
6. the problem of backlog.

These problems arise from a number of different causes, and it is encouraging and reassuring to know that the Subcommittee on Administrative Practice and Procedure under Senator CARROLL has given this whole matter close and thoughtful attention. It is no secret that we ourselves as Members of Congress influence materially the operations of these agencies by the legislation we pass and the financial support we provide them. It is no secret that the President by his actions or his inaction, by the moral tone of his leadership, can affect these agencies. It is no secret that extragovernment forces can and do affect them. Yet our immediate and proper concern is not primarily with these causes, deep, complex, and great as they are. Our concern today is more limited in scope. We look today at the root causes of the delays and the backlogs in these agencies.

From the Landis report, the President's message on the regulatory agencies, the report of our colleagues on the Subcommittee on Administrative Practice and Procedure, the testimony of witnesses, and the RECORD we learn of the magnitude of the problems of backlog and delay. And I am sure there is no Member of this body who has not been informed of these problems by his constituents.

As we inquire into the causes of delay and backlog we discover that, and I now quote Mr. Landis:

"The delays in the dispatch of business by these agencies stem largely from the fact that the agency members as a whole are required by law to deal with too many matters of minor significance, leaving them no time to handle major matters with dispatch and no time to engage in the important policymaking that should be a major consideration of the agency."

Turning to the report of our distinguished colleagues of the Subcommittee on Administrative Practice and Procedure we read: "The discussions and studies justify the belief that, although the needs of the agencies are mixed, the need for finding a simplified and expeditious procedure is common." And a little further on they say, "But the procedures the departments and agencies have been required to follow are a never absent source of trouble."

What then is the common strand to these contentions? It is that the immediate hope for reducing delay and backlog must lie in changed procedural requirements: changes which will free the overworked Board members.

THE BASIC APPROACH TO A SOLUTION USED IN THE REORGANIZATION PLANS

It is within this narrow range of action that the reorganization plans have been developed and submitted. In no sense do these plans pretend to cure all of the ills of all of the agencies. The basic approach to the problems of delay and backlog in the five major agencies is uncomplicated, is imaginative, is feasible, and is capable of wide application despite the different subject matter handled by the boards. It is simply this: Permit the agency as a whole to delegate certain of its functions to one or more of the agency members or to employees or boards of employees.

As each of the plans are before us today they contain similar provisions respecting the Commission's authority to delegate its functions, provision for the review of the exercise of the delegated authority by the delegatee, and provisions relating to the Chairman's power to appoint individuals to perform the functions delegated by the full committee.

To me, the logic and unity of approach in the basic philosophy of these proposals is compelling. First of all, the agency as a whole is allowed, but not required, to delegate any of its functions subject to the limitations placed by Congress in section 7(a), section 12, and others of the Administrative Procedure Act of 1946. It is rather clear why the plans do not attempt to spell out the specific matters which can be delegated. The agency itself, based on its own experience, will have the best knowledge of those functions which it would be fitting and proper to delegate, and the passage of time may well bring about developments such as the establishment of precedents which will serve to permit additional delegations as the area of decision is narrowed. In addition, to move into the realm of definition of terms such as "rulemaking" as defined now in the Administrative Procedure Act of 1946 would provide a legal field day for those who were opposed to the proposal anyway. To follow such a course of selective inclusion—no matter how attractive the idea appears on the surface—would be to lead every reorganization plan into a legalistic swamp from which few would emerge.

Allowing the agency to exercise its discretion and good judgment in permitting the exercise of delegated authority by a category of agency personnel whom it trusts and knows clearly makes sense when it is combined with a feature which permits the Chairman to make the routine administrative assignments of individuals or groups of individuals within these categories as outlined by the agency as a whole. The crushing burden of routine administrative assignments would be in this fashion removed from the whole Board.

Naturally the responsibility of the Board and the rights of parties in actions must be nailed down by review procedures. The plans clearly and specifically provide for compulsory review by the Board if one less than a majority of the Board so desires, and for discretionary review by the Board in such other cases as it shall determine. There is a clear intention that the full Board will be compelled at some stage in any proceeding to consider any request for review of actions taken by any Board member or lesser official. The Board need not, of course, grant review unless one less than a majority of the Board so orders.

Looking at the plans before us now, plan No. 3, relating to the CAB moves toward the shortening of delay and the reduction of the backlog of this Board's work primarily by permitting the Board to exercise the power of delegation of its functions (a power which it does not now have by specific legislative provision) and by shifting from a review policy which the Board now believes is mandatory in all cases to one which will be discretionary with the Board in the absence of order to the contrary by one less than a majority of the Board (or two members). Additions to the powers of the Chairman of the Board will in fact be of a limited nature since the Chairman was vested with a rather broad authority under Reorganization Plan No. 13 of 1950. (And we have been able to live with him these past 11 years.) Additionally, as we see, he will not get this power of assignment until the Board gives it to him.

Plan No. 4, which deals with the FTC, will have as its greatest merit in reducing delays and the backlog of the work of the Federal Trade Commission, the authority of the Commission to delegate its functions. The Commission does not now have this authority specifically by legislative provision, and the implied authority has been circumscribed by certain provisions in the Administrative Procedure Act of 1946 and the Federal Trade Commission Act itself. The additional authority which would be vested in the Chairman is essentially the routine administrative task of assigning personnel to perform specific delegated tasks when he is authorized by the full Commission to do so.

The review features of the FTC plan are worthy of note because as the FTC now operates Commission review is discretionary as to all actions and it takes a majority vote of the whole Commission to compel review while under plan No. 4 review would remain discretionary but would in fact be made easier of accomplishment since it could now be ordered by one less than a majority of the whole Commission. Unfortunately this liberalization of review in the FTC seems to have gone unnoticed.

OBJECTIONS TO THE PLANS, AND REBUTTAL TO THE OBJECTIONS

Plan No. 3, the CAB plan, has received the unanimous support of Chairman Alan Boyd and all the Commissioners of the CAB. In addition it was supported by the Air Transport Association, the chief spokesman for the very industry which is the subject of CAB regulatory activity. During the Senate Government Operations Committee hearings on this plan and the others there were only four lines of testimony offered specifically in opposition to plan No. 3 and these four lines are to be found in the testimony relating to the FCC and plan No. 2. The resolution of disapproval in the other body was defeated by a vote of 178 yeas to 213 nays.

Plan No. 4, the FTC plan, was opposed in the Senate Government Operations Committee hearings by Commissioner Anderson and the National Association of Manufacturers, along with the distinguished Senator from Nebraska, Senator HRUSKA. Support for the plan came from Chairman Paul Rand Dixon, of the Commission, and the remaining Commissioners (with exceptions noted by Commissioners Secrest and Kern), as well as from a special subcommittee of the Commerce Committee and the full Commerce Committee. A resolution of disapproval in the other body was defeated by a vote of 178 yeas to 221 nays.

Mr. MONRONEY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter and a memorandum I have received from Alan S. Boyd, Chairman of the Civil Aeronautics Board. Mr. Boyd was a Republican appointee. He appeared before the committee to testify wholeheartedly in favor of the plan, and to state that the Board was unanimously in favor of it. So the proposal is favored by a Board, all but one member of which was appointed by the Eisenhower administration.

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

CIVIL AERONAUTICS BOARD,
Washington, D.C., June 28, 1961.

Hon. A. S. MIKE MONRONEY,
Chairman, Subcommittee on Aviation, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate the opportunity afforded me to appear before your

Subcommittee on Aviation on June 8, 1961, in support of Reorganization Plan No. 3 of 1961 which would provide for greater efficiency in the dispatch of business by the Civil Aeronautics Board.

I would like to again stress the importance to the Board of Reorganization Plan No. 3. As I indicated in my testimony, the plan will enable the Board to effectively deal with the serious problem of delay which has confronted us in administrative proceedings, and to greatly expedite our workload.

If the plan becomes law, the Board intends initially to delegate on a relatively limited scale. As experience is gained, the delegations of authority will be expanded. This will permit the Board to retain primary responsibility for the more important problems and to gradually increase the delegations made to the staff.

There is enclosed for your information a memorandum which fully explains the mechanics of the plan. You will note that numerous safeguards are provided to protect the minority members of the Board. Each member of the Board has endorsed the plan and strongly recommends its approval.

Sincerely yours,

ALAN S. BOYD, *Chairman.*

REORGANIZATION PLANS—1961

The philosophy of the reorganization plans submitted by the Presideent to the Congress involving the SEC, the FCC, the CAB, the FTC, and the NLRB is exceedingly simple. The delays in the dispatch of business by these agencies stem largely from the fact that the agency members as a whole are required by law to deal with too many matters of minor significance, leaving them no time to handle major matters with dispatch and no time to engage in the important policymaking that should be a major consideration of the agency.

There is only one remedy for this situation, and that is to permit the agency as a whole to delegate certain of its functions to one or more of the agency members or to employees or boards of employees. The reorganization plans permit such delegation. They do not, however, specify the exact matters that can be delegated. To do so would be wrong for two reasons. The first is that the agency itself, out of its experience, can best judge what matters should be delegated. The second is that any specification of the matters that can be delegated would freeze a situation that should be kept fluid, inasmuch as precedents, as they accumulate, will narrow the area of decision and make delegable tomorrow a matter which today should not be delegated.

A number of safeguards against improper delegation have been written into the plan. The first is that delegation can only be done by a published rule or order, which means that notice must be given of the rule proposed to be adopted and that an opportunity, pursuant to the requirements of the Administrative Procedure Act, must be given to all interested parties to be heard, for or against the proposed rule. The second safeguard is that any party deemed aggrieved by a decision made or action taken by the person or board to whom the authority so to act has been delegated may petition the agency as a whole to review that action. This petition must be granted if a minority of the agency, namely a majority of the agency members minus one, wants the matter reviewed, thus preventing a mere majority of the agency from shutting off the desire of a minority for further consideration by the agency members as a whole. The petition to review can, of course, be granted in the discretion of the agency if only one member thinks that the matter is worth the attention of the agency as a whole. A third safeguard is that adjudicatory matters, pursuant to section 7 of the Administrative Procedure Act, can only be delegated to duly appointed hearing examiners who are not subject to the control of the agency members or its staff, and who can be removed only for good cause.

An incidental feature of these plans derives from the necessity of designating the particular individuals who shall comprise the panels or boards or the persons deputed to handle the delegated matters. Inasmuch as these designations will have to be made from week to week as arduous routine matters are passed around among the various agency members, it might well have defeated the very purpose of the plans to require the full Commission or Board to meet frequently to determine the object of the delegation. Consequently, the power of designation was given to the agency Chairman since he is already the executive head of the agency. But even here, safeguards are written into the plans. If the members are unhappy with the Chairman's exercise of this function, the delegation can be completely revoked. Alternatively, a minority could always require the full Commission or Board to review any and every decision made by a panel or individual whose judgment the minority felt to be untrustworthy. It is imperative to note that the Chairman exercises no functions or powers under these plans except as the Commission or Board may authorize.

This is the sum and substance of the plans. They have been criticized as interfering with the independence of the agencies, as making them subservient to the executive, as degrading the members of the agencies by permitting them to be assigned to tasks by the Chairman. All of this is, of course, simply not so. There is only one purpose to these plans and that is to make it possible for the agencies more effectively to deal with their heavy workloads. It is to reaffirm the necessity for a speedy trial where here, as in the courts, justice delayed is justice denied.

Mr. ANDERSON. Mr. President, will the Senator from Arkansas yield 1 minute to me?

Mr. McCLELLAN. I yield 1 minute to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I have frequently followed the views of the Senator from Oklahoma on the subject of aeronautics. I generally find his position well taken. Does the Senator intend to vote against the resolution?

Mr. MONRONEY. I intend to vote "nay" on the resolution in order to vote for the reorganization plan. That is what the majority of the members of the Committee on Commerce propose to do.

We recognize that what is sought to be done by the reorganization plan can also be done by legislation, but legislation is not likely to pass this year, because it is too late in the session. So the approval of the reorganization plan will accomplish the same purpose.

Mr. ANDERSON. Does the Senator intend to vote "nay" on the resolution?

Mr. MONRONEY. I intend to vote "nay" on the resolution, so that the reorganization plan can be adopted.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the distinguished Senator from South Dakota.

Mr. MUNDT. Mr. President, the arguments I advanced in some detail against Reorganization Plan No. 4 holds with equal, if not increased, validity against Reorganization Plan No. 3. What the Senate is again being called upon to decide is how far we desire to go in delegating to individuals the control over citizens in our American political, social, and economic life. This is one more step in the direction of big government. True, it can be disguised, masked, alibied, or camouflaged by the appeal for expedition. Every time free government has ceased to function in the hands of the people, and more and more controls have been placed in the Central Government, the argument has been, "This will provide expedition." There is no question about that. But is that the only consideration which democratic people should consider? Substance, equity, and justice also are involved; on balance, they are more important than speed of action.

If all that is to be argued in opposition to the proposal is that things can be done faster if the authority is turned over to one man, the answer is that, of course, it can. The proposal before us is to maintain the concept which Congress wrote into the act which established this Commission in the first instance, namely, to provide representation of areas, representation of viewpoints, and representation concerned primarily with the major trunk airlines as well as those concerned primarily with feeder airlines for different cities, different regions. We also provided for representation of different political parties, all of which will be completely wiped out when we say, as we do in this proposal, that the Chairman of the Commission may delegate any and all authority, which is as inclusive as one can get, of the functions of the board to an individual.

So I say, after the disappointing vote on the previous reorganization plan, I do not see any particular reason to ventilate one's argument any further in this connection, except to point out this additional reason, besides the basic political consideration, which every Senator will have to decide for himself, concerning how much authority over his constituents he wishes to relinquish to concentrated, individualized political operatives in Washington.

Senators disagree with one another, and political parties disagree with one another on how big the Central Government should grow. I shall not emphasize that point any further. However, there is an additional element in this particular reorganization plan, and it relates to the interests of cities and of whole States which are involved in it. It concerns the interests of communities in the comparatively rural areas of the Nation, and to the smaller cities which are trying desperately to get some kind of air service, and when they have it, are trying desperately to continue it, making their representations to a board which should be representative of all points of view and of all geographic areas in a country of this size.

I do not care to what individual the authority is turned over. If representation is reduced to an individual, the judgment will be that of an individual; and since all individuals have their judgments colored by background and environment, the emphasis whether too much or too little is likely to be concerned with some particular area.

I think it is fundamental to our communities, to the States, and to the areas not now adequately served by the airlines, and those which are trying to pre-

serve or upgrade the airline service they have, not to turn their fate, future, and fortune over to an individual, no matter how wise, no matter how prudent he may be.

I believe the constitutional forefathers were right when they thought we should broaden the base of responsibility in Government; that there should be some preservation of the rights of the States and the rights of the individuals as against a Central Government. Our check-and-balance system has served us well.

I propose to vote against this reorganization plan, and I shall do so knowing that this plan is not the only way to solve the problems described so vividly and dramatically by the Senator from Oklahoma [Mr. MONRONEY].

A reorganization plan could be considered which was specific and limited to the elements which he described, but which would deny to an individual on a commission the right to delegate rule-making powers and functions to an individual. If that is to be done, we might just as well eliminate the rest of the Board and have a one-member Commission, instead of the present membership. I hope the Senate will reject Reorganization Plan No. 3.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Utah [Mr. BENNETT]

The PRESIDING OFFICER (Mr. PELL in the chair). The Senator from Utah is recognized for 2 minutes.

WHO WILL BUILD TRANSMISSION LINES FOR UPPER COLORADO POWER?

Mr. BENNETT. Mr. President, the decision as to whether the transmission lines necessary to deliver power produced by the upper Colorado storage project to load centers will be built by the Federal Government or by private capital is currently a subject of great interest to all the people of Utah. Because I have received so much mail on this subject that it is impossible to give each writer a personal reply, I am making this statement in the RECORD.

In order properly to answer the question of who should build the lines, it is vital to consider the background of the upper Colorado project, which includes the Glen Canyon and Flaming Gorge Dams, and the central Utah and Emery County irrigation projects. Otherwise, the necessary perspective can easily be lost.

PRESIDENT TRUMAN REFUSED TO BACK PROJECT

First of all, it is well to remember that President Truman and his Secretary of Interior refused to support the upper Colorado project, including transmission lines. They opposed the central Utah project bill introduced by Senator Watkins in 1948; they refused to back the vital Echo Park Dam; and, lastly, they refused to support the overall upper Colorado project. President Truman invoked his famous no-new-starts policy against the project, a policy which he applied in 6 of his 7 years as President.

In 1952, Senator Watkins and I introduced a bill to authorize construction of the entire upper Colorado project. President Truman again effectively killed the bill by his opposition. If the Truman administration had backed the project and the Watkins-Bennett bill, from 4 to 6 precious years would have been saved. Because of the past 2 years of serious drought in Utah, our people should realize all too well what the Truman delay cost our State.

EISENHOWER REPEALS TRUMAN NO-NEW-STARTS POLICY

It was only when President Eisenhower came into office in 1953 and repealed the Truman "no-new-starts" policy that the upper Colorado project began to move. The Eisenhower administration threw its full weight behind the project. But because of delay in Congress, particularly in the House of Representatives, the bill did not become law until April 11, 1956.

It was my privilege to sponsor upper Colorado project authorizing bills, not only in 1952, but also in the 1953–54 and the 1955–56 Congresses. In fact, the bill which I joined in sponsoring, S. 500, is now the law of the land. It had bipartisan support in Congress. However, it should be noted that I am the only member of the present delegation who sponsored the bill and who fought for nearly 6 years to get it through Congress. It was the team of Watkins-Bennett and Dawson-Dixon that won the great battle, in cooperation with President Eisenhower and the other Upper Colorado Basin Members of Congress.

CONGRESS INTENDED THAT PRIVATE UTILITIES BUILD THE TRANSMISSION LINES

It is important to emphasize that the transmission lines about which the present question revolves were authorized by the bill which I sponsored, along with Senator Watkins and others. In other words, I am no stranger to the power lines. Had it not been for the bill I sponsored, which became law, there would not be either an upper Colorado project or power transmission lines.

The question now before Congress is who shall build the transmission lines—the Federal Government or private industry. It is a complex problem, and there are arguments on both sides. But after carefully studying the immense mass of data submitted by all interested groups, I am convinced that the weight of argument substantially favors private construction.

First of all Congress, in authorizing the upper Colorado project, including the transmission lines, expressly intended that the private utilities should build the lines. There follows a quotation from the House Interior Committee 1955 report on the upper Colorado project bill:

> The Department of the Interior advised the committee that it was sympathetic to the private power companies' proposal and indicated that the suggestions would be given studied consideration if the project were authorized. Therefore, the committee expects the proposal by the private power companies for cooperation in the development to be carefully considered by the Department of the Interior and the electric power and energy of the project to be marketed, so far as possible, through the facilities of the electric utilities operating in the area, provided, of course, that the power preference laws are complied with and project repayment and consumer power rates are not adversely affected.

NEEDLESS DUPLICATION OF LINES

The House committee, in expressing its intent, was well aware that there would be needless duplication of private utility lines if the Federal Government built its own lines. Under the present Bureau of Reclamation recommendations, the proposed Federal lines in Utah would completely duplicate existing private utility lines or lines now under construction. The line from Glen Canyon to Sigurd would parallel the private lines now being built. Early in 1963, the private line will connect with a line built by the Arizona public utility in the vicinity of Glen Canyon Dam. Likewise, the proposed Federal line from Flaming Gorge to Heber would duplicate an existing private line from Carbon County to Uintah County. It would be economic folly and gross waste for the Federal Government to spend money for such a complete duplication of existing lines.

WATER MUST BE OUR PARAMOUNT CONCERN

In determining who should build the lines, water development and conservation must be given first priority if there is a conflict with development and conservation of our water supply. This should be particularly obvious to the people of Utah, in view of the serious drought which is now going into its third year. Water development is the paramount purpose of the upper Colorado project, while power is considered merely secondary, a byproduct of the water. Yet, those who would give power first priority are now placing the central Utah water project in jeopardy.

As the Utah Water Users Association stated in part:

> Whereas the use of investor-owned transmission facilities by the Federal Government would reduce the expenditure of the Federal Government for transmission facilities by at least $136 million, which need not be repaid from revenues derived from the sale of power, thereby providing for funds to assist in the earlier repayment of water development projects: Now, therefore, be it
>
> *Resolved*, That the Colorado River Storage Project Act was adopted to develop the water resources of the Colorado River, and delays in the development of those resources resulting from a desire to construct and operate transmission facilities, will result in the delay of the development of waters allotted to Utah under the Upper Colorado River Basin compact and a consequent danger of losing rights to Colorado River waters which are not developed, but permitted to flow to California and Mexico, and be developed and put to beneficial use by people in those areas.

This situation arises because excess power revenues from Glen Canyon, Flaming Gorge, and other dams will be used to pay 80 percent or more of the cost of the central Utah project. Utah's share of these revenues is 21.5 percent. Any reduction in power costs will therefore mean more money for water development.

FUNDS FOR CENTRAL UTAH PROJECT JEOPARDIZED BY FEDERAL CONSTRUCTION OF LINES

Of great concern, too, is the fact that the central Utah project must compete

with the transmission lines for funds from Congress. In the coming fiscal year, which begins July 1, 1961, the upper Colorado budget will reach nearly $89 million. Moreover, expenditures will continue to rise over the next few years, but power revenues will not be produced for some time. There will be nothing going into the Federal Treasury, but more and more will be going out. Yet, at this critical juncture the Bureau of Reclamation wants to pile on an unneeded expenditure of $136 million for transmission lines. But it is at this very time that we must start the vast quarter-billion-dollar central Utah project.

CENTRAL UTAH—KEY TO FUTURE OF VAST AREA OF UTAH

The initial phase of the central Utah water project holds the key to the future growth of Millard, Sevier, western Sanpete, and Juab Counties, to the south; Wasatch, Utah, Salt Lake, and the southern part of Summit Counties, in the north; together with Duchesne and Unitah Counties, in the east. The ultimate phase of the central Utah project will largely determine the future growth of Piute and Garfield Counties, and even portions of Beaver and Kane Counties. These counties can have all the electric power in the world, but it will do them little good if they do not have the new water supply which will be developed by the great central Utah project.

It would be folly to jeopardize the future of this great area now, in order to have the Federal Government needlessly spend $136 million on transmission lines. Those of us from Utah must face the unpleasant fact that we will have a real fight on our hands to get money for central Utah, particularly for the controversial transmountain diversion, which is the vital part of the entire project. Even now, I have not been able to persuade Secretary of the Interior Udall to accelcrate the central Utah development in the slightest degree.

UPPER COLORADO PROJECT BENEFITED BY PRIVATE LINES

The detailed and exhaustive studies made by the private utilities show that the entire upper Colorado project would be substantially benefited if their offer is accepted. While the Federal investment would be reduced by $136 million, the price for project power at the load centers would still remain at 6 mills. Significantly, more money would be available for irrigation assistance, which is the very purpose of the project. Over the next 54 years, $122,249,000 more would be available for irrigation projects, as compared with the amount available if the Federal Government builds the transmission lines. This is when we need the money. Even at the end of the Bureau's 86-year study, $14,361,000 more would be available if private lines, rather than Federal lines, are built.

Moreover, the cost of power facilities would be repaid 6 years earlier, which shows, again, that more money would be available sooner for the vital irrigation projects.

PREFERENCE CUSTOMERS WILL STILL GET THE PROJECT POWER, AND AT 6 MILLS

It must be emphasized that the preference customers, REA groups, and municipalities with their own power systems, will still be preferred. They will have first chance at the power, both under the power marketing criteria for the project and under existing law. Their rights will not be disturbed. They will be able either to get the power directly from the load centers, if they wish, or to get it through wheeling arrangements over the existing private lines. This they would have to do, regardless of who builds the lines.

Moreover, the power companies will deliver power to the load centers in Utah at a price of 6 mills, the same price which would be charged by the Bureau of Reclamation if it built the lines.

The Bureau of Reclamation disputes the 6 mills figure; and Bureau officials claim it will be 6.57 mills, instead. This, the utilities deny. However, giving the Bureau the benefit of the doubt, this means, according to the Federal Power Commission 1960 Annual Report, that the monthly power bill for an average residential preference power customer in Utah REA's, and so forth, would be raised by only 14.6 cents. For a speculative difference of 14.6 cents per month, Congress is asked to appropriate $136 million.

The Salt Lake Tribune, in its lead editorial of June 25, noted the conflicting data submitted by both sides of the transmission-line controversy. However, after a lengthy study, the Tribune concluded that even if the Bureau of Reclamation's own figures are accepted, the economics of the project favor private, rather than Federal, construction. The Tribune also stated that—

unfortunately, partisan politics and heated public versus private power emotions have served only to bury the true issue. We believe the issue should and can be decided on a simple dollar-and-cents basis.

It is precisely upon this basis and upon my strong conviction that the National and State interest can best be served that I support private, rather than Federal, construction.

UINTAH BASIN GAINS NOTHING BY FEDERAL CONSTRUCTION

The Uintah Basin will lose, rather than gain, if the Federal Government constructs the lines. This is so because the Moon Lake REA already has a line built up to Flaming Gorge, so it can obtain project power there. Moreover, I am advised that Moon Lake can provide power for 5.9 mills, which is actually cheaper than the 6-mill Bureau of Reclamation and private utility price at the load centers.

UTAH SCHOOLS WOULD BE HIT BY FEDERAL CONSTRUCTION

If the Federal Government built the transmission lines, Utah schools would lose $500,000 in property taxes each year. This is so because the Bureau of Reclamation does not pay taxes, but the utilities do. It is most ironic that this proposal should be considered by Congress at the same time that it is considering Federal aid to education. In addition, our local governmental units would lose $200,000 yearly, and the Federal Government would lose $260,000 a year in Federal income taxes. Proportional losses would be incurred by the other Upper Basin States.

VITAL PART OF A NATIONALIZED TRANSMISSION GRID

Another major issue must be considered in making an intelligent determination of who should build the upper Colorado project lines. It arises because the lines are viewed by the advocates of unlimited public power as a vital part of a vast nationalized transmission grid system. These lines would serve as a connecting link between the public power dams in Nevada and the Pacific Coast States of the West and the Missouri Basin and TVA Federal complex in the East and South.

This threat is no idle fancy. Spokesmen from the Department of Interior are now spreading from every available platform this gospel of a national power grid. Such control of power distribution has historically been one of the foremost goals of socialism, just as it is today.

In my opinion, our entire free enterprise system is seriously menaced by the grandiose designs of Secretary Udall and his associates. The Deseret News of Salt Lake City recognized this general threat in its lead editorial of May 31:

Many of the good but misguided citizens who advocate construction of a Government transmission system to market Colorado River electric power would be the last to want entanglements with socialistic philosophies or socialistic programs. Yet in this case they seem willing to sacrifice principle for questionable self-interest.

For all these reasons, Mr. President, I strongly believe that private industry should be permitted to undertake the job which it is so well equipped to do, rather than to have the Federal Government needlessly spend $136 million at a time when the money is needed so badly in Utah for other and far more important purposes.

REORGANIZATION PLAN NO. 3

The Senate resumed the consideration of the resolution (S. Res. 143) opposing Reorganization Plan No. 3 of 1961.

Mr. LAUSCHE. Mr. President——

Mr. McCLELLAN. How much time does the Senator from Ohio desire?

Mr. LAUSCHE. Two minutes.

Mr. McCLELLAN. I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 minutes.

Mr. LAUSCHE. Mr. President, a few days ago, the Senate rejected the reorganization plan recommended for the Securities and Exchange Commission. Arguments in great detail were made in that connection. From the arguments, it was clear that the full vitality of the existing law would be deleted and destroyed if the Commission were allowed to delegate its powers, as proposed in that plan.

I listened to the Senator from Maine [Mr. MUSKIE] argue on that subject, and I listened to my other colleagues ask very penetrating questions about the extent of the proposed delegation.

At this time, I should like to ask the Senator from Maine how, if in anywise, the present reorganization proposal differs from the one the Senate overwhelmingly rejected a few days ago.

Mr. MUSKIE. Let me say that I have carefully studied the plan and the functions of the Commission, in order to be able to answer that question for myself. I recognize it is a question of judgment as to whether the delegation goes too far and whether it is possible to set standards which would permit greater precision in respect to the delegation.

My own judgment on this plan is that it goes too far; and, therefore, I cannot distinguish between this plan and plan No. 1, which applied to the Securities and Exchange Commission. For that reason, in order to be consistent with my own convictions, I find it necessary to oppose plan No. 3.

Mr. LAUSCHE. That is to say, the Senator from Maine is unable to find a distinction between the two plans which would justify a "yea" vote on the first plan and a "nay" vote on the second?

Mr. MUSKIE. Distinctions which have been suggested have a great deal of weight and merit; but they have not been convincing to me.

Mr. LAUSCHE. Does the present plan contemplate giving the Commission the power to delegate to one, two, or three employees the powers now vested in it by law?

Mr. MUSKIE. With respect to the adjudicatory functions of the Commission, of course they could be delegated to hearing examiners.

The PRESIDING OFFICER. The time yielded to the Senator from Ohio has expired.

Mr. McCLELLAN. Mr. President, how much time remains under my control?

The PRESIDING OFFICER. Three minutes.

Mr. McCLELLAN. I yield one more minute to the Senator from Ohio.

Mr. LAUSCHE. I yield now to the Senator from Maine.

Mr. MUSKIE. The Commission's functions in nonhearing matters could be delegated to employees other than hearing examiners.

Mr. LAUSCHE. Very well.

Mr. President, I contemplate being consistent in my application of principle. I will not apply one principle on Friday and a different principle on Thursday.

The PRESIDING OFFICER. The additional time yielded to the Senator from Ohio has expired.

Mr. YARBOROUGH. Mr. President——

Mr. McCLELLAN. I yield 1 minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mr. YARBOROUGH. Mr. President, as a member of the Senate Commerce Committee, which has general jurisdiction over the Civil Aeronautics Board, I agree with the distinguished Senator from Oklahoma [Mr. MONRONEY], chairman of the Aeronautics Subcommittee of the Commerce Committee; and I shall vote to have this reorganization plan put into effect.

In the Dallas-to-the-West case, which involved a determination as to whether there would be certain nonstop flights to the Pacific coast, the Board fiddled around for year after year. When I came to the Senate in 1957, the Board had been trying to decide the Dallas-to-the-West case, and 2 years later the Board was still trying to decide when it would decide that case. I can cite example after example of why reorganization of the Civil Aeronautics Board is needed.

Mr. DIRKSEN. Mr. President, I believe I have 2 minutes remaining under my control.

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. Mr. President, I was looking for the distinguished Senator from New Mexico. I wish to have the distinguished Senator from Oklahoma [Mr. MONRONEY] listen.

I could agree with everything the distinguished Senator from Oklahoma said, because he was talking entirely about the adjudicatory functions of the Civil Aeronautics Board. Certainly I want to have that work expedited, and certainly the Board can do so.

But that is not the issue. The issue is the delegation of the rulemaking powers—the so-called legislative powers—of the Civil Aeronautics Board.

Mr. MONRONEY. Mr. President——

Mr. DIRKSEN. Mr. President, I have only 2 minutes, so I cannot yield. My friend the Senator from Oklahoma has already been yielded time in which to speak.

Mr. President, I read now from the testimony given in reply to questions by the distinguished Senator from Arkansas, who asked questions of the Chairman of the Civil Aeronautics Board:

> The CHAIRMAN. Is there any decision of the Board now, any function of the Board that you cannot delegate under this plan?
> Mr. BOYD. Under plan 3?
> The CHAIRMAN. Yes.
> Mr. BOYD. No. As I understand it, the Board can delegate anything that it can do itself.

Mr. President, here we are dealing with the legislative powers which we conferred, which are translated in terms of the rulemaking powers. The result is that those powers, dealing with policies, infinitely more important than those of the Federal Communications Commission, could be delegated to an employee, to a group of employees, or to a trial examiner; but in that connection there would be no right of review, except that it would be discretionary.

Therefore, this plan should be rejected; and the vote on the pending resolution should be "yea."

Mr. MONRONEY. Mr. President, will the Senator from Illinois yield for a correction?

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

Mr. DIRKSEN. I regret that I have no more time under my control.

Mr. LAUSCHE. Mr. President, will the Senator from Arkansas yield 2 seconds to me?

Mr. McCLELLAN. I yield to the Senator from Ohio whatever time remains under my control.

Mr. LAUSCHE. I point out that this plan, if adopted, would mean liquidation, not reorganization.

Mr. DIRKSEN. Oh, yes; and that is also my opinion of the plan.

Mr. MONRONEY. Mr. President, will the Senator from Arkansas yield briefly to me?

Mr. McCLELLAN. I yield to the Senator from Oklahoma whatever time remains under my control.

Mr. MONRONEY. Mr. President, under the Federal Aviation Act, the rulemaking functions, which formerly were vested in the Board, were transferred to one man, the Administrator of the Federal Aviation Agency.

Mr. MANSFIELD. Mr. President, if the Senator will yield, let me say that this plan does mean reorganization, not liquidation. So I hope the vote on the pending motion will be "nay."

Mr. MONRONEY. The Senator from Montana is correct.

The PRESIDING OFFICER. All time has expired.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. As I understand, the measure before us is a resolution of disapproval; and, therefore, a vote "yea" will be in opposition to adoption of the reorganization plan.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the resolution.

Mr. MUNDT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MUNDT. Under the Reorganization Act, must a yea and nay vote be requested or is it mandatory?

The PRESIDING OFFICER. It must be requested.

Mr. MUNDT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN (when his name was called). On this vote I have a pair with the distinguished Senator from Missouri [Mr. LONG]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. LONG of Louisiana (when his name was called). On this vote I have a pair with the distinguished Senator from Nevada [Mr. BIBLE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. MUSKIE (when his name was called). On this vote I have a pair with the distinguished junior Senator from Minnesota [Mr. MCCARTHY]. If he were present and voting, he would vote "nay."

If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. ROBERTSON (when his name was called). On this vote I have a pair with the distinguished junior Senator from Georgia [Mr. TALMADGE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Georgia [Mr. TALMADGE], the Senator from Hawaii [Mr. LONG], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from North Dakota would vote "nay," and the Senator from Indiana would vote "yea."

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from New Mexico [Mr. CHAVEZ]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from New Mexico would vote "nay."

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. LONG], the Senator from Utah [Mr. Moss], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Connecticut [Mr. BUSH], the Senator from Kansas [Mr. CARLSON], the Senator from Hawaii [Mr. FONG], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from Indiana [Mr. CAPEHART] are absent on official business.

The Senator from Kentucky [Mr. MORTON] and the Senator frrom Kansas [Mr. SCHOEPPEL] are also necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

On this vote the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from North Dakota [Mr. BURDICK]. If present and voting, the Senator from Indiana would vote "yea" and the Senator from North Dakota would vote "nay."

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Connecticut [Mr. BUSH], the Senators from Kansas [Mr. CARLSON and Mr. SCHOEPPEL], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], and the Senator from Massachusetts [Mr. SALTONSTALL] would each vote "yea."

The result was announced—yeas 33, nays 38, as follows:

[No. 90]

YEAS—33

Aiken	Dirksen	Miller
Allott	Dworshak	Mundt
Bennett	Goldwater	Prouty
Boggs	Hickenlooper	Russell
Bridges	Javits	Scott
Butler	Johnston	Smith, Maine
Case, N.J.	Jordan	Stennis
Case, S. Dak.	Keating	Thurmond
Cooper	Kuchel	Tower
Cotton	Lausche	Wiley
Curtis	McClellan	Williams, Del.

NAYS—38

Anderson	Hartke	Morse
Bartlett	Hill	Neuberger
Byrd, W. Va.	Holland	Pastore
Cannon	Humphrey	Pell
Carroll	Jackson	Proxmire
Church	Kefauver	Randolph
Clark	Kerr	Smathers
Dodd	Magnuson	Smith, Mass.
Douglas	Mansfield	Sparkman
Engle	McGee	Symington
Fulbright	McNamara	Yarborough
Hart	Metcalf	Young, Ohio
Hickey	Monroney	

NOT VOTING—29

Beall	Ervin	Morton
Bible	Fong	Moss
Burdick	Gore	Muskie
Bush	Gruening	Robertson
Byrd, Va.	Hayden	Saltonstall
Capehart	Hruska	Schoeppel
Carlson	Long, Mo.	Talmadge
Chavez	Long, Hawaii	Williams, N.J.
Eastland	Long, La.	Young, N. Dak.
Ellender	McCarthy	

So the resolution (S. Res. 143) was rejected.

EXECUTIVE SESSION

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

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

Mr. MANSFIELD. Mr. President, I move that the Senate consider the nominations which are at the desk.

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

The legislative clerk proceeded to read sundry nominations in the regular corps of the Public Health Service.

Mr. MANSFIELD. Mr. President, I ask that the nominations be considered en bloc.

Mr. WILLIAMS of Delaware. Mr. President——

Mr. MANSFIELD. Mr. President, I withdraw the request.

ORDER OF BUSINESS

Mr. CHURCH obtained the floor.

Several Senators addressed the Chair.

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

Mr. CHURCH. Mr. President, it had been my intention to make an address which concerns our new African policy. I have been waiting since about noon to make the address. I understand a number of Senators wish to make insertions in the RECORD. In order to accommodate them, I should like to yield with the understanding that each Senator will not take more than a minute, because of the great length of time I have been waiting to make the address. With that understanding, I shall be happy to yield to Senators who have asked me to yield.

It is my pleasure to yield first to the distinguished Senator from Tennessee [Mr. KEFAUVER].

COMMENCEMENT ADDRESS BY DR. MARK MAY AT MARYVILLE COLLEGE, TENNESSEE

Mr. KEFAUVER. Mr. President, on May 31, 1961, a distinguished American returned to speak to the graduating class of Maryville College, in Tennessee, where he had graduated just 50 years ago. The speaker on this occasion was Dr. Mark May, professor emeritus of psychology at Yale University.

Dr. May is well known in official circles of the Nation's Capital. He has served on the U.S. Advisory Commission for Information since it was created in 1948. At the present time he is Chairman of that Commission and he has held this important post for 13 years.

Under his leadership, this Advisory Commission, in its reports to Congress, has set up guidelines and proposed programs which have stimulated and made more effective our oversea information programs.

Utilizing his broad experience as a member of the Advisory Commission on Information, Dr. May told the Maryville graduates what young Americans must do in the way of special dedication to the principles of freedom in order to preserve our Nation in the face of the onslaught of Red communism.

I believe this address is highly patriotic. It is inspirational. It is filled with wisdom. I ask unanimous consent that it appear 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:

CHALLENGE AND OPPORTUNITY

(Commencement address, Maryville College, Tennessee, May 31, 1961, by Mark A. May)

Mr. President, distinguished guests, faculty, students, friends, and members of the class of 1961, tradition dictates that at commencement exercises the graduates get two things—their diplomas and a speech. It is no accident that the speech always comes before the diplomas. Tradition also decrees that the speaker should present to the graduates the challenges and opportunities that lie before them.

Today, this timeworn theme has a wider significance. All of the challenges and most of the opportunities that face the members of this and other graduating classes apply to all students, alumni, faculty, and friends. The theme has a special significance for Maryville College, and all similar Christian institutions, because opportunity and challenge lie deep in their histories.

The sturdy Scottish ancestors of the founder of this college—Dr. Isaac Anderson—had been champions of civil liberties and religious freedom for more than 100 years before Thomas Jefferson wrote the immortal words that man by his Creator is

endowed with inalienable rights to life, liberty, and the pursuit of happiness. They had lived through a time when it was against the law of the land for a Presbyterian minister to preach a sermon, administer communion, or perform a marriage ceremony. Attending and receiving these services was cause for arrest and severe penalties. Yet these Presbyterians held firmly to the belief that with God's help the cause of religious liberty would one day be won. They knew however that it could not be won without an educated ministry and an enlightened citizenry. This was the challenge that opened the door of opportunity for the founding of this college.

The courage and determination with which this opportunity was engaged are both a challenge and a source of inspiration to us all. In his book on the life of Isaac Anderson—with which many of you are no doubt familiar—Dr. Samuel Wilson, the fifth president of Maryville, gives an account of the famous siege of the walled city of Derry, Ireland. It is a story worth repeating on this occasion.

James I conceived a scheme for ridding Scotland of Protestants by transplanting them to the wastelands of northern Ireland. There they established a colony from which our forefathers later migrated. This colony was a major obstacle to James II, who aspired to make Roman Catholicism the official religion of his entire realm. He sent an army of 20,000 men to Ireland to subjugate or annihilate it. A stand was made at Derry. In spite of a hundred and five days of frightful suffering its defenders successfully maintained the defiant cry of "no surrender." This became the battlecry of Scoth-Irish Protestants the world over. Dr. Anderson got it from his grandmother whose father survived that siege. Dr. Wilson bequeathed it to Maryville students. The class of 1911, adopted it as its motto, but we do not claim it as our exclusive property.

Thanks to the spirit of "no surrender" and to the power of enlightenment, the battle for the separation of church and state has been won. The right to worship according to one's faith is no longer denied. Another challenge to religion, however, has raised its ugly head. The Communists have challenged the values of Christianity, and the basic belief in God. Although church worship in Russia and in her satellite countries is permitted, ministers are denied the right to preach a gospel of human dignity, freedom, and allegiance to a power higher than that of the state. The supreme blow that has been struck at religion, however, is the denial of the right of churches, private schools, and parents to provide a Christian religious education.

The Communists are challenging traditional religions by offering a new religion which they claim is far better suited to the material and moral needs of the modern world than is Christianity. They call it an ideology, but it has all of the characteristics of a substitute for the Christian religion. For the power of God over the lives of men they have substituted the power of science and technology in which they put their faith; for God's protection of His children they have substituted the protection provided by the Central Committee of the Communist Party. For God's plan of human welfare they have their own long-range plan for the communization of the world. Their holy scriptures are the writing of Marx, Lenin, and Stalin. For churches they have museums depicting the glories of the revolution. The icons of the saints in the ancient churches are more than matched by huge pictures and statues of Marx and Lenin seen in all public places. For the church of the Holy Sepulcher, they have their sacred tombs of Lenin and Stalin; and for the cross of Jesus Christ, the hammer and sickle.

These visible manifestations do not fully reveal the anti-Christian system of morals and values that are contained in their ideology. Anything that hinders the progress of communism is morally bad; anything that promotes it is good and righteous.

Anyone who visits Russia cannot escape being impressed with the extent to which the routine of daily life is saturated with these manifestations of their ideology. Indoctrination is the core of their system of education. It begins in kindergarten and extends to the top of the educational ladder. All activities of youth are motivated and guided by it. The parallel between their emphasis on ideological indoctrination, and that of our country on moral and religious education is indeed striking.

The Soviets firmly believe that this new 20th century ideology should, and must, be spread throughout the world. Here again we encounter a parallel between the zeal with which they are doing this, and that of Christian missionaries from the time of Apostle Paul to the present. The aim of their propaganda is not only to win the minds of men, but their bodies and soul also. The word "propaganda" originally meant the propagation of Christianity.

The Communists have developed and are operating and expanding a propaganda apparatus that reaches into every major city of the world, every capital, and into thousands of villages, marketplaces, schools, libraries, bookstores, lecture halls, and theaters. Every medium of mass communication is employed—radio, television, newspapers, magazines, books by the millions in all languages, exhibits of art and industrial products, lectures, drama, motion pictures, and music concerts. All of these are promoted by local organizations called Soviet friendship societies, world front organizations—such as the World Peace Council—and in many countries by Communist political parties. This entire apparatus is planned and controlled by Moscow and operated through Soviet Embassies and consulates.

This massive and expensive effort has achieved an alarming measure of success. In the 15 years since World War II it has brought more than one-third of the peoples of the world under the domination of communism. This has been no accident. It has resulted from cleverly conceived plans and programs which promise all things to all men, and in a short span of time. It is calculated to appeal to the deepest desires and aspirations of all peoples.

First, it claims to be the answer to the universal yearning for peace. As Adlai E. Stevenson has said, "The cry for peace is surely the loudest and dearest sound in this war-weary and frightened world." Two years ago when I was in Russia a peasant woman in her quilted shawl approached our group and spoke to us. She had lost her husband, two sons, and her home in the last war. With tears in her eyes she said, "Each day we pray and cry for peace."

"It is both ironic and sad," to quote Stevenson again, "that the Communists have so largely succeeded in preempting and exploiting this cry for peace." Their propagandists have proclaimed that while the United States and her allies are menacing the peace of the world with their military alliances and bases, Russia has stopped nuclear testing unilaterally, reduced her arms, insisted on summit meeting to ease tensions, and proposed total disarmament.

Second, they have promised an answer to the cry for bread. Millions of people who for generations have lived in poverity and suffering are coming to realize that a better material life is within their reach. The Communists are promising this, plus relief from oppressive burdens of taxation and exploitation imposed by landlords and corrupt government officials. They are offering military support to those who rebel against these conditions. Surely the soil in which communism is thriving and has produced its richest harvests is that of undeveloped countries.

Three, communism also makes a strong appeal to the desire for a stable government with a genuine concern for the welfare of all citizens. Once a country joins the Communist bloc, as Cuba has recently, it is assured of protection against counterrevolution from within and invasion from without.

Fourth, they claim an answer to the universal human desire for a feeling of importance, of having a voice and vote in world affairs, and a measure of control over one's destiny. The Soviet propagandists have gained much mileage for their ideology, economic, and political system by their unceasing boasts of their accomplishments in the fields of science, economics, arts, and humanities.

Everywhere the tree of communism is depicted as the tree of life. Its fruits are claimed to mature faster, ripen quicker, last longer, and to be more wholesome and luscious than the bitter fruits of the decaying tree of capitalism. In the airport at Leningrad is a huge sign which reads, "We fly higher than all, faster than all, and further than all."

Flushed with successes of this ideology, Mr. Khrushchev has boldly and blatantly challenged the United States and the free world. He has said, "We will bury you, your children will live under communism, we want competition, this is a battle of ideas, victory is assured for the idea which will be stronger, more viable, and which will be supported by the people."

"We do not need war to achieve the domination of our ideas. We will create this victory because other peoples will follow in the path of our example."

A few weeks after this challenge had been proclaimed, the U.S. Advisory Commission on Information wrote in its 13th Annual Report to Congress: "We are impressed with the seriousness of this challenge to freedom-loving people. It is a double-barrel threat to the free world. One barrel is the evidence of scientific achievement. The other is the linked claim of ideological superiority. Science to dominate the world, ideology to win men's minds, both are essential elements in the Soviet plan of conquest, both are products of long-range plans, aimed at long-range targets."

The ultimate target is the United States of America. It is not ourselves, but our children who are scheduled to live under communism. The strategy is first to weaken our free world alliances, by sowing seeds of mistrust and dissension. Internally they hope and expect to weaken, bit by bit, our faith in our democratic institutions, our system of government, our economic system of free enterprise, and above all our moral fiber and trust in God. Meanwhile they hope to keep us lulled into lassitude with promises and gestures of peaceful coexistence, while they gradually, but steadily, absorb the countries of the free world.

What are our strengths and weakness for engaging this supreme challenge? Military might to deter Communist expansion and safeguard the peace of the world. We have it. We are maintaining and strengthening it at a cost of $40 to $50 billion annually. Science and technology? In all fields except space exploration, we are out ahead of Communist countries. We are strengthening our educational system to develop more and better scientific and technical talent. Economic progress and capacity? We are still away out ahead of any Communist country, and have achieved a standard of living that is admired and envied the world over. Moreover, we are perhaps the most generous people on earth. We give freely and unstintingly to human suffering and disaster. Haven't we poured billions of our tax dollars into helping other countries improve their standards of living? Are we not

carrying more than our share of the costs of the United Nations and of numerous international associations to which our citizens belong? And finally, are we not now engaging in a worldwide effort to present our way of life truthfully to all men, and to correct and combat Communist lies and misrepresentations of our peaceful intentions?

Well, what more do we need? For one thing we need to abandon all hope that we can purchase the good will of men and the peace of the world with our wealth. As an editorial in the New York Times has put it: "The old idea of foreign aid as a means of making other countries more like us—or making them like us more—is no longer good enough. We cannot successfully fight communism by subsidizing governments that rob or exploit their own people." Furthermore, when we offer aid to other countries we give cause for them to suspect our selfish motives. Centuries ago the Roman poet Virgil wrote: "Beware of the Greeks, when they come bearing gifts."

The image of America that exists in the minds of the people of many other countries was once expressed by Calvin Coolidge who said, "The business of our country is business." Our commercialism has high visibility of both at home and abroad. Our newspapers, magazines, mail boxes, radio, and television programs are overloaded with commercial advertising. While this has its good side as the basis of our competitive economy, it also has the effect of an overemphasis on material success. Our children inevitably absorb a commercial-mindedness. There is a story of a little girl who went to church for the first time on a Christmas Sunday. When asked how she liked it, she said, "The music was fine but hte commercial was much too long."

All the great cultures of the past survived as long as the people were held together by common ideals and principles based on a sense of spiritual unity. Let these ties be broken and the culture disintegrates. Our Western culture is based on a system of values derived from Christianity. In the early days of our country the lives of our people were much more saturated with and dominated by these values than they are today. As our lives become more mechanized, routinized, and automatized, we are on our way to becoming what historian Dawson of Harvard has called a "technological order resting on a moral vacuum." Unless our lives are more permeated with and controlled by the principles in which we profess to believe, we cannot hope to win a moral victory over an ideology that does in fact dominate the existence of those who espouse it.

Last Christmas, my wife and I received a card from a neighbor that bore this simple message: "It is not what we get, but as we give; not as we pray but as we live; these are the things that make for peace, both now and after time shall cease." A month later in his inaugural address President Kennedy said: "Ask not what your country can do for you but what you can do for your country." And to people of other lands: "Ask not what America can do for you; but what together we can do for the freedom of man."

These ringing words struck a responsive chord in the hearts of many people but the echo came back "What can we do?" What is there that each of us can do for our country and the freedom of all men? We hear voices saying "Why doesn't Mr. Kennedy tell us what he wants us to do?"

It has been said that "man's extremity is God's opportunity." But what opportunities has God presented to us?

Never have opportunities for world service been so abundant. There are now no less than 30 religious, philanthropic, and privately supported international organizations that are calling for young men and women to serve overseas as teachers, technicians, social workers, nurses, doctors, community planners, supervisors, and missionaries. At least a half dozen Federal departments and agencies are in need of trained young men and women to fill vacancies in oversea posts. Recent college graduates who have no specialized professional training are more attracted by opportunities to teach English and other subjects in elementary and high schools.

No less abundant are the opportunities for world service open to those of us who must remain at home. There are numerous homefront organizations engaged in a wide variety of international services. These organizations have branches, chapters, and local committees in almost every large community. They are associated with churches, men's and women's service clubs, parent-teacher associations, 4–H clubs, and local organization of professional groups.

Some cities and towns have established affiliations with sister cities in other countries. Such affiliations open opportunities for all citizens of a community to exchange letters, books, magazines, family photos, stamp collections, and recordings, radio and television programs with citizens of the sister city. Colleges have established similar affiliations with other colleges abroad. The University of Tennessee, for example, is affiliated with the University of San Andrea in Bolivia; and the University of North Carolina with that of Mexico City.

These affiliations are parts of a nationwide people-to-people program inaugurated by President Eisenhower in 1956. This program is our answer to a God-given opportunity. Throughout the world people in all walks of life have a tremendous curiosity about the United States and an almost insatiable appetite for more personal contacts with us and information about the kind of people we are and how we live.

As parts of this program, groups of Americans having interests in common with groups in other lands have established group-to-group affiliations. Among these are hobby groups such as stamp collectors, occupational groups, such as farmers, book publishers, and many others. These foci of common interests have given rise to a very large number of international societies, that range all the way from bridge and chess tournaments to international congresses of scientists, Olympic games, and a growing number of world organizations.

More and more groups and institutions in Communist countries are joining and participating in these congresses and organizations. For example, it was announced recently that the Russian Orthodox Church had made application for membership in the World Council of Churches.

These are heartening and hopeful signs of our times. Men everywhere are coming to realize that peace and progress depend upon sharing all knowledge in the realms of the sciences and the humanities. Surely man's extremity has become God's opportunity to build a better world.

Gradually but steadily a world community of peoples is being built. It is already a world in which communication between its parts can be instantaneous, and travel between its more distant cities requires but a few hours. Unfortunately, it is not yet a community in which human relations are regulated by law, and human rights safeguarded by a duly established international authority. This is the goal toward which all men of good will and good sense are striving and for the attainment of which they can well afford to pledge their lives, their fortunes, and their their sacred honor.

The Great Seal of the United States has a design on each of its sides. The side with the eagle is stamped on every official document; the reverse side appears only on $1 bills. It conveys a challenging message.

At the base of a truncated pyramid is a Latin motto, "Novus Ordo Seclorum"—"A New Order of the Ages." The pyramid is incomplete to indicate that the building of this new order is an unfinished task. The eye in a triangle surrounded by a halo of light shining over the pyramid represents the eternal eye of God. Above it the Latin: "Annuit Coeptis"—means "He Has Approved Our Undertaking." Putting these parts together we get this message: "God has approved our undertaking to complete the unfinished task of building a new order of the ages, while His eternal eye shining through a halo of glory watches over us."

Here is the challenge bequeathed to us by the Founding Fathers of this great but troubled country.

Edwin Markham said of Lincoln: "Here was a man to hold against the world; a man to match the mountains and the sea." Today give us more such men—men and women who have the faith and determination to hold against a world of challenge, and the strength and stature to match its opportunities. For they are indeed mountainous and as challenging as mountains have always been to men who have dared scale their treacherous lofty heights.

The foreword to the college annual of the class of 1911 is a short poem; the final verse is a fitting ending to this address:

"Momentous period; memorable its work
sublime,
Get we to our task—it is not light,
Noble deeds and well portrayed must be
Kept in the chronicles of time."

THE PEACE CORPS

Mr. KEFAUVER. Mr. President, the Peace Corps recently announced the names of the first young men selected to enter training for service in Tanganyika and Colombia. They are impressive young men. The youngest is 19; the oldest 31. Already each has made an excellent record for himself.

I am proud that these capable, dedicated young Americans have the opportunity to be the first to represent our country abroad in the Peace Corps. I am also proud that one of them is from Tennessee. It is only proper that Tennessee should produce one of our modern pioneers.

Charles G. Perry III, of Chattanooga, is a third-year student at the University of Chattanooga, where he is studying electrical engineering, science, and mathematics. He has worked as a radio technician for station WDOD, as an engineer aid for the Tennessee Valley Authority, and as a chemist for a Chattanooga dairy. He has been selected to undergo specialized training for the Peace Corps Colombia project.

All these young men realize that final selection for oversea service will be made only after an intensive and rigorous training program. They are willing to take these courses in the hopes that they will make the grade and be the first Peace Corps volunteers to serve overseas. I salute them and wish them every success.

To a very great extent, the success of the Peace Corps will depend on the char-

acter, intelligence and moral stamina of the individual Peace Corps volunteers. Overseas, far from the guidance of parents, teachers, or friends, the volunteer will have to call upon qualities of judgment, adaptability, and self-discipline, as well as putting to use the technical skill which has qualified him for his post of service.

The necessity of finding people with this vital combination of character and training places a heavy responsibility upon the men who select the Peace Corps volunteers. It can be a source of public confidence and satisfaction that this direct responsibility is vested in a prominent educator from Tennessee—Dr. Nicholas Hobbs, chairman of the Division of Human Development at George Peabody College for Teachers in Nashville. Dr. Hobbs is the Peace Corps Director of Selection.

Dr. Hobbs, who is 46, received his B.A. degree at The Citadel in 1936, his M.A. and Ph. D. from Ohio State University in 1946. After teaching in secondary schools and as an assistant at Ohio State, he entered the Army Air Force as a second lieutenant, rising to the rank of lieutenant colonel. He served as director of the AAF flexible gunnery training research program. From 1946 to 1950 he taught at Teachers College, Columbia University, then became head of the Department of Psychology at Louisiana State University. He joined the faculty at George Peabody in 1951. In 1954 he was a visiting lecturer at Harvard University; he has lectured at the Institute of Humanistic Studies at the University of Pennsylvania and has served as a consultant in clinical psychology for the Veterans' Administration.

In addition to his excellent professional qualifications, Nick Hobbs brings to his Peace Corps assignment a mental attitude that makes him an ideal choice for the task. Conscientious to the extreme, deliberate in his approach to problems, Nick Hobbs' quiet manner masks a firm determination—a determination to choose the best men and women our country can provide to make sure that our Peace Corps representatives abroad reflect the best in America.

In recent weeks, working with a too small staff in crowded quarters, Nick Hobbs has toiled night after night past midnight as the process of Peace Corps selection moves into final stages. His devotion and his spirit of public service have made Tennessee proud.

The Peace Corps is a program of individual service. Its inception has stirred America and the world. It offers Americans a chance to do something in a small way about the big problems of international affairs, and it extends a friendly, helping hand to those in the newly developing nations of the earth.

Our people, young or old, who volunteer to serve our country through the Peace Corps will be in the front lines of the battle for world peace. Not everyone is fitted by temperament or training to do this important job, and the selection of Peace Corps Volunteers calls for our best brains and best judgment. If the Peace Corps succeeds, as we all hope it will, much of the credit must go to Tennessee's Nick Hobbs.

CONQUEST OF OUTER SPACE

Mr. KEFAUVER. Mr. President, we have all heard the comment that before we undertake to conquer space, we ought to solve the problems that plague us here on earth.

With this thesis, the distinguished editor of the Memphis Press-Scimitar, Mr. Edward J. Meeman, does not altogether agree. Most certainly, he says, we should explore the unknown. But at the same time, he contends, we must make faster progress in the spiritual, ethical, and social realms; otherwise, the conquest of space will be an empty one.

Mr. Meeman's searching analysis is contained in an article in the June 1961 issue of Freedom and Union magazine. 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:

ON RACING TO THE MOON WHILE KEEPING THE SOUL TRUDGING

(By Edward J. Meeman)

Speaking of the first dash into outer space of a spaceship with man aboard, which he said was soon to occur, and has now occurred, Nikita Khrushchev said in a speech to agricultural workers in Siberia:

"We are living in a good time, comrades. Both on earth and in the boundless cosmic space, the boldest dreams of man are being made a reality."

The statement expresses the false optimism and the false sense of values which prevails in the free world as well as in the Communist world.

This false sense of values made possible the rise, in a few short decades, of a vast mechanistic Communist society and empire which thinks it is free but is enslaved by its own ideology and government.

The same false sense of values has made the free world, after centuries of freedom of inquiry in which it has had an opportunity to learn everything, unable to prevent the rise of this terrible threat to its survival or to cope with it.

What is that false sense of values? It is this: That scientific and ideological progress is good though it is not accompanied by equal spiritual, ethical, and practical social progress. The failure to realize that parallel or faster progress in this latter field is not only desirable but imperative, and should be looked upon as our first order of business.

Mr. K. is wrong. It is not a good time. It could be. It could be the hour of triumph, not of doom, for mankind. But it will not be unless man with the same boldness with which he cast aside the superstitious inhibitions of ages, dared to investigate his environment, and ushered in the age of science, now breaks through the inhibitions of his prejudices and makes the age of science also the age of universal enlightenment.

Without this, the conquest of space will not mean the realization of "the boldest dreams of man," but the use of that space for the destruction of man and the beautiful earth God gave him.

Ironically Khrushchev made his boast of the imminent conquest of space at a meeting of agricultural workers where the question being discussed was how to get enough food for the Russian people. It would seem that man should solve his problems on earth before he invades the heavens. But can we laugh at Mr. K. when we have the same problem in reverse?—a surplus of crops that we don't know how to manage.

Though it might be wise to solve earthly problems first, we cannot halt the race for control of outer space. Each side fears what the other will do with it.

We can recognize that there is another and important race, the outcome of which determines everything, "the race between education and catastrophe."

We should not think of this required education as merely conventional education. It is a new kind of education that is required.

Man will find this education for victory within. Let man turn to the boundless inner space within his soul, explore it and there find the divine intelligence and love which will tell him what to do if the human race, its civilization, its earth, is to be saved.

In that union with God, the perfect mind, the prejudices that prevent free men from joining hands to form their own federation strong enough to cope with the slave empire, will dissolve * * * national prejudices, racial prejudices, economic prejudices. We shall not worship the idol of State sovereignty or national sovereignty. We shall exalt the true and final sovereignty, the sovereignty of the individual citizen whoever he may be and wherever he may live. We shall exalt his sovereign right to know, to think, to speak, to write as he pleases, to go where he pleases, to work where he pleases, to worship where he pleases, to choose his own government. to keep and enjoy the property which he has earned with his work. We shall exalt his sovereignty over economic systems. Man is not a consumer of goods; he is maker of the things he needs and wants. Man is not made to serve economic systems; they are made to serve him. Man is not to be exploited by private enterprise or by socialism. These economic forms are for him to choose and to use, one or the other, or both at the same time, according as one or the other meets a particular need. We will disarm the minds of men, now locked in futile conflict over economic ideology; military disarmament will then be possible.

For the first time in Christian history we will recognize that this is a commandment to be literally obeyed: "Be ye therefore perfect, even as your Father which is in heaven is perfect." For only if men become as reliable, as perfect in their functioning as the machines and devices they have made can they save themselves from being destroyed by those machines and devices. The sudden necessities of this age require men to function with perfection, mentally, emotionally, and physically.

This could be, in the words of Nikita Khrushchev, a good time in which boldest dreams of man are made reality. It will be only if we make it that. And this is what it takes to make it that.

Let men on both sides of the Iron Curtain face it.

Hell on earth—or heaven. Choose ye this day.

COLORADO RIVER STORAGE PROJECT

Mr. KEFAUVER. Mr. President, I note with great concern the important problem raised in the carefully documented testimony by my colleague, Senator Moss, which he gave before the House Subcommittee on Appropriations on June 6, 1961.

The question presented in his testimony is this: Who shall build the backbone transmission lines for the Colorado

River storage project; the Federal Government which built the project, or a handful of private utilities in the Rocky Mountain area? Senator Moss fully explained to the Appropriations Subcommittee why Government built and operated transmission facilities would not only save purchasers of electricity millions of dollars, but also insure the investment of the United States in the Colorado River storage project, itself. I find his arguments most persuasive.

The problem so ably discussed by Senator Moss raises two fundamental questions, which concern me very deeply. The first is the often forgotten truth that, in order to reap the gains of monopoly power, it is not necessary to control every stage of production, distribution, and sale of a product such as electricity. Control of any one of these stages of operation can create a completely effective monopoly bottleneck, through which enormous profits can be diverted, even though the other stages are publicly owned or intensely competitive.

Second, I and other members of the Antitrust and Monopoly Subcommittee have long been concerned about the relationship of the antitrust laws and their effectiveness in maintaining a healthy, competitive economy, to regulated industries such as private utility companies. Many regulated utilities are effectively exempted from the proscriptions of the antitrust laws. I know that there exists grave doubts in the minds of many scholarly students of the problems of free enterprise as to whether or not this exemption most effectively serves the goal of vital competition in our economy.

Thus, the problem placed before the House Appropriations Subcommittee by the distinguished Senator from Utah is of profound significance, not only because of the importance of the Colorado River storage project to the people of our Western States, but also because of the more general, but fundamental, questions which it raises. For this reason, many of us will keep careful watch on all new developments affecting this project.

Mr. CHURCH. Mr. President, I yield to the Senator from North Carolina [Mr. ERVIN].

MALLORY BILL SUPPORT

Mr. ERVIN. Mr. President, recently I introduced, on behalf of several of my distinguished colleagues and myself, 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.

The purpose of this bill was to clarify the Supreme Court ruling of 1957 in the *Mallory* case (354 U.S. 449). The Court, in that ruling, held that a delay of 7½ hours in arraigning a prisoner violated rule 5(a) of the Federal Rules of Criminal Procedure which requires an arrested person to be taken before a committing officer without unnecessary delay.

The Supreme Court, in an opinion handed down on June 19, 1961, Arthur Culombe against Connecticut, held that when the interrogation of a prisoner is continued over a long period of time for the purpose of and under such circumstances as to extort an unwilling admission of guilt, that due process precludes the admissibility in court of such a confession. It is interesting to note that the Supreme Court reversed Culombe's conviction on a constitutional basis, whereas the Court, in reversing the Mallory conviction, based its decision on a rule of the Federal Rules of Criminal Procedure.

The Washington Evening Star, in an editorial of June 26, 1961, cited the Supreme Court decision in the Culombe case as a development in support of S. 2067. The Star correctly opined that if rule 5 of the Rules of Criminal Procedure were changed, the constitutional requirement of due process would still preclude the admissibility of involuntary confessions.

Congress, in legislating the Federal Rules of Criminal Procedure, did not intend to abrogate the traditional test of voluntariness with regard to the admissibility of confessions. S. 2067 is designed to overcome the infirmity of the Mallory decision. This legislation is sorely needed and I urge its early consideration by the Senate.

I ask unanimous consent that the Evening Star editorial, mentioned above, be printed in the RECORD.

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

MALLORY BILL SUPPORT

Whatever one may think of the result of the Supreme Court's recent decision in the case of Arthur Culombe, a murderer, the ruling lends substantial support to the pending bill for modification of the so-called Mallory rule.

Culombe and another man, Joseph Taborsky, brutally murdered a Connecticut filling station proprietor and a customer in 1957. It was the type of case in which police had one and only one means of investigation—the questioning of suspects. For there were no physical clues, and as Justice Frankfurter, writing the majority opinion pointed out, there was but one eyewitness—the murdered customer's daughter, who was 18 months old.

Justice Frankfurter spoke of the "awful responsibility of the police for maintaining the peaceful order of society." He noted that two-thirds of the murders in this country go unsolved. And he discusses society's need for police interrogation in a case of this kind as well as society's need to be protected against possible abuses of police interrogation. Nevertheless, Culombe's conviction was reversed—over the objection of Justices Harlan, Clark, and Whittaker. The man had been held, and questioned intermittently over a period of 4 nights and 5 days (although he did not claim to have been abused), and Justice Frankfurter, joined by Justice Stewart, concluded that he was thereby deprived of due process of law.

Taborsky, Culombe's companion in crime, did not appeal, and presumably his conviction stands. Nor will Culombe necessarily go free. His first confession, made on a Wednesday night, was ruled inadmissible. But he made an obviously voluntary second confession—after he had been brought before a judge, warned of his right to remain silent, and had had counsel appointed to represent him. Presumably, the State of Connecticut can try him again on the basis of this second confession.

The significance of this case in the Mallory situation turns on two things. The questioning of Mallory extended over only a few hours. His conviction was reversed, not on a constitutional issue as in Culombe, but under a Federal rule of evidence requiring arraignment before a judge without unnecessary delay. We think it is a fair inference that the Culombe conviction, had the facts been similar to those in Mallory, would not have been reversed.

The pending legislation in the Mallory matter would permit the police to question a suspect for a reasonable period of time, provided the suspect has been advised of his right to remain silent. Some of the opponents of this bill argue that its enactment might lead to a return of the days when third degree methods were used to extort confessions. But the Culombe decision convincingly rebuts this extravagant argument. For even if the Federal rule of evidence is modified, as we think it should be, the Supreme Court still would remain as a barrier to the use of confessions obtained by any methods which the justices think offend the constitutional requirement of due process of law—which means that a police interregation must be fairly conducted.

Mr. CHURCH. Mr. President, I yield to the Senator from Montana [Mr. METCALF].

CONFESSION OF A ONETIME CONSERVATIVE

Mr. METCALF. Mr. President, I invite attention to an article entitled "Confession of a Onetime Conservative," which appeared in the May 29 issue of the New Republic. The confessor is Mr. Edwin L. Dale, Jr., an economics writer for the New York Times who has been a close observer of the remarkable recovery of the European economy.

His confession may shed some light on problems raised in this Chamber yesterday by other self-designated conservatives. They expressed alarm at the rising national debt and the budget deficits.

Perhaps Mr. Dale's sober reflections will rouse my friends from their despondency.

It is always a kind of macabre pleasure to confess error—

Mr. Dale said:

As a onetime conservative in the United States who has lived a while in the extraordinary economic atmosphere of Western Europe, I should like to indulge the pleasure.

The dazzingly simple lesson from Western Europe appears to be this:

The way to achieve the best of all possible economic worlds (rapid economic growth, full employment, stable prices, favorable balance of payments, more investment, no recessions, more consumption, better living standards) is to spend as much government money as possible, and make sure that the amount the government spends rises rapidly each year.

He makes a particular point of the fact that West Germany—whose economic boom has been the most remarkable of all—taxes and spends 34 percent of the gross national product. This is the highest in the non-Communist world.

Mr. Dale acknowledges that there must be some reasonable relation between government receipts and spending, but adds that by American accounting standards many European governments run chronic deficits in their budgets.

I will not try to summarize all of Mr. Dale's arguments, nor will I claim the competence to pass judgment on them. But his conclusion is arresting:

The lesson for the United States in Europe's astonishing recovery, he says, is that we should:

Raise Federal Government spending as rapidly as possible to $100 billion (i.e., $120 billion on a cash basis) and make sure it rises by at least $4 billion a year.

Count on more rapid economic growth to provide the receipts for most of this increase in spending—and do not worry about fairly large deficits for a while until there is full employment again—and raise consumer taxes eventually to cover the rest.

Then sit back and start enjoying real prosperity again.

I do not advocate imitation of our friends in Western Europe, but those who point to the economic well-being of Western Europe will find Mr. Dale's article challenging.

Mr. President, I ask unanimous consent to have Mr. Dale's article "Confession of a Onetime Conservative," reprinted in the RECORD in its entirety.

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

CONFESSION OF A ONETIME CONSERVATIVE

(By Edwin L. Dale, Jr.)

It is always a kind of macabre pleasure to confess error. As a onetime conservative in the United States who has lived a while in the extraordinary economic atmosphere of Western Europe, I should like to indulge the pleasure.

The dazzlingly simple lesson from Western Europe appears to me this:

The way to achieve the best of all possible economic worlds (rapid economic growth, full employment, stable prices, favorable balance-of-payments, more investment, no recessions, more consumption, better living standards) is to spend as much Government money as possible, and make sure that the amount the Government spends rises rapidly each year.

The reason for this is not that Government spending is inherently better than private spending, though that may be true. The reason is that a very high level of Government spending, no matter where the money goes, assures a very high level of demand. And a high level of demand is the open sesame to everything else.

It means full employment. It gives the incentive for more investment in plant and equipment. It means operation of plants at efficient level, and thus at lower costs. Therefore, it means relatively stable prices and competitiveness in export markets. It permits higher wages without inflation as productivity rises rapidly. And, mirabile dictu, it permits the Government to spend more and more each year without raising taxes because the economy, and thus receipts, is growing as fast as the Government spending.

Let us look for a moment at the economic miracle of Germany. Its creators have misled the world about it. Dr. Erhard says it came about because Germany let loose the creative forces of private enterprise and rejected statism and dirigism. True enough, and perhaps that helped. But what Dr. Erhard does not say is that West German taxes and spends (and elects and elects) 34 percent of the gross national product—the highest in the non-Communist world. This figure compares with only 26 percent in the United States, State and local taxes and spending included in both cases. By the test of the National Association of Manufacturers, or even the Committee for Economic Development, West Germany is not conservative but radical.

Now let us look at the one laggard in continental industrial Europe. It is Belgium. Belgium spends only 23 percent of its GNP through government. It doesn't tax, it doesn't spend—and it doesn't grow.

Britain is the other laggard in this part of the world. It spends only 28 percent. More important, it is constantly taking measures to restrict demand, through high interest rates or consumer credit control or changes in the tax-spending equation of the budget. It let demand run free—actually pumped it up—only once in the last 5 years, and only then did its economy perform brilliantly. France, Sweden, and Austria have practically nothing in common except one thing: They spend, and they grow.

Outside of Belgium, there is only one nation in industrial Europe, Denmark, where government spending is a smaller proportion of GNP than in the United States. It is a special case, with an unusually heavy concentration of agriculture in the total economy.

It seems reasonably clear to me that when government spends as much as it does here in Europe, business is good and stays good. And when business is good, a lot of other problems just go away. For example, there is very little fuss here in Europe about technological unemployment—fortunately, because it means that Europe can and does automate merrily away with all the resulting advantages for productivity, costs, and the like.

Now a couple of qualifications. They do not change the main point, but they should at least be made.

The first is that there must be some reasonable relation between government receipts and spending. Many governments in Europe run chronic deficits in their budgets by American accounting standards—which helps account for their success—but they cannot safely permit spending to run away from receipts without inflationary trouble. France showed that before 1958. European governments spend enormously—but they also tax enormously.

The second concerns the "mix" of taxation. Judging strictly from results—and leaving out the theory—it seems that there is great merit in "soaking the poor." This is not as harsh as it sounds.

What it means in practice in Western Europe is far greater reliance than in the United States (or Britain) on a set of taxes that indirectly hit the poor man hardest: excise and sales taxes of all kinds, turnover taxes, tax-on-value-added, heavy employer social security contributions. These taxes are collected in prices, and thus from consumers. They do not raise prices unless they are increased; once imposed, they are practically painless. But they do soak the poor, relatively; no government in Western Europe relies nearly as much as the United States on taxes for its revenues.

A final point. Why isn't very high Government spending, and the resulting constantly high pitch of demand, inflationary? The answer is: It is inflationary, but only very mildly so now, in contrast with the first 7 or 8 years after World War II when there was a worldwide chronic excess of demand over supply. European prices have risen, as American prices have risen. Since the Korean war, however, European prices on the whole have risen no faster than American, and in some cases they have risen less, despite much higher Government spending. And in neither Europe nor America has there been any significant inflation since mid-1957.

The point is that the world now has a large and elastic supply to meet higher demand; thus it is a world in which demand cannot only be profitably increased but, within reasonable limits, safely increased.

Unless appearances—and hard facts and figures—are grossly misleading, the lesson in all this for America is clear:

Raise Federal Government spending as rapidly as possible to $100 billion (i.e., $120 billion on a cash basis) and make sure it rises at least $4 billion a year.

Count on more rapid economic growth to provide the receipts for most of this increase in spending—and do not worry about fairly large deficits for a while until there is full employment again—and raise consumer taxes eventually to cover the rest.

Then sit back and start enjoying real prosperity again.

Mr. CHURCH. Mr. President, I yield to the Senator from Delaware [Mr. WILLIAMS].

INVESTIGATION OF PRICING OF CERTAIN COMPONENTS OF CORPORAL MISSILES

Mr. WILLIAMS of Delaware. Mr. President, recently the Comptroller General reported to the Congress another case wherein under a negotiated contract the taxpayers have had to pay a 58-percent profit for one company's participation in the defense program. In this last report, of June 20, 1961, our attention is called to a situation wherein a military subcontractor, Motorola, Inc., Western Military Electronics Center, Phoenix, Ariz., collected profits ranging from 47 to 123 percent. This was a negotiated contract, and the prime contractor was Gilfillan Bros., Inc., Los Angeles, Calif.

The report charges Gilfillan, the prime contractor, awarded negotiated firm fixed-price contracts to Motorola for $1,456,685 without making any effort to obtain information as to the actual or estimated costs of the products being purchased. On this contract Motorola made a profit of about $537,000 or 58 percent. All this cost was automatically passed on to the U.S. Government and to the taxpayers.

For example, two subcontracts were given to Motorola for a total of 98 T–54A standard decoders at a unit price of $3,449. About 6 months prior thereto Motorola had completed 61 units of the same instrument at an average cost of $2,342. The $3,449 price represented a 47-percent increase over the previously established price.

In another case in February 1958 Motorola was given a subcontract for 33 T–54A code package assemblies at a unit price of $579, and in March 1958, 1 month later, the company was issued two additional purchase orders for a

total of 30 units at $543 each. Six months earlier Motorola had completed 47 similar units at an average cost of $260 per unit. In this instance its price to the Government of $579 each for the 33 assemblies exceeded the cost previously established by 123 percent, and the $543 unit price for the 30-item order exceeded the earlier cost by 109 percent.

In June 1957 Motorola was awarded five purchase orders for a total of 140 CU–54A code package assemblies at a unit price of $249. In November 1956, just a few months earlier, Motorola had completed 180 units of the same description at an average cost of only $116 a unit. This price of $249 which was passed on to the taxpayers, exceeded its previous price by 115 percent.

All of these aforementioned contracts were awarded to Motorola on a negotiated fixed price by the Gilfillan Bros., Inc., Los Angeles, Calif., the prime contractor.

There appears to have been no effect made by the prime contractor or by the procurement officers of the Department of the Army to ascertain the actual cost of these products, based on previous manufacturing and selling experience, to Motorola.

These inflated prices which were paid to Motorola, Inc., of Phoenix, Ariz., were all included in another negotiated contract which the Department of the Army had awarded to the Gilfillan Bros., Inc., of Los Angeles; therefore, these extra costs were passed on directly to the Government.

After the Comptroller General's report to the Motorola refunded $150,000 of its enormous profit to the Government, but there is no indication that anyone connected with the military had been in the least bit concerned over these high profits.

This is another typical example of what has been happening and what will continue to happen under the irresponsible procurement policies of the military establishments in the absence of a law which will make it mandatory that all Government procurement be obtained on a strictly competitive bid basis.

There should be no exception to the solicitation of competitive bids and the awarding of contracts to the lowest responsible bidders except in those instances where the Government is buying new weapons upon which no previous experience is available, such as the first atomic submarines, or in cases where the solicitation of competitive bids would jeopardize our national security.

At this point I ask unanimous consent to have printed in the RECORD excerpts from the Comptroller General's report in which he outlines this case.

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

WASHINGTON, *June 20, 1961.*

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Enclosed is our report on examination of the pricing of certain components of Corporal missiles under Department of the Army negotiated fixed-price subcontracts awarded by Gilfillan Bros., Inc., Los Angeles, Calif., to Motorola, Inc., Western Military Electronics Center, Phoenix, Ariz.

The report shows that Gilfillan purchased from Motorola, the sole supplier, for $1,456,685, certain components of electronic guidance systems for Corporal missiles without obtaining information on actual or estimated costs or other evidence to support the reasonableness of the prices. Included in this price, paid by the Government, was a profit of about $537,000 or 58 percent of cost. After we brought this matter to the attention of Army officials, voluntary refunds were obtained amounting to only $150,000.

Gilfillan was not aware that the quoted prices were substantially higher than costs previously experienced by Motorola in producing like items. It seems evident that, had available information on prior costs been considered, Gilfillan would have had a sound basis for negotiating lower prices for the items, since the prices actually negotiated in some instances exceeded recent costs by amounts ranging from 47 to 123 percent.

We brought our findings to the attention of agency officials and proposed that the Department of the Army direct its procurement officials to exercise closer control over the effectiveness of contractors' subcontracting practices. The Assistant Secretary of the Army (Logistics) advised us that the Department of the Army concurred in the findings and proposed remedial action. The Army also advised us that, subsequent to these procurement actions, a number of policy and procedural instructions had been issued bearing on closer control and effectiveness of subcontract pricing. While refunds of $150,000 were obtained by the contracting officer in this instance, we believe that such adjustments do not constitute an appropriate substitute for initially establishing equitable prices, since the Government has no assurance that equitable adjustments will be made.

We are recommending to the Secretary of the Army that efforts continue to be made to obtain such further adjustment of subcontract prices as may be necessary to constitute an equitable adjustment of the prices paid the subcontractor. We are recommending to the Secretary of Defense that our findings in this case be brought to the attention of contracting officials of the military agencies to illustrate the need for vigorous surveillance over contractors' subcontracting activities, particularly in the case of sole-source suppliers, to assure that the contractors are, in fact, negotiating fair and reasonable prices for the Government.

This report is also being sent today to the President of the Senate. Copies are being sent to the President of the United States, the Secretary of Defense, and the Secretary of the Army.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

FINDINGS AND RECOMMENDATIONS: SUBCONTRACT PRICES, SUBSTANTIALLY HIGHER THAN WARRANTED BY PREVIOUS COSTS, ESTABLISHED WITH A SOLE SUPPLIER WITHOUT COST DATA OR OTHER EVIDENCE OF REASONABLENESS

Gilfillan awarded negotiated firm fixed-price subcontracts for $1,456,685 to Motorola, the sole supplier of certain components of electronic guidance systems for Corporal missiles, at prices quoted by the subcontractor without obtaining information on actual or estimated costs or other evidence to support the reasonableness of the prices. Gilfillan, therefore, was not aware that the quoted prices were substantially higher than costs previously experienced by Motorola in producing like items. It seems evident that, had available information on prior costs been considered, Gilfillan would have had a sound basis for negotiating lower prices for the items since the prices actually negotiated in some instances exceeded recent costs by amounts ranging from 47 to 123 percent. After we brought this matter to the attention of Army officials, voluntary refunds amounting to $150,000 were obtained on these subcontracts.

Motorola developed the standard decoder and the code package assemblies for the Government under subcontracts with another Army prime contractor. At the time Gilfillan issued subcontracts at prices quoted by Motorola, the subcontractor had some cost experience on which to base prices for these items and, for follow-on subcontracts, additional cost information became available on like items furnished under earlier subcontracts (purchase orders). An evaluation of the available information would have disclosed that the prices quoted by Motorola and accepted by Gilfillan were considerably higher than the subcontractor's previously experienced costs, as shown by the following examples:

1. In April and June 1955 Gilfillan issued 2 purchase orders to Motorola for a total of 98 T–54A standard decoders at a unit price of $3,449. In November 1954, Motorola had completed 61 units at an average cost of $2,342 a unit. The price of $3,449 each for the 98 T–54A standard decoders exceeded the costs previously experienced by about 47 percent. Motorola's costs subsequently experienced for the 98 units averaged $2,247 a unit.

2. In February 1958 Gilfillan issued a purchase order to Motorola for 33 T–54A code package assemblies at a unit price of $579 and in March 1958 issued 2 purchase orders for a total of 30 units at $543 each. In October and November 1957 Motorola had completed 47 units at an average cost of $260 a unit. The price of $579 each for the 33 T–54A code package assemblies exceeded the costs previously experienced by about 123 percent, and the price of $543 each for the 30 units exceeded these experienced costs by about 109 percent. Motorola's cost subsequently experienced for the 33 units averaged $317 and for the 30 units averaged $354 a unit.

3. In June 1957 Gilfillan issued 5 purchase orders to Motorola for a total of 140 CU–54A code package assemblies at a unit price of $249. In November 1956 Motorola had completed 180 units at an average cost of $116 a unit. The price of $249 each for the 140 CU–54A code package assemblies exceeded the costs previously experienced by about 115 percent. Motorola's costs subsequently experienced for the 140 units averaged $105 a unit.

In the examples cited above and in certain other procurements, we found no evidence that either Gilfillan or the Army obtained or requested from Motorola price analyses, information on costs experienced in recent production of like items, or other evidence to support the reasonableness of the prices quoted by the subcontractor and accepted by the prime contractor. Gilfillan advised us that it was required to purchase the T–54A standard decoder and related code package assemblies from Motorola in accordance with Ordnance specifications and that it had made no effort to obtain cost data from Motorola but did attempt to obtain lower prices on follow-on procurements. Gilfillan also advised us that no manufacturing drawings for the T–54A standard decoder were available. Therefore, Gilfillan could not produce this item itself nor obtain competition from other possible suppliers.

The financial results experienced by Motorola on its sales of standard decoders and code package assemblies to Gilfillan during the period January 1953 to September 1958 are summarized, as follows:

	Number of units	Selling price	Cost	Profit	Percent of profit to cost
T-54A standard decoders	298	$1,121,572	$731,445	$390,127	53
T-54A code package assemblies	566	257,508	151,598	105,910	70
CU-54A code package assemblies	322	77,605	36,147	41,458	115
Total		1,456,685	919,190	537,495	58

Mr. CHURCH. Mr. President, I yield to the Senator from Texas [Mr. YARBOROUGH].

SECRETARY UDALL SAYS PADRE ISLAND "IS MORE TREMENDOUS AND MAGNIFICENT THAN I THOUGHT"

Mr. YARBOROUGH. Mr. President, all Texans were recently highly pleased that Secretary of the Interior Udall, the distinguished Senators from New Mexico and Utah, respectively, Senator Anderson and Senator Moss; National Park Director Wirth, and a number of other congressional and governmental leaders, headed by one of America's and the world's best known Texan, Vice President Lyndon B. Johnson, made an inspection visit to Padre Island. They inspected the island by air—by helicopters—and by land. They walked on the island. They made a careful examination of it.

In an interview with Mr. Ben Goodwin, a staff writer for the Corpus Christi Caller, immediately following a helicopter ride over portions of Padre Island, Secretary Udall said the island was "more tremendous and magnificent than I thought. The island is a fantastic outdoor resource." He added that it "would be a sad day for the country if we don't make this island into a park."

All of the others who visited the island told me they were very favorably impressed with the island as a national seashore recreation area. It is to be hoped that the able and efficient Senator from Nevada [Mr. BIBLE], chairman of the Public Lands Subcommittee of the Senate Interior Committee, and others who are working on this legislation, will soon have an opportunity to visit Padre Island and to inspect this proposed national seashore recreation area.

I ask unanimous consent to have printed in the RECORD the aforementioned article from the June 22, 1961, issue of the Corpus Christi Caller, headed "Padre Area 'Fantastic' Udall Says," and from the same issue of the same paper, an article entitled "ANDERSON Backs Padre Action This Session," and from the Houston Press of June 23, 1961, an editorial entitled "Udall's Visit to Padre."

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

[From the Corpus Christi Caller, June 22, 1961]

PADRE AREA FANTASTIC, UDALL SAYS

(By Ben Goodwin)

Secretary of the Interior Stewart L. Udall, after a 15-minute helicopter ride over a portion of Padre Island yesterday, said it is more tremendous and magnificant than I thought. The island is a fantastic outdoor resource.

He said it would be a sad day for the country if we don't make this island into a park.

Udall, whose department is charged with the responsibility of acquiring and developing national park sites, was accompanied on the helicopter trip by Vice President LYNDON B. JOHNSON and congressional leaders.

Udall said he is 100 percent in favor of a national seashore on Padre Island but will recommend a Presidential veto of any bill specifically calling for a road the length of the island.

"You just don't develop parks that way. We have the best park system in the world and people should put their faith in it," Udall said.

NO SPEEDWAY

He said the parks in the Great Smoky Mountains have access roads but not any going throughout the park.

"Access roads to Padre Island are very important but we don't need a speedway or a road just to connect both ends of the island," he said.

Udall said reports may not bear out the need for a full-length road. He said special foundations and dikes might be needed for such a road.

Udall said he thought Congress could work out a compromise to pass a satisfactory bill.

Udall's comment came after an informal discussion with congressional visitors over the length of the park. Senator RALPH YARBOROUGH favors an 88-mile seashore area while Representative JOHN YOUNG, of Corpus Christi, and Representative JOE KILGORE, of McAllen, have backed a 65-mile area.

THREE AREAS

Udall said President Kennedy has stressed that he wants Padre Island, Cape Cod, Mass., and Point Reyes, Calif., developed as national seashore sites.

"There is nothing like Padre Island in the United States. It is the longest barrier island in the country," he said.

The Secretary said creation of a park on the island will mean the beginning of the first large marine park in the country. The marine park would include 147,000 acres of submerged lands for skindiving, skiing, and boating, he commented.

He said that creation of a national seashore on Padre Island would increase the value of surrounding lands.

BEST LAND

Udall said if the Congress authorizes the park and appropriates money for it, his Department will begin acquiring land at both ends of the island.

"We will want to acquire the best land before the prices begin to skyrocket," he commented.

He said initial development of the seashore would take from 3 to 4 years, depending on how much money Congress appropriates annually for the work.

"Initial development would include a headquarters building, rest stops for tourists, and the appointment of a park superintendent," he said.

"It would take about 5 years to complete initial development of various portions of the area and a longer length of time for the whole project," he said.

TAKES TIME

"It takes time to do these things," he said.

Udall said if a seashore is authorized on Padre Island, it and Big Bend National Park will be the most prized areas in Texas 10 years from now.

"You can build roads, industries, and other things. They will change, but a park won't disappear. It will remain for men after us and they will thank us for it," he said.

Udall, who was making his first trip to Padre Island, said he wanted to learn firsthand information contained in a Park Service report.

Udall, who is from Arizona, said he was raised in wild country and grew up believing in conservation. He said his district in Arizona has a variety of natural wonders.

Udall commented that he missed his days as a U.S. Representative "sometimes," since work there isn't as gruelling as being in the Cabinet.

[From the Corpus Christi Caller, June 22, 1961]

EIGHTY-EIGHT-MILE PLAN FAVORED: ANDERSON BACKS PADRE ACTION THIS SESSION

Senator CLINTON ANDERSON, chairman of the Senate Interior Committee, said yesterday that he wants a bill calling for a national seashore on Padre Island to be passed in this session of Congress.

Anderson, who is from New Mexico, was in the group with Vice President Lyndon B. Johnson, Secretary of the Interior Stewart L. Udall, and other congressional leaders who inspected Padre Island yesterday.

ANDERSON said he is "very pleased" with Padre Island and believes it would make a national seashore.

ANDERSON said that he favors an 88-mile seashore on Padre Island. Senator RALPH YARBOROUGH, of Texas, is backing a bill calling for the 88-mile area.

Senator FRANK MOSS, of Utah, chairman of a Senate Special Interior Subcommittee handling Padre Island legislation, also said yesterday that he was for the 88-mile park.

ANDERSON, MOSS, and YARBOROUGH are all members of the Senate's Committee on Interior and Insular Affairs, which approves national park and seashore bills.

YARBOROUGH at first introduced a bill calling for a 117-mile seashore area and then decreased it to 100 miles before settling for the 88-mile area.

The National Parks Advisory Board has recommended the 88-mile area.

Representative JOE KILGORE, of McAllen, and Representative JOHN YOUNG, of Corpus Christi, have introduced bills in the House calling for a 65-mile area.

Legislation is pending before both committees in both Houses of Congress to set up the park.

ANDERSON was making his first trip to Corpus Christi yesterday. Before going to the Senate in 1948, ANDERSON had served as Secretary of Agriculture from 1945 before resigning to reenter politics.

He was first elected to Congress in 1940 and was reelected in 1942 and 1944.

ANDERSON has served as chairman of the Joint Congressional Atomic Energy Committee and various other committees.

[From the Houston Press, June 23, 1961]

UDALL'S VISIT TO PADRE

The raw, unspoiled grandeur of Padre Island with its sand, sea, sky, and sun has won another supporter.

This one might be the most vital yet for preserving Padre properly for Americans of today and the future.

He is Secretary of Interior Stewart Udall. His enthusiasm for Padre was plain after he saw it for the first time afoot and from helicopter Wednesday. He said:

"Padre is more magnificent than I thought. The island is a fantastic outdoors resource. There is nothing like it in the United States. I am 1,000 percent for making Padre a national seashore."

Secretary Udall's Federal Department, of course, will be entrusted with planning and operating Padre if it becomes a national seashore.

He already had come out for Padre as a national park from the somewhat vague understanding he must have had as an Arizonian surveying the matter from a high post in Washington, D.C.

Now that he's seen and sampled Padre personally, maybe Mr. Udall can speed up the final decisions which need to be made on Padre—which are:

1. How much of the island's 112-mile length is to be included in the national park, how much for private development?

2. Should access roads be built from open brush country to the west at intervals or should a road be run down the length of the island?

3. How long is Uncle Sam and the State of Texas going to fiddle around before buying Padre what with land prices getting ever higher and speculators ever more greedy?

Secretary Udall was traveling with some powerful help toward getting those questions resolved in a hurry.

In the party were Vice President LYNDON B. JOHNSON, Texas U.S. Senator RALPH YARBOROUGH, New Mexico, U.S. Senator CLINTON ANDERSON, and a dozen or more Texas Congressmen. Each man in the group already had pledged his support for making Padre a national seashore. However, some hold differing views on the length of the park and the location of the road.

Maybe a firsthand sight along with the man whose Department is to do the job of preserving Padre will clarify those differences to the point where sensible settlements in the public interest can be worked out.

We certainly hope so. If they can be, Arizonian Udall just might be Padre's most important visitor since the Spanish explorer, Alonzo Alvarez de Pineda, became the first European to reach it in 1519.

Action on Padre is needed now before new or worse problems develop from other selfishly inspired sources.

TEXAS LOST OUTSTANDING PUBLIC SERVANT WITH DEATH OF RAILROAD COMMISSIONER OLIN CULBERSON

Mr. YARBOROUGH. Mr. President, the death on Thursday, June 22, 1961, of Olin Culberson, an outstanding fighter for conservation of Texas and the Nation's natural resources, who served for 20 years on the Texas State Railroad Commission, is a loss to all of us.

Olin Culberson was a friend of mine, as he was a friend of all Texans who had opposed the waste and exploitation of oil and gas resources. He was a nephew of former U.S. Senator Charles A. Culberson, who represented Texas in this body from 1899 to 1923. Commissioner Culberson told me many times that he had gotten part of his inspiration for public service from his uncle's senatorial service.

I ask unanimous consent to have printed in the RECORD an article and several editorials concerning the life and work of this outstanding Texan and American.

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

[From the Wichita Falls Record News, June 23, 1961]

TRC MEMBER OLIN CULBERSON DIES IN AUSTIN

AUSTIN.—Olin Culberson, blunt, plain-talking fighter against any waste of Texas natural resources, died Thursday after serving the State for 20 years on the powerful railroad commission.

After an 11-year battle with a heart ailment, he succumbed at 9:20 a.m. at a hospital. He had been admitted Wednesday.

The 74-year-old commissioner championed the cause of the independent oil and gas producer in Texas. Years ago he led the successful fight to halt wasteful flaring of millions of cubic feet of natural gas.

His frequent opposition to orders promulgated by majority vote of the three-man regulatory agency made him the "great dissenter" in the field of oil and gas conservation in Texas. He based his dissents on the belief that many laws and rules "favor the big boys" and are destructive to free enterprise.

A heart attack knocked Culberson out of plans to run for Governor in 1950. He had been bothered by his heart off and on ever since. His doctor 3 weeks ago ordered him into the hospital for several days of general checkup but added, "You know we couldn't keep him down."

Gov. Price Daniel will fill the vacancy and his selection will serve until the next general election in November 1962. The winner would serve out the remaining 2 years on Culberson's 6-year term to which he was reelected in 1958.

Funeral services will be held at 3 p.m. Saturday at the Weed-Corley funeral home. Dr. William Logan, pastor of the University Presbyterian Church, will officiate. Burial will be in the State cemetery.

Survivors include the widow; a daughter, Mrs. Paul B. Wittman, Austin; a sister, Mrs. Beulah Tomlinson, Dallas; and a brother, Col. Leon Culberson, retired, Lovelace, Ohio.

Culberson almost never missed an oil proration hearing. His sharp questioning convinced witnesses to stick to facts.

Daniel telephoned the following statement to his office from San Francisco, where he is en route to the national Governors' conference in Hawaii:

"During his two decades of service as a member of the Texas Railroad Commission, Olin Culberson rendered outstanding service to this State and the entire Nation. He was a conscientious and independent official, and his death is a great loss.

"I join his many friends in extending deepest sympathy to Mrs. Culberson and all of his family."

J. F. West, of Stanford, president of the Texas Independent Producers and Royalty Owners Association, said:

"He gave a half century of devoted service to the people of Texas and the results of his efforts are embedded in the laws of our State as a legacy to us all."

West said the independent oilmen "have lost one of their true champions."

Culberson doggedly fought the recent trend of passenger service abandonment by the railroads. He once was a railroad yard worker in Hillsboro.

He went into public life in Hillsboro where he was elected county clerk in 1920 and later county judge. As clerk he uncovered a $263,000 road bond fraud which resulted in several convictions. He served two terms as county judge, then went into the general mercantile business at Edna. He kept this business for 26 years before disposing of it in 1955.

Culberson came to the commission in 1932 and became chief examiner of the commission. He later served as head of the gas utilities division until 1939. He moved into the commission in 1941 and won a third 6-year term in 1958 with 2 million votes.

At his office, Culberson kept this motto hanging on the wall: "Tact is for people who know they are wrong. My daily prayer is that neither public abuse nor private pressure shall ever cause me to abandon or waver in an honest opinion."

He said frequently that "monopoly is contrary to the genesis of a free people." But he always added that unrestrained free enterprise led to monopoly—"don't get me wrong. I'm not against any man becoming as big as he can—or going broke. But when a man gets so big that he comes in conflict with the public interest, then you've got to slap him down."

The square-jawed commissioner considered one of his greatest accomplishments the elimination of gas flaring—the venting into the air of casinghead gas which is produced along with oil. He was credited with being the man who led the crackdown on flaring.

[From the Houston Press, June 23, 1961]

OLIN CULBERSON

The death of Olin Culberson in Austin yesterday ends one of the finest public careers in recent Texas history.

For more than 20 years, Judge Culberson as one of three members of the Railroad Commission of Texas administered the affairs of Texas' vast oil-gas industries, its sprawling public carriers (rails and trucks) and its giant gas utilities.

In those two decades, there is no known instance of Olin Culberson ever losing sight of the public interest or of failing to fight for it when an occasion to do so arose.

Not many men take a public firing then get off the floor and ram the humiliation down the throats of their detectors.

That's what Olin Culberson did when he was elected to the railroad commission in one of Texas' most dramatic political campaigns in 1940. He had stepped on some big and important toes while conducting gas utility rate hearings as an appointed examiner for the railroad commission in the late 1930's.

He took his case to the people of Texas. They promoted him from ex-hired hand to boss, then reelected him for three more 6-year terms, the last being granted quite amazingly without even a single opponent.

Some 10 years ago, Judge Culberson appeared to be a cinch to win the governorship.

He was stricken by the first of the series of heart attacks which finally ended his life at 74 years of age. He had to change his plans just as the campaign was to open. While he regained his health up to a point, he was never able after that to risk the long physical strain of a full-fledged statewide campaign.

Certainly he was one of the strongest and most popular men in Texas politically, even though denied his big chance to prove it.

The "judge" by which our friend, Olin, was known stemmed from his services as county judge in Central Texas' Hill County in the middle 1920's.

He was not a lawyer and took quite a little pride in doing the quasi-judicial work of the railroad commission strictly from the standpoint of a layman.

He frequently said he felt he served the peoples' interest better that way.

Starting out as a smalltown boy and determinedly hanging onto that role despite his

high later honors, Judge Culberson particularly admired the neighborliness and unselfish services of the State's volunteer firemen.

These are the men who even today serve—and save—nearly all Texas communities of 10,000 people and under.

For many years Judge Culberson supported the volunteer firemen of the State, as leader sometimes and as rank-and-file member at others.

If any single group in Texas deserves credit for putting Judge Culberson on the railroad commission and holding him there so long, it is the volunteer firemen who had nothing whatsoever to gain by it. They loved him as much as he loved them and what they stood for.

Olin Culberson was a good man, a good fighter, and either a good friend or a good enemy, as the case might be.

He was a worthy throwback to those uncomplicated men of iron will and high purpose who held public office as a real public trust in an earlier day.

The press takes pride in recalling it always supported Judge Culberson for election and stood with him on all important issues.

[From the Houston Chronicle, June 24, 1961]

OLIN CULBERSON WAS EFFECTIVE PUBLIC SERVANT FOR MANY YEARS

Railroad Commissioner Olin Culberson, whose death is mourned by officialdom and his countless friends in Texas, was known far and wide as the friend of the independent oilman, principally because of his espousal of the across-the-board policy on the commission. This practice gives to each producer an equal share in oil production and also gives each section of the State an equal number of producing days unless, of course, there are sound technical reasons for ruling otherwise.

But there was a time when Culberson was not so popular as a member of the railroad commission. This was soon after his election in 1940 to the first of his four 6-year terms when he championed conservation of natural gas. Uncounted millions of cubic feet of gas was being wasted in flares at that time and nothing was being done to trap this gas, either for commercial use or for repressuring into the well. Because of Culberson's doggedness, this is standard practice today where this is no immediate market for the gas.

But Culberson scored other reforms on the commission. He was, first and foremost, a foe of Federal regulation as an invasion of the rights of the State of Texas and, for his consistency in this battle, was honored in 1956 with an award from the Texas Independent Petroleum & Royalty Owners Association. He introduced business procedures into the administrative end of the commission's operations and he led the long fight against discriminatory railroad freight rates in Texas. It was at his insistence that the legislature was asked for a law which required that any employee of the commission drawing a salary as an engineer be a graduate of a recognized college of engineering. This move took a lot of political pressure off the commission in the selection of its key field men.

Culberson was a native Texan and reared in Hill County. In his youth he worked for the Katy Railroad at its yards in Hillsboro, later becoming a deputy county clerk. After World War I and a turn in the Army, he returned to become county clerk, subsequently to uncover a huge fraud in the county road bond fund. He was county judge for two terms, also, and first joined the railroad commission as chief examiner and later chief of the gas utilities division.

Outside his official duties, Culberson was active in promoting youth development projects and civic enterprises. He is best known, however, as an associate of the volunteer firemen and, to the time of his death, was both honorary and active secretary of the Texas Firemen's and Fire Marshals Association. He was a worthy scion of the pioneer stock from which he sprang.

Mr. CHURCH. Mr. President, I yield to the Senator from New York [Mr. JAVITS].

ALIEN ORPHANS

Mr. JAVITS. Mr. President, I should like to use my minute to make an affirmative statement to enter a protest against the expiration of the alien orphans adoption law, which will expire June 30. Neither the Immigration Subcommittee of the Committee on the Judiciary in the Senate nor the subcommittee in the other body has acted on this matter. Indeed, the Immigration Subcommittee in the other body has advised the Attorney General that it does not intend to act and that it believes he has the right to admit the alien orphans under the parole procedure.

The difficulty is that if an American family wishes to adopt an alien orphan and does not happen to be a family serving abroad in Government service or in the Army, it is not permitted to do so under the parole procedure.

This has been a great program: 2,934 orphans were admitted in 1958–59, 1,954 in 1959–60, and 2,299 in 1960–61. It has been a fine humanitarian thing that we have done for the world and for ourselves.

As one Senator, I enter my protest. I have introduced a bill in this regard. My colleague [Mr. KEATING] has introduced a bill. The Senator from Wisconsin [Mr. WILEY] has introduced a bill. Nothing has been done.

I shall do my utmost to have something done when we return from the holiday recess. I am grateful to my friend for yielding to me.

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

Mr. CHURCH. I yield to the Senator from New York, with the same understanding.

Mr. KEATING. I commend my distinguished colleague from New York for the position which he has taken. The problem of which he spoke is something which has greatly concerned me. I think it is a shame to see the law expire. There is no excuse for it. There has been plenty of time to act.

FAIR PLAY FOR CUBA COMMITTEE

Mr. KEATING. Mr. President, I hold in my hand a UPI dispatch indicating possible further activity by the Fair Play for Cuba Committee in recruiting additional supporters for the cause of Mr. Castro in the San Francisco area. According to the UPI story, American citizens are being urged to visit Cuba without complying with State Department passport regulations. This apparent activity by the Fair Play for Cuba Committee is another example of the organization's disregard for this Nation's laws, and an attempt to generate greater sympathy for the Communist dictator to the south of us.

The hearings which the Subcommittee on Internal Security held on the Fair Play chapters in New York, Cleveland, and Detroit have shown financial support for this group from the Castro government, and a great deal of assistance from Communist sympathizers. The activities of the Fair Play for Cuba Committee have been under investigation by our committee. The investigation extends to several American cities, and I hope now that San Francisco will be included.

I intend to pursue the subject further and to ask that the committee include San Francisco in the light of the dispatch indicating what I have pointed out. I am grateful to my friend from Idaho for yielding.

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

Mr. CHURCH. I now yield to the distinguished Senator from South Carolina.

PAUL JOHNSON, HEADWAITER IN THE SENATE DINING ROOM

Mr. JOHNSTON. Mr. President, I invite the attention of the Senators to the fact that the headwaiter in the Senate dining room in the Capitol, Mr. Paul Johnson, has been ill for about 3 weeks. As many Senators know, Paul Johnson has worked in the Senate dining room for 61 years. I do not have to tell any Senator in the Chamber that Paul Johnson has performed distinguished service. I know that all Senators join with me in expressing the hope that he will soon be well again and back on his job in the Senate dining room.

Mr. MORSE. Mr. President, will the Senator from Idaho yield to me to associate myself with the remarks made by the Senator from South Carolina?

Mr. CHURCH. I am happy to do so.

Mr. MORSE. I believe that one of the most gentle of people among us in the Capitol is the dedicated public servant to whom the Senator from South Carolina has referred—Paul Johnson—who for years and years has been in charge of the Senate restaurant. He has been in charge of handling all the problems of Senators in connection with their reservations and the arrangement of dining room facilities for Senators.

Paul Johnson is more than the person in charge of the Senate restaurant. He is the friend of every Senator. He personifies courtesy and graciousness. Paul Johnson is one of the most gentle and lovable human souls I have ever had the pleasure of knowing. For 61 years Paul Johnson has served the Senate in the Senate restaurant.

I associate myself with the good wishes which the Senator from South Carolina, through his speech, has sent to Paul Johnson this afternoon from the floor of the Senate, and I join with the Senator from South Carolina in expressing

the assurance that we really speak for 98 other Senators, because Paul Johnson has not only the good will, but the love and affection of us all. I know that the entire membership of the Senate wishes him a speedy recovery.

Mr. JOHNSTON. I thank the Senator.

Mr. CHURCH. Mr. President, I join in the expression of both the Senator from South Carolina [Mr. JOHNSTON] and the Senator from Oregon [Mr. MORSE]. I am distressed to hear the sad news concerning the illness of one whom we all esteem so highly.

Mr. YARBOROUGH. Mr. President, will the Senator from Idaho yield to me for a moment?

Mr. CHURCH. I yield.

Mr. YARBOROUGH. I shall take but a moment to say that I commend the distinguished Senator from South Carolina for bringing to our attention the information concerning Paul Johnson. I associated myself with the commendatory remarks I have heard concerning Paul Johnson. I have not see a more courteous person in Washington while I have been here.

Mr. MANSFIELD. Mr. President, I take this occasion to join with the distinguished Senator from Oregon and the distinguished Senator from South Carolina in complimentng Mr. Paul Johnson on 61 years of service to the Senate. As I look about the Chamber it seems to me that 61 years ago was before any Senator present was born. This indicates how much history Mr. Johnson has seen, how much he has lived, and how much he has observed.

Mr. Johnson has been ill recently. I believe he has recently returned from the hospital to his home.

I join my other colleagues in expressing to Paul Johnson the high esteem and respect I have for him, to let him know how much I value his friendship as well as the many courtesies he has extended down through the years.

Mr. ALLOTT. Mr. President, will the majority leader yield to me at that point?

Mr. MANSFIELD. I am delighted to do so.

Mr. ALLOTT. I join the Senator in his remarks about Mr. Paul Johnson, whom we all know affectionately as Paul. I am sure he has been as kind to every Senator who has ever been in the Senate in the 61 years as anybody could be. He goes out of his way, and he has gone out of his way, not simply to do his job as the head of the Senate restaurant, but also to make all of us feel comfortable and to make our guests feel comfortable and welcome.

I recently had occasion to be in the Senate restaurant with the parents of my wife, Mr. and Mrs. W. H. Hall, of Lamar, Colo., who were, with their family, celebrating their 60th wedding anniversary. I called Paul over at that time and told him about it, and he said, "Well, this is my 61st year, so I am 1 year up on you."

I could not let the remarks of Senators pass without paying tribute to Paul at this time and expressing on behalf of myself and my wife, as well as all other Senators, our deep appreciation for the consideration and kindness he has shown us all during these years.

MUTUAL UNDERSTANDING AMONG THE PEOPLES OF THE WORLD THROUGH EDUCATIONAL AND CULTURAL EXCHANGES

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

Mr. CHURCH. I yield to the Senator from South Dakota with the same understanding as heretofore.

Mr. MUNDT. Mr. President, I wish to address the Senate in connection with S. 1154, the bill to amend the Education and Cultural Exchange Act, which it was previously planned to act upon today. Since action has been delayed until after the Fourth of July recess, I ask unanimous consent to have printed at this point in the RECORD a statement I have prepared in connection with that bill, together with certain amendments which I have prepared and intend to offer, which, in my opinion, are in the nature of corrective amendments, and which primarily have as their purpose the retention in the hands of Congress the appropriative power, the control, definition, and administration of programs and policies.

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

Mr. President, I would first like to thank the distinguished majority leader and the distinguished chairman of the Foreign Relations Committee for their courtesy and graciousness in delaying the floor consideration of S. 1154, the Mutual Educational and Cultural Exchange Act of 1961, so it can receive the consideration it deserves. As both Senator MANSFIELD and Senator FULBRIGHT know my profound interest in the programs covered by this bill dates back over a period of many years to the time when I was serving on the House Foreign Affairs Committee with our able and distinguished majority leader, MIKE MANSFIELD.

At that time I was privileged to coauthor with the able former Senator from New Jersey H. Alexander Smith, the U.S. Information and Educational Exchange Act of 1948, which was adopted by the 80th Congress and approved by President Truman as Public Law 402. While it was 1948 before Public Law 402 of the 80th Congress was finally adopted, this act had its genesis over 2 years earlier in legislation which I introduced after conferences with a group of educators from Terre Haute Teachers College of Terre Haute, Ind.

Adoption of the Smith-Mundt Act came shortly after the enactment by the 79th Congress of the Fulbright Act, a highly imaginative piece of legislation which authorized the use of the foreign-currency proceeds from the sale of U.S. surplus property in foreign countries for financing the education of American and foreign students in institutions of higher learning located abroad. Over the intervening years the Fulbright Act and the Smith-Mundt Act have provided a coordinate and complementary authority for assistance by the U.S. Government in the very worthy enterprise of educational and cultural exchange between the United States and foreign nations. I know that Senator FULBRIGHT shares with me the earnest hope and the sincere conviction that these programs have made a permanent contribution to the cherished objectives of world peace and international understanding.

The bill before us today, S. 1154, which has been authorized by Senator FULBRIGHT, seeks to improve our efforts in the field of educational and cultural exchange through modifying, expanding, and consolidating the basic statutes by which our cultural and educational exchange activities were initially authorized.

While I am generally pleased with this bill and universally grateful to Senator FULBRIGHT for his continued devotion to this program, I do, nevertheless, feel that certain of its provisions are of questionable value and should be refined, modified, or excluded. In this regard I have prepared some amendments, which are printed and which I intend to call up for the consideration of the Senate in the hope that their acceptance will serve to perfect, clarify, and improve the purposes and objectives of this bill.

Before proceeding to my amendments, I would like to take just a few more moments to make some general observations on this bill, on the present complexion and mission of our cultural and educational exchange programs and on the overall effort of the United States in the field of international communication.

Mr. President, for several years I have felt that serious consideration should be given to the consolidation of all of our educational exchange, cultural exchange, and foreign informational programs and activities in a single operating agency with Cabinet-level status.

I first advanced this idea publicly in the spring of 1959 in an address to the Third Plenary Session of the National Conference Institute of International Education. The same idea was presented in an article I authored and which was printed in the July 1959 issue of the Public Relations Journal. I am pleased to say that this idea was received with considerable enthusiasm by many individuals with experience in the field of international public affairs.

Later in 1959 I communicated this plan for consolidation to Dr. Mark May, the able and dedicated Chairman of the United States Advisory Commission on Information, for consideration by him and the other members of the Commission. Their study and deliberation resulted in the inclusion of a recommendation in the Commission's 15th annual report, which read in part as follows: "To meet the competitive ideological and propaganda challenge of the future, the time has come for the United States to consolidate all the foreign cultural, educational, and information programs in one agency of Cabinet status. The purpose is to insure maximum coordination and unified direction of the total U.S. communications effort." In justifying this recommendation the Advisory Commission on Information had this to say: "Although U.S. foreign information, education, and cultural programs have shown much improvement, their impact, from a total communications point of view remains difficult to discern when the U.S. information and education program is evaluated, country by country. Consolidation of all U.S. foreign communications in one agency will result in more unified and comprehensive planning, more economical use of what are essentially scarce resources, and a cumulative impact that will be more apparent. Precious bureaucratic divisions and differences should now be subordinated to the common purpose of achieving mutual understanding between the people of the United States and the people of other countries, in this most critical area of international communications."

Mr. President, I have made these comments on the proposed consolidation of our foreign cultural, educational, and information activities into a single Cabinet-level agency for a twofold purpose.

First, it is my hope that these comments may spark our foreign communications experts in the executive branch to give this idea some study—which may result in legislative recommendations or a proposed reorganization plan along these lines, such as the expansion and upgrading of the U.S. Information Agency.

Second, my comments on consolidation are made to eliminate any misimpression, which may arise out of our consideration of the instant legislation, that there is any accurate or realistic way to demarcate in practice between that which is purely educational, that which is purely cultural, and that which is purely informational. While we use the terms "educational," "cultural," and "informational," for our own convenience in identifying a particular activity by its most prominent features, we should never lose sight of the fact that the goals, programs, and objectives sought by the Fulbright Act, the Smith-Mundt Act, and the other related statutes are attainable only through the utilization of all three of these elements—as we employ in varying proportion amalgams of educational, cultural, and informational intercourse.

I am frankly sorry that this bill is limited to consolidating and in a large part to a recodification of the statutes, presently authorizing those activities, which for convenience are defined as cultural exchange and educational exchange. In my opinion, we could have advanced our cause still further by having included those functions defined as informational, for there is no denying the fact that in practice, in operation, and in purpose all three are part and parcel of the overall field of international communications. All three contribute to and make up the composite image of America abroad.

My fear is that the artificial division which we are making in this bill may have the practical effect of further fragmentizing rather than consolidating our activities in the area of international communications. This would, indeed, be regrettable. For maximum impact and for maximum achievement, these three major divisions of our foreign communications program must be operated as interrelated components—they must be orchestrated together.

The amendments are as follows:

On page 5, lines 12 and 13, strike out ", including financing the attendance at such studies by persons from other countries".

On page 6, lines 12 and 13, strike out ", the United Nations and other international organizations,".

On page 7, strike out lines 8 and 13, inclusive.

On page 7, beginning with line 14, strike out through the period in line 4 on page 8 and insert the following:

"SEC. 104. (a) Except as otherwise provided by subsection (b), the President may exercise any power or authority conferred on him by this Act through such agencies or officers of the United States as he shall direct.

"(b) In any case in which a power or authority conferred on the President by this Act is the same or substantially the same as a power or authority exercised immediately prior to the enactment of this Act by or through any agency or officer of the United States, the power or authority conferred on the President by this Act shall be exercised through such agency or officer until otherwise provided by statute or reorganization plan."

Redesignate subsections (b) to (f), inclusive, as (c) to (g), respectively.

On page 11, lines 23 and 24, strike out "and, whenever it would further the purposes of this Act, for the dependent members of their immediate families,".

On page 12, lines 3 and 4, strike out "or dependents of participants".

On page 14, lines 21 and 22, strike out "10 per centum" and insert "5 per centum".

On page 15, lines 4 and 5, strike out "and within such limitations as may from time to time be established by Congress, to use," and insert "to use in such amounts as may from time to time be specified in appropriation Acts,".

On page 22, line 23, after the first comma insert "and", and in lines 23 and 24 strike out "and the expenditure of Government funds,".

On page 13, line 4, immediately after the period, insert the following new sentences: "If an investigation made pursuant to this section develops any data reflecting that the person who is the subject of the investigation is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation. The results of that full field investigation shall be furnished to the initial investigating agency, and to the agency by which the subject person is employed, for information and appropriate action."

On page 18, line 20, immediately after the period, insert the following new sentence: "Not more than six members of the Commission may be members of the same political party."

Mr. MUNDT. Mr. President, one of the amendments, at least, deals with the subject of the security provisions involved and would establish the customary procedures, or a new procedure, for reorganizing services, should such action be desired.

OUR NEW AFRICAN POLICY

Mr. CHURCH. Mr. President, during the past 12 months, the vast continent of Africa, second largest in the world, has moved so rapidly onto the international stage that 1960 has frequently been referred to as "the African year." In that year, 17 African countries achieved independence and, in almost every case, United Nations membership. Prior to 1960, there were only 4 independent countries in Africa; there were 10 such countries at the end of 1959; now there are 28 independent African nations, and others are at the threshold.

The United States was not really prepared for these rapid developments in Africa. Having adjusted to European control, we had never developed anything that could be called an African policy. In fact, up to about a decade ago, Africa served as a kind of way station for Foreign Service officers headed for retirement. In Washington, the world's second largest continent commanded only a small, ill-organized office in the State Department, and this was largely dependent upon European sources for its information.

It is true that the dramatic events of recent years have prompted some response. In 1956, a semiautonomous unit for African affairs was established in the Department of State, and by 1960, Africa had been elevated to bureau status. Other departments also appreciably increased their African staff. And this internal reorganization was paralleled by the opening of many new diplomatic, consular, and USIA posts in Africa.

The growing consciousness of the importance of Africa is also evident in the Congress. In recent years, many Members of the Senate have become interested in African developments. Few Senators, however, have actually traveled the continent. In November and December of last year, Senators GALE MCGEE, of Wyoming, FRANK MOSS, of Utah, and I, representing the Senate Appropriations, Interior, and Foreign Relations Committees, respectively, undertook an extensive study mission to Africa. With the concurrence and support of the Department of State, we visited 16 African countries, traveling over 22,000 miles.

We subsequently submitted to the Senate a report of the tour, published February 12, 1961. I have not, however, discussed in the Senate any of my personal observations. In light of recent events in Africa and current developments in American policy, I believe it is now an appropriate time for me to do so.

As in other parts of the world, American-African relations are a complex matter. Today I wish to discuss one facet of these relations, the political aspect of U.S. policy. I hope on future occasions to examine other aspects of American policy in Africa.

By "political aspect of American policy" I have in mind the response of the United States to African nationalism and to African neutralism. Without question, these are two of the most potent forces in African politics today, and the future of American interests in Africa may depend in no small degree upon the policies we develop in respect to them.

THE TENETS OF A NEW AFRICAN POLICY

How should the United States treat Africa's twin ambitions of national and international independence? I returned convinced that American interests can be best served in only one way. The European orientation of our past relations with Africa must be abandoned in favor of an independent approach of our own.

What would such an approach require? In regard to African nationalism, it calls for a policy rooted in our historic role as a country which believes in the right of national self-determination. In regard to African neutralism, it calls for a recognition that it is a Communist-dominated, rather than an independent, though uncommitted, Africa, that constitutes the threat to our national interest.

In recent months, I have been pleased to see developments in American policy that seem to be founded upon these two principles. It would appear that the Kennedy administration is fashioning a positive new policy toward Africa that

identifies the United States with both of these dominant African aspirations. If this is so, it represents a hopeful change of policy for which the President and his State Department deserve strong commendation.

THE HANDICAP OF PAST POLICY

The task we face in Africa is not easy. The overall impression that I brought home was that the United States will have difficulty persuading Africans that this country actively sympathizes with their aspirations for independence, and that we do not seek to involve them in the cold war. Past American policies, particularly as manifested in the United Nations, have tended to draw down our reservoir of good will in Africa. This is especially true with respect to our past positions on the colonial issue.

Although the colonial issue is of central importance to the Africans, our past attitude has been highly equivocal. We sought to find a compromise between what we apparently believed to be the requisites of western unity and what we know to be the legitimate aspirations of the African peoples. Caught in a dilemma, we looked for a middle ground between the extremes of open opposition and active support of African nationalism. Our policy thus tended to consist of lofty tributes to the principle of self-determination, combined with the avoidance of actual support of African causes which we feared might antagonize certain of our NATO allies.

This balancing act between Europe and Africa was particularly evident in the votes we cast in the United Nations. It is hard to avoid the conclusion, for example, that the abstention of the United States on the anticolonialism resolution of last December intensified African suspicions that this country could not be counted upon to back up its declarations of belief, and served to confirm the impression that we put smooth relations with our European allies above our interest in Africa.

I appreciate the great distinction to be made between the colonialism practiced, say, by the British, and that practiced by the Portuguese. But these considerations were not really relevant to our decision, taken in the U.N. last December 14. We were there given the opportunity to vote in favor of the general beliefs we had so often enunciated, and we chose to abstain. African leaders were left to conclude that the United States was unwilling to risk the possible disruptive effects of a favorable vote upon the NATO alliance.

Further evidence was given last year to support this conclusion, in the votes we cast on Angola and southwest Africa. In each instance we abstained, and thus gave no support to the efforts of the anticolonial members of the U.N. organization to extend its activities in Africa. And in each case the apparent reason for the American abstention was the fear that an affirmative vote would adversely affect our relations with certain colonial powers within the Western alliance.

In regard to African neutralism, our past record has been little better. We know that the African States are absorbed in their own internal problems. Newly born, they tend to regard neutralism as proof of their independence, and they are as zealous to avoid entangling alliances as we were during the years of our national infancy. Yet we have only recently abandoned our strictures against their neutralism, and have shown little appreciation for the motives which give rise to it, or to the fact that it is not, in itself, inimical to American interests.

There are, of course, other factors which contribute to the skepticism in Africa concerning the United States. Africans look about them and see that the bulk of American private investment is located in the Union of South Africa and other territories with substantial white populations. They are also well aware that an average of roughly two-thirds of our mutual security program expenditures in Africa over the past few years have gone to north African countries where U.S. military bases are situated.

Finally, it must be said that, despite continuing efforts to point out that our official national policy is totally opposed to segregation, even those Africans who understand our problems and respect our efforts to solve them, find it hard not to be resentful over the widely advertised instances of racial intolerance or violence in this country. This reaction is especially intense when an African diplomat or visiting dignitary is affronted.

All of these factors, whether they be natural obstacles to better understanding or the fruits of past policy, when taken together now create a difficult situation for the United States. Despite this, the administration is forging a new approach to Africa that holds much promise for the future.

ELEMENTS OF THE NEW POLICY

The appointments of Rusk, Bowles, Stevenson, and Williams laid the foundations for the new policy. All are widely identified with a sympathetic point of view toward the emerging countries in the old colonial areas, and with an appreciation for their strategic importance in world affairs.

The appointment of Governor Williams, in particular, asserted from the very start the responsiveness of the new administration to the special problems of Africa, and signaled that African issues are now to be dealt with on their own merits. These facts were emphatically communicated to the African people and their leaders by Governor Williams' trip to 16 African countries, made at the earliest possible moment after he assumed office as Assistant Secretary of State for African Affairs.

The administration has subsequently built on this foundation through a series of efforts both within and without the United Nations.

In the United Nations, a major step forward was taken by reversing the position of the United States on the colonial issue. In contrast to our record of abstentions of a few weeks earlier, Mr. Stevenson's affirmative votes on the Angola, southwest Africa, and apartheid resolutions, at last placed the United States in a pro-African posture.

In Africa itself, these votes were widely acclaimed as a new departure in American policy. But in a more fundamental sense, these actions were not new at all. Rather, they represented, as Tunisia's President Bourguiba remarked in his recent address to the Congress, a return to our traditional anticolonial policy and support of national self-determination.

Mr. Stevenson, himself, made this clear in presenting the American position on the resolution, when he said:

> Angola is but a part of the overall picture of evolution on the African Continent. The views of the United States have not changed since Jefferson wrote, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights."

Consistent with this principle, the United States then voted with the African delegates calling upon Portugal to plan, step by step, for Angola's full self-determination.

On the following day, the United States joined with a majority of the General Assembly to censure the Union of South Africa for its occupation of southwest Africa. Again, this was in contrast to our abstention on a comparable measure a few weeks earlier.

Only a few days ago, our new policy was reaffirmed by the support we gave to the resolution in the Security Council deploring the large-scale killings in Angola and admonishing Portugal to cease repressive measures.

Mr. Stevenson has also worked in the U.N. to cultivate a friendship with the African delegates themselves in ways that go beyond either his votes or statements. He has made his interest in them a personal hallmark. He has sought them out socially and has frequently consulted them on matters of policy. All of these efforts, while less evident than our recent U.N. votes, have been extremely important, for they have added the element of personal commitment to the objective evidence, showing the depth and degree in which our policy toward Africa has changed.

Outside the United Nations, our efforts to build a stronger United States-African relationship have paralleled our labors within the organization.

Secretary Rusk's reception for African Ambassadors on African Freedom Day last April, and President Kennedy's appearance and speech there, were further indication of our interest and support in the emerging community of independent African States. In his speech, the President summarized the spirit of the administration's policy in noting that we are a revolutionary country, and thus close in spirit to the people and problems of Africa. The President said:

> I think all of us who believe in freedom feel a sense of community with all those who are free.

He then added very significantly—

but I think we also feel an even stronger sense of community with those who are not free but who someday will be free.

In many ways, the President has sought to extend and strengthen this sense of community. He invited President Kwame Nkrumah of Ghana to a meeting at the White House during the latter's visit to the United Nations. His initiative was well received by Nkrumah, and widely noted in Africa. It did much to restore some normalcy to United States-Ghana relations, despite the continued presence of serious problems.

The President's reception of courtesy calls by the African nationalist leaders, Mboya, Kaunda, and Banda, who were in the United States in April, is also to be noted in this regard, as was Vice President JOHNSON'S representation of the United States at the independence celebration in Senegal, which was so favorably received in west Africa.

The fact that Tunisia's President Bourguiba was the first chief of state to be welcomed to Washington by President Kennedy on an official state visit is also indicative of the new significance being given our relations with Africa.

OPPOSITION TO THE NEW POLICY

I believe these labors to build stronger bonds with Africa, through policies and actions identifying the United States more closely with the aspirations of Africa's people and leaders, to be steps in the right direction.

But some disagree. Indeed, the emergence of an American policy toward Africa, premised on the development of a community of independent African states, which are free, to the greatest possible degree, from the tensions of the cold war, has been subject to heavy assault.

African neutralism, it is argued, can only serve to undermine essential American interests. I believe the argument to be wrong. African neutralism, if it is genuine, is not adverse to the interests of the United States. The West has no need for military alliances spanning the African Continent. In fact, to pursue policies, the success of which depends upon the maintenance of strongly pro-Western regimes in Africa, would be as self-defeating there as it has been in certain parts of Asia. Moreover, genuine neutrals can be a useful balance wheel in a world that has become precariously polarized between two gigantic powers.

No, it is not neutralism that threatens the interests of the United States in Africa. What we need to fear is that these newly independent African countries might be drawn behind the Iron Curtain, and thus lose their capacity to be neutral. If we can help the Africans avoid this, then I am confident that, on most cold war issues, we can anticipate their support. Certainly the Africans' response to the abortive Russian effort to scuttle the U.N., through bitter attacks on the Secretary General, demonstrated their capacity and willingness to support the West, once the merits of the issue became clear.

THE NEW POLICY AND NATO

What, then, of our developing African policy based on a firm affirmation of our historic opposition to colonialism?

Such a policy has been labeled sentimental. It has been suggested that our emotional attachment for the anti-colonial character of our own national birth has led us to adopt a foreign policy which ignores the hard realities of international politics.

Some have even called the new policy foolhardy, asserting that an independent approach to Africa will loosen our ties with the strength of highly developed Western Europe, and wed us, instead, to the weakness of underdeveloped Africa.

In both these criticisms, the burden is the same. The new African policy, so the argument goes, is a luxury we cannot afford. Each time we part company with a NATO ally, on a matter relating to Africa, the alliance is weakened. To persist in such a policy will diminish the alliance, at the very least; at the very worst, it might even divide and destroy it. So rabid have some of these critics become, that any pro-African statement is at once construed as anti-NATO.

When these critics objected to our vote in support of the U.N. resolution to investigate Portuguese colonial policies in Angola, or the more recent Security Council vote condemning these policies, I am sure it was not because they, themselves, uphold the policies; it was not, in other words, because they feel we were mistaken on the merits. No one of them has yet spoken in defense of Portuguese colonial policies in either Angola or Mozambique. What they are saying, really, is that we should have voted wrong on the merits, for the sake of maintaining solidarity with a NATO ally.

How would these critics have us vote on the general issue of colonialism? I am certain they would concede that, on the merits, we should oppose it, the right of self-determination having been the basis of our own war for independence, and a venerable principle of our political code. Yet, when the issue was put squarely before us in the United Nations, last December, these critics upheld our abstention. They contended we were obliged to join company with such bitter-end colonial powers as Portugal and the Union of South Africa, engaged in a futile rearguard action on the tail of the 20th century, because to vote for the resolution generally condemning colonialism would have obliged us to differ with some of our NATO allies. Again, the critics reasoned, it was right for us to vote wrong, for the sake of NATO unity. Just imagine: In the name of NATO unity, we abstained, while the majority of our own NATO partners deserted us, to vote for the resolution.

Let me make clear that it is the doctrinaire quality of such a foreign policy to which I object. I do not argue that, for the sake of improving our relations with Africa, we should uphold the African side of every controversy involving a European ally. I ask only that, as each new question arises, we reach our judgment on its merits, and that we take our stand or cast our vote accordingly.

Let us remember that while an imprudent policy toward Africa cannot strengthen NATO, a prudent policy there can do much to further the long-term interests of the alliance. After all, the prosperous, industrial countries of Western Europe are in little danger of Communist uprising. Their governments are stable; their peoples are less interested in, or attracted to, the Communist ideology, than at any time since the end of the Second World War. It is, rather, in volatile Africa, now in its formative period, where multitudes are destitute and demoralized, that the danger of Communist subversion is real. If these African countries are drawn into the Communist orbit, then the NATO alliance is outflanked, and a Red hammerlock will tighten upon the free economies of Western Europe, which depend, in no small degree, on African raw materials to feed their industrial plants.

So our present effort to establish a better bond between the United States and the new African nations also serves the ultimate interests of our NATO allies. The era of Western colonialism is over. Should we, Mr. President, having avoided all connection with it while it was still robust in Africa, now permit ourselves to be linked with it in its death agonies? It would be better that we applaud the British and the French for the statesmanlike manner in which they are peacefully relinquishing their African possessions, and urge some of our other NATO allies to follow their example. Italy and Germany, deprived of their African possessions by the two World Wars, are clearly better off without them. Belgium will never return to the Congo, and the days of Portuguese dominion over Angola and Mozambique are fast running out. Within a little while, none of our NATO partners will have any territory left in Africa. Then their interests in that continent will be identical with our own; and we, in the meantime, by pursuing an independent course in regard to Africa, shall have helped secure a bridge of friendship between the new African countries and the Western World.

If, to do this, means that we must, from time to time, anger a NATO ally, such is the price we have to pay. But let us be clear about one thing: Nothing we are apt to do in regard to Africa will weaken or destroy the NATO alliance. This alliance is the shield that protects Western Europe from Russian invasion. It stands on its own base; no part of it is anchored in Africa. If the day ever comes when NATO means less to Germany, Belgium, France, Italy, or Great Britain than it means to the United States, it will no longer be a shield, but will be a sieve.

Mr. President, I say this as one who believes that NATO is the cornerstone upon which we most depend in our power struggle with the Communist

world. I was a sponsor of the resolution establishing a citizens committee on NATO, and I think we must do all within our power to strengthen the alliance. As with every alliance since the days of the Delos League, NATO will either grow or it will wither; it cannot remain static. But we do not serve the alliance by trying to placate one or another of our NATO partners on matters relating to Africa. We serve it only by common agreement on wise policies relating to Europe, where the alliance functions and has its being.

For these reasons, Mr. President, I submit that, contrary to the fears of its critics, our emerging policy of active support for the cause of African freedom will not only help to better our position in Africa, but will serve the long-term interests of the NATO alliance itself.

THE AIRBASES IN MOROCCO

Mr. President, I have tried to avoid discussing specific questions which concern individual African countries, in order to commend the administration for its new response, based on the soundest foreign policy considerations, to African aspirations commonly shared. I have intentionally omitted any discussion of the continuing crisis in the Congo, where prospects for an orderly settlement under the aegis of the United Nations seem to be brightening; or of the sensitive negotiations, which I fervently hope can soon be resumed, to bring the bitter Algerian war to a close; or, indeed, of the strife that looms ahead throughout the troubled southern reaches of the African Continent.

Yet I must protest that the administration seems not to be applying its own new guidelines with respect to our airbases in Morocco.

The Eisenhower administration, some time ago, agreed that the United States would withdraw from these bases in Morocco by the end of 1963. It made this decision largely on two grounds. First, the political unrest resulting from the strong antipathy of the Moroccan people to the presence of foreign military establishments in their midst; second, indications that our military need for the bases was diminishing rapidly, in both scope and content, with the passage of time.

Unfortunately, our earlier decision has turned out to have been a temporary palliative, rather than a solution. Morocco, over the past year, has joined with the United Arab Republic, and others of the so-called Casablanca powers, in assuming an intensely nationalistic outlook toward African and world developments. It has become embroiled in heated argumentation over the status of Mauritania, which it claims as Moroccan territory, despite a prevailing view to the contrary in the United Nations. It has very recently lost a revered monarch, but gained an energetic and able new ruler in the person of King Hassan II, who displays a fresh determination to insist on the independent and fully sovereign status of his ancient country. The upshot of these events has been renewed dissatisfaction with the continuation of foreign military establishments, including our own, on Moroccan soil.

I am well aware of the fact that some of our military bases in Africa are essential to our national defense. In those cases where there is full agreement on the critical need for the facility, I would support the position that it must be maintained, though we pay a king's ransom. Our installations in Morocco, however, are not in such a category.

The fast pace of technology has overtaken our need for the continued maintenance of the Moroccan bases. Our elaborate network of bases in Spain is fully capable of handling our SAC requirements in this part of the world. The new dimension given our nuclear-punch capability, resulting from the introduction of the Polaris submarine in nearby waters, and the rapid buildup of our arsenal of intercontinental ballistic missiles, should stimulate us to reappraise our need for military bases in Africa.

As for Morocco, sensitive political considerations strongly militate against the continued use of our bases there 1 day longer than necessary. It has been tacitly assumed that when we agreed to abandon these bases by the end of 1963, we did so as the result of an operational conclusion that they were no longer essential to our national defense. Then why should we wait 2 or 3 more years? To wait so long, when we could readily move out in less than 6 months, is not only to waste millions of dollars, but it is to take undue political risks that could have serious repercussions throughout all north Africa.

I do not underestimate the enormousness of the task facing the new administration, not only in terms of inherited commitments, but in catching up with a myriad of decisions yet to be made.

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

Mr. CHURCH. I am happy to yield.

Mr. MORSE. I am glad the Senator has mentioned the subject of military bases in Africa, because as one member of the Foreign Relations Committee I have had many reservations about their value at any time; but I think it is pretty well known that they have been obsolete for a considerable time; that, insofar as being of any real great military value, they have been in a state of obsolescence for some time; and that they have been very costly to us in psychological warfare.

If anyone has any doubt about that fact, I invite him to sit with me for 3 months in the United Nations General Assembly, which I do as one of the delegates of my country to the United Nations, and talk with the African delegates. Then that person will have an idea how costly those bases have been to us in psychological warfare. They have been misunderstood, and, of course, they have been fodder for the Russian propaganda grist mill, and the bases have been the subject of great propaganda.

Therefore, I am glad to have the Senator share these serious questions. I think the question with regard to withdrawing our military bases in Africa can be pretty well summarized by the old saying, "If eventually, why not now?"

We all know that it will be only a matter of time before we withdraw from those bases, anyway. The Senator has pointed out that we can save millions of dollars by withdrawing now. I say to the Pentagon authorities that such action would gain us much good will in Africa.

That question is closely related—and I shall not do more than merely mention it in passing—to a very analogous problem in relation to Latin America. There, too, we are engaging in a military output that is not producing good will, but is costing us dearly. That is why I said on the floor of the Senate last night that I am astounded that the Pentagon should come forward this year and propose not only a lifting of the ceiling on military aid to Latin America, but, in round numbers, an increase of from $55 million to $68 million.

The proposal is already creating a great deal of ill will toward us in Latin America. If the Pentagon does not believe so, I invite the officials in that building to talk with some of the Ambassadors from Latin America, as I do very frequently in my capacity as the chairman of the Subcommittee on Latin American Affairs.

I sincerely hope the administration will put a stop to some of these very unwise military policies of the Pentagon in the whole field of military foreign aid.

Mr. CHURCH. I am reassured to have the concurrence of the distinguished Senator from Oregon on the issue respecting the Moroccan bases. They are only half occupied now, and even the military have indicated that they are of questionable value. Therefore, having already made the determination that we intend to close them by the end of 1963, and in the face of the very sensitive political situation which exists in Morocco and elsewhere in north Africa, I do not think we serve ourselves well to wait for 2 years before taking action that could be taken in 6 months.

Logistically, we could move out what we need to move, move our personnel out, and close down the bases in 6 months.

I am certain that we would not have come to an agreement for the closure of such bases if we had felt they were among the bases essential to our national security. Having jumped that barrier, I say there is no justification for waiting until 1963.

I am disappointed that the administration has not taken some action to close those bases. Perhaps there has not been time to deal with this important Moroccan issue. If so, I emphasize that time is of the essence, and that a determination concerning the Moroccan bases, based upon the broad perspective of the State Department, should be promptly made.

CONCLUSION

I have mentioned some of the factors working against the United States in Africa, and I concede that our handicaps are formidable. Indeed, when one

considers how general is the African affliction of poverty, illiteracy, and disease; when one recalls that tribal life is communal in character; when one observes the compelling force in all underdeveloped lands of Red China's much-heralded great leap forward; and when one remembers that neither China nor Russia ever engaged in colonial adventures in Africa, so that the imperialism Africans both fear and despise is associated only with the Western nations; then one wonders why communism has not made greater strides in Africa, and one suffers doubt about what the future will hold.

The future of Africa is, of course, beyond our power to direct. We can be thankful that the Moslem and Christian faiths are mighty barriers to Communist penetration, and we can try to formulate a national policy toward Africa that will help the new countries become genuinely independent, under conditions which will permit free institutions to slowly take root and grow.

If we are patient and prudent, Africa need not be lost to communism. The United States is still the country looked upon with wonderment there. Many are skeptical of the United States, but few are hostile, and most would like to believe in us. And we have an invaluable asset in the able, dedicated group of American diplomats at work for us in every African country.

I will remember a man named Duggan, our consul general in Dar es Salaam, whose sight is impaired, but whose personal magnetism has made him the close friend of Julius Nyerere, the Prime Minister of Tanganyika, and one of Africa's most promising new leaders.

I will remember a man named Canup, our consul in Elisabethville, sitting with his family in an explosive Katanga, pouring perspiration through his shirt in his effort to explain to us the complicated motives of the warring Balubas in the surrounding bush.

I will remember a man named MacKnight in forlorn, sunbaked Lomé, pleading to be left understaffed, so that overwork could be a solace from boredom and isolation.

I will remember a man named Dean, our then Chargé d'Affaires in Bamako, who deals with the Marxist Government of Mali, and yet gets on so well with the President, Modibo Keita, that he jokes easily with him in French, while supervising the English courses given him three times a week at his executive mansion.

With such men at work for us, the United States will not easily be bested. For these men know the grandeur that is Africa—the glistening summits of Kilimanjaro we flew past, the awesome spectacle of Victoria Falls, the exciting uplands of Kenya abounding with lions, rhinos, hippos, giraffe, and the lordly elephant.

They know this Africa can be no one's prize—that it belongs to the African, to the tribal chiefs of Togo we saw clustered beneath their colorful ceremonial umbrellas, surrounded by their gilt scepters and crowns, and other badges of office; to the lithely muscled men who came crashing through the surf at Accra in a hundred lighters, to carry ashore bags of cement on their heads, from the freighters at anchor in the harbor; to the women who walk splendidly erect, balancing heavy loads upon their heads, while carrying their newborn tied to their backs; to the fierce Masai warriors; to the pygmies of the Congo; to the Arabs north of the Sahara; to the many young students in every African country, where thirst for knowledge leads them to read from the light of the street lamps when night falls.

If we can but see Africa through their eyes, then our policies will be wisely shaped, and prospects will brighten for an Africa which preserves its independence and permits freedom to grow.

I commend the President for the start he has made in shaping of a new African policy. It is a welcome departure from what we have known in recent years, though it relates back to what we have always stood for as a nation. Already the world has taken note of it, but it was Tunisia's Bourguiba who stated the case for it most eloquently.

He said:

> It is a real source of satisfaction to us to see the United States of America return to its traditional policy of anticolonialism and support for the principle of self-determination and independence for all peoples. What your country gains in affection and prestige from the recently emancipated and the still colonized peoples is greater than the anger or irritation of guilty governments, however powerful these governments may be. The forces of history are stronger than those of individual men and governments, and if you march with progress, not against it, you can never lose.

During the delivery of Mr. CHURCH'S speech:

Mr. CLARK. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. CLARK. Mr. President, I ask unanimous consent that my comments on the speech being made by the Senator from Idaho may appear at the end of his formal statement.

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

Mr. CLARK. I desire to compliment the able Senator from Idaho on the extraordinarily fine speech he is making concerning our new African policy. It is most heartening to me to observe the outstanding, able work he is doing on the Committee on Foreign Relations, where he is a member of the Subcommittee on African Affairs. In my judgment the speech deserves, and I hope it will receive, wide coverage in the press, in the weekly news magazines, on television, and on the radio, because it states succinctly and ably the sound principles of the new African policy which our Executive is following.

I fear some Members of this body do not agree with the new policy. I think it is important that the policy should be taken to the country. I again commend the Senator from Idaho for the splendid effort he has made to educate the American people as to the new facts of life on the Dark Continent in the second half of the 20th century, facts which are very different from those which existed in the time in which I grew up and, indeed, even somewhat different from those in which the Senator from Idaho grew up.

Mr. CHURCH. I thank the Senator from Pennsylvania. I deeply appreciate his comments. I thank him more than I can say.

Mr. MORSE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the distinguished chairman of the Subcommittee on Latin American Affairs.

Mr. MORSE. Mr. President, I ask unanimous consent that my remarks about the speech of the distinguished Senator from Idaho may appear in the RECORD immediately following the very deserved tribute to the Senator from Idaho which was paid by the distinguished Senator from Pennsylvania [Mr. CLARK].

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

Mr. MORSE. Mr. President, I desire to reinforce what the Senator from Pennsylvania has said. I say, not only for the benefit of the press, but also for the Members of the Senate who will read the speech of the Senator from Idaho, that it is a policy speech. It is a speech which, in my judgment, sets forth the broad outlines of the specific recommendations, in many instances, of the policies we ought to follow in connection with our African affairs.

I serve with the distinguished Senator from Idaho on the Committee on Foreign Relations. He is a member of the Subcommittee on Latin American Affairs, of which I am the chairman; and a very valuable and able member he is. Some of the positions I have taken in committee and in the Senate concerning Latin American Affairs have been, in no small measure, the result of my consultation with the Senator from Idaho on objectives relating to Latin America, with respect to which we find ourselves in complete agreement.

The Senator from Idaho also serves on the Subcommittee on African Affairs, of which I do not have the privilege to be a member. Nevertheless, I listen with great interest every time the Senator from Idaho speaks in the Committee on Foreign Relations with respect to African affairs or Latin American affairs, or any other subjects which affect the foreign policy of the United States.

I spoke in the Senate some weeks ago about the report made by a group of Senators, among whom was the Senator from Idaho, following their trip earlier this year to Africa. It is really one of the best source books we have for reviewing and refreshing ourselves concerning some of our lapsed knowledge with respect to what has been happening in Africa. I think we are very fortunate to have this policy speech made in the Senate, so that it may be considered over the July 4 recess. There is

something symbolic about July 4 in relation to the subject matter of the Senator's speech, because the spirit of independence and freedom is sweeping over Africa, as it is sweeping over other undeveloped areas of the world. I think it is a particularly fitting coincidence that the Senator's speech, dealing with the problems of African independence, should be made so close to the celebration of our own independence.

Mr. CHURCH. Mr. President, I thank the Senator from Oregon for all his generous words, particularly for having taken note of the fact that this is a Fourth of July speech, in which I am commending the new administration for the Fourth of July spirit which now seems to be influencing the formulation of American policy toward Africa.

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

Mr. CHURCH. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. I desire to join with the distinguished senior Senator from Pennsylvania [Mr. CLARK] and the distinguished senior Senator from Oregon [Mr. MORSE] in commending the outstanding junior Senator from Idaho for the contribution he is making to our thoughts and our education today. I commend him especially because, although he rarely speaks on the floor of the Senate, when he does he has something worth while to listen to, something worth while to say. I say this today especially because, with unusual patience, the Senator from Idaho allowed the Senate to finish its business before he made his speech. I am deeply grateful to him for the courtesy and consideration he has shown. I commend him for a practical, philosophical, hard-hitting speech on what is, in effect, a newly discovered continent. I hope the Senators who were not present this evening will have the opportunity to read what the Senator from Idaho has said, because he has given us all a good deal of food for thought.

It is gestures like this one on the part of the Senator from Idaho that make it easier for us who serve in the Senate to get along with one another. I assure the Senator that not only am I deeply appreciative of his consideration in this connection, but I am grateful to him for bringing to the attention of the Senate, the country, and the world the situation as it exists in Africa today, together with the recommendations he is making for the consideration which should be given to that giant, still sleeping, perhaps half-awake continent. I know the Senator speaks on the basis of personal observations and intense personal interest. Again, I offer him my commendations for a job which is being well done and my appreciation for the courtesies and considerations he has shown today.

Mr. CHURCH. I thank the Senator from Montana sincerely.

EXECUTIVE SESSION

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

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

The PRESIDING OFFICER. The nominations reported today will be stated.

DEPARTMENT OF THE NAVY

The legislative clerk read the nomination of Vice Adm. George W. Anderson, U.S. Navy, to be Chief of Naval Operations in the Department of the Navy.

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

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

The legislative clerk read the nomination of Charles S. Brewton, of Alabama, to be an Assistant Director of the Office of Civil and Defense Mobilization.

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

U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask that the Army nominations be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Regular Corps of the Public Health Service.

Mr. MANSFIELD. Mr. President, I ask that the nominations be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed, en bloc.

DEPARTMENT OF THE NAVY

The legislative clerk proceeded to read sundry nominations in the Department of the Navy.

Mr. MANSFIELD. Mr. President, I ask that the nominations be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. MANSFIELD. Mr. President, I ask that the nominations be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

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

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.

FIFTY-SEVENTH WEDDING ANNIVERSARY OF MR. AND MRS. JOHN D. RHODES

Mr. MANSFIELD. Mr. President, I should like also at this time to extend congratulations and best wishes to Mr. John Rhodes, the senior Official Reporter of Debates of the Senate, and Mrs. Rhodes, who are today celebrating the 57th anniversary of their wedding. I wish I could say that all of us in the Chamber were born before he was married, but unfortunately I am 1 year up on him.

I wish to have Mr. Rhodes, who has been a dedicated and faithful official of the Senate, know that we wish him well. While perhaps 57 more years is too much to expect, we hope both he and Mrs. Rhodes will have many happy and comforting years ahead of them.

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

Mr. MANSFIELD. I yield.

Mr. MORSE. I join the Senator from Montana in extending to Mr. and Mrs. Rhodes my sincere congratulations, compliments, and best wishes for their continued happiness. One needs only to meet with them to know that they prove that the marital institution is not the kind of institution that we read so much about in the scandal sheets of America, filled with their divorce stories. In Mr. and Mrs. Rhodes we have a good example of the marital institution being lived by two happy people as it was intended. Such felicity is characteristic of most marriages in our country. We do not hear about the happy ones. I am happy to know that Mr. and Mrs. Rhodes have had 57 years of marital bliss.

Mr. MANSFIELD. May I say that I believe Mrs. Rhodes perhaps deserves the greatest congratulations, because while Mr. Rhodes is efficient and outstanding, all too often we forget that it is the lady who carries a large part of the burden and sometimes furnishes the spark.

Mr. ALLOTT. I join both the Senator from Oregon and the distinguished majority leader in paying tribute to Mr. and Mrs. Rhodes.

With respect to the tribute that should be paid to Mrs. Rhodes, not the least consideration should be given at this time to the fact that his life, like our own, is an indeterminate one. We never know when we will get home, and his will to get home is even more indeterminate than ours, because what he does depends upon what goes on in the minds of Senators.

But in a more serious way, I wish to express my deep appreciation to Mr. Rhodes, because in trying to assure myself that the RECORD was correct, I have always had the greatest cooperation from Mr. Rhodes in all of his duties. I would feel not only remiss, but also disappointed, if the majority leader had not brought up this subject and I had not had an opportunity to congratulate Mr. Rhodes and his wife on their 57th wedding anniversary.

Mr. MANSFIELD. Mr. President, will the acting minority leader yield to me once more?

Mr. ALLOTT. I am happy to yield to the distinguished majority leader.

APPRECIATION OF SENATORS

Mr. MANSFIELD. Mr. President, we have had a very productive week in the Senate. At this time I extend my thanks to the senior Senator from Florida [Mr. HOLLAND], who has guided two appropriation bills through the Senate this week, one on behalf of the distinguished Senator from Arizona [Mr. HAYDEN], the President pro tempore of this body, who, because of an incident in his family this week, was unable to carry out the responsibility for a particular appropriation measure. The Senator from Florida guided that bill and also the Commerce Department appropriation bill through the Senate with his usual consummate skill and patience.

I pay special tribute also to the distinguished senior Senator from Oklahoma [Mr. KERR], who in the past several weeks has guided three very important bills through the Senate and has done so with rare managerial skill.

I wish to speak of the Senator from Arkansas [Mr. MCCLELLAN], who today showed rare ability in handling two very controversial reorganization bills, while he did not approve both of them, nevertheless he showed his fairness and understanding in bringing them before the Senate and having them considered.

I wish also to thank the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], for his unfailing courtesy, kindness, and consideration at all times and under all circumstances.

I wish to thank every Member of this body, both Republicans and Democrats, for the cooperation which they have shown and for the understanding they have exhibited toward us, not only during the past week, but ever since the session convened.

I thank the acting minority leader for giving me this opportunity.

PETROLEUM SHALE RESERVES

Mr. ALLOTT. Mr. President, I wish to speak for a few moments this evening on what I believe is one of the most vital and practical problems that we can speak about with respect to the relations of the United States with our neighbors, and particularly with our neighbor to the south—Brazil. I do not always agree with the senior Senator from Oregon [Mr. MORSE], as he well knows, and I well know. But rather late last night on the floor of the Senate he made a speech with which I most wholeheartedly agree. At this time I believe we ought to document some of the events that have taken place in this area.

The problem relates to the development of petroleum shale reserves in Brazil. Last night the senior Senator from Oregon discussed this subject thoroughly, but he made two statements which I wish to read into the RECORD at this time. He said:

> Let the RECORD show tonight that it is my prediction that our refusal to lend any money to Brazil for oil development will not bring any American oil companies into Brazil, nor will it preserve their present operations in Brazil.

After a couple of sentences he made the following significant statement:

> Brazil is determined to develop its oil shale reserves. It is seeking a loan, not a grant, of $7 million for this purpose. Yet the U.S. Government has not yet given Brazil any firm indication that we will make this loan. As a result, Brazil is dealing with the Soviet Union and other Communist bloc countries to see what funds and technical aid might be obtained there.

I refer to a short speech I made on the floor of the U.S. Senate as long ago as March 27, in which I tried desperately to call to the attention of the Senate and the executive branch of the Government, as well as the people of this country, how vital and important the problem is.

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

Mr. ALLOTT. I am happy to yield to the distinguished Senator from Oregon.

Mr. MORSE. I am familiar with the fact that the Senator from Colorado made the speech to which he has referred. I wish to tell him that I regret very much that I did not recollect that fact last night when I made my speech on the oil shale problem. I am aware that the Senator has been seeking to have some attention paid to the great oil shale areas of the West, including some in his own State. I want him to know that I always find myself much happier when the Senator from Colorado and the senior Senator from Oregon agree. On this question I shall always stand shoulder to shoulder with him and be at his command in any way I can be of help to him in the development of the oil shale resources of our country.

Mr. ALLOTT. Mr. President, I appreciate the kind remarks of the Senator from Oregon, and I join him, because to me our duty is to obtain the truth and not produce contests between personalities. The stakes for which we play are far too important for that; and in the instances in which the senior Senator from Oregon and I have disagreed, I have always regarded them in such light.

In my statement of March 27 I pointed out that in the areas of Colorado, Wyoming, and Utah there are literally mountains and mountains of oil shale which constitute a potential reserve of more than 1½ trillion barrels of oil.

This is twice as much as all the known liquid petroleum reserves of the world. To do other than prepare ourselves to draw upon this vital reserve is absolutely foolhardy at this time.

I would like to put this in another context, and without doing any damage, I hope, to the great neighboring States of Wyoming and Utah. However, in the State of Colorado alone there are in the high grade oil reserves alone over 500 billion barrels of oil waiting to be unlocked, waiting to be used.

Let us put this problem in context. When we consider that up to date the United States has discovered and used only 80 billion barrels of oil, we can only come to the conclusion that in the State of Colorado, in high grade reserves, there is six times more oil than has been discovered and used in the United States to date.

I believe this is a necessary part of our national reserves that must be developed.

How does our neighbor to the south, Brazil, enter into this situation?

During the past 6 years Brazil has spent approximately $300 million in search of petroleum, without a single commercial discovery. On the other hand, Brazil apparently has greater reserves of oil locked in shale than any other country in the world, with the possible exception of the United States.

Engineering and economic studies indicate that oil from this one deposit will be competitive in Brazil with imported petroleum, assuming proposed extraction methods will work on a large scale.

In this connection, one of our oil companies in the United States has carried on a pilot plant experiment near Rifle, Colo. If oil were selling at a normal price over the past 10 years, and there had been an equal depreciation picture as compared with liquid petroleum, oil from oil shale could today compete on the market with liquid petroleum.

I say this not to bring up the question of depreciation or development in this country, but to impress the fact that the extraction of oil from oil shale reserves is not some idea out on "cloud 9"; it is here.

The distinguished senior Senator from Oregon did a very great service last night. During the past few weeks, even prior to my speech on the floor of the Senate on March 27, I had done everything I could to move the Government of the United States in the direction of taking care of this problem. I have been in touch with the upper echelons in the Department of State, and with the Brazilian desk. I have been in touch with the White House, not once but several times. I have written letters to the White House, and to the President himself. I have been in touch with ICA. I have been in touch with the Export-Import Bank, even as late as this afternoon. I have been in touch with the Office of Petroleum Reserves and with the Bureau of Mines of the Department of the Interior. Now we finally come

down to the point where they are apparently trying to push this operation over to the Export-Import Bank, which must lend upon a business basis. The last proposal has been, in effect, that they might adjust some of their credits if Brazil would give up some credits it now has.

How stupid can we be? One of the great problems of Brazil today is its deficit in American dollars in trade. It must go out on the world market to buy its oil. If we could make it even partially self-sufficient in oil, we would cure one of its most vital and pressing problems. But no, Mr. President. What do we do?

In Russia for the past 2 or 3 weeks—perhaps longer—there has been a trade commission from Brazil. The trade commission, after it reached Russia, sent to Brazil the message:

> Send us over an oil shale man, because we want to study the oil shale processes in Russia.

What I have suggested is that we lend to Brazil $7 million out of the millions of dollars that we have planned for South America. That is roughly half the cost of producing the plant. What would be the advantages to us? First, we would ultimately build up the dollar reserves which they need, by not forcing them to purchase oil on the world market. Second, we would make them self-sufficient or partially self-sufficient in oil. Third, American engineers are on the ground in southeast Brazil today trying to help to develop their oil reserves. Therefore, if they were to adopt American methods, the plants they would use would be made in America; and at a time when we are talking about unemployment, we would be adding to employment and adding to the production in America. Fourth, we would be adding in a great measure to the American technological know-how of how to extract oil from oil shale.

The Senator from Oregon is exactly correct when he says that our refusal to provide Brazil with money for this development would bring not American, but Russian oil companies into Brazil. It would, Mr. President, unless we were to move, and move fast in matters of hours or days, not weeks. This is exactly what will happen. I have already spoken of Brazil's current trade mission in the Soviet bloc countries. Russia has a going oil shale production. It is endeavoring through this commission to entice Brazilians to adopt its methods. If Brazil adopts Russian methods, she will adopt Russian techniques. Engineers will be brought from Russia to Brazil. They will use Russian equipment. The trade commission has been there for some time. Time is short. The United States has suggested informally to Brazil that she might transfer other unused credit from the Export-Import Bank toward the $7 million she needs.

Hard pressed as Brazil is for many other goods, in debt as Brazil is, she is naturally reluctant to do so. There is great doubt in my mind as to whether Export-Import Bank funds are the proper type for this project. It might be better for the Development Loan Fund, or the Latin American Bank, or ICA or any of the almost innumerable agencies we have created, which are dealing in this area, to do it.

Yet, with $100 million in new credits authorized, largely to pay off debts owing U.S. firms to help stabilize Brazilian economy, our State Department, and indeed our administration, is reluctant to advance further credits.

The problem of moving speedily, before Brazil takes what might appear to be an easy way out and turns to Russia for help, is further complicated. Until the new fiscal year appropriation, the ICA supposedly has insufficient funds to draw upon. Proposals are before us to reorganize the Development Loan Fund, so it feels it is in no position to make even an informal commitment to Brazil.

We are faced with a dilemma which has grown only worse in the intervening months since this proposal to aid Brazil and to aid ourselves first was introduced.

I join in the remarks of my colleague from Oregon in "wondering how foolish we can get in our foreign aid program." This is not a partisan matter. It is a national matter. It would behoove the administration to take another look at its wallet and find the necessary fund for this project before it allows the Communists to open the door to Brazil and walk in. Walk in they will, and walking in they are.

Mr. MORSE. Mr. President, I express high commendation of the Senator from Colorado [Mr. ALLOTT] for his timely speech. I associate myself with his thesis, and I wish particularly to emphasize the fact that I do not believe the proposal which is just being suggested, and has not even been made firm, as I understand, by the State Department, that they might give consideration to this subject in connection with possible loaning procedures under the Export-Import Bank, will not meet the need of Brazil.

The Senator from Colorado is quite right. It is a government-to-government loan that ought to be entered into. It ought to be entered into on the basis of a low-interest rate loan, not a loan which will be made on the basis of commercial interest. Here is an opportunity for the United States to show a good-neighborhood policy toward Brazil. Here is a way to strengthen the economy of Brazil and thereby strengthen the security of Brazil.

If the administration has any doubt about where it can get the money to make the loan, I have a good many suggestions for it. The Senator from Colorado very properly pointed out the huge sum of money which goes into our foreign aid program. I am for good foreign aid, but there is too much in the foreign aid program which is bad, not good.

I suggest to the administration, because, as the Senator from Colorado says, this is a bipartisan problem, that those who belong to the administration have a considerable responsibility in making certain that our administration follows a sound policy, not an unsound one.

As I pointed out last night, I believe it is unsound policy to be talking about increasing military aid from $55 million to $68 million in Latin America. That is one place from which the administration could get the money. Simply reduce military aid by $7 million for this loan, and that will strengthen not only the security of Latin America, but also the security of the United States in Latin America.

There are many places, if the administration wishes to have my recommendation as to where it could get $7 million to make the loan without in any way weakening the foreign aid program. To the contrary, it would strengthen the foreign aid program by making savings in certain places and using the savings to make such a loan.

Mr. ALLOTT. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. ALLOTT. I suggest to the Senator that there will be opportunities to accomplish this purpose, if the administration has not acted by that time, and if the Russians are not into this project full-blown by that time, during the discussion on the Mutual Aid bill, and perhaps by way of a limitation on the appropriation bill.

Mr. MORSE. I know exactly what the Senator from Colorado has in mind, and I will support such an amendment.

Mr. ALLOTT. I thank the Senator from Oregon.

AMENDMENT OF DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT OF 1935

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill to amend the District of Columbia Unemployment Compensation Act of 1935, as amended.

The District's jobless benefits act has not had the benefit levels adjusted since 1954 with the result that this act now stands near the bottom by comparison with the laws of other States.

I am again proposing the same bill that passed the Senate in 1955. Its major provisions are:

First, it increases the maximum weekly benefit amount.

Second, it changes the duration period for all eligible claimants to a uniform maximum period of 39 weeks.

Third, it changes the disqualification provisions to a straight 6-week disqualification, with no cancellation of benefits.

Every State in the United States has raised its benefit levels at least once since 1954. Some have made several adjustments, as indeed they must if the maximum benefit amounts are not to become increasingly outdated relative to wage levels.

The maximum benefit amount in the District is still $30. Only Alabama has a lower maximum; one other State, Arkansas, also has $30. All other States have higher amounts. Furthermore,

relative to prevailing wage levels, the District maximum is now lower than anywhere else in the United States.

The bill which I am introducing today would not change the individual's weekly benefit amount that is in the present law, which limits the employee to no more than 50 percent of his weekly wage or one-twenty-third of his wages in a calendar quarter.

But by raising the maximum the bill would allow the individual benefit formula to apply to the great majority of wage and salary earners—a proposal that has been recommended by successive administrations for many years.

Furthermore, by stating the maximum as a percentage of the average weekly wages instead of in fixed dollar terms, the bill will allow automatic adjustment in the maximum in line with wage trends. This has worked well in Kansas, Utah, Vermont, Wyoming, Wisconsin, and Colorado, and has been adopted in Idaho and South Carolina this year. The District of Columbia Unemployment Compensation Board will make an annual computation of the average weekly wage of employees covered by the law.

The bill provides that all employees who are eligible for benefits will be able to draw 39 weeks of benefits if they remain unemployed for that long a period. During the period of unemployment, the worker would, of course, be required to be able to work, to be available for work, and to accept suitable work when offered to him. In short, the benefits will be payable for the full period only if the worker's unemployment is due to the lack of suitable job opportunities.

Under the present law, an unemployed worker draws from 11 to 26 weeks depending in each individual case on past earnings and the formula in the law. The average person who exhausts his benefits is getting about 18 weeks. This is quite low compared with other States, there being only five States, South Dakota, Nebraska, Iowa, Delaware, and Alabama, where the average weeks for those using up their entitlement is 18 weeks or less. This explains why the rate of exhaustions, the proportion of all claimants who use up all their benefits before finding employment, is so high in the District of Columbia. One out of three uses up all his allowed weeks.

In light of the need and the experience of successive recessions, the bill provides for a much needed modernization of the District's employment security program.

I ask unanimous consent that the bill be printed in the RECORD.

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

The bill (S. 2194) to amend the District of Columbia Unemployment Compensation Act of 1935, as amended, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the District of Columbia, 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) section 7(b) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946), as amended (title 46, ch. 3, D.C. Code, 1951 edition; 68 Stat. 993), is amended to read as follows:

"(b) The weekly benefit amount of any individual qualified therefore under section 7(c) shall be an amount equal to the lesser of the following: (1) One twenty-third of the amount of his earnings for the quarter in his base period in which his earnings were the highest, or (2) 67 per centum of the average weekly earnings of all individuals performing service which constitutes employment (as defined in section 1(b)) and of all individuals performing service which, if such service were not performed in the employ of the United States or of any wholly owned instrumentality thereof, would constitute employment (as defined in sec. 1(b)) for the latest year for which such average weekly earnings have been computed. Such average weekly earnings shall be computed annually on the basis of reports of earnings and employment by all employers and by the United States, and shall be arrived at by dividing the total earnings paid to all individuals referred to in clause (2) of this subsection during the last completed calendar year for which reports have been received by a quantity equal to four and one-third times the total monthly employment of such individuals for such period. For the purposes of this subsection the term 'earnings' shall have the same meaning as that assigned to such term in section 1(d). All departments, agencies, and wholly owned instrumentalities of the United States shall submit reports to the Board containing such information as may be necessary to make the determination required by this subsection."

(b) Section 7(c) of such Act is amended to read as follows:

"(c) To qualify for benefits an individual must have (1) been paid wages for employment of not less than $130 in one quarter in his base period, (2) been paid wages for employment in not less than two quarters in such period, and (3) earned during such period wages the total amount of which is equal to at least one and one-half times the amount of his wages for the quarter in such period in which his wages were the highest. Notwithstanding the provisions of clause (3), any otherwise qualified individual the total amount of whose wages during such period is less than the amount required to have been earned during such period under such clause may qualify for benefits if the difference between the amount so required to have been earned and the total amount of his wages during such period does not exceed $70, but the amount of his weekly benefit, as computed under section 7(b), shall be reduced by $1 if such difference does not exceed $35 or by $2 if such difference is more than $35."

(c) Section 7(d) of such Act is amended to read as follows:

"(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to thirty-nine times his weekly benefit amount: *Provided,* That such total amount of benefits, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar."

(d) Subsections (a), (b), and (c) of section 10 of such Act are amended to read as follows:

"(a) An individual who has left his most recent work voluntarily without good cause, as determined by the Board under regulations prescribed by it, shall not be eligible for benefits with respect to the week in which such leaving occurred and with respect to the six consecutive weeks of unemployment which immediately follow such week.

"(b) An individual who has been discharged for misconduct occurring in the course of his most recent work proved to the satisfaction of the Board shall not be eligible for benefits with respect to the week in which such discharge occurred and for the six weeks of consecutive unemployment immediately following such week.

"(c) If an individual otherwise eligible for benefits fails, without good cause as determined by the Board under regulations prescribed by it, either to apply for new work found by the Board to be suitable when notified by any employment office, or to accept any suitable work when offered to him by any employment office, his union hiring hall, or any employer direct, he shall not be eligible for benefits with respect to the week in which such failure occurred and with respect to the six consecutive weeks of unemployment which immediately follow such week. In determining whether or not work is suitable within the meaning of this subsection the Board shall consider (1) the physical fitness and prior training, experience, and earnings of the individual, (2) the distance of the place of work from the individual's place of residence, and (3) the risk involved as to health, safety, or morals."

SEC. 2. The amendments made by the first section of this Act shall be effective on and after July 1, 1961, and the benefit rights of any individual having a benefit year current on or after the effective date shall be redetermined and benefits for calendar weeks ending subsequent to the effective date shall be paid in accordance with the provisions of the District of Columbia Unemployment Compensation Act as amended by this Act: *Provided,* That no claimant shall have his benefits reduced or denied by redetermination resulting from the application of this provision. All initial and continued claims for benefits for weeks occurring within a benefit year which commences on or after the effective date shall be computed and paid in accordance with the provisions of the District of Columbia Unemployment Compensation Act as amended by this Act.

EXCESSIVE SPENDING BY CHINESE NATIONALIST GOVERNMENT

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The U.S. Aid Berates Taiwan on Funds," published in the New York Times of June 23, 1961.

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

U.S. AID BERATES TAIWAN ON FUNDS—ASSERTS NATIONALIST REGIME OVERSPENDS ON ITSELF

TAIPEI, TAIWAN, June 22.—A leading U.S. foreign aid official in Taiwan said today that the Chinese Nationalist Government was spending too much money on itself, particularly on its armed forces.

The official, Roy E. James, deputy director of Taiwan mission of the U.S. International Cooperation Administration, also asserted that the regime, led by Generalissimo Chiang Kai-shek, was too reliant on "temporary and uncertain" U.S. economic assistance to cover its deficits.

If this situation persists, he warned, the Nationalists' ambitious economic development plans are bound to fail.

In one of the frankest public statements by ranking American official in Taiwan, Mr. James said the Chinese Nationalist budget

had been rising year after year. The deficit, he declared, is widening at an alarming rate.

"I have yet to see money tree," he said. "Government deficits are financed largely by borrowing from the Bank of Taiwan."

REGIME VOICED CONFIDENCE

His remarks, made before a Taipei Rotary Club, contrasted sharply with the confidence displayed earlier this month by the regime on Taiwan's economic future.

The regime's optimism was expressed in connection with the currency system. At the time, the Nationalists issued new bank notes of 100-yuan denomination.

This caused considerable excitement in the Legislative Yuan, the Nationalist Parliament. With memories of the disastrous inflation after World War II still fresh in their minds, the legislators interpreted the move as a sure sign of imminent inflation.

Until then, the biggest Taiwan note was a 10-yuan bill. A person had to carry about a pound of paper money to pay a month's rent. The Nationalist yuan, or New Taiwan dollar, has now been pegged at 2.5 U.S. cents.

ONE BALANCED BUDGET

Mr. James said the only time the Nationalists balanced their budget was in the fiscal year that ended in 1959, when they had a surplus revenue of 38 million yuan, or less than $1 million. The surplus occurred, he said, because of the inclusion of U.S. aid in the Nationalist Government's income.

"That picture has now changed," he added, "Even with increased U.S. budget support there no longer is a surplus." In 1960, he said, there was a cash deficit of 423,000,000 yuan after taking U.S. aid into account. In 1961, he declared, "there will be a larger deficit, and there is reason to believe that there will be an even larger deficit in 1962."

MILITARY SPENDING HIGH

He attributed the major part of the deficit to military expenditures, which amount to 80 percent or more of the Nationalist budget.

Mr. James called the military spending rate one of the highest, probably the highest, rate in the world. In any event, he said, it is roughly twice that in the United States.

"The unfortunate fact is that the defense bite on the [Nationalist] gross national product is rising, not falling off or remaining static," he said. He did not give detailed figures, since Nationalist defense expenditures are considered to be classified information.

THE MISSILE LAG

Mr. MORSE. Mr. President, I wish to speak for a few minutes tonight on the subject of the missile lag. I agreed with the majority leader earlier today to postpone making the speech until the Senate had completed its other business. I always seek to cooperate with and accommodate the leadership of the Senate concerning the transaction of Senate business. I am speaking for the record. I am speaking because I think it is important that a record be made on this subject. There has been so much adverse newspaper publicity on one phase of the problem about which I shall speak tonight that I believe it is only fair, just, and right, in the interest of the accused, to make certain that a point of view be expressed which has not been expressed in the Senate to date, setting forth some facts that have been ignored concerning labor disputes which have occurred at certain missile bases.

The attention of the country has been focused in recent months and, indeed, in the last few years, on the respective positions of the United States and Soviet Russia in the race for achevements in the field of space and in the competition for superiority in the manufacture, construction, and launching of missiles.

We know that we are behind in the space race. The Russians were the first to orbit a satellite around the earth and they have recently orbited a man in space. But there have been substantial achievements on our side. Every true American thrilled to the news of Commander Shepard's flight into space and his safe reentry to the earth on May 5, 1961. Also, we are told by eminent scientists that, although Russia has the lead in the "weight lifting" contest, the United States has a clear lead in the scientific space research. Lloyd W. Berkner, Chairman of the Space Science Board of the National Academy of Sciences, in an address before the First National Conference on the Peaceful Uses of Space on May 17, sponsored by the NASA, has taken the position that American superiority in space science may already be setting the stage for leadership in space exploration. He has expressed the opinion that:

Leadership in space science must soon become one of the controlling factors in acquiring space leadership generally.

The New York Times report of Mr. Berkner's address also stated:

The speaker noted, as an aside, that Soviet superiority in the vital matter of rocket weight lifting arose from a decision made in 1952—4 years ahead of the United States.

I ask unanimous consent to append a copy of the New York Times report of this adress at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MORSE. Mr. President, Dr. Detlev W. Bronk, chairman of the National Science Board, has said, along similar lines, that the United States was ahead of the Russians in most phases of our space program; he noted that the Russians had been more spectacular in their achievements and were ahead in the heavy thrust field.

It is my view that a serious problem arises in this latter regard. During all the ages, the people of all civilizations—whatever their level of advancement, have considered the skies and the celestial bodies as matters of the deepest mystery or of occult nature. Indeed, there are religions which have worshipped the sun as god.

It is, therefore, understandable that the first nation which broke the chains of gravity and caused an object to circle the world in outer space should capture the imagination of the peoples of the earth. This, Russia has done. Furthermore, an achievement in space does not require argument, inference, statistics, or complex reasoning to prove its value. The publication of the fact of the occurrence is the single item of proof needed. The current superiority of the Russians is, therefore, a substantial factor in its favor and against us in the battle which is being waged throughout the world, between the forces of freedom and those of totalitarian communism.

It is also understandable that we should be unhappy over the current situation and resolve to correct it at the earliest possible time.

This naturally leads to an inquiry as to the causes of our being second rather than first in the matters of the "weight lifting" contest and the orbiting of a man in space. A fair, temperate, balanced, and judicious inquiry into the causes of our difficulty should be productive of great good since it should point the way to the remedy and also develop public support for the measures which must be taken.

It is my opinion that the President of the United States clearly defined the difficulty and pointed the way to the remedy in his message of May 25, 1961:

He stated:

If we are to win the battle that is now going on around the world between freedom and tyranny, the dramatic achievements in space which occurred in recent weeks should have made clear to us all, as did the sputnik in 1957, the impact of this adventure on the minds of men everywhere who are attempting to make a determination of which road they should take.

Since early in my term our efforts in space have been under review. With the advice of the Vice President, who is Chairman of the National Space Council, we have examined where we are strong and where we are not; where we may succeed and where we may not.

Now it is time to take longer strides—time for a great new American enterprise—time for this Nation to take a clearly leading role in space achievement which, in many ways, may hold the key to our future on earth.

I believe we possess all the resources and talents necessary. But the facts of the matter are that we have never made the national decisions or marshaled the national resources for such leadership.

We have never specified long-range goals on an urgent time schedule; or managed our resources and our time so as to insure their fulfillment.

Recognizing the headstart obtained by the Soviets with their large rocket engines, which give them many months of leadtime, and recognizing the likelihood that they will exploit this lead for some time to come, in still more impressive successes, we nevertheless are required to make new efforts on our own.

For while we cannot guarantee that we shall one day be first, we can guarantee that any failure to make this effort will make us last.

It would be well, also, to take note of the statement made by Clifford C. Furnas, now chancellor of the University of Buffalo, and formerly Assistant Secretary of Defense for Research and Development, which is set forth in the following report from the New York Times of May 6, 1961:

A college president who formerly was a Defense Department official said today that

if the Army's Redstone project had been authorized in 1955 the United States would have beaten Russia into space.

It was a Redstone booster rocket that carried Comdr. Alan B. Shepard, Jr., on his journey to the fringes of space today.

Chancellor Clifford C. Furnas, of the University of Buffalo, former Assistant Secretary of Defense for Research and Development, said he was one of the three men of a nine-man committee that had urged the use of the Redstone 6 years ago. He addressed a Reserve Officers Association State convention dinner here.

The remedy is to be found in the revision of the original decision not to compete with Russia in the "weight lifting" contest, and in the appropriate allocation of our national resources to achieve our object. We shall have the opportunity to affirm our support for this object and to assume responsibility for the necessary measures.

During the recent discussion in the other body of the bill to authorize an appropriation for the National Aeronautics and Space Administration in the amount of $1,376,900,000, the following statement was made by Mr. CHENOWETH, a member of the Committee on Science and Astronautics:

We provide $74,245,000 in this bill for the Mercury project, which is the project to put a man in orbit. We authorize the sum of $224,160,000 for the Saturn project, which will develop 1,500,000 pounds of thrust. This will enable us to excel the Russians in placing heavy payloads in orbit. I am not sure that the Russians are now developing this amount of thrust, and with the completion of the Saturn project there will be no question of our superiority in this field.

Both the Mercury and Saturn projects have the heaviest priority. We are anxious to see both of these projects completed at the earliest possible date.

We were disappointed when the Russians won the race and was the first nation to put a man in orbit. Their success was due largely to the fact that they have concentrated on the heavy thrust, which I have mentioned about. We did not consider such a program essential to our military needs, and as a result the Russians have been able to put heavier payloads into orbit. With the completion of the Saturn project this will no longer be true.

On June 27, the Senate Aeronautics and Space Committee authorized $1,784,300,000 for this program.

Mr. President, I have the greatest respect for the eminent and distinguished senior Senator from Arkansas, who has done so much to alert the Nation to its problems. I find it most difficult to accept, however, the conclusion in the closing statement and summary the Senator made on the floor May 11, 1961, that—

Wildcat strikes, work stoppages, slowdowns, featherbedding, and a deliberate policy of low productivity on the part of some unions and workers may be responsible to a substantial degree for whatever gap or lagging behind exists in our space and missile programs.

The decisions with respect to the space program were not made by the American workingman, nor were they made by the organized American labor movement. I do not seek to cast aspersions or to participate in any recriminations with respect to the decisions which were made. It seems to me, however, that we must be careful not to find a scapegoat for our serious and difficult problems. This would not be in accordance with our traditions of fairplay and justice. And, more important, yielding to the temptation to find a scapegoat would only serve to divert our attention, and the attention of the public, from our real problems and the measures which should be taken to solve them.

The senior Senator from Arkansas also stated on this floor on May 11, 1961, that—

Testimony we have heard shows that we would be many months ahead of our present man-in-space timetable had it not been for an incredibly low work production output—only 40 percent of normal—by workers at Cape Canaveral, Fla., and a loss of 87,000 man-days of labor there through work stoppages.

Specific reference was then made to the statements of a Mr. McNabb, an employee of the Convair-Astronautics Co., who is the base operations manager for this company, in charge of the plan to lift the first American into an orbital space flight. It must be noted that Mr. McNabb's statements concerning the effects of alleged low productivity were made in the context of his statement that—

I am not trying to blame unions for this. There are other problems in this kind of a program. There is the lack of decision on the part of the Government, the lack of decision on the part of the Department of Defense, the lack of decision on the part of our own management. I am probably as guilty as anybody sometimes. It is all of these contributing factors which, however, are part of our system and part of our democracy. Maybe this is the price we pay for democracy.

No testimony was produced at the hearing from any official of the National Aeronautics and Space Administration, which has the governmental responsibility for the man-in-space program. There is a letter on the subject of labor, however, from Mr. James E. Webb, Administrator of the National Aeronautics and Space Administration, which appears in the debate of the other body on the appropriation authorization bill to which I have previously referred. That letter, dated May 24, 1961, sent in response to a request from Chairman BROOKS, of Louisiana, in its entirety, reads as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., May 24, 1961.

Hon. OVERTON BROOKS,
Chairman, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This replies to your letter of May 18, 1961, asking us to indicate areas in which the program of the National Aeronautics and Space Administration has been affected by labor disputes and practices. From a report of an investigation initiated to assist in answering your letter, the following is quoted:

"It cannot be said that NASA's program has been unaffected by labor practices and disputes. An example of this is the situation that developed in the making of cable connections for the Project Mercury ground communication system. NASA officials have, however, recognized and endeavored to keep in proper perspective both sides of the labor problem and have acted quickly and effectively where necessary to prevent delay in the space effort.

"There have been two principal areas of concern. In the operation of the Saturn program, there is a Civil Service NASA launch team which at some point must take over from construction workers who work for building contractors at the Saturn launch complexes at Cape Canaveral. The building trades unionists threatened to strike late last summer if the NASA team took over at the point NASA officials considered proper and which was provided for in the contract, and to avoid the strike NASA ordered its team off the job and initiated negotiations. The talks were unsuccessful and NASA, after most careful study, concluded that it had to order its team into the area or delay the launch program. NASA did put its own people on the work on November 14, 1960, and on that date the building trades union struck in a labor stoppage that lasted 14 days until November 28, 1960.

"In this 14-day period, NASA filed charges with the National Labor Relations Board charging the unions with unfair labor practices. Action of the National Labor Relations Board was suspended pending the outcome of a special investigation and report to the Secretary of Labor of a committee comprised of representatives of the Department of Defense, the National Aeronautics and Space Administration, the Department of Labor, and the unions. During the period of this investigation, the unions agreed to go back to work. The recommendations of the committee were unanimously agreed to by all members and indicated an acceptance of NASA's basic operational requirements. Since this time, there has been relative stability in connection with the Saturn work at Cape Canaveral.

"The above situation involved a jurisdictional dispute. The second of the serious problems which has been encountered relates to overtime pay. NASA took over from the Department of Defense responsibility for certain complexes at Cape Canaveral on July 1, 1960. From the beginning, it was recognized that certain labor practices applicable to the building trades and relating to overtime pay would have to be controlled if NASA's launch activities were not to be impaired or excessively costly. This was particularly necessary at Canaveral where many of NASA's contracts are administered by the Air Force or by the Army Corps of Engineers. The necessary action on overtime pay was accomplished through the development and promulgation, in coordination with the Department of Defense, of a NASA overtime pay policy (copy attached) designed to eliminate abuses such as those which have recently been given extensive publicity.

"The above cases represent the only labor situations in which NASA has been presented with serious threats to its national program. These did not cause any slippage or postponements in the NASA Canaveral booster program. The Saturn launch program, for example, is on schedule and, as indicated earlier, the Mercury man-in-space shot was not delayed by labor troubles. It is true, however, that delays attributable to labor troubles, at least in connection with Saturn launch complex 34, have used up all of the time built into the Saturn program for essential research and development contingencies and emergencies. If further delays are encountered program slippage is probable.

"While, as is inevitable in new programs such as those involved in the space effort, there have been other work stoppages and misunderstandings, these have been of short duration—a day or so—and we have been able to dispose of them quickly and fairly."

I hope this report will give you the information you need.

Sincerely yours,

JAMES E. WEBB,
Administrator.

This is an authoritative statement from an official source denying the proposition that labor troubles caused a delay in the man-in-space program. It is the voice of our Government, speaking through this administrator, in connection with this particular matter. Yet, as one reads some of the newspaper accounts, from some of the vicious and unfair, not-based-on-fact editorials that have been penned against labor, using the labor troubles at Cape Canaveral as their scapegoat, one would think the Republic was about to fall.

I stand here this evening, Mr. President, holding no brief for any abuse-of-labor practice in any construction job, for the Government or for private industry. I stand here as one who sat on the War Labor Board, during World War II, writing opinions on some of the so-called "hottest" disputes of the war period. Then, too, editorials were written, whenever a labor problem arose in connection with any defense establishment, to the effect that what the United States ought to set up during a time of war was an economic dictator—belying to the world that we really believed in our system of freedom in the United States.

A glorious record was written by labor and management during the war period. A magnificent record was written in applying the rule of reason to labor disputes as they arose in war industry after war industry.

Being in a war does not eliminate human frailties on the part of management, labor leaders, or workers. Being in a war gives no assurance that all employers and all labors leaders are going to always place the public interest first. Sometimes there are lapses of good judgment. Sometimes human frailties take over. Sometimes ugly selfishness supersedes a full recognition of one's patriotic obligation.

Mr. President, a great record of industrial statesmanship was written during the war by management and labor in the settling of disputes.

If I make no other plea in presenting my case tonight before the bar of public opinion from my desk in the Senate of the United States, I make the plea that in my judgment there is nothing involved in any of the so-called missile base problems or national defense problems, involving disputes between contractors and labor at the present time, which even compares with the complexity or seriousness of the difficulties of some of the major labor problems which confronted us in World War II.

So I am taking these few minutes tonight, Mr. President, to present some facts which have not related to one another, so far as I know, in any of the newspaper stories or in any of the other writings in regard to this subject.

We should not forget that it is a truism in regard to the settlement of labor disputes that there never is a work stoppage on the part of labor without a work stoppage on the part of management—a work stoppage in the sense that management has been following a course of action which has caused free workers in America to take the position that an injustice is being done them. Sometimes they are mistaken in their position, but I say, as an old arbitrator and mediator of many, many years' experience, that the labor dispute is indeed a rarity in which all the wrong is on the side of the employer or all the wrong is on the side of labor. In respect to the more than 400 decisions I have rendered in labor disputes, I doubt if there were more than 2 or 3 in which all the wrong was on one side or the other. There are many extenuating circumstances, many provocations, many failings of human nature involved on both sides of a labor dispute.

I say to Senators tonight, do not make the mistake of assuming that the labor disputes which have existed on the so-called missile bases represent 100 percent wrongdoing on the part of the unions and workers involved. Again I say, I have no doubt there have been some labor practices which need to be changed.

Out of all the facts which are available it seems clear that the critics of the workers in the missile establishments have not sustained the burden of proof that the missile lag is caused in any considerable measure by labor disputes at the bases.

This is a good place to point out, Mr. President, that Government's interest is often represented by the American military.

One of the things we learned on the War Labor Board when we had a labor dispute which involved a defense establishment was that we would seldem get impartial, objective testimony, arguments, and points of view expressed by the American military. One thing we came to recognize very quickly was that, for some reason, the training of the American military does not seem to create an understanding of the basic principles of economic freedom essential in a free trade union movement. The military would like to handle labor by way of the command system, but free men working in a free economy are not prone to respond to military commands. So we used to have quite a bit of difficulty with the military.

How well I remember the case, the opinion in regard to which I wrote for the Board, in which the Federal shipyards were taken over under the orders of the President of the United States, after we sat down with the President and gave him the facts in regard to what was happening in the Federal shipyards, pointing out that if the management of those yards successfully defied the National War Labor Board it would mean the end of no-strike-no-lockout-agreement, and we would have a labor situation in the country which could be disruptive of the war effort. So the President signed the papers.

We had a very remarkable Secretary of the Navy at the time, who soon discovered he was going to have difficulty with his admirals in enforcing that decision. I was assigned the duty by the President of the United States of meeting in the Navy Department and explaining to the Secretary and some of his officials the meaning of the decision and the fact that the Navy had no discretion in the premises except to enforce the decision.

Incidentally, the incomparable Adali Stevenson was a naval officer at the time and was the assistant to the Secretary of the Navy in that interesting conference. We have frequently referred to it in our conversations, with much enjoyment, during the years which have since passed.

We made clear to the Secretary of the Navy that we were dealing in connection with this case and with the decision in a free economy, not a military economy. The then Secretary of War, Robert Patterson, who sat in on that conference and who was in his own right a distinguished lawyer, advised the Secretary of the Navy:

Mr. Secretary, you and I are but a couple of U.S. marshals in connection with the enforcement of this decision. We have nothing to do but to see to it that the decision is enforced.

May I say to the everlasting credit of the Secretary of the Navy Knox, that the decision was enforced although it was a decision that laid down working rules, regulations, and rights quite different from what existed in strict navy yards operated for the most part by Navy personnel or by personnel that recognized they were under Navy regulation.

I mention this case because it is a pretty good illustration of what I mean when I say that whenever the Military Establishment is one of the parties involved in a labor dispute, it is very important, based upon experience, that the Government make available judicially minded experts to pass judgment upon the policies of the military in order to make certain that precious economic rights, recognized as part of our labor policy in this country, are not destroyed, ignored, or defied by the American military.

I have studied enough about some of the disputes at missile bases to satisfy myself that there are some of the same patterns with regard to the military attitude toward labor that we ran into during the War Labor Board days.

One thing that we learned during World War II in connection with the settlement of labor disputes in this country was that carrying out the principles of economic freedom in the handling of industrial disputes strengthens a war effort rather than weakens it. It is not different in peacetime for the missile site program.

Let us not forget that among many of the essential differences between a free society and a totalitarian society is the difference that in a free society there is a free trade union movement; in a totalitarian society there is none. In fact, in a totalitarian society the two things that the totalitarian tyrant destroys first are a free trade union movement and a free enterprise system operated and managed by free employers.

The senior Senator from Missouri [Mr. SYMINGTON], in a speech before this body on June 26, emphasized the same point:

> If money and authority to proceed had not been withheld, the United States could have flown Commander Shepard down range in 1959.

I ask unanimous consent that the release covering his speech appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit No. 2.)

Mr. MORSE. When we turn to the operational ballistic missile program, we find that whatever intermediate difficulties and delays may have occurred during the course of the program, the schedule established by the officials in charge of the program has been met.

Maj. Gen. William T. Thurman, Assistant for Production Programing, Office of the Deputy Chief of Staff, Materiel, Headquarters, U.S. Air Force, testified before the Permanent Subcommittee on Investigations on April 25, 1961, that:

> The military services * * * and we are talking about the Army and Air Force here * * * as of this date has brought in every operational missile that was scheduled to be brought in by this date and for the balance of our plan we aren't going to be substantially off of that schedule on the basis of what we are now able to see.

There is no question but that there have been intermediate delays and substantial costs arising from the steps required to overcome these delays in order to keep the program on schedule.

The New York Times carries a report, however, dated May 26, 1961, that:

> In testimony before the McClellan subcommittee and in interviews, Pentagon officials have indicated that work stoppages have not been the prime cause of delays in the overall missile base program. These officials said technical problems, inefficiency, and poor management were greater difficulties.
>
> It was understood today that the Air Force, at the direction of Secretary of Defense Robbert S. McNamara, was investigating these problems anew.

This report, and, in particular, the fact that action is being taken in this area, would appear to bear out the contentions of Mr. C. J. Haggerty, president of the Building and Construction Trades Department, AFL–CIO, that nonlabor factors have been the major cause of delays in the missile program. These contentions have been set forth in his statement submitted to the Permanent Subcommittee on Investigations May 5, 1961, and which would have been presented at the open hearings on Wednesday, May 10, but for the suspension of those hearings. I request permission to set forth the full text of Mr. Haggerty's statement at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. PELL in the chair). Without objection, it is so ordered.

(See exhibit No. 3.)

Mr. MORSE. The statement is documented by extensive references to the Report of the House Committee on Appropriations on the Air Force Intercontinental Ballistic Missile Construction Program, issued March 3, 1961, and the Hearings before the Subcommittee on Military Construction of this committee held during February 1961.

I wish to say in fairness to Mr. Haggerty that steps should have been taken to see to it that the statement that I now am putting into the RECORD and getting into official document form was made official at the time it was scheduled for presentation, not only to Congress, but through Congress, to the American people.

It is unfortunate that the hearings were suspended on May 10, because a great deal of ink had been spilled across this land smearing labor in regard to a one-sided presentation of the case and charges against labor. As a law teacher, I never have been able to reconcile myself to even a fleeting thought that there could be even a semblance of fairness in a course of action which allowed only one side to tell its story.

I would make this speech tonight, taking advantage of this opportunity to present in this official forum the statement of Mr. Haggerty, to get to the American people the fact that those in charge of the missile program itself have not sought to put blame upon work stoppages at missile bases.

As I have already pointed out, the causes are primarily changes in plans, delays in decisions, uncertainty in approach, starting a program and canceling the program, and starting another.

I am not critical of the program. I do not see how we can expect anything else in an experimental field such as this. This is research on a grand scale. Starting a project and then changing and trying another theory after finding that the first theory does not work out is of course the common experience of every scientist in a small laboratory. Here is a huge laboratory, with a grand research program going on. When a theory breaks down and it is necessary to change course, of course, that is dramatic, and reaches the attention of the public. When there is a research program that is as vital to the security of the country and a competitor of ours seems to be getting along a little faster and capturing the imagination of the masses of the world, I can understand the tendency to find a scapegoat. However, I believe it is only fair that the scapegoat be given an opportunity to tell his story.

I refer to this particular individual, Mr. Haggerty, because he has the trust and responsibility of labor statesmanship, in behalf of the large number of free workers in this country whom he represents, to present what he believes to be the facts in support of his side of the story.

It appears from the report and the hearings that the so-called concurrency policy, involving the concurrent design and construction of missile sites, resulted in excessive change orders and modifications.

The following excerpt from the appended statement is illustrative:

> See, for example, the testimony showing: There were 600 major design changes at Lowry (p. 10); at the Lincoln base, modifications affected 312 pages of the original 476 pages of specifications and the utility piping system was modified six times * * * the scope of these changes can be ascertained from the fact that the original contract price was increased from $17 million to $31 million (pp. 80, 81, 93); and 40 percent of the $50 million volume of the Hardeman Co. in the missile program represents change orders (p. 151).

It is entirely evident that changes and modifications of this magnitude would result in substantial delay and inordinate costs. Furthermore, it is conceded that the original organization of the program was poor and that all its faults have not yet been remedied.

What I have said has been presented to this body for the purpose of placing the labor problem on missile and space sites in perspective—not to hold labor blameless.

As I have previously noted, the President of the United States has made it clear in his message of May 25, 1961, that "we have never specified long-range goals on an urgent time schedule."

Actually, the building and construction trades department did take action on February 16, 1961, a very short time after President Kennedy first indicated the need for urgency in the missile program in his message of January 30, 1961. On that date, February 16, the department issued its no-strike policy requiring compliance with all available procedures for the amicable settlement of disputes and prior approval of the international president before any local could engage in a work stoppage.

The statement of policy did not become completely effective on its promulgation—because time was required to make it practically operable just as is the case with laws, Executive orders, and the like. Furthermore, it could apply only to the unions which are constituents of the building trades department—and there are many unions on the missile sites which are not constituents of the department.

The Air Force has presented statistical data showing that from the commencement of construction in 1956 to March 31, 1961, there have been a total of 327 strikes at operational and test sites, with a total loss of 162,872 days.

That is all that was needed to cite in order to give reactionary newspaper editors with antilabor bias a journalistic field day. They took it. This is typical of the military statistical treatment of a problem in the field of labor relations.

The publication of these arithmetical totals has served to create the impression that labor disputes on missile and

space sites have been a substantial factor in delaying the missile program during this 4½ year period.

It is of interest to note, however, that Lt. Gen. Emerson C. Itschner, former Chief of Army Engineers, as late as November 29, 1960—more than 4 years after the commencement of the construction program—took the view that—

> Jurisdictional strikes by building trades unions played only a relatively minor part in the delays that set back the early site construction program by about 5 months.

The report of the general's speech is set forth in the Construction Labor Report No. 271, page A–4, which also contains the following:

> Itschner, whose command is responsible for the "brick and mortar" work in the site activation program, told the National Rocket Club in Washington on November 29 that the major blame for the delay must rest with "Government-sponsored design changes and failures to deliver Government-furnished equipment on time."
>
> This was a natural result of the speed required in the program and the application of "concurrency," he noted, with design not finalized before construction contracts were let.

Mr. President, it seemed to me that it would be helpful to secure data showing the quantitative ratio of total man-days lost to total man-days worked in the missile and space program.

I felt that if the Air Force intended to disseminate throughout America only a part of the story, it ought to be called upon to furnish the full statistical story. If it was reported to the American people from the commencement of construction in 1956 to March 1, 1961, that there had been a total of 327 strikes at operational test sites, with a loss of 162,872 days, it was only fair to ask the Air Force to supply the country with the quantitative ratio of total man-days lost to total man-days worked in the missile and space program. I requested this information of the Secretary in a letter dated May 26, 1961.

It appears from the response I received by letter, dated June 5, 1961, from Brig. Gen. Joseph T. Kingsley, Jr., Deputy Director of Legislative Liaison of the Air Force, that the information is not available and that it would take from 30 to 60 days to compile the data from which the ratio could be drawn.

They ought to have thought about it, Mr. President, before they released to the country information which could be used by the detractors of labor to broadcast the many misrepresentations that have been written on this subject matter based upon incomplete statistical material.

I addressed a similar inquiry to the Secretary of the Army and received a response, dated June 25, 1961, from Acting Secretary of the Army Schaub. The material sent to me covers the construction contracts administered by the Corps of Engineers. The total number of man-days lost during the period of 4¾ years from July 1, 1956, through March 31, 1961, was 111,518. The total man-days worked during this period were 7,543,836. The ratio of total man-days lost to total man-days worked was 1.4 percent.

Let me make it perfectly clear that I think procedure should have been available and policy should have been followed by all three parties concerned in these disputes—labor, management, and the Defense Establishment—which would have greatly reduced the 111,518 man-days lost. But, Mr. President, simply looking at this ratio puts quite a different cast and reflection on the labor image which both the Air Force and certain journalists in this country have sought to create in the minds of many people concerning labor. One and four-tenths of 1 percent constitutes the total percentage of the man-days lost out of a total of 7,543,836 man-days worked.

In fairness, I should say that the Air Force did send me information on the relationship of man-days lost to man-days worked on both Air Force and Corps of Engineers contracts for the period of 1 year from January 1, 1960, to December 31, 1960, and for the 15-month period from January 1, 1960, to March 31, 1961. The data for the earlier period shows a ratio of 1.1 percent loss and the data for the latter period shows a ratio of less than nine-tenths of 1 percent.

The Corps of Engineers data show that the largest number of work stoppages occurred at Patrick Air Force Base—Cape Canaveral—namely 79; but there were 21 other bases. The data made available to me show that there were relatively minor ratios of man-days lost to total man-days worked at some of these other bases. For example, the Corps of Engineers figures show a ratio of about five one-hundredths of 1 percent at Altus Air Force Base, Okla., one-tenth of 1 percent at Beale Air Force Base, Calif., and one-fiftieth of 1 percent at Schilling, Kans., and Plattsburgh, N.Y., Air Force Base.

Mr. President, I ask unanimous consent that my correspondence with the Air Force and the Corps of Engineers, together with the statistical data supplied, be inserted at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. MORSE. Mr. President, I may say also, drawing upon my experience, that when we take a look at the defense establishments doing very similar work, subject to the same work objectives or goals with regard to a program, and we find a record such as I have just disclosed, with one base standing out as somewhat away from the norm, we simply look at that base and ask the question: What is so different about it? Why this disparity?

Usually, Mr. President, the old human factor raises its head. We often find conflicts in personalities, contests involving personal ambitions, that old frailty of dislike of some humans for other humans, some provocative policy that has been instituted at a particular plant which people of good judgment would not think of trying to institute at another plant, difficult and harassing working conditions. I do not know what the facts are with respect to a couple of bases at which there seems to have been more trouble than at other bases. However, I suggest that the answer is that the procedure which ought to be followed is the procedure which is now being inaugurated.

The Air Force has indicated, in its letter of June 5, 1961, from Brigadier General Kingsley, that costs may be involved in securing the data I requested, and, also, that Bureau of the Budget clearance would be required.

Mr. President, when I received that letter, I had to smile, because that is an old military technique. When I served on the War Labor Board, I used to find that we had little difficulty getting information from management and little difficulty in getting the data we needed from the unions; but when the data we requested might be embarrassing to the military, then, let me state, Mr. President, the job of getting it from the military was harder than pulling teeth with automobile pliers.

An examination of the law relating to the "Coordinating of Federal Reporting Services"—title V, United States Code, section 139—shows that the Bureau of the Budget has been given authority in this area to avoid duplication and to utilize the facilities of existing Federal agencies. Title 29, United States Code, section 4, provides that the Commissioner of Labor Statistics is—

> specifically charged to investigate the causes of, and facts relating to, all controversies between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States.

I have, under date of June 22, requested that, to assure a statistically expert study of the problem, the Commissioner of Labor Statistics, with the authorization of the Secretary of Labor, make an appropriate statistical study of labor disputes in the missile and space program.

To be very frank about it, if General Kingsley or the Secretary of the Air Force does not propose to supply the information voluntarily—I propose to get it from him; and let me serve notice here tonight, from the floor of the Senate, that I am going to get it, because under the law I am entitled to it. And let me serve notice now, on the Secretary of the Air Force, from the floor of the Senate, that he had better start giving this his personal attention—and pronto. I am a very patient man, but there is a limit to my patience. And when as a U.S. Senator representing the sovereign people of the State of Oregon, and as a member of the Senate Committee on Labor, and as a member of the Senate Committee on Foreign Relations, I ask those in the Pentagon for any information in connection with any of my problems as a legislator in the Senate. I now serve notice on the Secretary of Defense that I am going to get it. If he wants to try to stop me, let the Secretary start now.

So I say, Mr. President, that under date of June 22, I requested that, to

assure a statistically expert study of the problem, the Commissioner of Labor Statistics, with the authorization of the Secretary of Labor, to make an appropriate statistical study of labor disputes in the missile and space program. Such a study should prove useful in future policymaking in this portion of the defense program. I ask unanimous consent that my letter requesting this study be printed in the RECORD at this point.

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

JUNE 22, 1961.

The Honorable ARTHUR J. GOLDBERG,
Secretary of Labor.

DEAR MR. SECRETARY: You are, of course, aware of my long-held interest in various aspects of the labor relations scene of our national life.

In this connection, I have been particularly interested in obtaining an accurate picture of our collective bargaining institutions in their relationship to our missile program.

I have attempted to obtain this information from the Air Force, which has been the Department primarily concerned with this program. Unfortunately, the material could not be made available without obtaining Budget Bureau clearance for the sums necessary to cover the costs of investigation.

Under the circumstances, I respectfully request that you authorize the Commissioner of Labor Statistics to make a study of work stoppages on the various aspects of the missile program.

This study might properly include data for each missile and space project under the following headings:

1. Number of work stoppages.
2. Man-days worked.
3. Man-days lost.
4. Percentage lost.
5. Totals for each of the above for each calendar year, or other appropriate time.

I think the study should also present, if possible, enough detail to be meaningful in analyzing such aspects of the strike picture such as causes of the stoppages, number of calendar days lost per strike, disposition of the issues, etc.

This request is made with the expectation that the Bureau of Labor Statistics will, in accordance with its traditions, conduct an impartial and objective investigation.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, it may be noted, in this connection, that Secretary of Labor Mitchell inaugurated a similar study in the steel industry, early in the steel strike of 1959—Monthly Labor Review, volume 84, page 113.

The Executive order issued by the President on May 25, 1961, is, in my judgment, an appropriate blending of governmental and private action within the framework of our system of free collective bargaining to reduce work stoppages to the lowest possible minimum. Its great merit lies in the provision of machinery, at the local and national levels, to resolve the disputes which lead to work stoppages.

My experience with the War Labor Board leads me to the conclusion that given the patient good will and cooperation of all parties, the procedures established by the Executive order will produce beneficial results for all.

Time will obviously be required to work out the details of the operations under the Executive order. The grant of sufficient time will be a wise investment in the maintenance of our system of free labor which, although far from being perfect, is infinitely superior to the slave-labor systems of the totalitarian dictatorships of this and other times.

Mr. President, in concluding my speech, I wish to give some well-intentioned advice to labor. Although there is a side to labor's story, and although the situation is not as bad as it has been painted by some of labor's detractors, I think labor needs to face up to the fact that in connection with the missile program of this country, labor's members are working in an industry directly connected with the defense and the security of this Republic. Therefore, union members and their officials have a patriotic duty to take every possible step to see to it that procedures, voluntary in nature, as offered by them, will work fairly in protecting the legitimate interests of the workers, of the public, of the Government agencies involved, and of the employers who pay labor their wages.

Mr. President, I am satisfied that if this administration, the Defense Establishment, the White House, and the contractors involved in these missile bases will make perfectly clear that they are ready to implement fair procedures, based upon principles of voluntarism, for settling grievances as they arise on the job, for settling jurisdictional disputes which arise between unions, and for guaranteeing the protection of the hard-won rights of free collective bargaining in this country, the labor leaders concerned will rise to their trust and to the patriotic obligation they owe to all Americans. There is no question about the fact that our success in the so-called space race with Russia may determine whether this Republic survives in our time.

EXHIBIT 1

[From the New York Times]

U.S. HELD LEADER IN SPACE SCIENCE—BUT BERKNER SAYS SOVIET IS WEIGHT-LIFTING WINNER

(By Harold M. Schmeck, Jr.)

TULSA, OKLA., May 27.—American superiority in space science may already be setting the stage for leadership in cosmic exploration, an authority in this realm of research said here today.

"One gets a little tired these days of reading about Russian space supremacy," said Lloyd V. Berkner, chairman of the Space Science Board of the National Academy of Sciences.

In scientific space research the United States already has the clear lead and can keep that lead with properly planned effort, he told the first National Conference on the Peaceful Uses of Space.

"Since, as space activity becomes more difficult and advanced, the space effort will be limited by our knowledge of space at any time," he said, "leadership in space science must soon become one of the controlling factors in acquiring space leadership generally."

In the first steps toward exploration of the solar system the Soviet effort has shown superiority largely because of success "in the weight-lifting contest," he noted, but in the contests ahead success will require superiority in every department.

DECISION OF 1952 NOTED

The speaker noted, as an aside, that Soviet superiority in the vital matter of rocket weight-lifting arose from a decision made in 1952—4 years ahead of the United States.

"In space the laurels go to those with foresight and vision," he said, and this shows the important of careful planning for future space research to insure that lack of knowledge in any specific field will not be a bottleneck.

Mr. Berkner cited the trail-blazing exploit of Pioneer V last year as a space saga much to American credit.

This deep space probe still holds the communications distance record, having sent back data to earth from a point some 20 million miles out. While it continued to broadcast, the probe signaled to earth news of one fresh discovery after another.

As Pioneer V soared beyond earth, the speaker recalled, it passed through the two Van Allen radiation belts discovered by earlier American probes.

RING CURRENT FOUND

As Pioneer V reached the 40,000-mile mark it discovered a third immense ring current that surrounds the earth at a distance of some 8 to 10 earth radii.

At 10 radii (roughly 80,000 miles) Pioneer V found the earth's magnetic field was bounded by the plasmas of space. The probe also discovered an interplanetary magnetic field.

This finding was of immense scientific importance, he said, in making clearer the picture of the sun's controlling influence on earth.

Just as Pioneer V reached the 6 million-mile point the sun erupted in a violent solar flare and earthbound scientists got their first glimpse of the events that take place deep in interplanetary space as a result of such a monstrous eruption.

"I mention this series of discoveries from a single rocket probe to illustrate the powerful character of the knowledge that is derived from space exploration," the scientist told the conference members. "I venture to say that no theoretical speculation in the absence of such experiments could possibly predict the facts of space that we are now finding."

PLANET EXPLORATION

"To many of us," he continued, "the most exciting projects in space science lie in the now readily predictable capabilities to explore the planets."

He said the next 3 years would see the payloads on spacecraft climbing into the range of 10 to 20 and perhaps even 50 tons. In this range of useful load a whole new vista of planetary exploration is opened, the scientist observed, with flights past the moon and planets and later with soft landings.

Mr. Berkner warned against taking too lightly the monumental difficulties that lie ahead. Perhaps the greatest of these, he declared, lies not so much in the design of the space vehicles themselves as in the radio and electronic systems by which they can be linked with the earth.

Mr. Berkner observed that the entire history of cosmic exploration to date, from the the first sputnik to the men in space, had come during only 3½ years.

While scientific consequences of immense importance have come from this brief period, he said, they are but the forerunners of unbelievable advances certain to occur in the next few years.

The conference, which ended here today, was addressed by many of the Nation's leaders in all aspects of space research including the political and economic. Attendance totaled more than 1,200 at the Education Building on the State Fair Ground, where

sessions were held. Principal sponsors were the National Aeronautics and Space Administration and the Tulsa Chamber of Commerce.

EXHIBIT 2

SYMINGTON SAYS BAD ADMINISTRATION AND PENTAGON POWER STRUGGLES COST U.S. 2-YEAR SPACE LEAD OVER RUSSIA—PLANS DETAILED ACCOUNT TO SENATE OF "INCREDIBLE RECORD" OF DELAY ON SATURN BOOSTER PROJECT

Senator STUART SYMINGTON, appealing today for support of President Kennedy's goal of "a clearly leading role in space achievement," says the recent flight to outer space by Commander Alan Shepard could have been made in 1959, except for "failure to establish clearly defined objectives for space exploration" and "the constant power struggle within the Defense Department."

In a talk prepared for delivery on the floor of the Senate today, SYMINGTON said: "Let's look at the incredible record of what we have lost as a result of the frustration and slow action which has been characteristic of recent years.

"If money and authority to proceed had not been withheld, the United States could have orbited a satellite in 1956, a year before the Russians.

"If money and authority had not been withheld, the United States could have impacted the moon in 1957, 2 years before the Russians.

"If money and authority had not been withheld, the United States could have flown Commander Shepard down-range in 1959, 2 years before the Russians put their man in space.

"If money and authority had not been withheld, this country could have landed a man on the moon in 1965, with a permanent outpost by 1966—for a cost estimated in June 1959 to average about $660 million a year.

"We have lost 2 years' time, but if we start now, as the President requested last May 25, we may make it faster, because the President now has set space accomplishment as a national goal."

In his talk to the Senate, the Senator will give a step-by-step summary of frustrated progress of the Saturn space-vehicle booster project.

SYMINGTON, a member of the Space Sciences, Armed Services, and Foreign Relations Committees, demanded to know who was "responsible for administratively clipping the wings of (Dr. Wernher von Braun's) fine Saturn team when it was part of the Army, holding Saturn back nearly 2 years, then turning it over to a new civilian agency."

EXHIBIT 3

STATEMENT OF C. J. HAGGERTY, PRESIDENT, BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AFL–CIO, BEFORE THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

The Building and Construction Trades Department, AFL–CIO, appears before this subcommittee of the U.S. Senate Commitee on Government Operations in a spirit of full cooperation in attaining the objectives sought by this investigation.

The missile program is of the highest importance to the welfare of our country in the great and developing struggle between the forces of freedom and totalitarian communism. All segments of the population, including labor, must endeavor to find a constructive solution to our problems in this area through the proper utilization of our free enterprise system.

On October 27, 1960, I delivered an address to the National Electrical Contractors Association at its 59th Annual Convention at Las Vegas, Nev., which included the following statements:

"The picture of the giant rocket rising from its launching pad in a great flash of fire is the symbol of this 7th decade of the 20th century.

"The flight of the rocket represents more than a dramatic and thrilling sight; it represents one of the gravest issues vital to the national security and welfare of the people of the United States and of the entire free world. In the development of new weapons, the missile has become the single most important strategic factor in the balance of military power.

"Whatever the actual facts may be as to the relative positions of the United States and Soviet Russia in the development of their missile programs, it appears to be conceded that our program is behind our own schedule. It is not necessary to dwell on the importance of our being first in the missile race; there is no such thing as running a good second in this area. What would have happened to the United States and, indeed, to all of us in this meeting room, if we had run second to Germany or Japan in the completion of the Manhattan project?

"I have made brief mention of these general considerations involved in the missile program because the resolution of the specific problems which have arisen requires that those in responsible positions in government, management and labor must take into account the fundamental proposition that time is of the essence.

"All of us support the American free enterprise system. We do so, not only because we like our system of free management and free labor, but also because we believe it is the strongest system on earth. It has proved itself stronger in the conflict with the Fascist nations; we are confident that it will prove itself stronger than the forces of totalitarian communism.

"If the opportunities are provided for full consultation with the appropriate agencies of government, management and labor can work their problems out. I am glad to report that the Air Force has now accepted the wisdom of this approach and that a full-scale meeting of labor representatives held with Secretary of Defense Gates and other officials involved in this program on October 7, 1960. This meeting was the necessary starting point for the establishment of cooperation by government, labor and management. You may be sure that we in labor are well aware of the basic need for cooperation in the interest of the industry and in the interest of the Nation. That cooperation will be forthcoming as all in management and government take the steps which make it possible to resolve the underlying problems within the scope of our free enterprise system."

It will be recalled that during the fall of 1960 there was some public controversy as to whether the missile program was on schedule or whether it had fallen behind. It was not until October 7, 1960, that the Defense Department made a clear statement to the leaders of organized labor concerning the status of the missile program.

On that day a meeting was held in the Office of the Secretary of Defense, the Honorable Thomas S. Gates. There were present many high Defense officials including the Secretary of the Army, the Secretary of the Air Force and General Thurman. Among the labor officials present were President George Meany of the AFL–CIO; Gordon M. Freeman, president of the International Brotherhood of Electrical Workers; Peter T. Schoemann, president of the United Association; A. J. Hayes, president of the IAM; myself, as president of the Building and Construction Trades Department; Nicholas Zonarich, representing Walter Reuther, president of the Industrial Union Department; and Frank Hoffman representing David MacDonald, president of the Steelworkers Union.

Defense Secretary Gates explained the urgency of the program, conceded that the lack of preliminary organization was responsible for many of its difficulties and requested the cooperation of all. We pointed out that a principal problem in the labor-management area was the lack of proper communication channels with the officials of the Air Force.

To this end, the Air Force appointed approximately 16 labor relations men who were assigned to the various sites for the purpose of assisting in resolving onsite labor problems.

On January 30, 1961, the President of the United States delivered his state of the Union message which made clear the urgent need for the acceleration of the missiles program.

The first meeting of the Executive Council of the Building and Construction Trades Department which followed the President's message commenced on February 15, 1961. On February 16, the department issued its statement of policy which is set forth below:

STATEMENT OF POLICY BY THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT (AFL–CIO) TO AID IN THE ACCELERATION OF THE MISSILE PROGRAM

Whereas the President of the United States in his state of the Union message of January 30, 1961, has made a direct and clear statement on the urgent need for the successful execution of the national military tools program; and

Whereas it is apparent that time is of the essence, particularly in the acceleration of the missiles program; and

Whereas the President has stated that "If we are to keep the peace, we need an invulnerable missile force powerful enough to deter any aggressor from even threatening an attack that he would know could not destroy enough of our force to prevent his own destruction"; and

Whereas the building and construction trades department, AFL–CIO, has always responded vigorously and wholeheartedly when a President of the United States has sounded the call of national need as is evidenced by the highest official commendation of the department's work during World War II in speeding the completion of the Clinton and Hanford atomic bomb projects, the building of a great chain of naval bases at home and abroad, and in the completion of the vast construction program of the Corps of Engineers: Now, therefore,

The president of the Building and Construction Trades Department, AFL–CIO, with the approval of its executive council, announces the following policy in connection with the national missiles program which is to apply to all national and international unions affiliated with the department, their constituent local unions and the various State and local building trades councils:

1. All local and national procedures for the settlement of labor disputes without interruption of construction shall be complied with, strictly, incuding the procedures of the National Joint Board for the Settlement of Jurisdictional Disputes.

2. No strike, picketing, or work stoppage shall be undertaken on any missile project by any local union without complete exhaustion of all available procedures and methods for the peaceful settlement of the dispute and the prior authorization of the general president of the national or international union with which the local union is affiliated.

3. No State or local building and construction trades council shall render any aid, assistance or support to any local union which strikes, pickets, or engages in a work stoppage which violates this policy; nor

shall any State or local building and construction trades council recognize any strike, picketing or work stoppage which violates this policy.

4. Each general president of the affiliated national and international unions and the president of the department shall notify all constituent local unions and local and State building and construction trades councils of this missile project policy and take appropriate action to implement this policy.

I received the following telegram from the Secretary of Defense, the Secretary of the Air Force, and the Secretary of Labor with reference to this Statement of Policy:

FEBRUARY 17, 1961.

C. J. HAGGERTY,
President, Building and Construction Trades Department, Americana Hotel, Miami Beach, Fla.:

Please express to executive council members the Department of Defense appreciation for the no-strike policy on missile bases. This action reflects responsible leadership and sets forth an example of how free labor meets an urgent problem involving our Nation's security. Your response is a tribute to our democratic institutions. Labor, as a partner of the Armed Forces, plays a vital role in this complex task of building missile sites. The support of the Building and Construction Trades Department is most reassuring.

ROBERT S. MCNAMARA,
Secretary of Defense.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, February 18, 1961.

DEAR MR. HAGGERTY: I am very pleased by the fine action taken by the Building Trades Department to control strikes in our missile construction program. This action on the part of the executive council recognizes the importance of our missile program to our national security. It is done in the best tradition of American labor which has always been a loyal, hard working member of the team when the Nation faced a crisis.

I wish to assure you that I understand that there is a great need for understanding and communications between the Air Force, our contractors and your people in order to minimize labor difficulties. For our part we are taking positive steps to see that we do our share in this matter. Be assured that my office is deeply interested in preserving the spirit of this understanding and I will take personal action if any major problems cannot be resolved at the operating levels.

Please express my sincere gratitude to the executives of your affiliated unions who participated in making this decision.

Sincerely,

EUGENE M. ZUCKERT.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 2, 1961.

Mr. C. J. HAGGERTY,
President, Building and Construction Trades Department, AFL–CIO, Washington, D.C.

DEAR NEIL: I appreciate your furnishing me with a copy of the "Statement of Policy by the Building and Construction Trades Department (AFL–CIO) To Aid in the Acceleration of the Missile Program," which was unanimously approved by the executive council of your department on February 15, at Bal Harbour, Fla.

It is most gratifying to me, not only as Secretary of Labor, but as an American, to be assured that your organization is responding to these critical times with the same spirit it exhibited during World War II. In pledging yourselves to a policy under which your local unions will not engage in a work stoppage or in picketing activities on a missile site without complete exhaustion of all available procedures for the peaceful settlement of the dispute and prior authorization of the national or international union, your organization has again made a valued contribution to the Nation and the public welfare.

Thank you again for informing me of your organization's policy.

Cordially,

ARTHUR J. GOLDBERG,
Secretary of Labor.

This statement of policy was transmitted to all local and State building and construction trades councils and to all general presidents of national and international unions affiliated with the department. The general presidents in turn distributed the statement to their local unions affiliated with their national and international unions.

In this connection, it is of interest to note that there are approximately 8,000 local unions affiliated with the 18 national and international unions affiliated with the Building and Construction Trades Department. There are also 33 State building and construction trades councils and approximately 550 local building and construction trades councils with which the various local unions are affiliated.

I have noted a statement in the April 1961 issue of the Constructor, the official magazine of the Associated General Contractors, that: "Prior to August 1, 1960, time lost due to strikes amounted to 1½ percent of the total labor; since that date this has been reduced to no more than one-half of 1 percent" (p. 50).

A copy of this article is attached to my statement.

An article which appeared in the New York Times on March 26, 1961, stated that man-days lost by reason of work stoppages in January and February 1961 declined to a rate one-seventh that of 1960.

If these figures are correct, it would appear that there has been an improvement in the situation. I would assume that the military procurement agencies have complete records of the ratio of work stoppages to total labor employed.

It should also be noted that the article in the Associated General Contratcors magazine to which I have previously referred takes the view that the operational ballistic missile program is generally on schedule. This appears to be supported by General Thurman's statement before this committee that: "* * * the military services, and we are talking about the Army and Air Force here, as of this date have brought in every operational missile that was scheduled to be brought in by this date and for the balance of our plan we aren't going to be substantially off of that schedule on the basis of what we are now able to see" (p. 80).

The leaders of the unions in the building and construction trades recognize that there can be no complacency about the missile program. Stoppages, whether the fault of the union, the contractor, or the contracting agency, delay rather than accelerate the program. That is the reason why we have issued the February 16, 1961, statement on policy. We have also sought to develop, in cooperation with our employers, better procedures for the adjustment of the grievances which are the cause of work stoppages. Representatives of the Department have participated in the negotiation of project agreements and the holding of prejob conferences which have proved useful in this regard. The department has also developed the national disputes adjustment plan with the National Constructors Association, a group of large construction contractors who perform a substantial amount of the construction work on missile sites. A copy of this plan which was adopted February 16, 1961, is appended to my statement.

In order to maintain a proper prospective, it is necessary to recognize that there are other factors not involving labor, which are major reasons for the delays which have occurred.

The President of the United States stated at a news conference April 12, 1961: "The task force which we set up on space way back last January, January 12, indicated that because of the Soviet progress in the field of boosters, where they have been ahead of us, that we expected they would be the first in space, in orbiting a man in space."

That report to President Kennedy says:

"Our scientific accomplishments to date are impressive, but, unfortunately, against the background of Soviet accomplishments with large boosters, they have not been impressive enough.

"The Nation's ballistic missile program is lagging, the development of the missiles and of the associated control systems, the base construction and missile procurement must all be accelerated if we are to have the secure missile deterrent force soon that the country has been led to expect.

"While additional funds will undoubtedly be required to accomplish this, we believe that reestablishing efficient, technically competent management for the program is the overriding necessity."

It will be noted that the President's task force assigned chief responsibility for the day to a nonlabor factor, i.e., management.

Lt. Gen. Emerson C. Itschner, former Chief of Army Engineers, made a speech on November 29, 1960, which assigned major responsibility for the delay in the early site construction program also to nonlabor factors. There follows a report of his address which is set forth in the Construction Labor Reporter (No. 271, p. A–4).

"Jurisdictional strikes by building trades unions played only a relatively minor part in the delays that set back the early site construction program by about 5 months, according to Lt. Gen. Emerson C. Itschner, Chief of Army Engineers.

"Itschner, whose command is responsible for the 'brick and mortar' work in the site activation program, told the National Rocket Club in Washington on November 29 that the major blame for the delay must rest with 'Government-sponsored design changes and failure to deliver Government-furnished equipment on time.'

"This was a natural result of the speed required in the program and the application of 'concurrency,' he noted, with design not finalized before construction contracts were let.

"Asserting that 'the year or more gained in achieving operational readiness made it all worth while,' Itschner disclosed that at one Atlas site alone—Lowry Air Force Base, near Denver—over 300 change orders had to be made while work was in progress, including substantial engineering changes. This resulted in a 60 percent increase in the original contract price, he noted.

"Acknowledging that there have been many 'jurisdictional disputes,' he went on to contradict critics of the unions (CLR 266, A–1) by declaring that 'in the aggregate they did not contribute too much to the delay.' Actually, he said, the prolonged steel strike in 1959 was a far bigger factor in the delay than any of the construction disputes. Since working out an informal arrangement last May with the building trades unions, Itschner said, there has been a 60 percent reduction in work stoppages arising from jurisdictional disputes.

"The practice of holding prebid conferences that is now in effect, he added, serves to allow advance discussions by management and labor of possible problem areas and is another factor in holding down stoppages."

I would also like to read a few excerpts from a public document—the Report of the House Committee on Appropriations on the Air Force Intercontinental Ballistic Missile Construction Program issued March 3, 1961:

"The urgency of having operational ballistic missile forces in our inventory has dictated a concept of concurrency of production and construction. This necessary concept further complicates an already complex construction program. * * *

"The committee feels that the division of responsibility within the Air Force, and between the Air Force and the Corps of Engineers, coupled with an abnormally large number of change orders and modifications and other problems, as developed in these hearings, threaten to push costs to alarming proportions.

"Action must be taken by those concerned to bring order and proper direction to the program and provide this Nation with a ballistic missile base construction program which will meet the operational needs of our defense forces in a realistic manner without squandering defense funds.

"The committee expects the Secretary of Defense and other responsible Department of Defense officials to take immediate steps to realize this. The Secretary is directed to submit a full and detailed report on the actions taken. The report is to be made available in time for consideration during the hearings on the fiscal year 1962 military appropriations." Originally, the construction was channeled through the regular district and division organizations of the Corps of Engineers. Design requirements were formulated by the Ballistic Missile Division of the Air Research and Development Command and certain surveillance maintained by the regular engineering organization of the Air Force. Last July, with all parties admitting the failure of this type of organization to adequately handle the program, the Corps of Engineers consolidated their construction activities for the remainder of the ballistic missile program in the Corps of Engineers Ballistic Missile Command. The Air Force continued the design responsibilities of the Ballistic Missile Division of the Air Research and Development Command and established a Ballistic Missile Division within the Air Materiel Command to handle site activation problems. While admittedly this realinement of functions has helped to some degree it has fallen far short of providing the necessary direction and the proper control. It is essential that the present divided, duplicating, and often indefinite responsibilities be eliminated and an organizational structure provided which will give specific authority and continuity of direction to the program until the operational capability of the missile site is realized. Steps must be taken at once by the Secretary of the Air Force to bring the present functions of the Ballistic Missile Division of the Air Research and Development Command and the Air Materiel Command, as well as the construction responsibilities of the Corps of Engineers for the ballistic missile program, under a single head responsible directly to the Chief of Staff and the Secretary of the Air Force."

"The committee is deeply concerned over the number of modifications or change orders to the original construction contracts. Admittedly, concurrency of construction and production as previously outlined will cause some change orders, yet they have been far out of line even for this complex program. In several instances costs of these changes threaten to almost double the original contract costs. It is quite apparent from the recent hearings that many avoidable mistakes have been made and unnecessary change orders issued.

"The committee is not at all certain that the Department of the Air Force and its contractors are not using the concurrency requirement to cover mistakes in design that should never have been made. Constantly in these hearings construction contractors testified to in excess of 100 modifications being issued to the various contracts.

"An illustration of the cumbersome process which has marked this phase of the program in the past is best illustrated by a modification to a Titan ballistic missile contract. The modification and the revised drawing were dated July 1, 1960, but not received by the contractor until December 23, 1960. During the 78 days involved in this delay the contractor had already incurred costs which could have been eliminated had he received notification of the modification."

It should be noted that this report assigned responsibility for the delay and confusion in the missile program to nonlabor factors. The report was based on hearings held during February 1961 by the Subcommittee on Military Construction of the House Committee on Appropriations.

The following statement by Mr. C. H. Leavell, president of C. H. Leavell Co., the sponsoring contractor of the Titan Missile Base at Ellsworth Air Force Base in South Dakota, made at the hearings of the House subcommittee, is of interest:

"We overtook every single delay that was beyond our control and within the scope of the contract, either by causes of the Government, for weather delays, which are very minor, or strikes, which have also been minor. The principal causes of delay are causes created by the Government" (p. 125).

Substantial remedial action has been taken by all parties involved in the missile program to improve and accelerate performance. It is to be hoped that the increased sense of urgency arising from the work of this committee and of others will help make our free enterprise system work even more effectively in the acceleration of the program.

I believe I should make clear the position of the Building and Construction Trades Department on overtime. The labor movement has fought for a 40-hour week to protect the health and welfare of the membership. Overtime provisions in labor agreements are intended to deter the actual working of overtime hours. These provisions are not a complete prohibition of overtime work, which as you may recall was the system in France prior to World War II, because circumstances do arise where extra hours must be worked.

The decision to work a job overtime is the decision of management or the contracting agency. The individual worker or the union does not make this management decision.

Among the factors involved in the making of this managment decision is the need for acceleration of the program and making up time lost by delays. The report of the House Committee on Appropriations and the hearings of its subcommittee show that the concurrent policy and the excessive number of changes and modifications have been a major factor in these delays.

See, for example, the testimony showing: There were 600 major design changes at Lowry (p. 10); at the Lincoln Base, modifications affected 312 pages of the original 476 pages of specifications and the utility piping system was modified 6 times; the scope of these changes can be ascertained from the fact that the original contract price was increased from $17 million to $31 million (pp. 80, 81, 93); and 40 percent of the $50 million volume of the Hardeman Co. in the missile program represents change orders (p. 151).

The adverse effect on efficiency and productivity because of long overtime hours is shown by the following testimony of Henry C. Boschen, president of Raymond International Co., the sponsoring contractor on the Plattsburgh Base:

"The contracting officer, through his directed and accelerated schedule, attempted to insure that the operational date would be accomplished but in so doing he has forced the contractor to expend the terrific sums to pay the costs that arise from misdirected wasteful and uneconomic use of men and equipment.

"SEVEN-DAY WORKWEEK

"The 7-day workweek and the 24-hour day is one of the remedies that the contracting officer directed to overcome excusable delays. Actually, when continued for more than 1 week, the 7-day workweek results in substantial overall loss in production. This is a universally recognized axiom in the industry which is supported by studies of the U.S. Labor Department. However, the job records are the best demonstration.

"On October 14, 1960, the contracting officer's authorized representative directed a 7-day, 24-hour operation. By his own report at that time the overall project was ahead of schedule. The contractor protested this directive and requested reimbursement for the added expense to be accrued for overtime premiums, lack of equipment maintenance due to constant use, productivity decrease due to fatigue, and absenteeism that is prevalent in a 7-day workweek.

"By the end of the year the delaying effect of the 7-day, 24-hour operation was readily apparent. On December 30 the area engineer was advised, 'While we are still studying this, our tentative conclusion is that this requirement results in a 30-percent loss in overall productivity.' And this must be taken into account keeping in mind the fact the overtime pay which was being paid at this time, the premium pay, resulted in approximately 2 days' extra pay per week for each man on the job.

"The refusal to consider time extensions, the direction of construction methods, and the directions of the workweek effectively transferred the management of the project from the contractor to the Government. The contractor was required, however, to continue to pay all of the resulting excessive costs" (p. 5).

We are advised that the Department of Defense has recently issued a new directive limiting overtime. We welcome the order as in the interest of labor as well as in the progress of the program—because of its effect in spreading work among the unemployed.

Permit me, in conclusion, to sum up with five major points:

1. The American people should clearly realize that the so-called "missile gap" is due largely to the failure of our scientists and researchers to match the Russians thus far in the development of missile and rocket booster power.

2. The preponderance of evidence from all sources shows that the delays in the completion of the missile base construction program are primarily due to nonlabor factors, such as the inordinate number of change orders resulting from the concurrency policy.

3. Let me hasten to add that the building and construction trades department, AFL-CIO, does not condone unauthorized, irresponsible, and unjustified strikes at missile bases. On the contrary, we have voluntarily and unilaterally taken action to reduce such local work stoppages to a minimum.

4. Further, this department and its constituent national and international unions do not condone or approve the pyramiding of overtime at missile sites. We must emphasize once more that decisions on how much, if any, overtime shall be worked are a management responsibility.

5. The officers and members of the building trades unions are proud to be Americans. They bow to no man with respect to loyalty and patriotism. They have given their own blood and that of their sons in the defense of our country and its free institutions. With full realization of the importance of the missile base construction

program to the security of our Nation, we are determined to get the job done ahead of schedule if that is humanly possible.

THE NATIONAL DISPUTES ADJUSTMENT PLAN BETWEEN THE NATIONAL CONSTRUCTORS ASSOCIATION ON BEHALF OF ITS MEMBER COMPANIES AND THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT (AFL–CIO) ON BEHALF OF ITS AFFILIATED NATIONAL AND INTERNATIONAL UNIONS

Adopted January 1961, National Constructors Association annual meeting, New York City.

Adopted February 16, 1961, Building & Construction Trades Department (AFL–CIO). Meeting of general presidents, Miami Beach, Fla.

The National Constructors Association includes: the Babcock & Wilcox Co., Barberton, Ohio; Bechtel Corp., San Francisco; Blaw-Knox Co., Pittsburgh; C. F. Braun & Co., Alhambra, Calif.; Chemical Construction Corp., New York; Combustion Engineering, Inc., Windsor, Conn.; Day & Zimmermann, Inc., Philadelphia; Ebasco Services, Inc., New York; the H. K. Ferguson Co., Cleveland; the Fluor Corp., Ltd., Los Angeles; Ford, Bacon & Davis Construction Corp., Monroe, La.; Girdler Construction Corp., Louisville; Graver Tank & Manufacturing Co., East Chicago, Ind.; Hydrocarbon Research, Inc., New York; Kaiser Engineers, division of Henry J. Kaiser Co., Oakland; the M. W. Kellogg Co., New York; Koppers Co., Inc., Pittsburgh; the Lummus Co., New York; Arthur G. McKee & Co., Cleveland; J. F. Pritchard & Co., Kansas City; Procon Inc., Des Plaines, Ill.; the Rust Engineering Co., Pittsburgh; Sanderson & Porter, New York; Stone & Webster Engineering Corp., Boston; United Engineers & Constructors, Inc., Philadelphia; Wilputte Coke Oven Division of Allied Chemical Corp., New York.

The Building & Construction Trades Department's affiliated national and international unions:

International Association of Heat & Frost Insulators & Asbestos Workers; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers; Bricklayers, Masons & Plasterers International Union; United Brotherhood of Carpenters & Joiners of America; International Brotherhood of Electrical Workers; International Union of Elevator Constructors; International Union of Operating Engineers; Granite Cutters International Association; International Association of Bridge, Structural and Ornamental Ironworkers; International Hod Carrier, Building & Common Laborers' Union; Wood, Wire & Metal Lathers International Union; International Association of Marble, Stone & Slate Polishers, Rubbers & Sawyers, Tile & Marble Setters Helpers & Terrazzo Helpers; Brotherhood of Painters, Decorators & Paperhangers; Operative Plasterers & Cement Masons International Association; United Association of Journeymen & Apprentices of the Plumbing & Pipefitting Industry; United Slate, Tile & Composition Roofers, Damp & Waterproof Workers Association; Sheet Metal Workers International Association; Journeymen Stone Cutters Association.

THE NATIONAL DISPUTES ADJUSTMENT PLAN

Between the National Constructors Association, on behalf of its member companies, and the Building & Construction Trades Department (AFL–CIO) on behalf of its affiliated National and International Unions.

I. General job conference

1. When a construction contract is awarded to a member company of the National Constructors Association, the company shall notify the president of the Building and Construction Trades Department, describing the project and stating the probable date of commencement of work and, if a prejob conference is desired, designating the time and place for holding such a conference. This notice, whenever possible, shall be sent not less than 15 days prior to the scheduled conference or the start of work.

2. The president of the Building and Construction Trades Department shall notify the general presidents of the affiliated unions and the local building trades council.

3. Participants at prejob conferences shall normally include the designated officer of the appropriate building trades Council, the business managers of each of the trades, an international representative of each of the trades, as designated in accordance with the procedures of the national or international union, and representatives of the contractor or contractors. At the start of the conference, each trade shall list the names, addresses and telephone numbers of the local business manager and the international representatives. Each contractor shall also list the names, addresses and telephone numbers of his job superintendent or his local labor relations representative.

4. The Building and Construction Trades Department and the NCA shall mutually agree on a suggested agenda form for use at prejob conferences. This form shall list the problems which shall be considered at these conferences. The department and the NCA shall also agree upon the documents or other materials which shall be furnished to the conferences. A summary of each conference shall be made and copies shall be distributed to all participants. The summary shall include the attendance list and matters agreed upon.

5. Any unresolved problems relating to work jurisdiction shall be reduced to a written statement agreed upon by the contractor and the local business managers and international representatives, if any. Such statement shall be referred to the general presidents of the affiliates involved in the problem. If such problem is not resolved at this stage it shall be processed in accordance with the procedures of the National Joint Board for the Settlement of Jurisdictional Disputes, or any other plan or method of procedure adopted in the future by the department for the settlement of jurisdictional disputes.

6. Any other unresolved problems shall be processed in accordance with the disputes procedures of this plan.

7. If a situation arises during the course of construction which, in the judgment of the NCA contractor and the president of the Building and Construction Trades Department, would make a general job conference advisable, the procedures set forth above may be invoked for the calling of such conference.

II. Disputes procedures

1. The president of the department shall obtain from the general president of each affiliate the name, address, and telephone number of the person designated by the general president as his headquarters representative for the purpose of this plan. The president of the department shall forward the list of headquarters representatives to the president of the association 30 days after the adoption of this plan. The president of the association shall prepare a similar list of national labor relations representatives of the contractor members of the association and forward the said list to the president of the department 30 days after the execution of this plan. These lists shall be kept current.

2. All jurisdictional disputes shall be processed in accordance with the procedures of the National Joint Board for the Settlement of Jurisdictional Disputes. As provided in section 9 of the procedural rules and regulations of the National Joint Board for the Settlement of Jurisdictional Disputes: "The affected unions and contractors shall promptly comply with each job decision of the joint board."

3. All other disputes, except controversies arising out of the modification and termination of collective bargaining agreements, shall be handled as provided herein:

a. Any dispute which has not been resolved at the job site shall be negotiated by the business manager and/or the international representatives and the designated representative of the contractor.

b. If the dispute has not been resolved within 3 calendar days, and after waiving or exhausting remedies under local grievance procedures, if any, the dispute shall be referred to the headquarters representative designated by the general president of the international union involved and the designated national labor relations representative of the contractor.

c. There shall be no strike, picketing or work stoppage by an affiliate of the department and no lockout by any contractor member of the association until the grievance procedures of this plan have been exhausted. In the event of a threatened lockout or strike, in violation of this agreement, the national labor relations representative of the contractor or the general president of the international union, as the case may be, shall take appropriate action promptly to secure compliance with the contractual obligations not to lock out or to strike which are specified in this plan, and in the applicable local or national collective bargaining agreements.

d. If the dispute has not been resolved in step (c) above, any arbitration or other procedure prescribed by the applicable collective bargaining agreement shall be utilized.

e. If there is no such procedure, or if such procedure is waived, the international president and the national contractor's labor representative may mutually agree to refer the dispute to the national arbitration board established by this plan.

4. There is hereby established a national arbitration board consisting of three representatives appointed by the Building and Construction Trades Department and three representatives appointed by the National Constructors Association. Either party shall have the right to appoint alternates for its representatives. Within 15 days after adoption of this plan, the department and the association shall notify each other of their respective appointments to the arbitration board. The board shall elect a chairman and a secretary from its members and shall appoint a neutral person who shall not be a member of the board and who shall serve as a permanent impartial arbitrator during the life of this plan or until his successor is named by the board.

5. Requests for arbitration shall state the matter to be arbitrated in writing, signed by the international president of the union and the national labor relations representative of the contractor, and shall be filed with the chairman. Copies of the request shall be served by the parties making the request on the parties to this plan. The board shall hold a hearing on the subject matter of the request but not later than 5 calendar days after the request for arbitration has been filed.

6. If the national arbitration board is unable to reach a decision within 5 calendar days after the hearing or the board decides it is deadlocked, then within a period of not more than 5 calendar days thereafter, the impartial arbitrator shall hear and decide the matter. The decision of the impartial arbitrator, or the national arbitration board, shall be final and binding on all parties. The expense of the impartial arbitrator, if required, shall be borne equally by the disputing parties.

7. The no-strike, no-lockout commitment of paragraph 3(c) shall also apply to the period required for arbitration, if such arbitration is mutually agreed upon in accordance with this plan, or if provided under any other agreement. Nothing in this plan

shall diminish the obligations and responsibilities of the parties to this plan and their affiliates and members which may be prescribed in any other applicable agreement.

THE MISSILE BASE STORY: ABOUT ON SCHEDULE DESPITE OVERWHELMING ODDS

(By William G. Dooly)

What is the real situation in the intercontinental ballistic missile base construction program? And, more pertinently, what does the average American know or believe about the status of this all-important prerequisite to the establishment of the Nation's greatest line of defense and deterrence against attack?

Very little on the favorable side, probably—and perhaps plenty of unfavorable impressions, depending on what news accounts he read during the past year. Even in recent weeks some news stories purporting to be "surveys" of the situation have been published, which were more notable for their sensationalism than for their revelation of complete facts.

A STORY OF ACCOMPLISHMENT

These, plus investigation reports, invectives from those who have axes to grind, and the cloud of doubt lingering from confused conditions that did exist a year ago, have obscured a story of accomplishment now emerging in which the construction industry and the 8-month-old Ballistic Missile Construction Office of the Corps of Engineers (CEBMCO) can take justifiable pride.

The truth is that the overall ICBM base construction program now is essentially on schedule, and that finished launchers and their support facilities are being delivered to the Air Force at the rate of at least one per week. Bear in mind that we are talking about the business end of the missile program—the operational sites where ICBM's will be nested and ready to fire, not the special testing bases such as Cape Canaveral and Vandenberg.

For many months now, scores of the country's most skilled construction organizations with work forces exceeding 20,000 men have been locked in a grim struggle with time in building these bases. The urgent push to complete the system across the length and breadth of the Nation at a billion-dollar-a-year clip has been a battle against great and at times inscrutable odds never encountered in construction history, and at a pace only short of that associated with actual combat.

The results, now rapidly coming into being, will probably be the greatest amount of construction ever to be concealed from sight. Buried underground for protection against attack, except for the early Atlas D installations, will be launchers, storage terminals, powerhouses big enough to electrify cities, control centers, and crew quarters. From upper New York State through the sprawling prairies of the Midwest to California, and from the Northwest southward into Texas, all that will mark the locations of these enormous defense bases will be intake and exhaust stacks, heat exchanger fountains, access driveways for Atlas E missiles, and some roads, fences, and auxiliary buildings.

SPEED OF COMBAT

They will be—and are rapidly becoming—a wonder of today's technological world. That this is so is not far short of miraculous when compared with the situation a year ago. Today, as Brig. Gen. A. C. Welling, commander of CEBMCO, told the AGC convention last month, the job "is being performed with the explosive speed of a combat operation complicated by the requirement for the delicate precision of an instrument laboratory." (March Constructor.)

How can this be when only 8 months ago the newspapers were filled with stories of lagging construction of Atlas ICBM bases, and a high-level conference was called by the Secretary of Defense to explore means of pushing the effort, which he called "by all means the most important of defense programs"?

The story is one of improved administrative structure and the joint efforts of dedicated men representing industry, Government and labor, working as a team.

Before CEBMCO was established, construction of ICBM sites was the responsibility of the Corps of Engineers districts in whose areas the projects were located, and the contracts were administered much in the same manner as any other fixed-price, lump-sum contract.

During the period July 15, 1959, to August 1, 1960, the Los Angeles field office of the corps directed ICBM construction, handling design, liaison with the Air Force, and assisting in equipment procurement. When it was deactivated, the field office had a staff of only 45, consisting of 4 officers and 41 civilians.

ADVENT OF CEBMCO

While large, complex construction programs are routine to the corps, it became apparent that the missile program presented challenges never encountered in other construction activities. On August 1, 1960, all ICBM projects not completed were transferred to the newly created Ballistic Missile Construction Office at Los Angeles.

CEBMCO, under General Welling, took over not only the functions of the former field office, but also direct supervision of construction and all aspects of contract administration, divorcing these functions from control of the district engineers.

To accelerate the program and promote uniform administration, a director was designated for each of the four weapon systems—Atlas, Titan I, Titan II, and Minuteman. In effect, authority and responsibility were decentralized to the maximum, consistent with need. The weapons system directors and area engineers—who also are directly under CEBMCO—exchange information on any change or condition within a system, and at any site which has a possible impact upon the work at any other site or system.

General Welling has gathered about him 500 persons to handle this enlarged task, including staffing of the four directorates. In addition, area offices are manned so that there is about one employee for each $250,000 under contract.

Today each project reports directly to CEBMCO in Los Angeles, which is in contact with all projects by jet airplane and direct telephone tie lines.

THE CONCURRENCY CONCEPT

Management and administrative situations encountered in a new, unique, and complex program inevitably are accompanied by difficulties of equivalent novelty, uniqueness and complexity.

Aside from the stringent and complex requirements of the projects themselves, many of which are new to the construction industry, the most novel and difficult problem characterizing the missile program throughout is the doctrine of concurrency, whereby construction has had to conform to the ever-changing "fluidity" of the missile design itself.

This has resulted in the award of construction contracts—based on the design and design data available at the time—before research and development was complete and before all aspects of facility design had been resolved. This compression of construction into the research and development and design stages results in numerous and drastic changes—ordered many times when the facility was nearly completed in accordance with the orginal design.

EVER-CHANGING DESIGN

In the words of one construction man, "Everything is subject to change except the completion date."

Consider the problems involved when concrete walls several feet thick have to be ripped out within 2 weeks of scheduled job completion because missile manufacturers decide they need a system of cables and ducting different from that originally planned.

A classic example is the job which started with 500 drawings when awarded, but, when finally completed, from the first change order to the last, had required 2,500 drawings.

COST AND DELAY FACTORS

Additional costs in the program can be attributed, in large degree, to (1) added work required to build additional launchers (as at Schilling and Lincoln); (2) changes to meet requirements created by improvements in the missile (concurrency concept, discussed above); (3) changed conditions encountered in the field; (4) acceleration cost to buy back time lost due to weather, modifications, strikes and other factors.

Adverse weather, always a hazard associated with construction, becomes a critical problem on missile bases because of the compressed time schedules already established. Work must move ahead, even in severe weather, in which cases protection must be provided to the construction. This is time consuming, expensive, and results in decreased production.

The steel strike of 1959 had a major impact on the program, especially the bases at Offutt, Fairchild, Forbes, Lowry I and Lowry II. While this strike was the most serious, other walkouts have occurred which affected most sites to some degree, with losses in man-days ultimately being reflected in reduced production and a drop in efficiency.

Progress has been made by CEBMCO in promoting labor-management harmony at the sites, and there have been several instances where labor and management have agreed to apply all measures to resolve differences without resorting to strikes. Prior to August 1, 1960, time lost due to strikes amounted to 1½ percent of the total labor; since that date this has been reduced to no more than one-half of 1 percent.

To reduce the problem of concurrency, contracts for Titan II bases have been awarded in two phases, thus allowing additional time for planning incorporated into the second phase. This is expected to result in more refined plans with fewer additions and modifications.

ADMINISTRATIVE PROBLEMS

Central guidance and decentralization of authority to the work site has brought about more uniformity in administration and faster response throughout contract management. Streamlined and more effective methods have improved both interservice and service-contractor relationships.

Prequalification of bidders has eliminated the marginal contractor and broker from job sponsorship of major projects.

Complicating normal administrative matters is the fact that construction has outstripped the paperwork as a consequence of primary concentration on the technical difficulties. This has left a heavy backlog at CEBMCO of administrative, contractual and financial matters to be settled.

CONTRACTORS' FINANCIAL BURDEN

One of special interest to the industry is that the sheer enormity of the construction task and the innumerable modifications on top of it, have placed an unusual demand on financial resources of general contractors, subcontractors and suppliers. As things presently stand, change order negotiations, contractors' claims, assessment of impact in time and money for many adverse conditions

are being processed along procedural lines well known to those in the construction business.

There are still requirements for Government estimates, contractor proposals and negotiations. But actions are being taken to reduce delays and resultant financial burdens to the industry. For example, professional service firms have been engaged to assist Government estimaters in reducing the backlog of estimates relating to modifications.

Two-part change orders are being used almost universally to permit maximum and more timely reimbursement to contractors for funds which they have spent on the work.

CONCLUSION

In the past 8 months the Atlas D construction program calling for two squadrons has been completed. Facilities for one Atlas E squadron are complete, and for the remaining two are nearing completion.

Work has been started on launch facilities for three double squadrons of Titan II, and for three squadrons of Minuteman.

The first operational launcher of the Atlas F series was accepted March 20, 1961, by the Air Force at Schilling Air Force Base, and the second on March 27—both a day ahead of the delivery dates established by the Air Force more than a year before, and marking the first time this goal has been met for an operational launch facility. For the remainder of the year CEBMCO can be expected to deliver at least one launcher per week, some weeks several, to the Air Force for its follow-on work.

Considering the program as a whole, construction is going well and the program is back on the track, although there are localized soft spots. One by one these are being overcome by the tremendous effort of the construction industry and the Government.

STATUS OF MISSILE BASES

Main facility contract as of Mar. 31, 1961

Base:	Percent complete
Atlas D:	
Offutt	100
Warren	100
Atlas E:	
Fairchild	100
Forbes	99
Warren III	99
Atlas F:	
Schilling	95
Lincoln	88
Altus	78
Dyess	76
Walker	48
Plattsburgh	37
Titan I:	
Lowry I	96
Lowry II	94
Ellsworth	85
Larson	77
Beale	88
Mountain Home	58
Titan II (phase 1):	
Davis-Monthan	15
McConnell	13
Little Rock	6
Minuteman: Malmstrom (begun Mar. 16).	

CONSTRUCTION STATUS OF THE ICBM BASE PROGRAM—AS OF THE FINAL WEEK IN MARCH 1961

The following summary relates to the missile site construction handled by the Corps of Engineers, which culminates with the transfer of the facility to the Air Force for the actual installation and checkout of the missile and its support equipment. It should be borne in mind that conditions vary greatly between the various weapons systems (Atlas D and E, Atlas F, Titan I, etc.), between the individual sites, and sometimes from day to day.

ATLAS D AND E

This portion of the program for the early type ICBM's has been essentially completed. The Atlas D squadrons at Offutt (9 pads) and Warren (15 pads) Air Force Bases, and the Atlas E base at Fairchild AFB (9 pads) have been turned over to the Air Force.

The Atlas E facilities at Forbes and Warren Air Force Bases (nine pads each) are virtually completed, with only minor corrective work and testing of the propellant loading system and some utility systems remaining.

ATLAS F

Six bases with capacity to launch 72 of these later model ICBM's are called for. Each missile is housed in a 174-foot-deep silo, 52 feet in diameter, and can be launched within 15 minutes.

Schilling AFB

Major construction completed on schedule. The first operational Atlas F launcher was delivered to the Air Force on March 20, 1961, and the second on March 27, both a day ahead of schedule. Remaining work consists primarily of systems testing and placing the propellant loading system in standby condition.

Lincoln

Air Force directed dates are expected to be met. All silo concrete has been placed, backfilling in progress. Crib steel completed at nine sites and underway at two others. Propellant loading systems being installed. Five launch control centers completed, as well as structural work for the other seven except for the entries and tunnels for one center. Specialty work is progressing.

Altus

Slightly ahead of the approved construction schedule. Status about same as at Lincoln on structural work, but not as advanced in support facility installation. Crib steel completed in 11 sites and partially installed at the other. Propellant loading system, utility system and other support facilities being installed.

Dyess

Air Force directed dates are expected to be met. Status approximates that at Altus. Overall contract slightly behind schedule, but contractor recovered 5 percent of his slippage in 2 weeks.

Walker

Air Force directed dates are expected to be met, despite loss of time due to an accident at one site when a mobile crane fell into the silo, killing and injuring several employees. Silo concrete completed except for the floor in two sites. Structural concrete completed for eight launch control centers except for entrance ways, and hung floors are in progress.

Plattsburgh

Behind schedule, but directed completion dates are expected to be met. Excavation completed at all but one site, and all silo concrete placed for eight launchers and in progress at another. Structural concrete complete except for vestibules at five sites. Crib steel, loading system, and support facilities progressing.

TITAN I

Facilities for six squadrons involve 18 separate launch complexes, requiring construction of 54 each of launch silos, propellant terminals and equipment terminals; 36 each of antenna silos; and 18 each of powerhouses and control centers.

Lowry I

Indications are that Air Force dates will be met at all sites. Excavation and concrete completed, and backfill essentially finished. Architectural and structural items in final stages. Mechanical and electrical work more than 90 percent complete except for propellant terminals.

Lowry II

Status approximately the same as at Lowry I.

Ellsworth

Some slippage due to the large number of modifications directed by the Air Force. Excavation, concrete placing and backfill completed. Structural erection nearly finished, and mechanical and electrical work more than 50 percent complete.

Larson

Slightly behind schedule, due partly to the large number of Air Force directed modifications. Excavation completed, concrete placing and backfill near completion, and structural steel 70 percent complete. Support facilities progressing well.

Beale

Ahead of the approved contract schedule, with the status of completion equal to Ellsworth.

Mountain Home

Excavation essentially completed, more than 50 percent of the concrete placed, and backfill well underway. Mechanical, electrical, and structural work in the early stages of progress.

TITAN II

The status of phase I for each site in this program is ahead of schedule by 2 to 5 percent. Work to date consists primarily of excavation and foundation concrete. Plans and specifications for phase II are being completed. Operational sites for this new missile are being built near Wichita, Kans.; Tucson, Ariz.; and Little Rock, Ark. The Titan II can be fired from the bottom of its silo. All facilities are underground, and are hardened to resist blast pressure in the event of nuclear attack.

MINUTEMAN

Construction of the Nation's first operational sites for its newest missile, the solid-fuel Minuteman, began March 16, at Malmstrom AFB in Montana, where three squadrons will be based. Another is planned for Ellsworth AFB, S. Dak.

These bases will consist of large numbers of in-silo launching tubes, launch control centers, support buildings, and other construction.

An idea of the dispersal of this weapon is the fact that the Montana installations will cover a 20,000-square-mile area. A round trip to each site by helicopter from the main base would require over 21,000 miles of air travel.

The construction start at Malmstrom represents successful negotiations for the contract by the Corps of Engineers after initial lump-sum bids were higher than the Government would accept. Feeling that contingency features of this unusual project were a major factor in the bid prices, the corps reviewed plans and specifications to reduce contingency costs and revise schedules, and switched to a type of contract rarely used, calling for a fixed-price incentive.

Under a negotiated formula, savings in cost under the established target contract amount of $61,773,644 will be divided between the contractor and the Government. Conversely, costs above the figure will result in a diminishing profit for the contractor; and, above a negotiated ceiling, all costs are to be borne by the contractor.

WASHINGTON, D.C.,
August 7, 1945.

HERBERT RIVERS,
Secretary-Treasurer, Building and Construction Trades Department, AFL, AFL Building, Washington, D.C.:

I want to thank you and your organization for your help in recruiting the men needed in building the Clinton and Hanford projects. The skilled mechanics who came

from all parts of the country were of inestimable aid in speeding the day when we could drop the first atomic bomb on Japan.

ROBERT P. PATTERSON,
Under Secretary of War.

THE SECRETARY OF THE NAVY,
Washington, September 1, 1945.

DEAR MR. GRAY: I am addressing this letter of appreciation to the building and Construction Trades Department, AFL, on the day of the surrender of the last of our enemies.

Among the unions which have worked with the Navy to build our enormous chain of bases at home and abroad, your union has been outstanding. Your members deserve to carry with them into peace, therefore, a special sense of pride in a great national achievement.

On this day of final victory the Navy sends to all of you its sincere thanks.

Sincerely yours,

JAMES FORRESTAL.

NAVY DEPARTMENT,
September 4, 1945.

Mr. HERBERT RIVERS,
Secretary-Treasurer, Building and Construction Trades Department, AFL, Washington, D.C.

DEAR MR. RIVERS: The surrender of the enemy in the Pacific brings to a close the world conflict in which our country has been engaged for the past 4 years. During this period the Bureau of Yards and Docks, as the construction agency for the Navy, awarded contracts for the construction of vital Navy shore facilities costing approximately $6 billion. As this tremendous war construction program terminates, I wish to extend to you and through you to the international unions constituting the Building Trades Department of the A.F. of L. my sincere appreciation for your wholehearted cooperation in the completion of this program which included construction of air stations, operating bases, repair bases, dry docks, training stations, storage, fuel and ammunition storage depots, hospitals, etc. The outstanding record achieved by the building trades in the construction of these facilities is equaled only by their achievement in successfully assisting in the recruiting of Seabees when, in the early days of the war, the battalions were urgently required for construction work in combat areas overseas.

It can be recalled that prior to the entrance of the United States in the war, the building trades, through the building trades department, entered into a memorandum agreement with the Government construction agencies in which the unions agreed not to strike for any reason whatsoever during the war emergency, and otherwise agreed on the stabilization of wages and working conditions on Federal war construction. This agreement, which is still in operation, effectively eliminated the major causes of labor disputes and provided for a board to hear real disputes.

Later, in May 1942, the building trades unions supplemented this by agreeing to stabilize wages in the construction industry at rates prevailing July 1, 1942, which action was taken sometime prior to the enactment of Federal legislation to stabilize the national economy.

Throughout the period of the war as it became progressively more difficult to effectively man construction projects, the building trades unions ably assisted in recruiting laborers and mechanics. Such efforts were very successful in spite of the remoteness of certain projects from centers of population and the unhealthy working conditions, bad weather, etc., that obtained on several projects.

The building trades and the Building Trades Department of the A.F. of L. have achieved a record of performance of which they may well be proud.

With kindest regards, I am,

Sincerely yours,

BEN MOREELL,
Vice Admiral (CEC), USN, Chief of Bureau.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, September 4, 1945.

Mr. HERBERT RIVERS,
Secretary-Treasurer, Building and Construction Trades Department, AFL, Washington, D.C.

DEAR HERB: As you may or may not know, the War Department has issued orders assigning me to an oversea post.

I would like to take this opportunity, on behalf of the Chief of Engineers, of thanking you for the cooperation extended to the Corps of Engineers and particularly to me, as the Chief of this Labor Division, during the 3½ years I have been in Washington.

Without the cooperation of all elements of labor, the Corps of Engineers could never have accomplished the almost impossible task of constructing the world's most intensive building program, that involved a cost of nearly $14 billion, with a minimum of labor difficulties during a most trying period. You, as secretary-treasurer of the Building and Construction Trades Department, A.F. of L., have been personally responsible in no small way for the successful conclusion of this program.

Again let me say thanks for your personal contribution and cooperation. I hope that you will continue to give the same generous support to the Chief of Engineers in his future operations.

Sincerely,

C. D. BARKER,
Colonel, Corps of Engineers, Chief, Labor Division.

EXHIBIT 4

MAY 26, 1961.

Hon. EUGENE M. ZUCKERT,
Secretary of the Air Force.

DEAR MR. SECRETARY: In view of the recent public discussion of work stoppages on missile and space sites, I would like to have information summarizing man-days lost due to strikes from the commencement of the construction program in 1956 through March 31, 1961. The requested data should be stated for each missile and space project and base under the following headings:

1. Number of work stoppages.
2. Man-days worked.
3. Man-days lost.
4. Percentage lost.
5. Totals for each of the above for each of the calendar years in question, each of the months beginning January 1961, and in the aggregate for the entire period ending March 31, 1961.

Additionally, I would like to have the same data for the period commencing February 16, 1961, to the present.

I should like very much to have this material sometime during the morning of Wednesday, May 31.

Sincerely yours,

WAYNE MORSE.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., June 19, 1961.

Hon. WAYNE MORSE,
Committee on Foreign Relations, U.S. Senate.

DEAR SENATOR MORSE: The purpose of this letter is to respond to your request for information concerning man-days worked and man-days lost on ballistic missile operational sites and test sites. Your request was conveyed to us by Mr. Merrick of your staff on June 7, 1961. The information now supplied is similar to that which you received in a letter from Brig. Gen. Joseph T. Kingley, Jr., of the Office of Legislative Liaison, Department of the Air Force, dated June 5, 1961.

In order to complete, in the manner you have requested, the summaries which have already been furnished you, it would be necessary to know the number of man-days worked at missile and space sites from the start of construction in 1956. Prior to January 1, 1960, there was no requirement that such reports be kept, in total, or for any individual base or site on Air Force contracts. The Air Force has verified that, at this time, it would be a costly, difficult, and time-consuming task to develop statistics on total man-days worked at these locations prior to January 1960. This difficulty is due to the fact that records were not maintained during contract performance in the manner which could, in the reasonable period of time, provide such data. For example, Convair has an Air Force prime contract at Warren, Vandenberg, etc., and subcontracts a major part of the total task. Consequently, many subcontractors have been employed and these, in turn, have had second- and third-tier subcontracts. The data requested was not required to be identified to either the prime by its subcontractors or to the Air Force by its prime contractor. A large number of the subcontracts have been completed and records have not been consolidated.

To secure the data required would necessitate the Air Force requiring each of its prime contractors to secure the data from its subcontractors, and the subs from their subs. This would be costly and time consuming. One of the Air Force prime contractors has informally advised that the task would be difficult to accomplish and that they would be reluctant to undertake to provide the data on a time-limited basis without full reimbursement. A clearance will be required from the Bureau of the Budget with authority to secure the reports from the contractors involved. Assuming that the necessary clearance and funds can be obtained, it has been estimated that it would take from 30 to 60 days to compile the information.

It is our understanding, however, that the Corps of Engineers, Department of the Army, has certain information available on man-days worked on Corps of Engineers contracts. Army Legislative Liaison has been contacted and advised of your request in this matter.

To summarize the information which has been given you, therefore, the man-days lost at missile sites from the start of construction to March 31, 1961, were 162,872. The total number of strikes for this period was 327. These figures represent statistics compiled with regard to Corps of Engineers and Air Force contracts. The total man-days lost for the period January 1, 1960, through December 31, 1960, was 83,972. We have compared this total with the total number of man-days worked for this period and find that the percentage ratio is 1.1 percent. A summary of the man-days lost in comparison to man-days worked at the missile sites for the period January 1, 1960, through March 31, 1961, reflects that the percentage ratio remained approximately the same at 1.1 percent. The number of man-days lost for the period February 15 to May 1961 was 9,784. Although this figure indicates a growing number of man-days lost and strikes which occurred during that period, it is important to realize that two strikes at Lowry Air Force Base represent the majority of man-days lost during this period. Nevertheless, the loss of a total of 162,872 man-days during the total period is serious and the Air Force has had to reimburse contractors for overtime, and to approve work-around methods in order to maintain schedules.

I hope that the information furnished will be adequate to meet your needs. If I or my office may be of further assistance, please call upon us.

Sincerely,

EUGENE M. ZUCKERT.

Summaries of man-days lost to man-days worked at missile sites, from Jan. 1, 1960, through Dec. 31, 1960

Air Force base	Corps of Engineers		Air Force		Number of strikes
	Man-days worked	Man-days lost	Man-days worked	Man-days lost	
OPERATIONAL MISSILE SITE					
Altus	204,620	137	6,212		6
Beale	135,066	122	11,924		4
Dyess	131,928	19	6,207		1
Davis-Monthan	12,965		9,950		0
Ellsworth	215,590	34	28,447		2
Fairchild	222,829	574	280,603	660	18
Forbes	292,829	5,791	103,662	1,044	8
Larson	253,258	2,230	2,671		8
Lincoln	234,571	1,392	6,724		23
Lowry	546,583	2,730	178,958	61	11
Malstrom			890		0
McConnell	530				0
Mountain Home	150,434	14			1
Offutt	168,796	479	542,929	4,388	6
Plattsburgh	176,067	46	5,829		3
Schilling	310,598	70	17,359		6
Walker	108,065	2,297			2
Warren	276,285	7,246	749,624	15,852	24
Total	3,441,014	23,181	1,951,989	22,005	124
Percentage		0.7		1.1	

Air Force base	Corps of Engineers		Air Force		Number of strikes
	Man-days worked	Man-days lost	Man-days worked	Man-days lost	
II. MISSILE TEST SITE					
Patrick	219,036	8,387	135,258	6,355	30
(TWU–IAM)	179,400	4,600			
Edwards			22,053	1,662	2
Vandenberg	210,774	2,052	1,283,074	15,730	14
Total	609,210	15,039	1,440,385	23,747	46
Percentage		2.5		1.6	
III. OPERATIONAL AND TEST SITES					
Grand total	4,050,224	38,220	3,392,374	45,752	170
Percent		0.94		1.4	
Overall total:					
Man-days worked	7,442,598				
Man-days lost	83,972				
Percentage	1.1				

Summaries of man-days lost to man-days worked at missile sites from Jan. 1, 1960, through Mar. 31, 1961

Air Force base	Corps of Engineers		Air Force		Number of strikes
	Man-days worked	Man-days lost	Man-days worked	Man-days lost	
OPERATIONAL MISSILE SITE					
Altus	293,432	137	15,120		6
Beale	236,412	495	16,612		6
Dyess	213,543	19	14,928		1
Davis-Monthan	95,716	243	10,817		1
Ellsworth	319,472	290	80,219		5
Fairchild	229,868	581	447,556	660	19
Forbes	319,287	5,810	222,579	1,125	10
Larson	336,817	2,633	10,345		10
Lincoln	328,738	1,743	15,565		33
Little Rock	86,361	62			1
Lowry	692,607	2,826	426,938	128	17
Malstrom			3,448		0
McConnell	39,822	40			2
Mountain Home	212,862	780	55,246		3
Offutt	169,516	479	677,738	4,388	22
Plattsburgh	381,054	46	11,725		3
Schilling	418,210	79	45,337		7
Walker	186,898	2,297	9,466		2
Warren	335,296	7,302	892,300	15,852	31
Total	4,895,911	25,862	2,955,939	22,153	179

Air Force base	Corps of Engineers		Air Force		Number of strikes
	Man-days worked	Man-days lost	Man-days worked	Man-days lost	
II. MISSILE TEST SITE					
Patrick [1]	252,075	8,442	157,643	6,395	36
(TWU–IAM)			(179,400)	(4,600)	
Edwards [2]			22,053	1,869	3
Vandenberg	256,806	2,097	1,666,912	15,766	17
Total	508,881	10,539	2,026,008	28,630	56
III. OPERATIONAL AND TEST SITES					
Grand total	5,404,792	36,401	4,981,947	50,783	235
Overall total:					
Man-days worked	10,386,739				
Man-days lost	87,184				
Percentage	0.84				

[1] An additional 150 man-days were lost at Patrick Air Force Base on NASA administered contracts.

[2] Because of the multiplicity of interrelated aircraft programs and other nonballistic missile activities being done by Corps of Engineers and Air Force contractors at this base, identification of man-days lost and man-days worked directly connected with the Air Force missile program was impossible. Therefore reporting of man-days worked and other related data affecting the missile program at this test site was discontinued as of Dec. 31, 1960.

Summary of strikes at missile sites (Feb. 15 to May 1, 1961)

OPERATIONAL SITES

Missile base	Date of stoppage and return (1961)	Union or workers involved	Man-days lost	Issue
Altus	Apr. 25–28	Building trades	285	Protest nonunion worker on job.
Beale	Mar. 30–Apr. 3	Plumbers & Fitters	278	Pressure move by union to force contractor to a 10-hour shift.
Davis-Monthan	Feb. 17–24	Operating Engineers	212	Refusal to sign bargaining agreement.
Ellsworth	Mar. 8–10	IBEW	57	Layoff without regard to seniority.
	Apr. 1–4	Sheetmetal Workers	120	Protest over refusal to allow 2 employees to work on days involving premium time after questionable absences during regular workweek.
	Apr. 7–10	Plumbers & Fitters	43	Issue over reduction in workweek.
Forbes	Mar. 8–8	IBEW & Fitters	2	Use of technicians to install equipment.
	Apr. 3–5	Operating Engineers	18	Contract expired. Employees would not work without contract including more wages and fringe benefits.
Larson	Mar. 3–8	IBEW	379	Protesting unsafe scaffolding in silo.
	Mar. 30–Apr. 4	Pipefitters & Plumbers	216	Issue involving safety in ventilation on tunnel sections.
Lincoln	Feb. 16–16	Operating Engineers	8	Termination of crane operator for refusing to change from one machine to another.
	Feb. 28–Mar. 1	Engineers	10	Protest of contractor use of winch truck and driver ordinarily employed at another site.
	Mar. 1–2	Laborers & Operating Engineers	10	Discharge of steward.
	Mar. 9–13	Operating Engineers	72	Protest of contractor use of winch truckdriver ordinarily used at another complex.
	Mar. 13–22	Laborers & Operating Engineers	173	Superintendent expected too much work from only ½ crew. Sympathy strike of 10 laborers and 9 engineers.
	Apr. 7–10	Pipefitters	20	Dispute over swing-shift work. Pipefitters contend they should be on standby for all shifts.
	Apr. 12–14	IBEW	18	Jurisdictional; IBEW versus Carpenters over grounding of T-bar to steel beams.

Summary of strikes at missile sites (Feb. 15 to May 1, 1961)—Continued

OPERATIONAL SITES

Missile base	Date of stoppage and return (1961)	Union or workers involved	Man-days lost	Issue
Lincoln—Continued	Apr. 24-25	Power equipment engineers, electricians, laborers, and fitters.	32	Engineers protest contractor work assignment to individual operators when crews progressed from night shift to day shift.
Lowry	Feb. 15-16	IBEW	38	Protest of demotion of general foreman to foreman.
	Mar. 2-3	IBEW	7	Protest of UAW technicians working on complex 1C.
	Mar. 10-13	Sheetmetal Workers	7	Jurisdictional; sheetmetal workers versus two other building trades over installing air ducts and blowers.
	Apr. 3-6	All building trades	1,314	Jurisdictional; protest UAW employees of Martin Co. operating in powerhouse.
	Apr. 19-24	IBEW and building trades	5,378	Jurisdictional; protesting Martin Co. using UAW employees to perform maintenance functions in areas accepted for beneficial occupancy under Martin Co.
McConnell	Feb. 21-21	IBEW	32	Protest standby electricians being released.
	Mar. 13-13	Hoisting & Portable Engineers	8	Union alleged transfer of personnel contrary to assignment practices.
	Apr. 1-1	Welders & Operating Engineers	5	Miscellaneous complaints by individuals (welders).
Mountain Home	Feb. 23-27	Electricians	235	Electricians claimed millwrights doing electrical work.
Walker	Apr. 4-6	IBEW	32	Dispute over 3 electricians being discharged.
Warren	Apr. 19-24	Electricians	210	Sympathy with Lowry strike Apr. 19, 1961.
	Apr. 20-28	All crafts	235	Sympathy with cement finishers protesting Ready Mix Co. employing nonunion workers.
Total man-days lost, operational sites			9,454	
Total stoppages (30).				

TEST SITES

Edwards	Feb. 17-24	IBEW	207	Jurisdictional; IBEW versus CWA over cable laying.
Patrick	Mar. 1-3	Elevator Construction Workers	24	Protest superintendent performing work, and demand for travel pay.
	Mar. 9-9	IBEW	13	Jurisdictional; Electricians versus Operating Engineers.
	Mar. 30-31	IBEW	11	Protest NASA civil service personnel performing electrical work.
	Apr. 24-25	Plumbers	16	Protest NASA civil service personnel performing installation work.
	Apr. 24-25	Welders	4	Protest of performing work in accordance with contractor's plans and specifications for welding.
Vandenberg	Feb. 21-22	Pipefitters	45	Assignment of ironworker to work claimed by pipefitters.
	Mar. 9-10	Ironworkers	5	Employing of nonunion labor.
	Mar. 8-8	do	5	Protest over assignments to laborers.
Total man-days lost, test sites			330	
Grand total, man-days lost			9,784	
Total stoppages (9).				
Grand total, work stoppages (39).				

Summary of man-days lost at missile sites from start of construction, 1956 through Mar. 31, 1961

Air Force base	Man-days lost		Total	Total number of strikes
	Corps of Engineers	Air Force		
OPERATIONAL SITES				
Altus	137		137	6
Beale	495		495	6
Dyess	19		19	1
Davis-Monthan	243		243	1
Ellsworth	290		290	5
Fairchild	581	660	1,241	19
Forbes	5,810	1,125	6,935	10
Larson	2,633		2,633	10
Lincoln	1,743		1,743	33
Little Rock	62		62	1
Lowry	3,076	128	3,204	19
Malstrom				
McConnell	40		40	2
Mountain Home	780		780	3
Offutt	2,254	4,388	6,642	36
Plattsburgh	46		46	3
Schilling	79		79	7
Walker	2,297		2,297	2
Warren	7,762	15,902	23,664	31
Total operational sites	28,347	22,203	50,550	195
TEST SITES				
Edwards	9	2,076	2,076	5
Vandenberg	2,097	20,766	22,863	18
Patrick [1]	25,239	24,051	87,374	109
(TWU-IAM) [2]		38,084		
Total test sites	27,345	84,977	112,322	132
Total operational and test sites	55,692	107,180	162,872	327

[1] An additional 150 man-days were lost at Patrick AFB on NASA administered contracts.

[2] This figure represents man-days lost because of: (1) contract negotiations between the TWU and Pan American Airways, (2) contract negotiations between IAM and various missile contractors with operations at the cape.

JUNE 3, 1961.

The Honorable ELVIS J. STAHR,
Secretary of the Army.

DEAR MR. SECRETARY: In view of the recent public discussions of work stoppages on missiles and space sites, I would like to have information summarizing man-days lost due to strikes from the commencement of the construction program in 1956 through March 31, 1961. The requested data should be stated for each missile and space project and base under the following headings:

1. Number of work stoppages.
2. Man-days worked.
3. Man-days lost.
4. Percentage lost.
5. Totals for each of the above for each of the calendar years in question, each of the months beginning January 1961, and in the aggregate for the entire period ending March 31, 1961.

As I understand the matter, the Corps of Engineers has been the primary agency under your jurisdiction carrying out this work and I assume that the material is readily available.

I should like very much to have a reply from you before the end of the day on June 5. I fully understand that this request might require more time. I would, however, suggest that you write me to this effect, if such is the fact, and enclose that material which is readily available.

Sincerely yours,

WAYNE MORSE.

DEPARTMENT OF THE ARMY,
Washington, D.C., June 15, 1961.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: This is in further reply to your inquiry concerning work stoppages due to strikes during construction of ICBM bases.

For your convenience I am inclosing a summation of man-days worked and man-days lost due to strikes on ICBM site con-

struction contracts administered by the Corps of Engineers. This material, therefore, only reflects that portion of the overall ICBM construction program that has in the past been a responsibility of the Department of the Army.

At your request the man-days lost at Patrick Air Force Base is broken down to show the time lost by building tradesmen as a result of picket lines established by the Transport Workers Union, the Teamsters Union, and the Machinists Union.

I trust the foregoing information will be of assistance to you.

Sincerely yours,

W. F. SCHAUB,
Acting Secretary of the Army.

Comparison of man-days worked and man-days lost, July 1, 1956, through Mar. 31, 1961

Project	Number of strikes	Man-days		Project	Number of strikes	Man-days	
		Worked	Lost			Worked	Lost
Altus AFB, Okla	6	244,791	136	Malmstrom AFB, Mont	0	0	0
Beale AFB, Calif	5	236,353	253	Mount Home AFB, Idaho	2	212,643	780
Davis-Monthan AFB, Ariz	1	95,685	212	McConnell AFB, Kans	2	43,532	41
Dyess AFB, Tex	1	213,768	9	Offutt AFB, Nebr	25	257,777	2,249
Edwards AFB, Calif	2	41,113	140	Plattsburgh AFB, N.Y	4	309,595	52
Ellsworth AFB, S. Dak	3	319,164	293	Schilling AFB, Kans	7	419,440	76
Fairchild AFB, Wash	10	235,177	662	Vandenberg AFB, Calif	4	719,556	2,044
Forbes AFB, Kansas	21	313,962	6,074	Walker AFB, N. Mex	2	186,895	2,297
Larson AFB, Wash	14	334,920	3,600	Warren AFB, Wyo	26	667,591	18,450
Little Rock AFB, Ark	0	30,914	0	Patrick AFB, Fla	79	1,458,873	[1] 69,247
Lincoln AFB, Nebr	34	391,286	1,727				
Lowry AFB, Colo	15	819,801	3,176	Total	263	7,543,836	111,518

[1] Man-days lost by building trades as a result of picket lines established by:

TWU	5,993
Teamsters	38,398
Machinists	3,174
Total	47,565
Building trades	21,682
Total	69,247

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted.

ADDITIONAL BILL INTRODUCED

Mr. MORSE, by unanimous consent, introduced a bill (S. 2194) to amend the District of Columbia Unemployment Compensation Act of 1935, as amended, which was read twice by its title and referred to the Committee on the District of Columbia.

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

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 6027. An act to improve benefits under the old-age, survivors, and disability insurance program by increasing the minimum benefits and aged widows' benefits and by making additional persons eligible for benefits under the program, and for other purposes; and

H.J. Res. 465. Joint resolution making continuing appropriations for the fiscal year 1962, and for other purposes.

ADJOURNMENT TO MONDAY

Mr. MORSE. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 12 o'clock Monday next.

The motion was agreed to; and (at 9 o'clock and 10 minutes p.m.), under the order previously entered, the Senate adjourned until Monday next, July 3, 1961, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 29, 1961:

IN THE AIR FORCE

Col. Paul T. Cooper, 4861A, Regular Air Force, for appointment to the temporary grade of brigadier general in the U.S. Air Force under the provisions of chapter 839, title 10, of the United States Code.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be major

James H. Pemberton, [redacted]

To be captains

Elvin M. Clark, [redacted].
James H. Dorn, [redacted].
Charles J. Elliott, [redacted].
Joseph B. Fearno, [redacted].
Austin B. Johnson, [redacted].
Frederick T. Kiley, [redacted].
Robert F. McCarthy, [redacted].
Richard K. McNab, [redacted].
Billy R. Miller, [redacted].
Darrell R. Millslagle, [redacted].
Douglas M. Morgan, [redacted].
Charles W. Meyers, [redacted].
Vernon L. Peterson, [redacted].
James L. Portz, [redacted].
Robert D. Reichart, [redacted].
Timothy P. Reidy, [redacted].
Norman E. Stingely, [redacted].
Daniel H. Hate, [redacted].
James O. Turner, [redacted].
Jack K. Walker, [redacted].
Douglas W. Wingate, [redacted].

To be first lieutenants

Kenneth W. Brotnov, [redacted].
Bernard J. Clark, [redacted].
Jasper J. Dees, [redacted].
John G. Halbert, [redacted].
Robert C. Hayter, [redacted].
James N. Holt, [redacted].
Charles A. Kuhlman, [redacted].
Edward G. Leidig, [redacted].
Ronald L. Loy, [redacted].
Robert E. MacArgel, [redacted].
Wilbert G. Maunz, [redacted].
John S. McKinney, [redacted].
Thomas E. Mosley, Jr., [redacted].
James R. Norton, [redacted].
James L. Pettigrew, [redacted].
Donald Post, [redacted].
James V. Regan, [redacted].
Robert O. P. Saisi, [redacted].
Joseph R. Sanchez, [redacted].
Robert M. Thompson, [redacted].
Harold D. Woods, [redacted].

To be second lieutenants

Distinguished Aviation Cadet Graduates

Neal H. Emper, Jr., [redacted].
Esequiel M. Encinas, [redacted].
Terry P. Fichtel, [redacted].
David C. Gildart, [redacted].
Joseph C. Griffin, [redacted].
Hugh A. Langford, [redacted].
Robert P. McIntire, [redacted].
Gary L. Roberts, [redacted].
Edward R. Taylor, [redacted].
Kenneth M. Vondrak, [redacted].

Distinguished Officer Training School Graduates

William F. Mills, [redacted].
Rowland B. Perry, [redacted].
Paul E. Rider, [redacted].

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captain (Judge Advocate)

Charles B. Lewis, Jr., [redacted]

To be captains (Medical)

Edward N. Ahearn, [redacted].
Milton E. Ashby, [redacted].
Grady L. Breece, Jr., [redacted].
Joseph D. Cionni, [redacted].
John W. Gaines, Jr., [redacted].
George N. Gorman, [redacted].
John A. Johnson, Jr., [redacted].
John F. Lancaster, [redacted].
Willard J. Pevey, [redacted].
Raymond H. Stecker, [redacted].
Charles D. Widger, [redacted].

John H. Wright, Jr., [redacted]
DeLyle R. Youngman, Jr., [redacted].

To be captains (Dental)

David J. Bales.
Everett J. May, [redacted].
Jerril E. Sandin, [redacted].

To be captains (Nurse)

Dorothy M. Cucka, [redacted].
Alcestee M. Drisdale, [redacted].
Margaret R. McFarlin, [redacted].

To be first lieutenants (Dental)

David S. Eberly, [redacted].
Jack Gatliff.
Donald E. Gerhardt, [redacted].
John W. Myers, [redacted].

To be first lieutenants (Nurse)

Lois J. Byron, [redacted].
Rosemary Cox, [redacted].
Myrtle G. Ferguson, [redacted].
Avis R. Hildebrand, [redacted].
Marcia C. Huffman, [redacted].
Florence L. Jones, [redacted].
Barbara A. Kunzmann, [redacted].
Helen J. Matthews, [redacted].
Ethel S. O'Neil, [redacted].
Emma E. Paschall, [redacted].
Barbara J. Warren, [redacted].

Subject to medical qualification and subject to designation as distinguished military graduates, the following distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Walter T. Johnson, Jr.
John L. O'Brien, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 1961:

Office of Civil and Defense Mobilization

Charles S. Brewton, of Alabama, to be an Assistant Director of the Office of Civil and Defense Mobilization, vice J. Roy Price, resigned.

In the Navy and Marine Corps

Vice Adm. George W. Anderson, U.S. Navy, to be Chief of Naval Operations in the Department of the Navy for a term of 2 years with the rank of admiral, under the provisions of title 10, United States Code, section 5081.

Adm. Arleigh A. Burke, U.S. Navy, to be placed on the retired list in the grade of admiral, under the provisions of title 10, United States Code, section 5083.

Rear Adm. Emerson E. Fawkes, U.S. Navy, for permanent appointment to the grade of rear admiral.

Rear Adm. Floyd B. Schultz, U.S. Navy, for permanent appointment to the grade of rear admiral.

Lt. Gen. Joseph C. Burger, U.S. Marine Corps, to be placed on the retired list with the grade of lieutenant general, pursuant to the provisions of title 10, United States Code, section 5233.

The nominations beginning Kenneth D. Brodeur to be ensign, and ending Frank H. Taylor to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 1961.

In the Air Force

The following officers to be placed on the retired list in the grade indicated, under the provisions of section 8962, title 10, of the United States Code:

In the grade of general

Gen. Frank F. Everest, [redacted] (major general, Regular Air Force), U.S. Air Force.

Gen. Leon W. Johnson, [redacted] (major general, Regular Air Force), U.S. Air Force.

In the grade of lieutenant general

Lt. Gen. Elmer J. Rogers, Jr., [redacted] (major general, Regular Air Force), U.S. Air Force.
Lt. Gen. Frank A. Armstrong, Jr., [redacted] (major general, Regular Air Force), U.S. Air Force.
Lt. Gen. Walter E. Todd, [redacted] (major general, Regular Air Force), U.S. Air Force.
Lt. Gen. William E. Hall, [redacted] (major general, Regular Air Force), U.S. Air Force.
Lt. Gen. Emery S. Wetzel, [redacted] (major general, Regular Air Force), U.S. Air Force.

The following officers to be assigned to positions of importance and responsibility designated by the President, in the grade indicated, under the provisions of section 8066, title 10, of the United States Code:

In the grade of general

Lt. Gen. Truman H. Landon, [redacted] (major general, Regular Air Force), U.S. Air Force.
Lt. Gen. William F. McKee, [redacted] (major general, Regular Air Force), U.S. Air Force.
Lt. Gen. Walter C. Sweeney, Jr., [redacted] (major general, Regular Air Force), U.S. Air Force.
Lt. Gen. Bernard A. Schriever, [redacted] (major general, Regular Air Force), U.S. Air Force.

In the grade of lieutenant general

Maj. Gen. Edward J. Timberlake, [redacted] Regular Air Force.
Maj. Gen. Herbert B. Thatcher, [redacted] Regular Air Force.
Maj. Gen. Gordon A. Blake, [redacted] Regular Air Force.
Maj. Gen. Hunter Harris, Jr., [redacted] Regular Air Force.
Maj. Gen. Gabriel P. Disosway, [redacted] Regular Air Force.
Maj. Gen. Kenneth B. Hobson, [redacted] Regular Air Force.
Maj. Gen. John D. Ryan, [redacted] Regular Air Force.
Maj. Gen. Troup Miller, Jr., [redacted] Regular Air Force.
Maj. Gen. Robert H. Terrill, [redacted] Regular Air Force.

In the Army

The following-named officers to be placed on the retired list, in the grades indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Clyde Davis Eddleman, [redacted] Army of the United States (major general, U.S. Army).

Gen. Charles Day Palmer, [redacted] Army of the United States (major general, U.S. Army).

To be lieutenant general

Lt. Gen. Harry Purnell Storke, [redacted] Army of the United States (major general, U.S. Army).

2. The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Maj. Gen. Hamilton Hawkins Howze, [redacted] Army of the United States (brigadier general, U.S. Army), in the rank of lieutenant general.

Public Health Service

The following candidates for personnel action in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations:

FOR PERMANENT PROMOTION

To be medical directors

Carl I. Pirkle.
Isaac M. Zigler
Thomas E. O'Brien
Josef J Weisskopf
Carl J. Mankinen
Leslie H. Thomason
Raymond Hofstra
James A. Hunter, Jr.
James T. Hearin
Norman B. McCullough
Marvin O. Lewis
Lawrence Kilham
Trois E. Johnson
Anibal R. Valle
Glen W. McDonald
Louis C. Floyd
Ardell B. Colyar
Warfield Garson
William P. Ramey
Leo J. Gehrig
R. Leslie Smith
Arthur E. Rikli
C. Dudley Miller
Philip P. Spencer

To be senior surgeons

Frank R. Freckleton
Clarence A. Imboden
Roger L. Black
Albert W. Hilberg

To be surgeons

Arden A. Flint, Jr.
William S. Lainhart
David P. Michener
Eugene H. Guthrie
James L. Wellhouse
Claude R. Garfield
Nicholas Revotskie
Lewis E. Patrie
Robert I. Katase
Edward B. Cross
William S. Dunford, Jr.
Orlando L. Clark
Betty E. Hathaway
Alan S. Rabson
Paul J. Schmidt
Nicholas P. Sinaly
Henry V. Belcher
Louis Levy
George G. Browing
George W. Gaffney
James N. Winblad
Charles H. Boettner
Adolph J. Urban
Emil Frei III
Roger W. Ogara
Emil J. Freireich
David J. Sencer
Eugene Braunwald

To be senior assistant surgeons

Gerald R. Bassett
Jack D. Poland

To be dental directors

John W. Holt
Thomas J. Riley, Jr.
Francis W. Pomije

To be senior dental surgeons

Robert C. Likins
Charles J. Gillooly
Tyler C. Folsom, Jr.
William J. Braye
Samuel S. Herman
Paul H. Keyes
John M. Frankel
William J. Putnam
Harry W. Bruce, Jr.
Frank W. Nelson
Lawrence J. Stanwich

To be dental surgeons

Jack D. Robertson
Herbert Swerdlow
A. Fogle Godby
Bill J. Brady
Winston W. Frenzel
Kenneth C. Potter

To be senior assistant dental surgeons

Warren V. Judd
John R. Stolpe
Jim D. Webb
Charles C. Swoope, Jr.
Donald R. Swatman
Richard L. Christiansen
Wellesley H. Wright
William L. Knudson
Richard K. Fred
Gerald W. Gaston
David A. Dutton
Buckner S. Burch
Manuel H. Marks
Gresham T. Farrar, Jr.

To be sanitary engineer directors

Daniel W. Evans
Charles D. Spangler
Archie B. Freeman
John H. Burgess
Arthur H. Johnson
Paul C. Henderson
Harry Stierli
Kenneth C. Lauster
Joseph A. Boyer
Ross W. Buck

To be senior sanitary engineer

William B. Schreeder

To be sanitary engineers

John L. S. Hickey
Donald J. Nelson, Jr.
Herbert H. Rogers
Edwin M. Lamphere
Malen D. Bogue
Lawrence C. Gray
Melvin W. Carter
Ralph I. Larsen

To be senior assistant sanitary engineers

Donald J. Baumgartner
Harry J. Ettinger
Andre F. LeRoy
Edwin L. Johnson
Eugene J. Donovan, Jr.
Albert H. Story
Norman J. Petersen
Charles F. Walters
Jack L. Witherow

To be assistant sanitary engineers

Harold C. Ervine
Howard P. Zweig
Robert Frank Grossman
John A. Little

To be pharmacist directors

Francis R. Ellis
Robarts L. Proper
Arnold H. Dodge
Carmen A. Carrato
Ernest J. Simnacher

To be senior pharmacists

William M. Hanna
Abraham Wolfthal

To be senior assistant pharmacists

Bernard Shleien — Philip R. Hugill
Samuel Merrill — Robert P. Chandler
Jacob H. Hendershot

To be assistant pharmacists

Ray D. Crossley II
Harley A. Mills
Jerome A. Halperin

To be scientist directors

Melvin E. Griffith — Olaf Mickelsen
Lloyd W. Law — George W. Lones
Everette L. May — F. Earle Lyman

To be senior scientists

John E. Porter
Colvin L. Gibson

To be scientists

Frank P. Brancato — Maxwell J. Wilcomb, Jr.
Harold V. Jordan, Jr. — Thomas E. Anderson
William B. Dewitt
Joseph M. Butler, Jr.

To be senior assistant scientists

John C. Freeley III
Sheldon D. Murphy

To be senior sanitarian

Leroy S. Houser

To be sanitarian

James V. Smith

To be veterinary officer director

Robert D. Courter

To be senior veterinary officers

John F. Winn — Herbert G. Stoenner
Arthur H. Wolff — Samuel Abramson
John H. Scruggs

To be veterinary officer

Joe W. Atkinson

To be nurse directors

Lydia M. Zetzsche — Daphine D. Doster
L. Dorothy Carroll — Edna A. Clark
Lois E. Gordner — Mary O. Jenney
Rosalie G. Abrahams — Harriett G. Dexheimer
Madeline Pershing

To be senior nurse officers

Maud J. Larssen — Dorothy E. Reese
Jeanette E. Westlake — Marie F. Hanzel
Mary E. O'Connor — Doris E. Roberts
Margaret E. Benson

To be nurse officers

Marie M. Lech — Josephine I. O'Callaghan
Violet C. Ryb — Helen Troxell

To be assistant nurse officer

Elizabeth L. Cooper

To be dietitian directors

Clare B. Baldauf
Myrtle M. Vincent

To be senior dietitians

Edith A. Jones
Frances M. Croker

To be dietitian

Letitia W. Warnock

To be senior therapist

Elizabeth M. Finke

To be therapist

John F. Burke

To be health services directors

Ralph L. Perkins, Jr. — Nell McKeever
Evelyn Rahm — Mary Jo Kraft

To be health services officer

Gloria M. Russo

To be senior assistant health service officer

Richard E. Gallagher

WITHDRAWAL

Executive nomination withdrawn from the Senate June 29, 1961:

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Frank D. Reeves, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of 3 years, and until his successor is appointed and qualified, which was sent to the Senate on June 26, 1961.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 29, 1961

The House met at 12 o'clock noon.

Dr. Sidney Steiman, rabbi, Temple Beth Hillel, Mattapan, Mass., President, Northeastern Region, Rabbinical Assembly of America, offered the following prayer:

Almighty God, humbly we stand before Thee in prayer.

We confirm Thy sovereignty; we reaffirm our belief that Thou art the Father of men, the Ruler of lands. We thank Thee for granting us the faculty of appreciating representative government.

As Congress assembles in this hallowed and historic edifice, inspire them to devote themselves unselfishly to the welfare of this country. Grant them a wise and discerning heart, to take counsel together wisely and courageously. Incline them with wisdom, courage, and strength to deliberate calmly and intelligently, remaining steadfast to the ideals of democracy.

Shower Thy blessings upon all America, the President, and all who exercise just and rightful authority.

We pray for all the peoples of the world. May justice be victorious; may peace and happiness prevail. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7677. An act to increase for a 1-year period the public debt limit set forth in section 21 of the Second Liberty Bond Act.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6874. An act to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses, research and development, construction of facilities, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KERR, Mr. RUSSELL, Mr. MAGNUSON, Mr. ANDERSON, Mr. SYMINGTON, Mr. BRIDGES, Mr. WILEY, and Mrs. SMITH of Maine to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4591. An act to continue until the close of June 30, 1962, the suspension of duties on metal scrap, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2154. An act to amend Public Law 85-626, as amended by Public Law 86-542, relating to dual rate contract agreements.

CONTINUING APPROPRIATIONS, 1962

Mr. MAHON, from the Committee on Appropriations, reported the joint resolution (H.J. Res. 465) making continuing appropriations for the fiscal year 1962, and for other purposes (Rept. No. 612), which was read a first and second time, and with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. MAHON. Mr. Speaker, under special order of the House of June 21, I call up the joint resolution (H.J. Res. 465) making continuing appropriations for the fiscal year 1962, and for other purposes, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. MAHON]?

Mr. TABER. Mr. Speaker, reserving the right to object, this is the usual form of continuing resolution which we have had over a number of years; is that right?

Mr. MAHON. Mr. Speaker, I would say to the gentleman from New York and to the House that this is the usual stereotyped resolution similar to what we have passed for a number of years on the eve of the new fiscal year, in order to carry on functions of the Government at minimum levels until final action has been taken by Congress on the appropriation bills. Only three appropriation bills have been finally approved by the President. None of the regular 1962 bills are completely processed. So this is a necessary interim measure for the months of July and August, or until such time as the applicable bills are finally approved.

Mr. TABER. It does not allow for any new project or any new activity which has not heretofore been provided for, and does not provide for any new ones at all?

Mr. MAHON. The gentleman from New York has put it precisely and correctly. I might add that the House has adopted 12 appropriation bills to date, including the defense bill just passed