The unions are demanding treatment equal to that accorded the Marine Engineers Beneficial Association. Engineers on the ship, on the premise of special skills and training for this particular ship, are getting as much as 29 percent more in wages than the scale for conventionally powered vessels of this class.

The 13,559-ton *Savannah* is manned by 75 seamen, 16 engineers, 5 mates under Capt. Gaston R. DeGroote, 3 pursers, and 4 radio officers. She had been scheduled to go to Savannah, Ga., soon on the way to the west coast for her first "show ship" cruise.

The striking unions are also demanding improvements in benefits, including a higher manning scale and better accommodations.

Negotiators for the three labor groups have charged that the States Marine Lines has refused to negotiate the demands. On this basis, although the company has called for arbitration under the existing contract grievance procedure, the mates' union has declined to participate in arbitration.

KHEEL SLATES MEETING

Theodore W. Kheel, arbitrator for the NMU contract, will hold an arbitration meeting here on Friday.

A spokesman for the company said yesterday that some of the union's officials considered the refusal by the company to accept union demands equivalent to refusing to negotiate. He said the company had negotiated in good faith.

The *Savannah* received its official classification yesterday from the American Bureau of Shipping, this country's official classification society. The ship was given the society's top rating.

The *Savannah*, planned jointly by the Maritime Administration and the Atomic Energy Commission, is the first such commercial ship in the world, and required special standards under which the American Bureau carried out its tests and examinations.

Senator BUTLER reminded President Kennedy in his letter that the *Savannah* was owned by the people of the United States and that the men were striking against the Government.

"I cannot imagine that you as Commander in Chief would tolerate for a minute a strike by the crew of any vessel of the Navy," he said.

Last week, Representative HERBERT C. BONNER, Democrat, of North Carolina, proposed that the *Savannah* be laid up or transferred to the Navy, because of the intolerable labor situation.

[From the New York (N.Y.) Herald Tribune, Aug. 8, 1962]

SENATOR BUTLER APPEALS TO KENNEDY: URGES INTERVENTION ON "SAVANNAH"

(By Walter Hamshar)

President Kennedy was urged yesterday to intervene in the dispute that has tied up the nuclear ship *Savannah*, the world's first nuclear-powered merchant ship, for 2 weeks.

The *Savannah* has been immobilized at her berth at Yorktown, Va., where she was being prepared for service as a showcase of peaceful uses of atomic power.

The President's intervention was urged by Senator JOHN M. BUTLER, of Maryland, ranking Republican member of the Senate Foreign Commerce Committee, who supported legislation to build the experimental ship.

Mr. BUTLER called the refusal by members of three maritime unions to sail the ship until their demands are met a strike against the Federal Government, which owns the *Savannah*. This is an "incredible situation" that warrants "personal intervention and immediate action," Senator BUTLER declared.

SITTING ABOARD SHIP

Members of the Masters, Mates & Pilots, the American Radio Association and the National Maritime Union are sitting in abroad ship although they were removed from its payroll after refusing last Thursday to move the vessel to a Norfolk shipyard for minor repairs. The unions are demanding parity in wages, manning and quarters with the Marine Engineers Beneficial Association, whose members are still employed aboard the ship.

In a letter to the White House, Senator BUTLER said "The action of a few dictorial union bosses can do more to destroy the symbol of freedom characterized by the nuclear ship *Savannah* than the entire Communist machine."

WARNS OF WAGE SPIRAL

Recalling the President's words, BUTLER warned that "should the group that is now striking against the Federal Government be successful in unjustifiable demands for wage revisions, the upward spiral of wage demands throughout the entire maritime industry both at sea and ashore would create a further impediment to the competitive position of the U.S. merchant marine."

The Government has "eloquently and wisely" offered to share with foreign nations the knowledge acquired in constructing and operating the $80 million *Savannah*, Mr. BUTLER reminded the President. "Surely it would not be your wish to share with our friends and allies an incredible example of union effrontery," he said.

Mr. BUTLER's letter was the second written by Congressmen disturbed by the *Savannah* work stoppage. Last week Representative HERBERT C. BONNER, Democrat, of North Carolina, chairman of the House Merchant Marine Committee, suggested in a letter to the Department of Commerce that it might be wise to turn the *Savannah* over to the Navy and remove it from the influence of maritime unions.

ARBITRATION DATE SET

Efforts to arbitrate the dispute advanced slightly yesterday when the Masters, Mates & Pilots and States Marine Lines, which acts as agent for the *Savannah*, agreed to meet at 3 p.m. today to turn the dispute over to Walter Gelhorn, arbiter. The NMU has already agreed to submit its part in the dispute to Theodore W. Kheel, permanent arbiter for the union's agreement. The ARA was considering similar action.

A Worthwhile Cultural Project

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 15, 1962

Mr. ANFUSO. Mr. Speaker, as a Representative from the city of New York, the activities of our entire State are of interest to me. A project has recently come to my attention, undertaken by our neighbors in Long Island, the citizens of Nassau County. I make record of it now, for the project is of such interest that other cities and communities may well want to put it into effect in their own areas.

County Executive Eugene Nickerson, one of the Nation's most able civic administrators, has just appointed the noted industrialist, Mr. Norman Blankman, as chairman of the Long Island Cultural Center. This is a nonpolitical committee composed of outstanding citizens of Long Island. They are banding together, under Mr. Blankman's leadership, to produce what will become one of the most unusual projects of its kind in the country.

Slated to begin this summer, they are forming their own symphony orchestra, their own pops concert band, a huge summer festival which will equal the one held annually in the city of New York. They are organizing their own ballet and putting together one of the most valuable and extensive collections of famous paintings and art work in the country.

The citizens of Long Island and of Nassau County are fortunate, indeed, to have men and women of this caliber ready to serve their community. Mr. Nickerson's forthright appointment and his demand that this committee and this idea remain nonpolitical in every way is certainly to be admired and commended. Mr. Blankman's tireless efforts to put his idea into successful being is, likewise, commendable.

May I take this opportunity to wish our neighbors in Long Island continued success in this most worthwhile project.

SENATE

THURSDAY, AUGUST 16, 1962

(Legislative day of Tuesday, August 14, 1962)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

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

Father of all mercies, with the hunger for Thee forever gnawing in our inner selves, save us, we pray, from accepting the low standards of the world across which we move and from thus spinelessly melting into our surroundings. Join us to the company of whom in the final record it will be said: "They looked unto Him and were radiant and their faces were not ashamed."

Even as we come with deep contrition for our shortcomings, give us to sense, beyond all the irritating details of legislation, that Thou hast summoned us as trustees of civilization to defend the gains of the ages and to help create social institutions essential to human progress.

We pray for those who here serve in this temple of governance, that giving expression to their highest and noblest thoughts, there may rest unsullied upon their shoulders the white mantle of the Nation's honor.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were commu-

nicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On August 14, 1962:

S. 2807. An act for the relief of Mrs. Juliane C. Rockenfeller;

S. 2844. An act for the relief of Alice Amar Froemming;

S. 3109. An act to amend chapter 17 of title 38, United States Code, in order to authorize hospital and medical care for peacetime veterans suffering from noncompensable service-connected disabilities;

S. 3525. An act to authorize the Administrator of General Services, in connection with the construction and maintenance of a Federal office building, to use the public space under and over 10th Street SW. in the District of Columbia, and for other purposes; and

S.J. Res. 91. Joint resolution to establish the St. Augustine Quadricentennial Commission, and for other purposes.

On August 15, 1962:

S. 296. An act for the relief of Hanna Ghosn;

S. 1771. An act to improve the usefulness of national bank branches in foreign countries;

S. 1882. An act for the relief of Assunta Bianchi;

S. 2572. An act for the relief of the Merritt-Chapman & Scott Corp.;

S. 2614. An act for the relief of Mr. and Mrs. Alfredo Hua-Sing Ang;

S. 2769. An act for the relief of Renato Granduc and Grazia Granduc; and

S. 2978. An act to authorize the Foreign Claims Settlement Commission of the United States to investigate the claims of citizens of the United States who suffered property damage in 1951 and 1952 as the result of the artificial raising of the water level of Lake Ontario.

On August 16, 1962:

S. 405. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Mann Creek Federal reclamation project, Idaho, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, the Senate gave its permission for the Judiciary Committee to meet on Wednesday and Thursday, for the purpose of concluding the hearings on the nomination of Judge Thurgood Marshall. I have discussed this matter with the members of that committee. I have been informed by them that Judge Marshall could not appear on Wednesday or this morning because of prior commitments on the west coast. I have been informed, further, that if the Senate gives permission for the Judiciary Committee to meet tomorrow, Judge Marshall will be before the committee tomorrow, and that it is anticipated that the hearing on his nomination will be completed at that time.

Therefore, Mr. President, I ask unanimous consent that the Judiciary Committee may be permitted to sit during the session of the Senate tomorrow morning.

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

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Internal Security Subcommittee of the Judiciary Committee be permitted to sit during the session of the Senate today.

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

CALL OF THE ROLL

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

The VICE PRESIDENT. The absence of a quorum is suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 190 Leg.]

Aiken	Hruska	Pastore
Allott	Kefauver	Pearson
Bottum	Kuchel	Pell
Burdick	Lausche	Proxmire
Carlson	Magnuson	Randolph
Chavez	Mansfield	Robertson
Church	McCarthy	Smith, Mass.
Dirksen	McClellan	Smith, Maine
Douglas	Metcalf	Sparkman
Fulbright	Miller	Talmadge
Gore	Monroney	Young, Ohio
Holland	Morse	

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE] and the Senator from Utah [Mr. MOSS] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

The VICE PRESIDENT. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms is instructed to execute the order of the Senate.

After a little delay, Mr. BARTLETT, Mr. BEALL, Mr. BENNETT, Mr. BOGGS, Mr. BUSH, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CARROLL, Mr. CASE, Mr. CLARK, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. EASTLAND, Mr. ELLENDER, Mr. ENGLE, Mr. ERVIN, Mr. FONG, Mr. GOLDWATER, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. HICKENLOOPER, Mr. HICKEY, Mr. HILL, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. JOHNSTON, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. KEATING, Mr. KERR, Mr. LONG of Missouri, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. MCGEE, Mr. MCNAMARA, Mr. MORTON, Mr. MUNDT, Mr. MUSKIE, Mrs. NEUBERGER, Mr. PROUTY, Mr. RUSSELL, Mr. SALTONSTALL, Mr. SCOTT, Mr. SMATHERS, Mr. STENNIS, Mr. SYMINGTON, Mr. THURMOND, Mr. TOWER, Mr. WILEY, Mr. WILLIAMS of New Jersey, Mr. WILLIAMS of Delaware, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The VICE PRESIDENT. A quorum is present.

COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM

The Senate resumed the consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, as amended.

Mr. CLARK. Mr. President, I shall call up shortly an amendment jointly sponsored by the senior Senator from Oregon and me, but I shall not call it up immediately because I have been advised that a point of order may be raised against it on the ground that the amendment is not germane and therefore under rule XXII would be subject to a point of order. I have had, through my staff, informal consultations with the Parliamentarians and they have advised me that they believe the point of order would be well taken.

With deep regret, and expressing my very warm regard for my close friends, the Parliamentarians, for whom I have the greatest respect, I believe the ruling which I have been informally advised they would recommend that the Chair make will be wholly and totally erroneous. Since, under rule XXII, if the amendment is formally called up, a point of order would be in order and an appeal from the decision of the Chair would not be subject to debate, I shall not call up my amendment until all Senators who desire to speak briefly in support of it have been granted the opportunity.

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

Mr. CLARK. Am I permitted to yield?

Mr. PASTORE. For a question.

Mr. CLARK. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. Am I permitted to yield?

The VICE PRESIDENT. The Senator can yield for a question.

Mr. CLARK. I should be happy to yield for a question to my very good friend from Rhode Island, with whom I have discussed this matter informally.

The VICE PRESIDENT. The Senator from Pennsylvania yields to the Senator from Rhode Island for a question,

with the understanding that he does not thereby lose the floor.

Mr. CLARK. On that basis, I yield.

Mr. PASTORE. Is this presentation based on our understanding that all who desire to talk will talk before the ruling is made or sought?

Mr. CLARK. The Senator is correct. I thank my friend from Rhode Island for the courtesy he afforded me and other Senators when we discussed this matter informally yesterday.

So, Mr. President, I shall not for the moment call up my amendment, but I wish to make clear to the Senate the reason why I feel so strongly that a ruling by the Parliamentarian that the amendment was nongermane would be incorrect, and that therefore the Senate should sustain an appeal from the decision of the Chair, if the Chair should follow such advice by the Parliamentarian.

I shall read the amendment, which would insert in section 305 of the bill, on page 37, line 13, a new subsection dealing with the powers and duties of corporations. The amendment would provide:

(d) In carrying out the purposes of this Act, enumerated in section 305 (a) and (b), the corporation shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. With respect both to its own operations and to the operations of any contractor engaged to carry out these purposes, the corporation shall take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin.

In other words, Mr. President, this is a limited-purpose FEPC amendment dealing with the employment practices of the corporation intended to be created by this proposed legislation.

The contention has been made that an amendment dealing with the employment practices of the corporation is not germane to the purposes of the bill. This contention seems to me to be wholly unfounded, and I will state my reasons briefly.

Section 305(c) of the pending bill provides:

To carry out the foregoing purposes, the corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

In other words, in terms familiar to every lawyer in this body, the District of Columbia Business Corporation Act is incorporated by reference in this bill, and many of the most important powers and duties, and many of the most important restrictions on what the corporation could and could not do, are set forth, not in H.R. 11040 at all, but in the District of Columbia Business Corporation Act, to which one must turn to see what are the privileges, obligations, and duties, as well as restrictions on the corporation proposed in the bill.

Mr. President, the District of Columbia Business Corporation Act, like every other corporation act in the country, is full of provisions dealing with personnel and employment matters, so it appears to me that if one looks beyond the end of one's nose and takes a glance at the District of Columbia Business Corporation Act, it must be abundantly clear that the amendment, which would modify those provisions to the extent that fair employment practices would be required, is totally and wholly germane to the bill presently pending.

The District of Columbia Act provides, among other things, in section 4 that a corporation shall have power "To elect or appoint officers and agents of the corporation, to define their duties, and to fix their compensation."

My amendment provides merely that in doing so, they must comply with the fair employment practices requirements. They could not refuse to select an officer or an agent because he is a Negro or because he belongs to some religious faith of which the corporation or any of its representatives might not happen to approve. I quote again:

Officers of the corporation are elected by the board of directors at such time and in such manner as may be prescribed by the bylaws.

Can it be said that the bylaws might provide that no Negro shall ever be selected by the board of directors?

Lower level officers and other agents of the corporation may either be chosen by the board of directors or "chosen in such manner as may be prescribed by the bylaws."

All my amendment provides is that the bylaws shall not contain any provision which would not require that all employees of the corporation should be selected without regard to race, creed, color, or national origin.

Mr. President, I submit in all candor that to rule the amendment out of order on the ground that it is not germane could not be sustained in logic or in precedent. I hope very much that a point of order will not be raised. I hope very much it will not be necessary to appeal from a ruling of the Chair. I hope very much that the amendment can be voted on on its merits, and therefore that a motion to table will not be made.

Mr. President, those are fond hopes which I feel will, in the course of the next couple of hours, turn out to be no more than foolish fantasies. I urge Senators to let us come to grips with the amendment on its merits, and not to resort to parliamentary tactics in order to prevent the Senate, for the first time this session, to have a vote on the merits of a civil rights amendment.

The ranks of those of us who have for so long fought to tighten the rule against the filibusters—rule XXII—on the ground that it did not permit the Senate to come to a vote on the merits of proposed civil rights legislation, have been split asunder, albeit temporarily I am sure. Let us face it and admit it. Some of us have fought as conscientiously, as ably, and as sincerely against cloture on the pending bill as we fought conscientiously, ably, and sincerely in opposition to filibusters earlier in the present session and other sessions on the civil rights issue. Others of us have felt with equal sincerity and conviction—and I number myself in the group—that if we would have cloture on civil rights, we could not consistently be against cloture on the bill now before the Senate when a majority is clearly ready to act after lengthy discussion of the issues, even though we thought it was a bad bill—a bill which was against the national interest, a bill which should never have been brought up at the present session of the Congress.

I say to my friends on both sides of the aisle and to those who have voted in the past to prevent proposed civil rights legislation of a meaningful nature from coming before the Senate, as well as to those who have sought such legislation, that now is our opportunity to get a vote on the merits of an important provision that would create or maintain for many citizens of our country those privileges and immunities of citizens which are guaranteed to them by the Constitution of the United States. I plead that we meet the issue on the merits, and not resort to technicalities to prevent that from being done.

Mr. President, the question may be raised that if the amendment is agreed to, will I vote for the bill? The answer is, "No." I will not vote for the bill if the amendment is agreed to, because I think the bill is a bad bill, a bill not in the public interest. I have stated briefly on the floor at earlier times why I have that conviction.

Let me briefly restate my views. I am not one of those who think that the A.T. & T. is a monster. I am not one of those who think that the A.T. & T. and its officers and directors are any less patriotic American citizens than anybody else, including, if you will, all Senators. I am glad that I, my wife, and my daughter are stockholders in small amounts of the A.T. & T. If I were going to vote for the bill—and I am going to vote against it—I would think that every Senator would want to make a public record of the fact whether he does or does not own shares in the American Telephone & Telegraph Co. However, it is not for me to police the ethics or views of other Senators. I am quite content to let them make up their own minds on the conflict-of-interest point. However, I do say that I own less than 100 shares of A.T. & T. My wife owns slightly more than 100 shares of A.T. & T. My daughter and perhaps my son—he has not confided his investment portfolio to me—own some few shares of A.T. & T.

I shall vote against the bill because I think it is a bad bill.

The VICE PRESIDENT. The Senate will be in order. The Senator will suspend.

The Senator from Pennsylvania may proceed.

Mr. CLARK. Mr. President, I oppose the bill because I do not think that the national interest of the United States of America, in promoting the dissemination of information through the new media which would be available through this communications satellite system, can best be advanced by a corporation for profit, nor do I think that it would

be wise to vest in a private corporation as much control over matters which are essentially matters of foreign policy for the President and the Secretary of State to handle as the bill purports to do.

After all, one of our great objectives in creating a new satellite communication system should be to assure that the nations of the underdeveloped part of the world—Latin America, Africa, and Asia—should be brought into the modern world through the educational process, through the amelioration of their social and political conditions and through the increase in their gross national product and per capita income, until the time when they can play their part to a greater extent than they are able to do at the moment in moving ahead in the cause of freedom and in the cause of civilization.

I believe that that cause can best be served if we have a communications satellite system which can freely and without thought of profit make available to these underdeveloped areas of the world the information coming by TV or radio over this satellite system, without having to think about whether, if that is done, whether it will be possible to declare a dividend. So I believe this is a bad bill in the two regards that I have just stated.

Let me say further, however, that I do not favor Government operation of this system, I am opposed to Government operation. I believe that the Government should own and control the system only to the extent that it is necessary to assure its operation in the public interest. The system will be expensive to put into operation, and only the general taxpayer will be prepared to provide the moneys necessary to provide the best satellite system—not the second best, but the best. I would favor leasing or contracting for the operation of the satellite system with that company or group of companies which, as a result of proposals and specifications submitted to the Government, gave promise of continuing the operations at the least cost to the taxpayer, but also assuring that a fair profit would be made by the free enterprise companies who bid for the work.

I would provide from time to time that the Government make arrangements to review the operations of the system or systems, so that if new developments occurred, they could be used, and it would be possible to take advantage of the latest research for the operation of the satellite system, without undue regard to the effect on profits. A factor which is present all too frequently in our private industrial system is an unwillingness to scrap obsolescent or obsolete equipment and methods, because of the adverse effect on current profits.

For these reasons and others I have cited before, I shall vote against the bill.

Mr. DOUGLAS. Mr. President, will the Senator yield in my time?

Mr. CLARK. I am happy to yield for a question to the Senator from Illinois, on his time, with the understanding that I shall not lose my right to the floor.

A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. Have I the right to do that?

The VICE PRESIDENT. The Parliamentarian informs the Chair that that would be in violation of the rule.

Mr. CLARK. I suggest to the Senator, in view of the ruling, that he wait, and that I shall be happy to yield to him briefly at a later time.

Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. Is it not possible to yield for a question on my time?

The VICE PRESIDENT. The Senator can yield for a question to any other Senator, but he cannot yield in another Senator's time. He can yield only in his own time.

Mr. CLARK. How much time have I taken thus far?

The VICE PRESIDENT. Sixteen minutes.

Mr. CLARK. I yield to the Senator from Illinois on my time, for a question.

The VICE PRESIDENT. The Senator from Pennsylvania yields to the Senator from Illinois for a question in his time.

Mr. DOUGLAS. I thank the Chair.

I ask the Senator from Pennsylvania this question: In connection with his FEPC amendment, is it not true that the President's Equal Job Opportunity Committee has received, during the last year and a half, 18 to 20 complaints from the NAACP concerning alleged employment discrimination by A.T. & T. or its subsidiaries, namely, Southern Bell Telephone Co., Southwestern Bell Telephone Co., Western Electric, and the Chesapeake & Potomac Co.?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. In other words, this company has already been complained against for discriminating in matters of employment on grounds of race and color?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. So that there is a real fear that it would continue to discriminate if it were either the controlling company or if it were the operating company under a contract from the Government?

Mr. CLARK. I share the Senator's concern in that regard.

Mr. DOUGLAS. Is it not true that these complaints have fallen into three categories; namely, first, those in which the Committee has no jurisdiction, as the Federal Government has no contract with the facilities in question?

Mr. CLARK. That is one of the categories.

Mr. DOUGLAS. If there is an outright private satellite corporation, without an FEPC amendment in the act, could not this fact be used as a defense against putting the company under a no-discrimination contract?

Mr. CLARK. I should think it would.

Mr. DOUGLAS. The second category includes those complaints in which the allegations have not been resolved between the complainants and the Committee.

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. If they were not satisfactorily resolved, and if A.T. & T. and its subsidiary continued to discriminate, then the Committee would have difficulty in obtaining jurisdiction. Is that correct?

Mr. CLARK. The Senator is quite correct.

Mr. DOUGLAS. The third class is the class in which complaints have been satisfactorily resolved, and this, I believe, is primarily the case with respect to Western Electric, which is the manufacturer of equipment for A.T. & T., and which is located in the city of Cicero, just outside Chicago.

Mr. CLARK. The Senator is correct according to my information. I point out also that there are instances in which subcontracts will inevitably be let to concerns operating in areas where, to put it mildly, fair employment practices are the exception rather than the rule. I believe we should provide in the bill an absolutely watertight prohibition against any discrimination wherever it may occur. The need for it is clear. There is a General Accounting Office regulation calling for the "permissive nonuse of contracts" in the Government's relations with utility companies where rates and tariffs are regulated by law. Therefore, in the bulk of cases coming to the attention of the President's Committee, it is likely to be found that the Committee does not have jurisdiction under the Executive order, which is limited in scope in non-Federal employment areas to cases in which employment is performed under contract with the Government.

Mr. DOUGLAS. In other words, do I correctly understand the Senator, who is a very able lawyer and a very distinguished member of the Philadelphia bar—and Philadelphia lawyers are supposed to be the best in the Nation——

Mr. CLARK. I am an ex-lawyer.

Mr. DOUGLAS. In other words, utilities perform their services for the Government on a noncontract basis?

Mr. CLARK. Frequently.

Mr. DOUGLAS. Commonly?

Mr. CLARK. Commonly.

Mr. DOUGLAS. Therefore, since they do not perform their services on a contract basis, they are not bound by the antidiscrimination clauses which are included in most of the Government's contracts?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Therefore, unless there is specific statutory authority, in all probability A.T. & T., or whatever communications carrier is set up, could permit discrimination and could not be held to any account by the President's Special Commission on Employment Opportunities?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Therefore, the Senator from Pennsylvania and the Senator from Oregon feel very strongly that this clause should be written into the basic legislation?

Mr. CLARK. I hope my concern is shared by many Senators.

Mr. DOUGLAS. It is shared by me. In connection with this subject, I am

sure the Senator remembers, does he not, the pledge in the Democratic Party's platform of 1960, that the Democratic Party would work for the abolition of discrimination on the ground of race, creed, color, or national origin?

Mr. CLARK. I do indeed. I point out that there is an equally interesting clause in the Republican platform, which reads as follows, under the heading "Employment":

> We pledge continued support for legislation to establish a commission on equal job opportunity, to make permanent and to expand with legislative backing the excellent work being performed by the President's Committee on Government Contracts.

Therefore, both parties are on record as supporting this type of legislation. This is the first time in the history of the Senate that there has been an opportunity to bring such a measure to a vote. It is my hope that the Senate will not defeat it.

Mr. DOUGLAS. In the past the filibuster or threat of filibuster has prevented the Senate from voting on this measure, is that correct?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Does the Senator from Pennsylvania remember the words of Samuel Johnson:

> Words are the daughters of earth, and * * * things are the sons of heaven.

Mr. CLARK. The Senator is contributing to my adult education. I am sorry I am not as familiar with these words as he is.

Mr. DOUGLAS. Is it not true that today will be the payoff as to whether we believe in the platforms and principles we have advocated before the country, or whether they are simply for campaign purposes?

Mr. CLARK. I hope that today will be one of the payoffs; but I hope there will be many more payoffs in the years ahead.

Mr. President, I thank the Senator from Illinois for his helpful interjection. I read now from the unanimous recommendations contained in the 1961 report of the Commission on Civil Rights:

> Recommendation 1: That Congress grant statutory authority to the President's Committee on Equal Employment Opportunity or establish a similar agency—
>
> (a) To encourage and enforce a policy of equal employment opportunity in all Federal employment, both civilian and military, and all employment created or supported by Government contracts and Federal grant funds.

Nothing could be clearer than that the Democratic Party, the Republican Party, and the U.S. Commission on Civil Rights are all in accord that this type of antidiscrimination legislation is necessary, and I am confident they would all be in accord in believing that this bill is one of the best places in the world to initiate such legislation.

I shall shortly yield the floor, stating my intention, when all Senators who desire to speak on my amendment have completed their remarks, of calling it up.

I yield the floor.

Mr. KEATING. Mr. President, I find myself in general agreement with the distinguished Senator from Pennsylvania with regard to this amendment, although not with regard to the bill as a whole. I shall vote for the bill whether the amendment is adopted or not, and later in the debate shall state my reasons why I favor the bill. But I am in agreement with the distinguished Senator from Pennsylvania on the merits of this amendment and its germaneness to this bill. All that the distinguished Senator from Pennsylvania is seeking to do by the amendment is to simplify what is set forth in subparagraph (c), which provides:

> To carry out the foregoing purposes—

That is, the powers set forth in the earlier part of section 305—

> the corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

The amendment would then continue the purpose by providing that in carrying out these same purposes, the corporation shall not discriminate against any employee or applicant for employment on the ground of race, creed, color, or national origin.

I believe strongly that such language is germane to the purposes and powers of the corporation. I believe strongly that the best place in the world to include a provision for nondiscrimination in employment, is in this corporation which will be a semiprivate, largely private corporation, but will have strong provisions for governmental supervision.

In my judgment, it should be clearly the national policy for Government agencies and for corporations, as clearly associated with the public interest as this corporation will be, to hire its employees on the basis of merit. The language of the proviso would apply not only to the operation of the communications satellite corporation itself, but also to the operations of any contractor engaged to carry out this work. The amendment further requires that the corporation take affirmative action to insure that no employee or applicant for employment shall be discriminated against because of race, creed, color, or national origin. It is strong language; but under the circumstances which confront us, it is necessary.

The proposed corporation will play a unique role in a new area of Government-industry cooperation. The proposed legislation is the only genuinely new legislation, which we have been seeking to pass at this session of Congress. It is an important measure. As I have said, the corporation will play a unique role. It is my hope that it may be able to set an example to American business in all parts of the country, and in all other nations, as well, where the impact of space communications may be felt.

The language of the proposal is wholly consistent with the official policy of the U.S. Government. Although technically the corporation would not be a Government agency, as we who favor the bill do not wish to have it, and as we have fought not to make it, yet it will be operating in conformity with Government policies. In the eyes of the world it will be a symbol of how American business functions. For these reasons, it is altogether fitting and proper—indeed, it is desirable and necessary—that language of this kind be included in the bill.

One of the first and foremost opportunities which a free and growing country must offer to all its citizens, if it is to continue to thrive, is the economic opportunity to earn a living according to one's training and ability, and according to no other standard. The chance for every individual to work his way in our society should not be limited by his race, his religion, his color, or his national origin. Jobs and career opportunities must be available only on the basis of ability. Promotion or preferment possibilities should depend on the quality of the work an employee is doing, and on nothing else. His longtime economic security should not depend on whether he is a member of any particular racial, religious, or nationality group.

For most of the breadwinners in this country, the right to fair treatment economically, the right to hold a job on the basis of merit, is one of the most important aspects, if not the most important, of a free society. It is a vital, a bread-and-butter issue which none of us can ignore. For that reason, Mr. President, I believe that the Senate would be doing a service to the entire Nation by establishing this principle clearly and unequivocally in the very heart of this legislation. All the people of America are supporting our national space effort. All the people of America have been taxed to support our space ventures. When the tax collector comes around to collect their taxes, he does not ask what their race or color or national origin is. He collects the taxes from the pay envelopes of everyone, and part of that money is used for the space effort in which we are engaged.

Therefore, the people have a right to expect that in this important field they will be treated on their merits, not in accordance with some outmoded or discriminatory ideas of race, nationality, or religious restrictions. As we enter the new space age, we should have our eyes on the abilities of each individual, not on his background. We should look forward to a future in which competence and ability will be the yardsticks by which the individual will hold his job. And by giving vigorous support to this amendment, we can put the firm seal of Senate approval upon the principle of fair employment practices in this vital area of national effort.

I call the attention of the distinguished Senator from Pennsylvania [Mr. CLARK] and the attention of other Senators to the fact that this is not the first effort at this session to put into effect this part of the provisions of the platforms of both political parties, and I agree with the Senator from Pennsylvania that it is clearly within the platforms of both parties to support this amendment. We had a similar amendment under consideration when the agricultural bill was before us. An amendment to title I of the bill provided for

setting land aside for recreational facilities, in order to take land out of production. In connection with that amendment, there was offered an additional amendment providing that those facilities should be open to all citizens, regardless of their race, color, creed, or national origin. I am sorry to say that amendment was rejected—although by a narrow margin. I shall offer the amendment again when the farm bill is again before us.

The distinguished Senator from Pennsylvania [Mr. CLARK] and the distinguished Senator from Illinois [Mr. DOUGLAS], as I recall, voted for that amendment when it was offered before, in connection with the agricultural bill. Unfortunately, by a margin of approximately three votes, as I recall, that effort to carry out this plank of the platforms of both parties was defeated. But in a short time we shall have another opportunity to test whether the Members of this body will vote in favor of carrying out this plank of the platforms of the respective political parties.

Mr. President, at this point let me say that I was not present when yea-and-nay vote No. 159 was taken. If I had been present at that time, I would have voted "yea."

Mr. YOUNG of Ohio. Mr. President, this amendment will guarantee that officials of the proposed satellite communications corporation shall not discriminate because of a person's race, creed, color, or national origin, either in regard to the employment practices of the corporation or in regard to the operations of its subcontractors.

Mr. President, I should like to vote for this meritorious amendment, and I expect to vote for it. I commend the distinguished senior Senator from Oregon [Mr. MORSE] and the distinguished senior Senator from Pennsylvania [Mr. CLARK] for having introduced this amendment. It seems to me that the amendment is germane to this bill, and that a point of order against the amendment should be overruled. However, if the Presiding Officer at the time when such a point of order is made rules otherwise, at this time I reserve my decision as to how I shall vote on the question of whether the ruling by the Chair should be sustained.

Mr. President, may I preface my remarks by stating that as a member of the Senate Committee on Aeronautical and Space Sciences, I voted to report, with a recommendation that it pass, the administration's space communications satellite bill, as amended. I supported the President's views on private ownership, and I support them now. I vigorously opposed any provisions which would have allowed the giant communications carriers to seize control of, completely dominate, and reap the profits from the proposed satellite communications corporation. Also, Mr. President, I attended every session of the Senate Committee on Aeronautical and Space Sciences, listened to the testimony of the witnesses, and studied the bill. I feel that I worked industriously in the committee in favor of the adoption of provisions which would enable small investors in our country—and, in fact, the world over—to participate in this corporation, so as to insure the widest possible range of ownership and control. I opposed a proposal for the sale of stock at $100,000 a share; and I opposed a provision in the administration's bill, as introduced, for the sale of stock at $1,000 a share. I very definitely objected to that provision, as I felt that it would work to freeze out small investors. Instead, I desired to have it made possible for millions of people with moderate incomes the world over to share in this new enterprise, if they choose to invest in the great corporation for which we are providing.

It is a fact that private companies have already spent huge sums of money on vitally important research and development programs in this field. It was not until 1961 that the Federal Government began to invest heavily in space communications directly applicable to commercial uses. In reality, there is already in this field what might be termed a quasi-partnership between the Federal Government and private communications carriers.

All the communications systems are presently in the hands of private enterprise and have been over the years. Historically, our communications development has been the result of the efforts of privately owned corporations. Why then should we hesitate about extending the same principle to a new branch of this system? The Federal Government subsidizes many important industries and performs valuable and expensive research in others—agriculture, airlines, medicine, to name a few—but no serious claim has been made that the Government should preempt these fields.

We live in a space age of challenge. Americans have always had the pioneering spirit. Private investment has already gone into the technology which made Telstar an achievement of which every American may well be proud. Of course, this triumph would not have been possible except for the expenditure of millions of dollars of taxpayers' money in our exploration of outer space. Recent events have convinced all of us that we must continue to spend taxpayers' money in this endeavor, as we cannot afford to permit the Soviet Union to dominate and control outer space. On the other hand, this achievement would undoubtedly have been impossible without the research of private firms.

The principle of free enterprise is basic to the American economy. This principle will best be served by a corporate structure in which many small investors can participate in the ownership and profits of the satellite communications corporation. This is my belief after listening to debate in committee and in the Senate Chamber, and this is the belief I shall stand by.

This principle is preserved in this legislation. The bill before us protects the companies already in the field of international communications. It protects the investment of American taxpayers. According to my view, this bill as amended is a legislative proposal carrying forward and exemplifying the best in our free enterprise system, and I intend to give it my support.

Mr. President, had this fair employment amendment been considered in committee, I would have supported it. More than $400 million of taxpayers' money is invested in projects connected with the development of communications satellites. In addition, billions of taxpayers' dollars were spent in other aspects of space research and development without which communications satellites would not have been possible. These tax dollars come from citizens of all races, creeds, and national origins. When these taxes were collected no one asked the taxpayer his religion or took note of his color. Now, we are about to create a corporation to administer the fruits created by this money, and, incidentally, to collect the profits. Perhaps I am an optimist on the subject, but I believe there will be profits. The U.S. Government will be a partner in this exciting new space age venture. To be sure, investors will not be questioned as to their race or creed. Likewise, we should make absolutely certain that no American shall ever be denied employment or participation in this national enterprise because of his color or creed.

Mr. President, as a delegate from my State of Ohio to the Democratic National Convention in 1960—the same convention which I am very happy to say, nominated John F. Kennedy for President of the United States and Lyndon B. Johnson for Vice President—I voted for the platform of my party—a document entitled "The Rights of Man." The right of fair employment practices is reaffirmed in numerous planks of the platform. The section on discrimination in employment states:

> The right to a job requires action to break down artificial and arbitrary barriers to employment based on age, race, sex, religion, or national origin.

The section on welfare states:

> We propose * * * to help solve problems of discrimination in housing, education, employment, and community opportunities in general.

Finally, the civil rights plank specifically reads:

> The new Democratic administration will support Federal legislation establishing a Fair Employment Practices Commission to secure effectively for everyone the right to equal opportunity for employment.

Mr. President, I voted for these principles as a delegate to my party's national convention. I reaffirm my belief in their validity. I could not do otherwise.

Mr. President, in this bill we have been carefully solicitous of the principle of free enterprise and the rights of private industry. We must also ever support and uphold the rights of freemen and private individuals. To do otherwise would be contrary to the principles of the Democratic Party upon which President Kennedy and Vice President Johnson were elected, and, much more important, contrary to the principles upon which I believe our country was made great.

I yield the floor.

Mr. GRUENING. Mr. President——

The VICE PRESIDENT. The Senator from Alaska.

Mr. GRUENING. Before speaking on the pending amendment, which I favor, I would like to call the attention of the Senate to the fact that former President Truman has spoken twice in opposition to the proposed legislation. He arrived in Washington last Thursday and was met here by a group of reporters and made an off-the-cuff statement; but, apparently thinking this was not sufficient, when he returned to Independence, he called a press conference and gave out another statement, which I think should be called to the attention of the Senate, because it seems to have been omitted from some of the press. At least, I could not find it in the papers which appeared that afternoon and next morning. Former President Truman stated as follows:

When I arrived in Washington, Thursday morning, August 9, 1962, I was met, as usual, by many of my reporter friends. They had at least a dozen microphones set up, in front of which they asked me the usual questions.

In the answer to the question, "What do you think of the Senate filibuster on the bill to give away the power of atomic energy to private control—the power of the space communications program?"—he replied that he was against it. He said:

The Government of the United States has furnished between $25 and $30 billion to develop it without injury to so-called private enterprise.

That has been done in the Tennessee Valley development and the Northwest power pool. How far could we have proceeded in the development of atomic power if there had been no TVA and no power pool in the Northwest.

The special interests have been busy trying to ruin both those projects. Now they are as usual working on the greatest power control in history; the power of space communications.

It was my privilege to lay the keel of the first ship powered by atomic energy. It was a success. This power will be a success for the future development of all the power necessary in this world for heat, light, and energy.

Why tie up the space communications program in a way so the so-called special interests can tax future generations. The people as a whole paid for its development. They should have the benefit.

That benefit can be obtained from this great discovery and it should not be given away. The people who pay taxes have paid for it and the people of the United States should have the benefit.

The pending bill would give away the people's ownership.

That was tried at Muscle Shoals in Alabama as the Dixon-Yates program for the purpose of its possibly ruining TVA.

It was successful in hampering the Northwest power pool when Hell's Canyon was given away.

It is my opinion that the Government of the United States should keep the ownership and control of this great discovery, financed and proven as practical by the Government of the United States.

Mr. President, I think this is a fine statement and one with which I fully agree. It presents my point of view.

I have no objection to private enterprise. Indeed I favor it whenever possible. I would be perfectly willing to have A.T. & T. or any other company knowledgeable in this field operate the satellite, provided the Government keeps control and puts it out on a lease basis, on competitive terms, so that if there should be any abuses by the operating company—if rates should turn out to be exorbitant, or if there should be developments against the public interest or any improper practices—the Government could exercise its control and rectify the situation, which it cannot do under the terms of the present bill. It is a bad bill for a number of reasons that were brought out in the amendments that we presented. They represent the changes that would have made it a good bill.

Mr. President, yesterday I spoke in favor of the Morse-Clark amendment to prevent discrimination in employment under the legislation by the corporation which will operate the communications system. I mentioned yesterday that there have been complaints of discrimination in the case of the Southern Bell Telephone Co., which is an important subsidiary of the American Telephone & Telegraph Co., and an integral part of its system. I am reliably informed that there have been further complaints as to other subsidiaries, and that they have come to the President's Equal Job Opportunities Committee. These complaints show that there have been discriminations not merely in regard to Southern Bell Telephone Co., but also in regard to Southwestern Bell Telephone Co., Western Electric, and in Washington, D.C., the Chesapeake & Potomac Telephone Co.

It seems to me to be profoundly shocking that we are about to launch this enterprise before the whole world without protecting our citizens against this type of discrimination in employment based on race, creed, color, or national origin.

I think this is the acid test as to how Members of the Senate feel on this important issue which has been one issue which in other fields the administration has pursued vigorously, as to which the distinguished Vice President has had a part. It seems to me that throughout the bill we should make provision for nondiscrimination, in the face of proved discrimination by subsidiaries of the American Telephone & Telegraph Co. We should not permit the bill to go through without these requirements being written into it.

How would it appear to the world? How would it appear to the people of Latin America, if the satellites should be launched and operations conducted by a company which discriminates against people on the basis of race, creed, color, or national origin? How would it seem to the twoscore emerging nations of Africa, which we are trying to win over to our side in this conflict between totalitarianism and freedom, if we should nullify our fine professions and permit the vast amount of money which we are sending to this area, in order to bring those people to our side, to be used under discrimination?

How will the people of India feel? India now holds the balance of power between freedom and totalitarianism on the Asian Continent, and has a half billion people who are of darker color. How will it appear to them if we do not take the precaution and do not insert this provision in the proposed legislation?

I very much hope that the amendment will be adopted by an overwhelming vote.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The question is on agreeing to the committee amendment, as amended.

Mr. BURDICK. Mr. President, yesterday I received a letter from Bruce Hagen, commissioner of the North Dakota Public Service Commission, which I thought would be of interest to my colleagues. I should like to read it.

DEAR SENATOR BURDICK: I have been following your efforts in regard to the communications satellite system. I think it makes a good deal of sense that this system should be leased by the Government to private business because I can agree that this would not be putting the Government in the telephone business, but it would be a means of insuring free private enterprise and competition rather than the Government creating a private monopoly.

There is no rush for the Government to approve a different method. This can be done at any time, if a leasing arrangement would not prove satisfactory.

There is a public domain in space just as there was in the early frontier days in this country. The Russian Government has just put up two cosmonauts. I think this points out the very definite need for some tight strings on communications satellites in the next few years.

Private investor-owned utilities must operate for a profit in order to survive. This means that many areas in this country, and, conceivably in this world, could not obtain the benefits of global television communications via the communication satellite system as there might be no profit involved for the private utility. This is why the Government must, at the very least, lease this communication satellite system rather than giving it away. If leasing cannot be obtained, usage at cost of the system by the Government for defense purposes must be insured.

I hope that you obtain favorable action from your efforts to protect the public interest for the American people.

With kindest personal regards, I am,

Sincerely yours,

BRUCE HAGEN.

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

Mr. BURDICK. I yield to my colleague for a question.

Mr. MORSE. Will the Senator inform me who Bruce Hagen is?

Mr. BURDICK. Bruce Hagen is a member of the three-man commission known as the Public Service Commission of North Dakota, which deals with the regulation of utilities and other matters.

Mr. MORSE. Mr. President, will the Senator yield for another question?

Mr. BURDICK. I yield.

Mr. MORSE. As a member of the Public Service Commission of North Dakota, would Mr Hagen be well informed concerning the practices of monopolies in the field of communications?

Mr. BURDICK. I am sure he is a very well versed man in that field.

Mr. MORSE. Mr. President, will the Senator yield for another question?

Mr. BURDICK. I yield.

Mr. MORSE. Would the Senator agree that when we receive a letter from a public service commission which, in effect, protests the turning over of the satellite communications system to the monopoly to be created by the bill, we ought to give heed to the warning?

Mr. BURDICK. I think that is correct. I am not sure that this is a formal action by the Public Service Commission of North Dakota itself, but it is certainly an expression by one member of the commission.

Mr. MORSE. Mr. President, will the Senator yield for another question?

Mr. BURDICK. I yield.

Mr. MORSE. It is true, is it not, that the amendments offered by the Senator from North Dakota sought to protect the public interest? I commend the Senator for his courage and for his foresight in opposing this administration's giveaway of a satellite communications system in collusion with a unanimous bloc of Republicans on the other side of the aisle.

Would the Senator agree with me that we ought to do everything we can to gain adoption of the amendments he, I, and other Senators have offered, if we are to carry out the objectives stated by Commissioner Hagen of the Public Service Commission of North Dakota?

Mr. BURDICK. I say to the able Senator from Oregon that I have been doing my best to do exactly that. The amendment the Senator first offered to the Senate regarding the bill was one which would have granted the Federal Government authority to lease the system to private enterprise. It has been my position all through this debate that that is what should be done. I am happy to find that Mr. Hagen has the same point of view.

Mr. MORSE. It is true, is it not, that the Senator from North Dakota, the senior Senator from Oregon, the junior Senator from Oregon, and other Senators who have fought the giveaway of our satellite communications system potentialities, have urged only that the satellites remain American-flag satellites, but that they be operated by American private industry?

Mr. BURDICK. The Senator is correct.

Mr. MORSE. It is true, is it not, that if one of our amendments had been adopted—the so-called NASA amendment—it would have enlarged the jurisdiction and authority of NASA, the agency now in charge of the development of a satellite system for the U.S. Government, so that it could have leased, contracted, or licensed the use of these satellites to private enterprise?

Mr. BURDICK. That was the reason for the amendment.

Mr. MORSE. It is true, is it not, that we stand for Government ownership, but private competitive business operation of the satellite?

Mr. BURDICK. That has been the position of the junior Senator from North Dakota at all times.

Mr. MORSE. It is true, is it not, that if we give away the system to the most powerful monopolistic combine that has ever yet been envisioned, in fact, to the first cartel that has ever been seriously proposed in legislation before the Senate, the American taxpayers will have lost a precious right which ought to be preserved for them, namely, the right to control the administration of the communication satellite system?

Mr. BURDICK. I feel that the loss would be irreparable.

Mr. MORSE. Mr. President, will the Senator yield for another question?

Mr. BURDICK. I yield.

Mr. MORSE. Is the Senator aware that in this great fight for the public interest, the former President of the United States, Harry S. Truman, one of the incomparable liberals of American history, has taken an unequivocal stand in opposition to the monopolistic bill that is being foisted upon the American people? Is the Senator aware that Harry Truman has made his views known, both in a press statement in Washington the other day, and also in a prepared press release that he issued from Independence, Mo.?

Mr. BURDICK. I heard that statement a few minutes ago from the able Senator from Alaska.

Mr. MORSE. Is the Senator aware that former President Truman has written a short letter addressed to me which reads as follows:

DEAR WAYNE: For your information I am enclosing a copy of the statement that I issued this afternoon.

Sincerely yours,

HARRY TRUMAN.

And then in his handwriting that he added:

Keep up the fight. You are right.

Does the Senator agree with me that this statement indicates pretty clearly the unequivocal opposition of Harry Truman to the proposed giveaway set forth in the bill now pending before the Senate?

Mr. BURDICK. It most certainly expresses the opinion of the former President of the United States in his own inimitable way.

Mr. MORSE. Would the Senator be willing, on his time, to insert in the RECORD, on my behalf, the press statement issued by Harry Truman in Independence, Mo., the other night with the corrections thereon? President Truman has authorized that his statement be corrected so that it refers to the communications satellite system instead of atomic power.

Mr. BURDICK. I am happy to do so.

Mr. President, I ask unanimous consent that the press release issued by former President Harry S. Truman be printed at this point in the RECORD.

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

PRESS RELEASE MONDAY AFTERNOON, 2 P.M., AUGUST 13, 1962

When I arrived in Washington, Thursday morning, August 9, 1962, I was met, as usual, by many of my reporter friends. They had at least a dozen microphones set up, in front of which they asked me the usual questions.

One question seemed to interest them very much. It was, "What do you think of the Senate filibuster on the bill to give away the power of space communications program to private control?"

My reply was that I am against it. The Government of the United States has furnished between 25 and 30 billions of dollars to develop it without injury to so-called private enterprise.

That has been done in the Tennessee Valley development and the Northwest power pool. How far could we have proceeded in the development of atomic power if there had been no TVA and no power pool in the Northwest?

The special interests have been busy trying to ruin both those projects. Now they are as usual working on the greatest power control in history; the space communications program.

It was my privilege to lay the keel of the first ship powered by atomic energy. It was a success. This power will be a success for the future development of all the power necessary in this world for heat, light, and energy.

Why tie up the space communications program in a way so the so-called special interests can tax future generations? The people as a whole paid for its development. They should have the benefit.

That benefit can be obtained from this great discovery and it should not be given away. The people who pay taxes have paid for it and the people of the United States should have the benefit.

The pending bill would give away the people's ownership.

That was tried at Muscle Shoals in Alabama as the Dixon-Yates program for the purpose of its possibly ruining TVA.

It was successful in hampering the Northwest power pool when Hell's Canyon was given away.

It is my opinion that the Government of the United States should keep the ownership and control of this great discovery, financed and proven as practical by the Government of the United States.

Mr. JAVITS. Mr. President, I rise in favor of the amendment which has not yet been offered, but which will be. I speak as one Senator who will vote for the bill. Later in the day I hope to outline to the Senate my reasons for supporting the bill, notwithstanding the scare in imprimaturs or labels which my friends have stamped upon it.

I yield to no one in the Senate Chamber in my solicitude for the public interest or in being a liberal in the true sense of the word. Nonetheless, I shall support the bill. I shall state my reasons and be willing to debate them with anyone who chooses to debate them with me.

As a Senator who will support the bill, I feel strongly that the amendment should be a part of it. I feel that way because I believe it is time to face realities. Albany, Ga., should awaken us to the realities of life. If we are to sit on the boiling cauldron which is represented by race relations, equal opportunity, and civil rights in our country, the result will be to induce people who are frus-

trated and despairing and who have no other place to turn, to resort to extra-legal means. That does not mean that the means would be illegal. It merely means that they are extra legal. Whether it means Gandhian nonresistance to an immobilization of the processes of society in government, or whether it means an outbreak in some other direction, it is nonetheless dangerous to the body politic.

Mr. President, if I must make the statement a thousand times, I repeat it most advisedly today. We are doing the damage to ourselves, and the fact that the Congress is not acting as it should in respect of legislation in that field is an important contributing factor.

I place a good deal of the responsibility at the door of the President of the United States; for whatever may be his other virtues in this field with respect to litigation and personal actions, which are highly commendable in respect of equal opportunity, he has sedulously refrained from demanding of the Congress legislation which only the Congress can pass, and which alone can deal with the situation.

In the bill we have an opportunity to act in that spirit. I propose that we take it. In my mind, and with all deference to the Parliamentarian, the amendment is entirely germane and entirely lawful. I shall vote in favor of any appeal from the Chair on that subject for the following reason:

The bill enters into the highest degree of specialization as to qualifications. I direct attention to section 302 and section 303 (a) and (b), as to who shall be incorporators, who shall be directors, who shall be stockholders, and even who shall be officers.

For example in section 303(b) it is provided that:

> No individual other than a citizen of the United States may be an officer of the corporation.

Mr. President, if we can qualify incorporators, directors, and officers, we can qualify employees as well. The amendment is completely germane to the provisions of the bill once we have undertaken to make such specifications.

There is no statutory base under the President's Committee for Equal Employment Opportunity. In this particular case it can be defied, in my opinion, and there would be great difficulty in doing anything about it, because it is unlikely that there would be formal contracts with the United States of such benefit to the proposed corporation that the danger of cancellation of such contracts would be either practical or meaningful. That is the only recourse that the President's Committee has, and no other, in the absence of any statutory base under it.

So, Mr. President, that is not an effective section.

Second, and very importantly, we are not trying to legislate in respect to some unique statute which is alone the one which would contain the particular proposed clause with respect to equal opportunity. Such a provision is contained in the School Lunch Act. It is contained in the Selective Service Act. It is a very bad provision, but nonetheless a provision exists on that subject.

A very bad provision, but nonetheless a provision on that subject, against which I have fought, is contained in the Hill-Burton Hospital Construction Act, which contains the separate but equal provision, and in the Morrill Land-Grant College Act, which also has the separate but equal provisions. So to say that the amendment would kill the bill is saying that amendments of a similar character could have killed a number of other bills.

The point is that the Senate has imposed cloture. It has imposed cloture because it wishes to rid itself of the danger of frustration on this particular measure. In that case it is my belief that that procedure should cut right across the board for amendments which we may like as well as for amendments which some of us may not like though, as I say, I am strongly in favor of the present amendment.

Finally, I hope very much that there will be a really bipartisan attitude upon the particular amendment before the Senate. I listened with great interest. Because of time limitations yesterday I was unable to reply to my dear friend the Senator from Illinois [Mr. DOUGLAS], who spoke of the fact, to use his own words, that "A vast majority of Republicans were not for cloture when cloture would have protected the Negroes of the South."

With all deference—and my friend from Illinois and I are partners in the great civil rights effort, and I am very proud to be associated with him in it—that is not quite accurate. I would like to refer to the fact that at the beginning of the 1961 session, on the motion to refer the rule XXII amendment to the Rules Committee, 32 Democrats voted "aye" and 31 voted "nay." On the Republican side 18 Republicans voted "aye" and 15 voted "nay." To use the words of my friend from Illinois, that was no "vast majority."

Similarly in September 1961, on the motion to invoke cloture, 11 Republicans voted "aye" and 15 voted "nay." Among the Democrats there was the same situation: 26 voted "aye," 28 voted "nay."

Then on the motion to table, which came later, in September 1961, with respect to the rule XXII amendment, 17 Republicans voted "yea," and 10 voted "nay"; 30 Democrats voted "yea," and 25 Democrats voted "nay."

In short, this effort has been constantly a bipartisan effort. I would not wish to see whatever happens with respect to the communications satellite bill destroy or distort that particular situation.

To sum up, a nondiscrimination amendment has been present in other measures, and has not killed them; it will not kill this measure. It belongs in the pending measure because there is no statutory base in the President's Committee on Equal Job Opportunity among Government contractors, and no sanction under the terms of the bill.

Finally, Mr. President, it is high time that we in Congress legislate in this field, because otherwise we are facing, as the situation in Albany, Ga., shows, a very serious situation, in which those who are being disadvantaged and abused and not treated as citizens of the United States will feel that they have to pursue extra-legal means in order to attain perfectly legal ends. We must by all means guard against such a situation, and see that nothing of that character overtakes us. If there is anything I can do about it, I shall do my utmost to see to it that our Nation is not found lacking in this critical area.

Mr. MANSFIELD. Mr. President, is the Senator from Pennsylvania offering his amendment?

Mr. MORSE. Mr. President, I should like to have the attention of the majority leader. I propose to suggest the absence of a quorum, in order to permit time for the Senator from Rhode Island to come to the floor, so that no one will be able to say that I made my remarks in his absence. I will withdraw the quorum request as soon as the Senator from Rhode Island comes to the floor. This will be the last speech on this subject. I therefore suggest the absence of a quorum.

Mr. MANSFIELD. That is fair.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

Mr. MORSE. I shall speak a few minutes on the Morse-Clark amendment under the gag rule which has been imposed on us by the leadership. It is a Senate gag rule which has denied to the American people a precious right which should never be denied them—the right of having full and adequate time to have the major decisions of the era discussed fully before their legislative bodies. This is especially true upon a measure which affects not only the welfare of the American people but their relationships to other nations for decades to come. It is legislation, I emphasize, which seeks to take from the American people their precious right to have American-flag satellites in space and transfers this right to the monopoly created by this bill.

The amendment before the Senate is the Morse-Clark fair employment practices amendment. There has developed in the debate the argument that the senior Senator from Oregon moved to lay on the table, when he was floor leader on an education bill, an amendment which sought to deny funds to segregated schools.

I have pointed out, as the RECORD will show, and I do so again this morning, that there is a Supreme Court decision which has outlawed segregation in public schools in the United States. It is the responsibility of the Department of Justice and other executive agencies of the Government of the United States to enforce that decision. If the executive agencies need any further enforcement power that they have not received or

have not yet asked for, the civil rights legislation now on the books should be amended.

The duty of enforcement of civil rights in public schools is the duty of the Department of Justice. Neither under the Eisenhower administration nor yet under this administration, in my judgment, have fully adequate steps been taken under existing law to carry out the Supreme Court decision.

The proposal which was made when I was floor leader on the education bill had nothing to do with the matter of the enforcement by the Government of civil rights in the schools. What it would have done would have been to deny possibly to some States money for the building of needed schools in some school districts which were in compliance if other school districts in the State were not. What it might have done would have been to prevent in those instances making facilities available for all the children—Caucasian, Negro, oriental, or any other race. Needed schools should be built. That was the position of the senior Senator from Oregon. The executive department of this Government ought to enforce the Supreme Court decision. It is just as simple as that.

In the pending bill we have the U.S. Government proposing to set up a corporation. We have the U.S. Government telling us through the administration, "We are going to select three members of the board of directors of this corporation. We are going to maintain great control over this corporation. This is going to be a 'mixed' corporation, in which the Federal Government will have a great continuing interest."

The amendment is therefore germane; and it is vital. This amendment, just as in connection with defense contracts, is germane to the bill and it ought to be adopted, so that the discriminations of this world are not projected by this country into outer space. By this amendment we are going to exercise the authority that Congress now possesses to set forth the other conditions and terms and regulations in the bill, and extend the exercise of authority to what the employment policies of the corporation shall be. It is as simple as that. Once the corporation is established, this might involve some difficulties. But creating the corporation on this basis at the outset is easy and practical.

We say that if we apply the Federal stamp of approval to the corporation, that stamp must also extend to its employment policies. What we are saying in the Morse-Clark amendment is: "If this corporation is established, then the corporation will be bound, under the law, to follow employment practices which do not discriminate because of race, color, creed, or national origin."

I wish to get into the proposed law a legal requirement for the elimination of discrimination based upon race, color, creed, or national origin in the employment policies of the corporation. I do so for the same reasons which governed the U.S. Supreme Court in its historic decision for freedom, when it handed down its decision against segregation in our schools, and ruled that this is the law of our land, and that the administration ought to enforce it.

Mr. CLARK. Mr. President, unless other Senators desire to speak on my amendment—and I see none rising—I shall suggest the absence of a quorum, after which I shall call up my amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair assumes that the Senator from Pennsylvania is aware that the amendment has not been laid before the Senate.

Mr. CLARK. I am.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 191 Leg.]

Aiken	Gore	Monroney
Allott	Gruening	Morse
Bartlett	Hart	Morton
Beall	Hartke	Mundt
Bennett	Hickenlooper	Muskie
Boggs	Hickey	Neuberger
Bottum	Hill	Pastore
Burdick	Holland	Pearson
Bush	Hruska	Pell
Byrd, Va.	Humphrey	Prouty
Byrd, W. Va.	Jackson	Proxmire
Cannon	Javits	Randolph
Carlson	Johnston	Robertson
Carroll	Jordan, N.C.	Russell
Case	Jordan, Idaho	Saltonstall
Chavez	Keating	Scott
Church	Kefauver	Smathers
Clark	Kerr	Smith, Mass.
Cooper	Kuchel	Smith, Maine
Cotton	Lausche	Sparkman
Curtis	Long, Mo.	Stennis
Dirksen	Long, Hawaii	Talmadge
Dodd	Long, La.	Thurmond
Douglas	Magnuson	Tower
Eastland	Mansfield	Wiley
Ellender	McCarthy	Williams, N.J.
Engle	McClellan	Williams, Del.
Ervin	McGee	Yarborough
Fong	McNamara	Young, N. Dak.
Fulbright	Metcalf	Young, Ohio
Goldwater	Miller	

The PRESIDING OFFICER (Mr. HICKEY in the chair). A quorum is present.

Mr. CLARK. Mr. President, according to the folklore of the Senate under which we operate, the presence of a quorum has just now been announced. However, I doubt very much that a quorum is present; as I glance around the Chamber, it seems rather clear that a quorum is not now present. However, I shall not make a point in that connection, because I am satisfied that although one can lead horses to water, it is impossible to make them drink; and, likewise, although Senators can be required to come to the Chamber, to answer to a quorum call, they cannot be compelled to remain here. This seems to me to be just one of the very many reasons why the rules of the Senate must be changed.

Mr. President, having made that somewhat irrelevant comment, I now propose, within the next few minutes——

Mr. HUMPHREY. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield in my time.

Mr. HUMPHREY. Either in the Senator's time or in my time.

Mr. CLARK. No, Mr. President, under the rule it must be in my time.

Mr. HUMPHREY. I merely wish to say to the Senator from Pennsylvania that I know he would not want to indicate, for the RECORD, that he believes the Presiding Officer would have announced the presence of a quorum if one had not been present, under the Senate rule. The Presiding Officer is a man of great integrity, and I am sure he would not announce the presence of a quorum unless a quorum was present. I can assure the Senator from Pennsylvania that a quorum has been present under the Senate rule.

Mr. CLARK. The Senator from Minnesota is quite correct, and I intended no reflection on the integrity of the Presiding Officer or anyone else.

Mr. HUMPHREY. I knew that.

Mr. CLARK. But I repeat that the folklore of the Senate is such that the Presiding Officer always states, "A quorum is present"—regardless of whether one actually is present at the time—when the clerk tells him that 51 Senators have answered to their names. Fifty-one Senators have answered to their names; but a number of them, after answering to their names, left the Chamber. The Presiding Officer was conforming to the best traditions of the Senate when he said, "A quorum is present," when it was not.

Mr. President, I shall call up my amendment, and I hope that during the next few minutes a yea-and-nay vote will be ordered on the question of agreeing to it. I hope the amendment will be considered on its merits, although I fear that it will not be.

While a number of Senators are in the Chamber, I wish to point out why a fair employment practices amendment is both germane and necessary to this bill. I am not attempting to add to the bill an amendment which is irrelevant. This fair employment practices amendment is important for all employees, agents, contractors, and subcontractors of the giant corporation which is about to be authorized by the Senate by means of this bill.

FEPC legislation was advocated in the Democratic Party's platform of 1960, and also in the Republican Party's platform of 1960, and was requested by the Civil Rights Commission in its 1960 report.

Mr. President, I believe that adoption of this amendment, in connection with the activities of this giant corporation, many of which will not be conducted under contract at all and therefore not subject to the jurisdiction of the President's Equal Job Opportunity Committee, is most important to assure that those who work for or apply for work with the corporation are not discriminated against in such employment on the basis of race, creed, color, or national origin.

I know it will be said in a minute or two by the distinguished Senator from Montana or another Senator that this amendment will gut the bill. But I pay no heed to such statements, although I know they will be made with sincerity.

It is argued that if this amendment is adopted, the bill will have to go to conference. But, Mr. President, why not have the bill go to conference? Why should it be argued that the bill should not be amended in desirable ways regardless of whether it has to go to con-

ference? I hope the amendment will be adopted, and that then the bill will go to conference.

I suggest this bill ought to go to conference, and, when it gets there, if this amendment can be adopted, I hope the conferees will stand firm in favor of the fair employment practices provision of this bill. I hazard a guess that if they do, the House will accept it.

Mr. President, this is not a dilatory tactic. This is no gimmick. This is an earnest and sincere effort to add a provision to an important piece of legislation so that people across the world can see that when we can vote on the merits of the matter, we propose to stand by the Constitution and see to it that no one is prevented from or discriminated against in employment, first in this corporation, and then later in all forms of employment across the whole width and breadth of the United States of America, because of his race, color, creed, or national origin.

I call up my amendment.

Several Senators addressed the Chair.

Mr. CLARK. Mr. President, since several Senators have asked me to yield, I will withdraw calling up my amendment for now, if it is satisfactory to the majority leader.

I yield in my time to the Senator from Tennessee [Mr. KEFAUVER], with the understanding that I shall not lose my right to the floor.

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

Mr. KEFAUVER. I want to ask the Senator one point about the proposal that should be considered and which makes this different from most Government corporations. The President envisions this, and we all envision this, as eventually an international system in which other nations—some African nations, some Asian nations, some nations with different religions or people with different colors—will want to join. I think it is going to be hard enough to get them to negotiate with a private corporation, in any event, instead of with the Government, but is it not likely that they might not be admitted to participation because of race or religion? At least I think the matter should be debated and this debate should not be cut off by a motion to table.

Mr. CLARK. The Senator from Tennessee has made an excellent point. I am in complete agreement with him. I am glad he has made it.

I would like to point out again that the Equal Job Opportunities Committee of the President has, within the last year and a half, received 18 or 20 complaints concerning alleged employment discrimination by A.T. & T. or its subsidiaries—Southern Bell, Southwestern Bell, Western Electric, and the Chesapeake & Potomac Telephone Co. If that is not clear evidence of the great need for the amendment, I do not know what is.

I yield to the Senator from Michigan [Mr. HART] with the understanding that I shall not lose my right to the floor and that it is in my time.

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

Mr. HART. Mr. President, I hope very much we will have an opportunity to vote this amendment up or down, and not have a motion to table, and not have to vote with respect to the question of germaneness, although on the latter point I am satisfied that, since the District corporation code is to be a part of the satellite bill, the amendment is wholly germane.

I was one who voted to invoke cloture. I did it because this has been my vote on other cloture motions that have been before the Senate during the brief period I have been a Member of the Senate. On one of the cloture motions, we did not have discussion or hearings that were as detailed as have occurred in this case. If I was right in my position on the earlier cloture motions, I felt I was right on this one. But I regret very much that, cloture having been applied, there is no opportunity given to vote for or against this amendment to give Senators an opportunity to be recorded. I think the bill can be improved by some of these amendments. I hope in this instance the Senate will have an opportunity to vote, on a substantial proposal, "yea" or "nay."

What is there to assume that, given this opportunity, the amendment may not be adopted by the House? Certainly we ought not mindread the House of Representatives, but let us adopt the amendment.

Mr. CLARK. I thank the Senator from Michigan.

I ask unanimous consent that I may yield to the junior Senator from Oregon [Mrs. NEUBERGER], in my time and without my losing my right to the floor.

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

Mrs. NEUBERGER. Mr. President, when a philanthropist makes a great and generous gift, it is altogether proper that he set some conditions on the enjoyment of the gift to insure that it is utilized in a manner most beneficial to society. As the Senate prepares today to make a grand and generous gift of our space technology to A.T. & T., it does not appear ungracious to require that the employees of the satellite corporation be employed without discrimination. Though we may dissipate the taxpayer's claim to participate in the fruits of research developed through his investment, at least we can insure that working people will gain some small advantage because of that investment.

The supposed efficiencies of A.T. & T. which have stimulated the administration to abdicate the role of government in operating the communications satellite system do not depend upon discrimination in hiring. Nowhere was it suggested during the truncated debate on the satellite bill that one race or religion has produced superior space communications scientists or technicians.

Traditionally, we have required fair employment practices in areas in which the Government plays a significant role as purchaser or financier. Surely the Government's role as sole creator of the satellite corporation, as principal benefactor, and as a major potential customer, entitles us to exact this small concession to democratic ideals.

For these reasons, I commend to the Senate the amendment proposed by the senior Senator from Oregon and the senior Senator from Pennsylvania which would prohibit the satellite corporation from discriminating against any employee because of race, creed, color, or national origin.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. If I call up my amendment, do I lose my right to the floor?

The PRESIDING OFFICER. The Senator will lose his right to the floor when he calls up his amendment.

Mr. CLARK. Then, before I call up my amendment, I would like to make my final plea to the leadership and to my friends from the South: Please do not raise a point of order and obscure the issue, and please let us vote on the merits of a significant civil rights measure for the first time in many years, a proposal which is not watered down.

My colleagues, if my plea to the leadership falls on deaf ears, please vote against the motion to table, so we can for once in the Senate of the United States vote on a clear question of civil rights.

Mr. President, I call up the amendment—that is, the amendment sponsored by the Senator from Oregon and me.

The PRESIDING OFFICER. The clerk will read the amendment.

The Chief Clerk read the amendment, as follows:

Section 305 shall be amended by adding, following line 13, page 37 of the bill, the following subsection:

"(d) In carrying out the purposes of this Act, enumerated in section 305 (a) and (b), the corporation shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. With respect both to its own operations and to the operations of any contractor engaged to carry out these purposes, the corporation shall take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin."

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. The able Senator from Pennsylvania [Mr. CLARK] has called up his amendment. He has called it up in spite of the informal conversations with the Parliamentarian which indicate that the amendment is not germane.

He intends further, if I understand him correctly, to appeal a ruling of the Chair should the ruling be that the amendment is not germane.

I see no virtue in such a proceeding. Even if the amendment were germane, its adoption, as the Senate knows, will not advance the cause of civil rights one inch. What it will do will be to defeat the bill, for instead of the one-barreled filibuster which we now have, we would have a two-barreled filibuster on the conference report, as the Senator from

Rhode Island [Mr. PASTORE], one of the most consistent champions of civil rights in the Nation, both as Governor of Rhode Island and as a distinguished Senator from Rhode Island, pointed out yesterday.

We would have the filibuster by the opponents of this bill and the filibuster by those who oppose civil rights measures.

I am asking the Senate to use its good judgment.

Mr. President, I move to table the amendment offered by the Senator from Pennsylvania.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays.

Mr. CLARK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion is not debatable. The question is on agreeing to the motion by the Senator from Montana [Mr. MANSFIELD] to lay on the table the amendment offered by the Senator from Pennsylvania [Mr. CLARK] for himself and the Senator from Oregon [Mr. MORSE] to the committee amendment, as amended.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Utah [Mr. Moss], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Arizona [Mr. HAYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON] and the Senator from Nevada [Mr. BIBLE] would each vote "yea."

On this vote, the Senator from Arizona [Mr. HAYDEN] is paired with the Senator from Utah [Mr. Moss].

If present and voting, the Senator from Arizona would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Missouri [Mr. SYMINGTON].

If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Missouri would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

If present and voting, the Senator from Maryland [Mr. BUTLER] would vote "yea."

On this vote the Senator from New Hampshire [Mr. MURPHY] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Indiana would vote "nay."

The result was announced—yeas 54, nays 37, as follows:

[No. 192 Leg.]

YEAS—54

Aiken	Hickenlooper	Muskie
Allott	Hickey	Pastore
Bennett	Hill	Pearson
Boggs	Holland	Pell
Bottum	Hruska	Prouty
Bush	Jackson	Robertson
Byrd, Va.	Johnston	Russell
Byrd, W. Va.	Jordan, N.C.	Saltonstall
Cannon	Jordan, Idaho	Smathers
Carlson	Kerr	Smith, Maine
Cotton	Long, La.	Sparkman
Curtis	Mansfield	Stennis
Dirksen	McClellan	Talmadge
Eastland	McGee	Thurmond
Ellender	Metcalf	Tower
Ervin	Miller	Wiley
Fulbright	Monroney	Williams, Del.
Goldwater	Mundt	Young, N. Dak.

NAYS—37

Bartlett	Gruening	McNamara
Beall	Hart	Morse
Burdick	Hartke	Morton
Carroll	Humphrey	Neuberger
Case	Javits	Proxmire
Church	Keating	Randolph
Clark	Kefauver	Scott
Cooper	Kuchel	Smith, Mass.
Dodd	Lausche	Williams, N.J.
Douglas	Long, Mo.	Yarborough
Engle	Long, Hawaii	Young, Ohio
Fong	Magnuson	
Gore	McCarthy	

NOT VOTING—9

Anderson	Capehart	Moss
Bible	Chavez	Murphy
Butler	Hayden	Symington

So Mr. MANSFIELD's motion to lay on the table Mr. CLARK's amendment to the committee amendment, as amended, was agreed to.

Mr. WILEY subsequently said: Mr. President, I had not expected to have anything particular to say today on the subject being debated in the Senate, for the other day I placed in the RECORD a statement of my views on this matter.

However, this morning I received a telephone call: "Senator, you had better vote for the FEPC amendment."

I asked, "Who are you?"

The one making the telephone call said, "Never mind, but I am telling you that you had better vote for it."

Mr. President, during all my years in public service, only once before has someone attempted to tell me how I should vote; and then I threatened to kick that guy out of my office.

Of course, I myself, have been "kicked out" when I would not take orders; in the campaign 6 years ago my own party organization opposed me because, among other reasons, I would not take orders from them. But the people "kicked me back in".

Mr. President, I have listened to the reasons stated by the majority leader, by the acting majority leader, and by the minority leader. I have listened throughout this debate; to all who spoke and I formed my own conclusions in regard to how I would vote.

But after that telephone call came in, this morning, I recalled that Wisconsin already has an FEPC statute. However, I fully agree, for the reasons already stated by the majority leader, the acting majority leader, and the minority leader, that an amendment of the type proposed this morning has no place in this bill.

I rose at this time simply to ask unanimous consent to have the Wisconsin FEPC statute printed in the RECORD. I shall make this request for the simple reason that we in Wisconsin have long ago set forth our opinion on the subject of FEPC.

But that does not give anyone the right or the authority to try to dictate how I shall vote.

When I got through, and after I told him how I was going to vote, that fellow said, "We'll see about this."

Well, Mr. President, when I issued my statement on May 20—and I shall ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks—I quoted Edmund Burke, who said, in substance, that one should listen to his constituents and should argue with them, but that when the time comes for us to decide how we will vote, it is up to us to arrive at our own convictions; and that if we fail to act on the basis of our own convictions, we are traitors to our constituents. I think one would also be a traitor to himself.

I now ask unanimous consent that the Wisconsin statute and my previous statement be printed in the RECORD following the vote on the amendment. I tried to get the attention of the Chair before.

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

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

WISCONSIN FEPC

Wisconsin has under title 13 of the Wisconsin Statutes Annotated, section 111.31, a law on fair employment. The declaration of policy of this law is set forth in three paragraphs to wit:

111.31 DECLARATION OF POLICY

(1) The practice of denying employment and other opportunities to, and discriminating against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, is likely to foment domestic strife and unrest, and substantially and adversely affect the general welfare of a State by depriving it of the fullest utilization of its capacities for production. The denial by some employers and labor unions of employment opportunities to such persons solely because of their race, creed, color, national origin, or ancestry, and discrimination against them in employment, tends to deprive the victims of the earnings which are necessary to maintain a just and decent standard of living, thereby committing grave injury to them.

(2) It is believed by many students of the problem that protection by law of the rights of all people to obtain gainful employment, and other privileges free from discrimination because of race, creed, color, national origin, or ancestry, would remove certain recognized sources of strife and unrest, and encourage the full utilization of the productive resources of the State to the benefit of the State, the family, and to all the people of the State.

(3) In the interpretation and application of this subchapter, and otherwise, it is declared to be the public policy of the State to encourage and foster to the fullest extent practicable the employment of all properly qualified persons regardless of their race, creed, color, national origin, or ancestry. All the provisions of this subchapter shall be liberally construed for the accomplishment of this purpose.

FROM THE OFFICE OF SENATOR ALEXANDER WILEY, SENIOR SENATOR, WISCONSIN

Senator ALEXANDER WILEY today announced his candidacy for reelection to the U.S. Senate.

There follows the text of his announcement:

"This is an announcement that I am a candidate for reelection to the high office of Senator of the United States.

"For 23 years, I have served you in Washington and during that time the days have been filled with great experiences. There were also tragic days—for the Nation, and for myself.

"In the decisions that I have had to make, I have followed the directive of Edmund Burke, in which he said:

" 'You must pay attention to them, and give heed to and counsel with them, but at long last, when it comes time to best serve your constituency, then you must render your independent judgment, based upon your conviction, for if that fails, you do indeed betray your people.'

"This has been part of my political philosophy long before I came to the Senate.

"I also have never hestitated to seek guidance from the divine how I could best serve the interests of my country and State.

"If I am reelected, I shall follow the same practice.

"The years up ahead are full of challenges—in many respects more serious than the years that have gone. I refer to three: (1) War or peace; (2) communism and its impact on the world and on America; (3) can we preserve the political and economic integrity of this country?

"The fact that I am the only Wisconsin man who has been chairman of the Foreign Relations Committee and chairman of the Judiciary Committee; am now ranking Republican member thereof; as well as of the Senate Aeronautical and Space Sciences Committee; and also am now senior Republican of the U.S. Senate—can only add to the qualifications that a Senator should have in this challenging period.

"I am ready and willing to continue to render the service in the future such as I have given in the past. My great ambition is to continue to serve and preserve America, with its Constitution and liberties.

"ALEXANDER WILEY."

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DIRKSEN. Mr. President, only for the purpose of making a little legislative history——

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DIRKSEN. Mr. President, for the moment I have the floor. I shall take only 2 minutes, if the Senate will subside that long, so I can make a statement in the interest of the legislative history on the amendment that was just tabled.

Mr. President, this morning I explored——

The PRESIDING OFFICER. The Senate will be in order. The clerks of Senators who are not actively engaged in their duties will leave the Chamber.

Mr. DIRKSEN. Mr. President, this morning I explored this subject in the light of the President's Executive order which was issued on March 6, 1961, under which there was established the President's Commission on Equal Employment Opportunity. The purposes and scope of the Committee are exceedingly broad and extend not only to Government agencies, but to those who contract with the Federal Government. I explored somewhat further to ascertain how a corporation established under the terms of the satellite bill would have to operate.

First, it would have to contract with the National Aeronautics and Space Agency. In so doing, it would come within the jurisdiction and provisions of the Commission on Equal Employment Opportunity.

Second, in order to put a satellite into orbit, it would require the kind of thrust and rocket power that could be obtained only under Government auspices, and for the second time it would come within the jurisdiction of the Commission.

Third, the larger corporations in this field are all in compliance with the provisions of the Commission on Equal Employment Opportunity, and under the circumstances I think everyone who has an interest in nondiscrimination and the protection and safeguarding of civil rights is adequately protected under existing law and under the provisions under which the Commission operates.

Mr. HOLLAND. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

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

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. WILEY. Only for a minute or two.

Mr. HOLLAND. I yield to the Senator from Wisconsin——

Mr. WILEY. In my own time.

Mr. HOLLAND. I cannot yield in the Senator's own time. If he wishes me to yield for purposes of an insertion in the RECORD or some other courtesy, I shall be glad to yield in my time. If it is for the purpose of his making a speech, I shall have to ask the Senator to wait until he obtains the floor.

Mr. President, yesterday the distinguished Senator from Illinois [Mr. DOUGLAS]—and I am glad that he is present in the Chamber—in commenting on the cloture vote held 2 days ago, made the statement that two Senators from the Deep South who had always opposed cloture in the past—and I quote those words: "who had always opposed cloture in the past"—had voted for cloture. Since the Senator from Florida was one of the two who voted for cloture, the remarks of the Senator from Illinois would mistakenly imply that the Senator from Florida had never voted for cloture in the past but had always opposed it. I am sure that the distinguished Senator knew that such a statement was in error, and that he made it inadvertently. The Senator from Florida has voted for cloture in the past, and that fact has been mentioned several times during the course of the debate.

Mr. DOUGLAS. Mr. President, I certainly did refer to the senior and junior Senators from Florida. I would be very glad to have the Senator from Florida correct my statement if I am in error.

Mr. HOLLAND. The Senator, of course, was in error. I thought he knew he was in error after the matter was called to his attention. I was sure that he did not realize he was in error when he made the statement.

Mr. DOUGLAS. When did the Senator from Florida vote for cloture?

Mr. HOLLAND. The Senator from Florida voted in favor of cloture in 1954 in the course of the atomic energy debate in that year.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that my statement may be changed to read as follows:

The senior Senator from Florida always votes against cloture when civil rights are involved, but always votes for cloture when the question of giving Government expenditures to private corporations is concerned.

I ask unanimous consent that my statement may be so revised.

Mr. HOLLAND. Mr. President, I object. I would rather have the statement remain as it is.

The more recent statement sought to be made by the Senator from Illinois is also in error because the Senator from Florida has not always objected to cloture on all civil rights bills. It has been only those civil rights measures which are regarded as vital in the opinion of the Senator from Illinois that the Senator from Florida has opposed and with respect to which he has voted against cloture. But the Senator from Florida has for 14 years himself offered the anti-poll-tax amendment, and he was happy that this year he finally had the support of the distinguished Senator from Illinois in obtaining, for the second time on the floor of the Senate, by a large vote, the two-thirds majority required for the submission of that amendment to the States.

The Senator from Florida, along with his other southern colleagues, did not resort to filibuster in connection with the Civil Rights Commission Act or the extension of that act, or the placing in the extension of the Selective Service Act the provision for integration in the armed services. The Senator from Florida was against these measures. However in the field of civil rights he has never felt that, except as to some measures in the field of civil rights, which are so vital and which, if they were adopted, would lead in his opinion to confusion and breach of the peace in his own area, that he should oppose by filibuster or vote against cloture.

In order that the matter may be made completely clear, the Senator from Florida would like to quote from his statement which appears in the CONGRESSIONAL RECORD, volume 100, part 9, page 11940, which preceded by a few minutes the vote for cloture by the Senator from Florida on that occasion.

My statement is as follows:

Mr. HOLLAND. Mr. President, I intend to vote for the pending cloture motion, though I have no illusions as to the outcome. Along with every other Southern Senator and many others, I supported the adoption of rule 22 in its present form, in the effort to secure a more workable rule. The Senate well knows that in its provisions exempting from cloture any motion to take up an amendment of the rules, and requiring 64 affirmative votes to make cloture effective, the new rule gives greater protection than heretofore against such a measure as a compulsory FEPC law, with all its grave implica-

tions upon the established social structure of an entire region and involving, as it would, grave questions of constitutionality, bitter conflict between Federal and State laws, and probable civil disorder and strife. At the same time the new rule is more efficient than the old in that it makes subject to cloture all the parliamentary proceedings on any pending legislation, excepting only a motion to take up an amendment to the rules.

I have always regarded the new rule as a two-edged sword upon which I can and always will rely in opposing such measures as FEPC and similar vital measures which are wholly unacceptable to great regions of our Nation. At the same time I believe we have the right to use it in a proper case in enabling the Senate to come to a vote upon measures of less grave importance after they have been subjected to reasonable debate. In other words, I do not regard the present rule 22 as wholly defensive, but I regard it also as an effective offensive provision which should be used to end futile filibusters such as the pending one, which has been frankly described as such by one of the participants. Every Senator must in his own judgment decide what measures can be properly subjected to cloture and at what stage in the debate. For myself, I think that the pending measure should be subjected to cloture and that the debate has long since exceeded the limitations of reasonable argument.

The fact that this filibuster has been employed in the closing days of the second session of a Congress when many vital measures still await final action is a strong argument for the application of cloture. The farm bill, the social security bill, the tax revision bill, and others of great importance still require Senate action.

Mr. President, I digress to say that these words, without many changes, could have been applied to the situation the other day when the petition for cloture came up in the closing days of this session, which is the second session of Congress, leaving still undisposed of a farm bill, a tax revision bill, and other bills of great importance to the United States.

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

Mr. HOLLAND. I yield to the Senator from Vermont.

Mr. AIKEN. Will the Senator agree that the Nation might possibly survive without the farm bill?

Mr. HOLLAND. The Senator from Florida agrees that that is the case, and he will oppose the farm bill. At the same time, he does not believe that it is one of those measures which are of such vital importance to any great area of our people that it should be subjected to a filibuster, and he would not join in a filibuster against that bill.

Mr. AIKEN. It is quite apparent that the supporters of the farm legislation and the administration will have to accept full responsibility for whatever action is taken.

Mr. HOLLAND. I will let the record speak on that. The Senator from Florida opposes that bill, but he would not use the filibuster in opposing it, because he does not think it measures up in its aspects to the vital requirements of a measure which does justify Senators from a great area of the country to stand and debate, literally, until they fall.

Now, Mr. President, I conclude my 1954 statement:

Aside from that, in this critical stage of world affairs it is particularly necessary that the Senate show its capacity to function on such important matters rather than to be held in a state of frustration and futility by the marathon talking of a decided minority. Any other course would hold us up to the ridicule of our own people and of the world at large, particularly the other free peoples who look to us for leadership and example.

Mr. President, that last paragraph of my statement of 1954 is also exceedingly applicable to the situation which we confronted the other day when, as my distinguished friend from Ohio [Mr. LAUSCHE] said in his usual colorful fashion, "the Soviets are orbiting and the Senate is filibustering." I predict that that statement will go down in history as almost the equal of the statement that "Nero fiddled while Rome burned." It so clearly explains the apathy of the Senate and its unwillingness to come to a decision on an important national matter while in that same field the Soviets are exploiting their latest accomplishment. It is true—and I hope the Senator from Illinois, who has lately become converted to my point of view—and I congratulate him upon it——

Mr. DOUGLAS. Mr. President, I protest.

Mr. HOLLAND. I am sure the Senator will agree with that point of view, because I heard him agree the other day. It is my view that a filibuster is a two-edged sword which may be used either on the defensive or on the offensive. I heard the distinguished Senator from Illinois say that he was going to vote for cloture, though with some regrets.

Mr. DOUGLAS. When was this?

Mr. HOLLAND. During this debate.

Mr. DOUGLAS. No; I am sure the Senator never heard me say that.

Mr. HOLLAND. He said that he would vote for cloture.

Mr. DOUGLAS. Oh, no; the Senator never heard me say that.

Mr. HOLLAND. The Senator voted for cloture, and he never has before. He inveighed loudly and effectively on the floor of the Senate against the use of the cloture rule. Yet my distinguished friend answered with a resonant voice that he would vote—that he would vote against cloture on this matter.

Mr. DOUGLAS. The Senator has been misrepresenting my position completely. He said I voted for cloture, when, as a matter of fact, I voted against cloture.

Mr. HOLLAND. The Senator is correct. Let me correct my statement, which is that he has always voted for cloture before, and has very stoutly maintained the position that cloture should be voted. He has stood on the floor and has advocated that a simple majority should have the right to close the debate. He has in every way within his right advocated the use of cloture; yet when it comes to this particular matter the Senator from Illinois has come to my position, which is that cloture is a two-edged sword, by voting the other way.

I commend him and congratulate him upon finally seeing the light and finally coming to the position of realizing that there are two sides to the cloture question; that there are cases in which cloture should be used; and then, as his recent vote indicates, cases in which, in his judgment, cloture would be an abomination. So I think the Senator is making progress. I congratulate him upon that fact.

I call attention to the fact, as recognized by the press generally and by the Senate, that cloture could not have been obtained on the pending bill except for the support of certain Senators from the South. I want that to be made perfectly clear.

The Senator from Illinois made that statement, which appears on page 16564 of the CONGRESSIONAL RECORD of yesterday. I remind him that he did make that statement, in effect, at some length, and that this happened to be the case.

Mr. DOUGLAS. The Senator from Florida says that I understand what happened to be the case?

Mr. HOLLAND. I shall yield after a bit; I hope the Senator will abide by the rules, even though he does not agree with my statement.

Mr. DOUGLAS. I am delighted to await the opportunity to respond.

Mr. HOLLAND. The Senator from Illinois made it perfectly clear that by two affirmative southern votes for cloture and by the absence of certain Senators—and more Senators could have been absent—the South made it possible for cloture to be adopted. Apparently the Senator from Illinois thought that that was an unusual situation; something that had not occurred before. But the Senator, with all his willingness to study history and to recite it to the Senate, together with much poetry and other literary effusions, has missed the point on this subject, which is that every time cloture has been invoked in the history of the Senate, which has been five times, it was voted because southern Senators supported it. Probably the Senator from Illinois, even now, does not realize that. I see him looking at me with an air of suspicion. But the fact is that that is true. I want him, and other Senators, too, to realize that cloture has been applied to other fields, despite their feeling in these days that it is only civil rights, as conceived by them, that has become such a dominant issue that they think the whole cloture rule applies only to that field. It has been voted five times, and it could not have been voted any of those times—and I make this statement advisely—without the support of southern Senators. It is to bring that point to the attention of the distinguished Senator from Illinois that I wish at this time to read from a letter furnished me by the Library of Congress on this subject.

Mr. President, I first ask unanimous consent that the letter be printed at this point in the RECORD.

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

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., August 15, 1962.

To: Hon. SPESSARD L. HOLLAND, attention Mr. Norman.
From: American Law Division.
Subject: Four instances prior to August 14, 1962, when cloture was invoked in Senate.

Following is a list of four previous instances when cloture was invoked, including

the number of southern Senators voting for invocation with specific reference to the Florida Senators:

1. Treaty of Versailles: Cloture invoked November 15, 1919 (58 CONGRESSIONAL RECORD 8555–8556); yeas 78, nays 16; 20 southern Senators voted to invoke cloture, Fletcher and Trammell among the 20.

2. World Court: Cloture invoked January 25, 1926 (67 CONGRESSIONAL RECORD 2678–2679); yeas 68, nays 26; 18 southern Senators voted to invoke cloture, Fletcher and Trammell among the 18.

3. Branch banking: Cloture invoked February 15, 1927 (68 CONGRESSIONAL RECORD 3824); 65 yeas, 18 nays; 17 southern Senators voted to invoke cloture, Fletcher voted "yea," and Trammell voted "nay."

4. Bureau of Customs and Prohibition: Cloture invoked February 28, 1927 (68 CONGRESSIONAL RECORD 4986); 55 yeas, 27 nays; 12 southern Senators voted to invoke cloture, Fletcher and Trammell among the 12.

EDWIN B. KENNERLY,
Editor, Bill Digest.

Mr. HOLLAND. Mr. President, the letter is dated August 15, 1962. It is addressed to me and was sent by the American Law Division. The subject is: "Four Instances Prior to August 14, 1962, When Cloture Was Invoked in Senate."

The first of those instances was in connection with the Treaty of Versailles. The statement by the Library of Congress reads:

Cloture invoked November 15, 1919. Yeas 78, nays 16. Twenty Southern Senators voted to invoke cloture.

If those 20 southern Senators had voted the other way, the vote would have been 58 to 36, and cloture would have failed.

I desire that not only the senior Senator from Illinois [Mr. DOUGLAS], but Senators generally, realize that at that important stage in the history of this Nation, after the futility of a long filibuster had long withheld the verdict of the Senate on that important question, the votes of 20 southern Senators—along with the votes of other Senators, and there has been no time when enough southern Senators were present that by themselves they could have brought about cloture—were indispensable and irreplaceable in voting cloture to end that long-standing, vitriolic debate on the floor of the Senate.

I am proud to say that both Senators from Florida, Senator Duncan U. Fletcher and Senator Park Trammell, were among the 20 southern Senators who voted for cloture in that instance.

Incidentally, I think Senators should know that Senator Fletcher was perhaps the most distinguished man who ever served the State of Florida in the Senate. I think they should also know that Senator Trammell was one of two men from our State who have served both as Governor and as Senator. I hope they will know that those two Floridians each served longer in the Senate than any other Senator from Florida. So I think they should be fairly representative of the thinking of the people of their State when they voted for cloture on that occasion.

According to the letter which I have placed in the RECORD, in full, the next vote for cloture was on the question of the adherence by the United States to the World Court. On that occasion, cloture was involked on January 25, 1926. There were 68 yeas and 26 nays. Eighteen southern Senators voted at that time to invoke cloture. If those 18 Senators had voted the other way, the vote would have been 50 yeas and 44 nays, which obviously would have completely prevented the adoption of cloture.

I am very happy to say that of the 18 southern Senators who voted on that occasion to invoke cloture on the question whether the United States should adhere to the World Court—which was certainly an important question—both of the distinguished Senators from my State were among those who voted for cloture. Both Senator Fletcher and Senator Trammell were among the 18 southern Senators who voted to invoke cloture.

The third issue on which this important question was raised was one of less earth-shaking importance; nevertheless, it was of importance. The question was whether branch banking should be permitted. On this question, cloture was invoked February 15, 1927. There were 65 yeas and 18 nays. Of the 65 Senators who voted "yea," 17 southern Senators voted to invoke cloture. It is quite obvious that cloture would have been defeated if the southern Senators had voted the other way.

In that instance, Senator Fletcher voted "yea"; Senator Trammell voted "nay."

The fourth instance in which cloture was invoked was on the subject of the Bureau of Customs and Prohibition. That vote took place February 28, 1927. There were 55 yeas and 27 nays, just one more than was needed to invoke cloture. On that occasion, 12 southern Senators voted to invoke cloture. I am happy to say that both Senators from Florida, Senator Fletcher and Senator Trammell, were among the 12 southern Senators who voted for cloture.

So, Mr. President, it is no accident or happenstance that southern support made possible the invoking of cloture the other day, because now it can be said, and it is a fact, that of the five instances in the history of the Senate in which that long tradition to allow unlimited debate has been breached by invoking cloture under the rule adopted in 1917—and, by the way, it was adopted under the leadership of a distinguished southern Senator, Senator Martin, of Virginia—of those five votes for cloture, not one could have been effective in closing debate but for southern support.

So I think the throwing of brickbats at the South in this field has gone far enough. I resent it, and southern people generally resent it. I am sure they want the actual facts to be reviewed again; and I hope it will not be regarded as improper for me to call the attention of the distinguished Senator from Illinois to the fact that his history has gone amiss on this matter, because instead of throwing all the blame at an area which he says has always opposed cloture, to the contrary, in the five instances when cloture was invoked, southern support made it possible, along with the votes of others, for that end to be reached.

My view on this subject is rather well known. I think cloture should not be invoked when a question is of such vital importance to a great area of the Nation that it runs to the question whether there shall be law and order or disorder; runs to the question whether people shall live cordially and amicably together; and runs to the question whether it goes so far that the law would not be observed even if it were passed; and particularly, when it runs against longstanding traditions and against the rights of the States which are affected.

Mr. President, my views on this matter have been stated sufficiently heretofore in the RECORD, I believe. However, at this time it might be well for me to state that in connection with this matter I find myself in strong accord with one of the most distinguished liberals of the Nation, Mr. Walter Lippmann, who, by means of two articles on this specific subject, has shown how strongly he feels about it. He is not the only great liberal who feels that way. One of the astounding things about this matter is the fact that persons who are so-called liberals get so obsessed with the idea that what they believe in, in connection with the field of civil rights, should be done, that they become tyrannical, if they have the power to do it, and try to defend and perpetrate things which would be tyrannical if done.

Mr. President, in 1949, Mr. Lippmann wrote a very able article on this subject. I ask unanimous consent that it be printed in full in the RECORD.

The PRESIDING OFFICER (Mr. METCALF in the chair). Is there objection?

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

Although the question before the Senate is whether to amend the rules, the issue is not one of parliamentary procedure. It is whether there shall be a profound and far-reaching constitutional change in the character of the American Government. The proposed amendment to rule XXII would enable two-thirds of the Senate to close the debate and force any measure, motion, or other matter to a vote. If the amendment is carried, the existing power of a minority of the States to stop legislation will have been abolished.

"Stripped of all mumbo-jumbo and flag waving," says the New York Times, "the issue is whether the country's highest legislative body will permit important measures to be kept from a vote through the activities of a few leather-throated, iron-legged Members who don't want democratic decision." * * *

This is an unduly scornful and superficial way to dispose of a great constitutional problem. For the real issue is whether any majority, even a two-thirds majority, shall now assume the power to override the opposition of a large minority of the States.

In the American system of government the right of democratic decision has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of democratic decision.

The American idea of a democratic decision has always been that important minorities must not be coerced. * * *

When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision * * * to respect the opposition and then to accept the burden of trying to persuade it.

* * * * *

For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.

The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision. * * *

For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.

This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device * * * to prevent large and determined communities from being coerced.

The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.

The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.

For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people. * * *

Mr. HOLLAND. Mr. President, in order to save the time of the Senate, I shall quote only certain portions of the article; and Senators can later read all of the article if they wish to do so.

Mr. Lippman wrote, in part, as follows:

In the American system of government the right of democratic decision has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of democratic decision. The American idea of a democratic decision has always been that important minorities must not be coerced.

He also wrote:

For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.

The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.

For that reason—

And, Mr. President, I ask Senators to listen to the words of this distinguished historian, columnist, and philosopher, who is quoted much more often by liberal Members of the Senate than by Senators who are much more conservative—

it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.

And I quote again the third part of this particularly fine article:

The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.

That article was written at a time when it was proposed to make a radical change in rule XXII. I hope my so-called liberal friends will listen particularly to the following part of the article:

The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.

For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Those quotations are from Mr. Lippmann's article in 1949.

In 1961, Mr. Lippmann wrote another valuable article—at a time when another debate in the field of civil rights was pending. Mr. President, I ask unanimous consent that excerpts from the article be printed at this point in the RECORD.

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

The problem of the Senate, on the other hand, involves questions of high constitutional principle. The crux of the question is not whether the majority should rule but what kind of majority should rule. Shall it be a simple numerical majority of the Senators present and voting? Shall it be two-thirds of all the Senators elected? Or shall it be something between the two?

Here lies the crux of the argument. What kind of majority shall have the right to end debate in the Senate, and therefore to bring about a vote? The kind of majority that has the power to do this has the power to legislate.

The recognition that there may be various kinds of majorities is deeply imbedded in the Constitution. Simple majority rule—one more than half a quorum—is by no means the general principle of the Constitution. Constitutional amendments, the expulsion of Members, the overriding of the President's veto, require two-thirds of all the Senators elected. Treaties and impeachments require two-thirds of those present and voting. Why these variations? Because these are questions which involve the whole Nation, it may be for war. The Constitution requires that such grave decisions shall have a large not merely a simple majority.

In my view it is important, indeed vital to our liberties, to preserve the principle that for great issues, for issues that affect deeply great regions or sections of the Nation, there should be required more than a simple majority. For we must never forget that majorities are not always liberal and that they may be quite tyrannical. It is, I have always thought, a short view of history to equate simple majority rule with the defense of the civil rights of Negroes. The civil rights of all Americans will be safer if within the Senate, which represents the Federal principle, we do not give absolute power to simple majorities.

Mr. HOLLAND. Mr. President, without imposing on the patience of the Senate, I wish to read one part of this article, which is just as important as the first one:

In my view it is important, indeed vital to our liberties, to preserve the principle that for great issues, for issues that affect deeply great regions or sections of the Nation, there should be required more than a simple majority. For we must never forget that majorities are not always liberal and that they may be quite tyrannical. It is, I have always thought, a short view of history to equate simple majority rule with the defense of the civil rights of Negroes. The civil rights of all Americans will be safer if within the Senate, which represents the Federal principle, we do not give absolute power to simple majorities.

Mr. President, I thought it well to elaborate to some extent on this point, because in the first place I want it to be understood that the concept that the South is against cloture on all occasions and for any kind of a bill is not correct, and it was shown not to be correct by the vote which was taken a few days ago, and it has been shown not to be correct in every instance in the Senate in which cloture has been invoked.

The pity is that some Senators—because of their tremendous interest in the important subject of civil rights, according to their own notions of what constitute civil rights—have felt that all rights of minorities should be overridden, if necessary, by a simple majority, simply to get something done in the field of civil rights on the floor of the Senate. But, Mr. President, that does not accomplish anything in the field we are discussing now, because these problems exist in the minds of the men, women, and children who live in a great area of our Nation—one larger than most nations on the earth, an area in which 50 million people reside under all conceivable contacts—some in proximity to others, and some in areas remote from others. It is not proper to consider that question apart from the long established right as now controlled by the rewritten rule XXII—namely, that so long as it is not possible to obtain the affirmative votes of two-thirds of the Members of the Senate present and

voting, a minority may not be shut off in connection with an issue as vital as this one.

Mr. President, I hope the Senate will, as a result of its cloture decision, move forward to a speedy decision on the main issue, which is whether our Nation shall take advantage of its chance to develop and to utilize one of the greatest inventions of our time, one of the great products of the genius of our independent industry and of our Nation as such, and will show, by so doing, that we are not willing to waste our time and the time of the Nation on idle talk here on the floor of the Senate, when, as my distinguished friend, the Senator from Ohio [Mr. LAUSCHE], has said—and it was true on that day—the Russians were orbiting while we were filibustering. There could not be a more eloquent summation of the supineness and futility in which these debaters—who are so good at their business, and my hat is off to every one of them—have indulged in this long, drawnout argument, in which they have participated on three occasions, and in which they have been successful twice, but now have not been successful in trying to frustrate the will of the Senate as a whole.

And, Mr. President, I point out that that was not after bringing to the floor of the Senate a measure upon which there had been no committee approval, but it was after having brought to the floor of the Senate a measure which, after long hearings, had the approval of all of the members of the 15-member Space Committee, whose business it is to familiarize themselves with this space activity of our Nation and of our independent industries, and also had the approval of 15 of the 17 members of the Commerce Committee, after long additional hearings; and also had the support of 13 of the 17 members of the Foreign Relations Committee, after additional hearings.

So, Mr. President, why are we willing to give the Nation such a spectacle of ourselves, particularly in choosing what has proved to be a time when the effort of our great adversaries in the world to attract and persuade the minds of men to their way of thinking was being made in so colorful a way, in their attempt to exploit the advantages of their peculiar efficiency in this field, although in this communications field we have an efficiency which they have never dreamed of, and never have attained, in connection with a discovery which is of such great import to men all around the earth; and yet at that very time we were squabbling among ourselves over the question of whether the bill should be passed.

Mr. President, I hope that this precedent of voting cloture in such a manner will be followed if necessary when there is a matter which addresses itself to the conscience of the Nation as a whole as being a matter of the gravest importance to our Nation, and when we may move ahead only in that way.

I hope these remarks will also clearly show what has been the record of the South in this field.

Mr. DOUGLAS. Mr. President, I ask for the floor on a matter of personal privilege. The Senator from Florida began with an attack on the Senator from Illinois and then continued with a lengthy speech of self-justification. I therefore ask that I may have the floor on a matter of personal privilege.

The PRESIDING OFFICER. Is the Senator from Illinois asking for the floor outside of the regular hour that would be permitted under the rule?

Mr. DOUGLAS. I thank the Chair——

The PRESIDING OFFICER. It is the opinion of the Presiding Officer, after consultation with the parliamentarian, that the Senator from Illinois is entitled to the floor outside the time, with the admonition that any remarks must be germane solely to the point of personal privilege.

Mr. KUCHEL. Mr. President, may I ask a parliamentary inquiry?

The PRESIDING OFFICER. If the Senator from Illinois will yield for that purpose.

Mr. DOUGLAS. Mr. President, I desire to be very cooperative, but since I have been attacked by the Senator from Florida, I would appreciate it if I might reply without having foot faults called against me, especially since the Presiding Officer has ruled that I am entitled to the floor outside of the time assigned on the bill. I hope my good friend from California, therefore, will desist from raising any point of order. If later he wishes to make the point, he may do so.

The Senator from Florida began with a personal attack on the Senator from Illinois, and then continued with a lengthy speech of self-justification.

First, let me clarify my attitude toward the Senator from Florida. I have never said he was the worst Senator in the U.S. Senate. Quite the contrary—I have been careful to say there are many Senators who, in my judgment, were worse Senators than the Senator from Florida.

May I also say that I have never said the Senator from Florida was the most obdurate Senator from south of the Mason-Dixon line in the matter of civil rights. I recognize the fact that upon occasion the Senator from Florida has brought forth an innocuous measure. This was the case with the repeal of the poll tax by constitutional amendment. He well knew this had been refused by the House in a previous session, and that it was being condemned to a state of innocuous desuetude in the present session, and that in all probability it would not be submitted to the States, or, if submitted to the States, would never be ratified by the necessary three-quarters of the State legislatures.

What the argument of the Senator from Florida seems to boil down to is that in the past—back in the dim past—the Senators from the South have upon occasion voted for cloture on other than civil rights matters, and that every cloture that has been put into effect has been put into effect in the past with the cooperation of the southern Senators.

I have not had occasion to examine the RECORD as closely as has my good friend from Florida, but if we accept his statement as true, they boil down to the point, first, that cloture in the Senate cannot be obtained without the consent of the southern Senators; second, that the southern Senators and their allies will never permit cloture under present rules when any vital question of civil rights comes up. That is the whole gist of the situation, and I think the Senator from Florida has accurately described it.

The Senator from Florida has referred to some quotations from a friend of mine, Mr. Walter Lippmann. He never made quite clear which were Mr. Lippmann's statements and which were the statements of the Senator from Florida, but he at least quoted them with approval. I think he quoted Mr. Lippmann to the effect, and with approval, that "important minorities must not be coerced." I only wish the Senator from Florida really believed in that, because that really means important minorities should not be coerced, but he permits the coercion of millions of colored citizens in the South who are not permitted to vote, who do not get a fair share of employment, who are denied equal opportunity in employment, whose children are denied equal opportunity for unsegregated education. There was not a word about that. No; it is only the ruling white oligarchy of the South of whom he makes mention. It reminds me of what Thomas Paine said about Edmund Burke—"He pities the plumage, but forgets the dying bird." This is precisely the attitude of the Senator from Florida.

It is true that not only have I advocated ultimate majority rule in the Senate, after full and extended debate, and have been one of the sponsors of the so-called change in rule XXII, but it is also true that, in connection with the atomic energy bill of 1954, I voted for cloture. That is true. I did so at that time in the belief that if one applied cloture across the board, to those with whom one agreed as well as those with whom one did not agree, possibly the sincerity of our position would appeal to our southern friends and to their allies, and that we could get a possible resolution of this issue.

I am sorry that in the 8 years that have passed my faith in human nature has been disabused. Time after time I have seen cloture refused by the southerners and their northern allies on both sides of the aisle, but particularly on the other side of the aisle, so that until today we are unable to get a vote on civil rights measures.

Though I kept aloof from the battle in its early stages, both because I had not made up my mind as to where the equities lay and because I was busy on the tax bill and on the trade expansion bill, nevertheless, as I listened to the debate, and as I tried to ask questions, and the only ones who answered them were the opponents of the bill, I came to the conclusion, first, that more time was needed to discuss the bill and, second, that there were grave faults with the bill with which I could not reconcile my conscience.

I have felt, as I have said twice before, that when in the Senate the rules have been used against those who believe in civil rights and against what we at least regard as progressive legislation,

I was not then going to strip the Senator from Oregon and the two Senators from Tennessee and their associates of the weapons that they now have under the rules. I was not going to disarm them of their limited weapons when they came into the Senate with the opposition heavily loaded with weapons, controlling the machinery of the Democratic Party in the Senate, and getting the virtually unanimous support of the Republican Party.

Mr. President, if you charge me with inconsistency, I will have to say that the harsh experiences of the Senate have taught me that in this world, and in the Senate, one must preserve and utilize weapons of the flesh if one is to defend the freedom of the spirit.

So I make no apology for my vote against cloture a few days ago. I am ready to go before the people of my State, and before the people of the country, and defend that vote.

I want to say that I am eternally grateful to this small band of Senators who, against the pressures of other Senators, against the denunciations of the Democrat leadership, both the leader and the whip, and against the solid opposition of those on the other side of the aisle, stood firm and steadfast. While I was not one of them, as I watched the attack go on, I felt I could not disarm them. Now I feel spiritually akin to them and have resolved to walk with them the rest of the way and to do so with pride and fellowship.

Mr. President we get somewhat hardened by life. Life teaches us many tough lessons. I have always believed, throughout my life, in peace and good will, and in the ability of good will to melt opposition, and to dissolve, not rid. I still hope that good will is a force in the world but I have become sadly weakened in that belief by the years I have spent in the Senate.

I shall try to be gentlemanly. I shall try to be courteous. I shall try not to take any unfair advantage of others, but I say that I will not strip from minorities the protection now afforded by the rules of the Senate, though I shall press on to change the rules so that after full and free debate—and I emphasize those words—a majority can decide.

That is what the Senator from Oregon has been contending for. That is what all other Senators in his group have been contending for. That is all I am contending for. That is the goal for which we have been contending.

In our proposed changes in rule XXII, we would provide that cloture could only be effective 15 legislative days after the petition had been filed, which would provide at least 2½ weeks of full debate. We do not propose to change the provision that the opponents of cloture could oppose both a motion to consider a bill and a motion to pass a bill, so, if they wished to, they could take at least 5 weeks. Of course, we would never file petitions on the first day of debate, but would wait for some time, so in all, probably, there would be permitted from 6 to 8 weeks of debate.

I can say, as one humble member of the civil rights bloc, once cloture were voted we would never move to shut off discussion by a tabling motion. We would permit Senators to talk for the full hour each would be allotted. I want to pledge myself to that.

I must say that I was shocked by the attitude of the majority in not discussing the amendments offered by the two Senators from Tennessee and by the Senator from Oregon. Some of those amendments, I think, were good amendments. I could not make up my mind as to all of them, but I wanted to hear a discussion on them, so that we could all know. But the representative of the majority would get up immediately and move to table the amendment, without offering any defense as to why he was moving to table the amendment. The guillotine would operate. The bipartisan combination which rules this Senate would then swing into action. All the Republicans on the other side would vote to table. The leadership followers on this side of the aisle would vote to table. The juggernaut would roll on.

Mr. PASTORE. Mr. President, will the Senator yield at that point for just a moment?

Mr. DOUGLAS. I am glad to yield.

Mr. PASTORE. As a matter of fact, we had a discussion with the distinguished Senator from Pennsylvania [Mr. CLARK]. We had an understanding that we would allow all Senators to speak all they wished before the motion would be made.

Mr. DOUGLAS. On that motion, yes.

Mr. PASTORE. Yes.

Mr. DOUGLAS. I am referring to the procedures followed in the past 2 days. Then the guillotine fell immediately.

It reminded me of Dickens' "Tale of Two Cities," when Sydney Carton was being put in the tumbrel and led to execution. He was brought out to the guillotine, where the women were sitting beside the guillotine, in the Place de la Concorde—so inappropriately named—and were knitting. As one person after another was led out, and had his head chopped off, the women would count, "one," "two," "three." When it came to the girl who preceded Sydney Carton, they counted "22." Then Carton's turn came, and they counted, "23."

I suppose that is how the expression "23" crept into slang idiom.

I have watched the galleries of the Senate, and I have watched the Members of the Senate, smiling with approval—not knitting, but giving approval—as the guillotine fell, as amendment after amendment of the Senator from Oregon and the Senators from Tennessee were guillotined.

I want to tell my friends that if we ever change rule XXII, so far as I am concerned I shall use what little influence I have to see to it that not only the Senators have an opportunity to state their amendments, but that reasoned replies will be made with respect to those amendments.

Mr. PASTORE. Mr. President, on that very point will the Senator yield again?

Mr. DOUGLAS. I am glad to yield.

Mr. PASTORE. The Senator addressed a letter to me, which was a complicated letter. I have an answer. I am going to put it in the RECORD.

Mr. DOUGLAS. That is very nice.

Mr. PASTORE. As the Senator well knows, under the rule relating to cloture, a Member of this body has 1 hour. The Senator in charge of the bill has 1 hour, like every other Senator. Nearly 200 amendments have been submitted. How in the world can I answer every Senator on this floor, without remaining mute after replying with respect to two or three amendments?

Mr. DOUGLAS. May I say that I have deep respect for the Senator from Rhode Island.

Mr. PASTORE. The Senator is making an allegation. We will now answer.

Mr. DOUGLAS. The Senator from Rhode Island was not the only sponsor of the bill. He had the very able Senator from Oklahoma, the uncrowned king of the Senate, on his side. [Laughter.] The Senator from Oklahoma could have spoken up. There were other Senators who could have spoken up. The leader and the whip could have spoken up. They threw upon the Senator from Rhode Island the disagreeable task of using the guillotine, which is so contrary to his considerate nature.

Mr. PASTORE. Please do not make me the object. I left my knitting back home. [Laughter.]

We have not used the guillotine on anybody.

Mr. DOUGLAS. The guillotine was used no less than 15 times.

Mr. PASTORE. We moved to table amendments, exactly as has been done time and time again. Guillotine is a nice word to be using around the Senate, but I wish to say to the Senator from Illinois, as to the application of the guillotine, when I reach even half his age I hope that I may look as well as he does now.

Mr. DOUGLAS. I thank the Senator very much. If the Senator will keep a clear conscience, he will.

Mr. MORSE. Mr. President, will the Senator yield for half a second?

Mr. DOUGLAS. I yield.

Mr. MORSE. There was not anything to stop any one of the opponents of the bill from replying to us for a reasonable period from the hour allocated to each Senator, was there?

Mr. DOUGLAS. That is the point.

Mr. MORSE. We are going to close this debate, as the record at the Parliamentarian's desk will show, with many of the proponents of the bill having used practically none of their time.

Mr. DOUGLAS. With the exception of the very able speech by the senior Senator from New Hampshire [Mr. CORTON] no one rose on that side of the aisle, other than, I think, once or twice the Senators from New York for brief interjections.

I congratulate the senior Senator from New Hampshire for his readiness to air his views. He spoke in a reasonable and sensible fashion.

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

Mr. DOUGLAS. Let me finish my paragraph, and then I will yield.

Mr. PASTORE. Very well. That does not involve me.

Mr. DOUGLAS. I again wish to congratulate the senior Senator from New Hampshire [Mr. COTTON]. He made a reasoned statement in behalf of the bill. I went over to listen to him. I congratulated him, at the conclusion of his remarks. I wish that the other defenders of the bill had followed his example.

I now yield to the Senator from Rhode Island.

Mr. PASTORE. I am the Senator who reported the bill. I have been in charge of the bill. I came on the Senate floor and explained the bill. I have been in this Chamber day in and day out, with the exception of the short time when I was at Bethesda, because of a little illness. I have been on this floor. I have answered questions.

No Senator asked me any questions I did not answer. When I came on this floor there was only a coterie of people opposed to the bill. I made an opening statement. I gave an explanation of every section in the bill. I was in the Chamber, ready to answer questions. No Senator asked me questions.

Now Senators come in to say that no one ever explained the bill. Of course it was explained. It was explained when the bill was made the unfinished business, when it was made the pending business. I made an opening statement on that day. I explained the bill, and I put into the RECORD an explanation of every section.

No Senator was here to ask me questions. The Senator from Illinois was not in the Chamber then. Now the Senator comes in and says that the proponents have said nothing about this bill. That simply is not so.

Mr. DOUGLAS. Mr. President——

Mr. PASTORE. That simply is not so.

Mr. DOUGLAS. The Senator from Rhode Island has alluded to some private correspondence I had with him. Therefore, I think it is appropriate to mention the fact that when the junior Senator from Tennessee had the floor about 2 weeks ago I addressed a series of technical questions to him, which he answered.

I was not certain that the Senator had answered the questions correctly. Therefore, I sent the text of my questions and the replies by the junior Senator from Tennessee to approximately 30 Members of the Senate, including the ranking Republicans and Democrats on the Committee on Interstate and Foreign Commerce, which was the committee which had dealt with the bill. I asked them if they would reply to these issues in order that I might form a clearer judgment of the matter. I also said that I was concerned about who would actually control the corporation which was to be set up.

I had a reply from one Senator, the great Senator from Texas, who went into the question with great care. He took hours, apparently, to reply. I shall be glad to make our correspondence a part of the RECORD. He corrected one or two statements which the junior Senator from Tennessee had made. He made a most valuable contribution.

Mr. President, I ask unanimous consent that my letter and the list of Senators to whom I addressed the letter, and the reply made by the Senator from Texas [Mr. YARBOROUGH], who is in the Chamber now, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? Without objection the material will be printed in the RECORD.

(See exhibit 1.)

Mr. PASTORE. Mr. President, will the Senator allow me to add, after that, the letter he sent to me, together with the answer I make?

Mr. DOUGLAS. When did the Senator reply?

Mr. PASTORE. I did not reply. I am going to put it in the RECORD.

Mr. DOUGLAS. Yes; after the debate is over.

Mr. PASTORE. What does the Senator mean by saying "after the debate is over"?

Mr. DOUGLAS. We know what will happen.

Mr. PASTORE. The Senator sent me a letter the latter part of last week. Specifically, it was dated July 31, and received in my office on August 2. I have been in the hospital. I came back here Tuesday. Cloture was applied. When could I do it?

Mr. DOUGLAS. Mr. President, I will be delighted——

Mr. PASTORE. When could I do it?

Mr. DOUGLAS. I will be delighted to have the projected reply of the Senator from Rhode Island put into the RECORD. I would be just delighted to have it.

The PRESIDING OFFICER. The Senator from Illinois is admonished that he is not speaking on the subject with respect to which he obtained unanimous consent, that is, a point of personal privilege, in order to reply to the Senator from Florida.

Mr. KERR. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. KERR. The Senator from Illinois did not procure the floor by unanimous consent. He procured it on a ruling of the Chair. I agree with the Chair that the Senator is not speaking consistently with the request that he made and the ruling given.

The PRESIDING OFFICER. The Chair will say to the Senator from Oklahoma that it is not the ruling of the Chair that the Senator from Illinois or any other Senator may speak on his own time. The Chair treated it as a unanimous-consent request, and if a point of order had been made, it would have been submitted to the Senate. The Chair is not prepared to rule on whether or not a question of personal privilege can be raised outside the cloture rule.

The Chair feels that under the provisions of rule XIX any Senator is not without recourse even if a question is raised and the cloture rule is applied. So the Chair treated the request of the Senator from Illinois as a unanimous-consent request, and no objection was heard.

The Chair is grateful to the Senator from Oklahoma for giving the present Presiding Officer an opportunity to clarify that position. No ruling has been made on the question.

Mr. KERR. Mr. President, I say in deepest respect for the Presiding Officer that I sat here when the Senator from Illinois made his request. I heard no evidence whatever that it was a unanimous-consent request. This is the first intimation that the Senator from Oklahoma has had of such a request. He feels that the Chair is perfectly capable of making a ruling. He is perfectly capable of presiding. He is perfectly capable of determining whether or not the Senator from Illinois is speaking on a point of privilege and whether he is doing so either by unanimous consent or a ruling of the Chair.

Mr. DOUGLAS. Mr. President, since I am involved, may I submit a hypothetical question?

Mr. MORSE. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Illinois may do so.

Mr. MORSE. Mr. President, I raise a point of order.

Mr. DOUGLAS. I wish to comply with the ruling of the Chair. I would like to submit a hypothetical question so I may know how to adjust myself.

The PRESIDING OFFICER. The Senator may proceed in the time of the Senator from Illinois.

Mr. DOUGLAS. Has it now been decided that I am not speaking on the point of personal privilege?

The PRESIDING OFFICER. Thus far the Senator from Illinois has not been charged with any time under the cloture rule, because it was the impression of the Chair that the Senator was answering the Senator from Florida under the unanimous-consent request.

Mr. DOUGLAS. Mr. President, has any motion been made to strike my remarks from the RECORD?

The PRESIDING OFFICER. No. The Chair interrupted the Senator from Illinois because there had been an admonition that he must speak only on the subject of personal privilege.

Mr. DOUGLAS. Mr. President, I would like to obtain a ruling on that point.

Mr. MORSE. Mr. President, will the Senator yield? I suggest that he is now on his own time.

Mr. DOUGLAS. Suppose I should discuss the recent vote on the Morse-Clark amendment, because the Senator from Florida did so: Would that be regarded as a reply on a matter of personal privilege or a speech on the bill?

The PRESIDING OFFICER. The Chair is not prepared to answer any general statement such as that. The Senator's time has not yet been charged, but it was the impression of the Presiding Officer that the Senator from Illinois was embarking into areas that were related to the bill that is before the Senate rather than to the point of personal privilege that was raised.

Mr. DOUGLAS. Mr. President, may I ask how much time I have remaining on the bill?

The PRESIDING OFFICER. The Senator has consumed 28 minutes.

The Senator has 32 minutes remaining.

Mr. DOUGLAS. Mr. President, in order to remove any possibility of doubt in the matter, I abandon my request for personal privilege and am willing to speak on the bill.

Mr. MORSE. Mr. President, the Senator from Oregon wishes to raise a point of order.

Mr. DOUGLAS. I hope that this time will not be charged to me.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. DOUGLAS. I yield, with the understanding it is not charged to my time.

The PRESIDING OFFICER. The Senator still has time under what the Chair recognized as a unanimous-consent request. Does the Senator yield to the Senator from Oregon for a point of parliamentary inquiry?

Mr. DOUGLAS. Would this be under the unlimited time granted to me as a matter of personal privilege?

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. MORSE. Mr. President, the Chair is in error. I raise a point of order in regard to the position that the Chair has taken. We cannot be presided over and be prevented from raising a point of order against wrong rulings of the Chair. No Presiding Officer can sit in the chair and take our rights away and charge us with time when we raise a point of order. I wish to raise a point of order.

The PRESIDING OFFICER. The Senator has not been charged with time. No Senator has been charged with time during the course of the debate. The Senator from Illinois has the floor.

Mr. DOUGLAS. Mr. President, I would like to proceed.

The PRESIDING OFFICER. The Senator from Illinois has asked for the floor in his own right, the time to be counted under the 32 minutes remaining to him.

Mr. DOUGLAS. Mr. President, I should like to proceed.

Mr. MORSE. Mr. President, I ask the Senator to yield 1 minute of his time to me.

Mr. DOUGLAS. Mr. President, if the Chair thinks at any time that I am not speaking on the point of personal privilege, I hope the Chair will call me to account and I will start to speak on the remainder of the hour that has been assigned to me. But please permit me to go ahead, if I may.

Mr. FULBRIGHT. Mr. President, is the Senator proceeding under his own time or not?

The PRESIDING OFFICER. It was the impression of the Chair that the Senator from Illinois was now asking to proceed under the time remaining to him on the bill. There is nothing that the Chair can do to prevent the Senator from saying anything he chooses in the 32 minutes remaining to him.

Mr. DOUGLAS. Mr. President, I wish to withdraw my request that I speak as a matter of personal privilege. I simply ask to be recognized on the basis of the 32 minutes remaining.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. No, I will not yield on my own time. From now on I have to yield on my own time.

Mr. MORSE. Mr. President, will the Senator yield 1 minute of his time to me?

Mr. DOUGLAS. No, I cannot do that.

Mr. PASTORE. He cannot do so without unanimous consent.

Mr. DOUGLAS. Mr. President, having refused the Senator from Florida, I cannot grant the request of the Senator from Oregon.

The PRESIDING OFFICER. The Senator cannot yield without obtaining unanimous consent except for a question.

Mr. DOUGLAS. I am trying to comply with the rules of the Senate and to be more than obliging to everyone.

Mr. MORSE. The rules do not permit the setting up of a dictatorship.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DOUGLAS. I hope I do not get into a quarrel with my friends here.

Mr. President, both the vote on cloture and the vote on the fair employment practices amendment were extremely interesting. They indicate the basic political forces in the Senate, although I do not think they represent the basic political forces in the country. I have previously analyzed the vote on the cloture, and correctly, I think, pointed out that that was a composite of four forces, including an almost solid group of Republicans voting for cloture—34 out of 36 Senators, except the Senator from Arizona [Mr. GOLDWATER] and the Senator from Texas [Mr. TOWER]. It was also composed of the leadership faithfuls. It was also composed of 18 of the 24 southern Senators plus a group of 5 Senators who believe in doing good for evil.

The last vote on civil rights is extremely interesting. I have tried to get an accurate rundown on it but I have had some difficulty in compiling it because some Senator came to the desk and whispered their reply instead of stating it openly. I might have misunderstood their whispers. As I understand it, the vote was 54 against fair employment practices and 37 for. This was the payoff vote. First, let me consider the other side of the aisle. If I am in error I wish to be corrected. My record shows that there were the following Republican Senators who voted for fair employment practices and against tabling: BEALL, CASE, COOPER, FONG, JAVITS, KEATING, KUCHEL, MORTON——

Mr. KEFAUVER. Yes.

Mr. DOUGLAS. And SCOTT. This adds up to nine. My record shows that there were at least three Republicans absent. Of the 36, therefore, the Republican vote was 24 to 9 against the civil rights amendment or nearly 3 to 1 despite the pledge in the Republican Party platform that the Republican Party would do everything it could to further fair employment practices and would do so by legislation.

Mr. KEFAUVER. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOUGLAS. I wish to commend the nine Republican Senators who voted in behalf of their party platform. I think their names should be on the roll of honor. I regard them as the fair flowers of their party. I hope that in the course of time they may be able to convert their erring brethren, or cross the aisle and join us.

I should also like to pay tribute to the two great Senators from Tennessee, a border State, and probably more southern than it is northern. They had the courage to vote against tabling and to vote for fair employment practices.

I will also include in the list the great senior Senator from Texas [Mr. YARBOROUGH]. I think these men took political risks which are tremendous in nature. They deserve not only praise, but also the active support of the people of this country. I would remind the Senate that of the 30 Democrats voting against civil rights, 21 came from the South and border States, including Oklahoma as a border State. The leadership was only able to win this measure by bringing into their camp nine northern and western Democrats who chose to disregard the pledges in their platform and to follow the leadership instead. They were few in number but they turned the tide. I will make no comment on their motives or on their character, except to say that the keeper of the books both in heaven and on earth will note the votes. I am proud that 25 northern or western Democrats voted for civil rights and that they formed approximately three-fourths of the northern and western Democrats who voted.

What happened in this vote has been going on in the Senate for a long time. It is an alliance between the overwhelming proportion of southern Democrats and the overwhelming proportion of northern and western Republicans, with a sprinkling of Democrats either from the southwest or if those who go along with the leadership, which has made this and other implicit agreements with the Republican leadership.

This is the bipartisan coalition or unholy alliance which dominates the Senate. It is the force which defeated health care for the aged, when 20 of the 24 Senators from the South voted against the President's program and joined with the Republicans to defeat that measure. It is well to recognize this simple fact. We do not have two political parties.

We have four political parties. We have the great mass of northern and western Democrats who are committed to civil rights and a progressive policy.

We also have the great mass of southern Democrats, excellent people individually, including my good friend from Florida—he is very kind individually—who are committed, with a few honorable exceptions such as the great Senators who voted with us today, to opposing

civil rights and to opposing what we at least regard as progressive legislation.

Then on the Republican side we have the overwhelming mass of Republicans who vote with the conservative southern Democrats, at least three-fourths and possibly four-fifths of them on every rollcall.

Finally we have the small but gallant band of noble Republicans who try, ineffectually, to moderate the principles of their party and who oppose going back to the days of U. S. Grant.

That is the party lineup. The people of the country might as well know it, and we might just as well decide on which side we will be. That is the issue. No personal animus is involved in these matters. These are simply the facts.

We Democrats of the North and of the West, who fight for what we regard as progressive measures, also represent the great mass of the population of the country. The men who stand against us represent either States in which a large proportion of the population is barred from voting—the black population—and in five States the poor whites as well, because of the poll tax, or represent the small States with small populations. Those from the big industrial States, which have had some experience with this situation, stand relatively united in behalf of the progressive platform of our party. We do not count for much in the Senate. We do not have seniority. Almost none of our Members holds a chairmanship.

The organization of our party in this body is loaded against us. The personnel of the staff is not politically friendly to us. I am sorry to say that our senatorial party is loaded against us. We are in a sense pariahs. However, when election time comes around, they want our help, because they know that the Democratic Party cannot elect a President without the great industrial States. And if we cannot carry the industrial States, we lose the Senate and the southerners will not be chairmen of the committees. Then the national party comes around and asks for our help, and they put clauses in the platform pledging themselves to progressive steps such as civil rights. The bipartisan oligarchy will, however, sit back and say, "Oh, yes, that is only a party pledge. Wait until we get them in the Senate. Then we will cut their throats."

We have just seen another illustration of this. For despite the pledges of both parties the majority has turned down fair employment practices. I think it is about time that we shed this hypocrisy and got down to the real issues and real facts. I make an appeal to the noble Republicans on the other side of the aisle to join with us in as many of these measures as possible. I make an appeal to the Democrats of the North and the West to get a leadership which will stand for these principles, not merely when we adopt a platform at convention time, not merely in the months preceding a presidential election, but also when the real test comes, on the floor of the Senate and on the floor of the House.

The American people are not fools. They are not going to be deceived by this present sham battle between the basically united leadership on both sides of the aisle. They see through the unholy alliance. The press does not always make it clear, but there are many very honest reporters and many very honest newspapers who do make it clear.

This will be the issue in the coming years. It is the basic issue inside our party. On which side do we stand? It is also the issue inside the party on the other side of the aisle. I hope this discussion may have served to increase realism in this situation.

In conclusion, let me say that I have no animus against anyone. One can differ on issues and yet respect opponents as individuals. I shall try not only to be courteous but friendly and to go out of my way to be obliging. I shall take many steps in conciliation. I shall give up many rights and privileges, but I will not disarm myself in a world of force; and, so far as I am concerned, I will not permit others to be disarmed if I can help it.

Mr. President, I yield the floor.

EXHIBIT 1

JULY 31, 1962.

Hon. RALPH YARBOROUGH,
U.S. Senate, Washington, D.C.

DEAR RALPH: I am taking the liberty of enclosing some tearsheets from the CONGRESSIONAL RECORD for yesterday in which I asked a series of technical questions of Senator GORE relative to the space communications bill. If you have leisure, I would appreciate it if you would be willing to read my questions and his answers.

I have not fully made up my mind on this matter but I believe there are fundamental issues which need to be cleared up, and it was with that purpose that I addressed these questions to Senator GORE. It is my belief that they are of sufficient importance that the proponents and opponents of the bill should seek to answer them either in speeches on the floor or in response to questions addressed to them.

I hope that the members of the committee and the leadership in charge of the bill, which I take it is bipartisan in nature, will be ready to discuss these matters, and it is my hope that this be done. Just as I have asked these questions of Senator GORE, one of the leading opponents of the bill, it is my intention to ask them of the sponsors of the bill so that we may find out what the agreed facts are and what the points of difference may be.

I think we can make the discussion of this bill a very helpful and educational one and I am quite confident that this is your purpose as well as mine.

With all best wishes.

Faithfully yours,

PAUL H. DOUGLAS.

LIST OF SENATORS AND NEWSPAPERS TO WHOM QUESTIONS WERE SENT

REPUBLICANS

1. Senator KENNETH KEATING, July 31, 1962.
2. Senator HUGH SCOTT, July 31, 1962.
3. Senator THRUSTON MORTON, July 31, 1962.
4. Senator CLIFFORD CASE, July 31, 1962.
5. Senator NORRIS COTTON, July 31, 1962.
6. Senator JOHN MARSHALL BUTLER, July 31, 1962.
7. Senator EVERETT M. DIRKSEN, July 31, 1962.

DEMOCRATS

1. Senator HUBERT HUMPHREY, July 31, 1962.
2. Senator GALE W. MCGEE, July 31, 1962.
3. Senator VANCE HARTKE, July 31, 1962.
4. Senator CLAIR ENGLE, July 31, 1962.
5. Senator STROM THURMOND, July 31, 1962.
6. Senator GEORGE SMATHERS, July 31, 1962.
7. Senator E. L. BARTLETT, July 31, 1962.
8. Senator RALPH YARBOROUGH, July 31, 1962.
9. Senator FRANK J. LAUSCHE, July 31, 1962.
10. Senator WAYNE MORSE, August 2, 1962.
11. Senator ESTES KEFAUVER, August 2, 1962.
12. Senator JOHN O. PASTORE, July 31, 1962.
13. Senator WARREN G. MAGNUSON, July 31, 1962.
14. Senator A. S. MIKE MONRONEY, July 31, 1962.
15. Senator MIKE MANSFIELD, July 31, 1962.
16. Senator WILLIAM PROXMIRE, August 1, 1962.
17. Senator PHILIP A. HART, July 31, 1962.

NEWSPAPERS

1. Chicago Sun-Times, July 31, 1962 (two letters).
2. St. Louis Post-Dispatch, July 31, 1962.
3. New York Times, July 31, 1962.
4. Chicago Daily News, July 31, 1962.
5. Mr. Marquis Childs, July 31, 1962.
6. The Washington Post, July 31, 1962.
7. The Washington Star, Aug. 1, 1962.
8. Illinois State Register, July 31, 1962.

WASHINGTON, D.C.,
August 10, 1962.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR PAUL: Thank you for your thoughtful letter concerning Senate debate on the communications satellite bill. I, too, feel the debate on this bill should seek to clarify and explain this technical and most complex development in international communications, not obfuscate the important issues at stake here.

I have reviewed your colloquy with Senator GORE on the communications satellite bill and am submitting summary answers to your questions, which I hope will be helpful. I compliment you on your usual dispassionate and careful examination of the pros and cons of the satellite legislation. I wish that every person concerned were as meticulous and conscientious a student of this legislation as you have been.

Sincerely yours,

RALPH W. YARBOROUGH.

P.S.—The attached questions and answers were prepared by my staff and other staffs under my direction. These are composite answers, for brevity. Full explanations would require many pages.

R.W.Y.

Question. Are there two rival communications satellite systems?

Answer. Yes, there is the low-orbit system in which the satellites orbit between 3,000 and 5,000 miles. Examples of such a system are the NASA Relay Project and A.T. & T.'s Telstar; the other system is a high-orbit synchronous satellite system in which the satellites follow a synchronized orbit 22,300 miles out in space. NASA's project Syncom is investigating the research and development of such a high-orbit satellite system. All three systems are in the research stage of development and require a great deal of study before we can settle upon one system as the best.

Question. How many satellites would be needed to permit full coverage of the world with a low-orbit system?

Answer. At the altitude at which Telstar is orbiting the earth 40 randomly placed satellites would be required; a high-orbit system would require 19 randomly placed satellites; if it were possible to place the satellites

precisely in controlled orbit at 22,300 miles only 3 satellites would be needed.

Question. How much has been spent by NASA and the Department of Defense on communication satellites?

Answer. The direct expenditures of NASA and the Department of Defense for communications satellites will total $471 million through fiscal 1963.

Question. How much of this sum was spent by NASA and how much by the Department of Defense?

Answer. Since the Advent communications satellite system has been transferred to the Air Force from the Army at considerable loss, and NASA has not spent in fiscal 1962 all the money authorized for communication satellites, it is impossible to give any firm estimates of how much has been spent by these two agencies on communication satellites.

Question. What is the direct cost of Telstar to A.T. & T.?

Answer. Mr. James E. Dingman, executive vice president for A.T. & T. testified that A.T. & T. has already spent over $25 million on both the ground station at Andover, Maine, and for research and development of the Telstar satellite. The $50 million figure is the estimated total cost of the Telstar experiment. Based on the $25 million figure, the Government expenditures for communication satellites are about 19 times as great as those at A.T. & T.

Question. What is the direct cost of launching a Telstar satellite?

Answer. Approximately $3 million ($2.5 million for the Thor-Delta booster and $500,000 for support activities).

Question. How many satellites would be needed for a high-orbit system moving synchronously approximately 22,300 miles out in space?

Answer. Three to five.

Question. What is the difference between the cost of a low-orbit and high-orbit satellite system?

Answer. A conservative estimate of the cost of the two systems is $200 million for the three satellite high-orbit system and $500 million for a low-orbit system employing 40 satellites.

Question. Is there an estimate of the thrust necessary to put up a high-orbit synchronous satellite of 22,300 miles out in space?

Answer. No firm, reliable estimates have been made.

Question. Has NASA suspended research and development of the high-orbit Syncom satellite system?

Answer. Definitely not, NASA is continuing to pursue this system; the Department of Defense has reoriented and transferred the high-orbit Project Advent from the Army to the Air Force; this transfer has resulted in substantial monetary loss for which there are no firm estimates. Some people may have confused this action with the development of the NASA Syncom project which is continuing full steam ahead.

Question. Does the proposed bill assume that a low-orbit system will be the first operational communication satellite system?

Answer. Not necessarily, technical witnesses have refused to state without qualification, that, at the present level of research and development, one particular system should be developed to the exclusion of competing alternatives.

Question. How many useful minutes of broadcast time are provided between Europe and the United States by Telstar?

Answer. The path of Telstar is an eccentric orbit, thus the amount of useful broadcast and transmission time varies with the orbital path. Roughly 15 to 20 minutes of usable time are provided by Telstar.

Question. How many satellites would be required for full coverage of the North Atlantic community?

Anwer. Full coverage in a low-orbit system would require 40 satellites the same as is required for complete world coverage, because of the rotation and revolution of the earth.

Question. How much do ground stations for a communication satellite system cost?

Answer. The A.T. & T. ground station at Andover, Maine, cost $10 million, but it is the first such station and later ones would reasonably be expected to be less.

Question. How many ground stations would be required for full coverage of the Atlantic community nations?

Answer. This would depend upon the extensiveness and level of developments of the existing ground communications network in the nations involved. If there is a good system as in the United States, several stations would be sufficient, perhaps two would be adequate for coverage of the United States.

Question. Does this legislation mean that the U.S. Government gives up any right to have a complementary system or competing system?

Answer. There is no doubt that military requirements for space communications will necessitate the existence of a separate system designed to fulfill military needs.

Question. Is A.T. & T. committed to the development of a low-orbit communications satellite system to the exclusion of other systems?

Answer. Mr. Dingman, executive vice president of A.T. & T., testified that A.T. & T. has no commitment to any particular kind of satellite system; they have simply proposed before the FCC that A.T. & T. proceed with the so-called medium altitude satellite system; so that the United States can be first to have an operational system.

Mr. HOLLAND. Mr. President, I have three points to make. I shall make them briefly.

First, while I think the distinguished Senator from Illinois had very little to say along the lines of personal privilege, I had no objection to his statement, and I did not raise any objection while he was speaking. I hope that no Senator will be so unfriendly to me as to move that the remarks of the Senator from Illinois be deleted from the RECORD, because I prize the admission from him in the RECORD that the Senator from Florida is not the poorest Senator in the Senate.

Mr. DOUGLAS. I have always said so.

Mr. HOLLAND. I am very grateful for such gracious recognition from Olympus.

Second, I listened very attentively to hear whether the Senator mentioned one thing which I had said which I thought was a questioning of his earlier position. I said he had incorrectly stated—and I felt certain he had done so inadvertently—that I had always opposed cloture in the past. I showed rather conclusively that that was not the case. I did not hear the distinguished Senator from Illinois mention that fact at all. I really thought that that would be the onus of his remarks on the question of personal privilege, because I had stated, and I now state, that that remark was not correct. But I also said—that I think the remark was inadvertently made——

Mr. DOUGLAS. I qualified my statement by saying that the Senator from Florida is perfectly ready to vote for cloture if cloture can defeat progressive legislation. He is unwilling to vote for cloture on a substantive measure to protect civil rights.

Mr. HOLLAND. With that remark, the Senator from Illinois again shows his complete unwillingness to face up to the realities of the situation. I know that the distinguished Senator is proceeding progressively, but very slowly, to realize what cloture really means.

I call attention to the fact that 8 years after the Senator from Florida had made his position very clear on the floor of the Senate in 1954 that cloture was really a two-edged sword and could be used for either offense or defense, and he had so used it, the distinguished Senator from Illinois finally reached the same conclusion by voting as he did the other day on the cloture motion. I congratulated him very warmly upon having, at least after 8 years, caught up with the position of the Senator from Florida.

I did not hear any reference to that in the Senator's remarks on personal privilege.

The third thing on which the Senator from Illinois proved my case so conclusively, my case based on what I had said that the Senator from Illinois is one of those—and I hope they are few now—who feel that cloture really does not apply at all except in the case of civil rights matters, as thought by the Senator from Illinois, to be vital civil rights proposals. I think that is rather clearly but conclusively shown by his own statement, as the Senator from Illinois talked about cloture, the rules, and proceedings under the rules solely in the light of what he regards as important civil rights provisions. I shall let the speech of the distinguished Senator from Illinois speak for itself in that regard.

I yield the floor.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

I have listened with great interest to the colloquy between the Senator from Florida [Mr. HOLLAND] and the Senator from Illinois [Mr. DOUGLAS]. It is well known that I and others who voted as we did on the cloture motion may have voted with opposite feelings but may very well have come to the same end point. This may have been based upon the rationale for our judgment on the measure.

The end point is that it is the duty of the Senate to apply cloture—and cloture has been in desuetude for 35 years—to make it possible that at long last it would have remained to the Senate to show it can apply cloture, and that it will apply cloture, and this has not been, as has been so constantly advertised, the citadel of unlimited debate, because the citadel of unlimited debate may remain a citadel at the price of their being inundated by a flow of the waters of time or being so isolated, it will fall to the next aggressor by its lack of contact with the working world.

So whatever may have been the rationale for our views, the end point is the same.

Also, I do not feel that we have in any way done other than advance the cause of those who would amend the rule which has a strangulating effect upon the Senate—rule XXII—for this reason: The Senate has shown that it will not

be frustrated by a minority; and that, therefore, when it wishes to work its will, it knows how to do it. That minority having been 12, 13, or 14 Senators, proves that the rules of the Senate were adequate to allow the Senate to work its will. But when the minority is 22 Senators, then the present rules of the Senate do not permit a working of the Senate's will. Hence, I feel we have the right, when we face any kind of opposition, the principle having once been established, to seek to amend the rules of the Senate so that after reasonable and proper debate, a constitutional majority of the Senate—51 Senators—may deal with the larger minority, to wit, that minority which will filibuster any civil rights measure, which also can frustrate and defeat the ends of the majority of the Senate.

It was very clear that this cloture could not have been carried unless a number of southern Senators had absented themselves from the Chamber, as indeed they did.

One other point, the idea that there are four realities in this Chamber. I do not agree that there are four parties in the Chamber. I think each of us who entertains views—I do and the Senator from Illinois [Mr. DOUGLAS] does—has a dual duty, and that is the duty to work within our parties, as we have the duty to work within this Chamber for the legislation which we consider to be just.

I have always been against a realinement of the American political parties for that reason. I should like to highlight and pinpoint it now.

There are half a dozen cases in which it would have been impossible to pass measures in this Chamber had there not been a ferment within my party, as there is in the Democratic Party, on a particular measure. I pointed out this morning how in the debate, in 1961, on rule XXII there was no such gross decision by the bulk of the party as to what it would do in respect to cloture, in respect to motions to table, and the other votes which took place then. But, in substance, the parties were quite evenly divided as to those who were for and those who were against the amendment of rule XXII and the effort to make some change at that time, at the beginning of a Congress.

We will be back again—perhaps I shall not; perhaps someone else will succeed me, although I hope not—but most of us will be back in January, 1963. I believe what we have learned now in connection with this cloture vote will be of inestimable help to us in January, 1963. I look with greater optimism to the fight that I know will be made then to change rule XXII, based upon the constitutional proposition that the Senate has the power to change its rules, whatever the rules may say on that subject.

I feel that when the Senate returns in 1963, it will have the capability, based upon the precedent which has been set by the Senate, to amend the rule so as to apply cloture, if only it desires to do so.

Mr. President, while I am on my feet, I yield myself 5 additional minutes in order to make a statement which I had in mind to make at some stage of the debate, as to why I shall vote for the bill. This is a very serious decision on my part. I have made it only after considerable deliberation.

I have come to the conclusion that I shall support the pending communications satellite bill. Although it is by no means the optimum bill for the situation, and I consider the guillotine methods of cutting off amendments to have been most unfortunate for this legislation, as well as for the legislative process, nonetheless, I conclude that the bill offers us the better of the two alternatives—a mixed private-Government enterprise rather than, as the proponents of the bill desire, a wholly Government-owned enterprise. What has been too little noted about this bill, and what is conclusive to me, is that governmental control over the bill, as well as its operation, is retained once it becomes law. Indeed, I can clearly envisage further revision of the plan early in the next session of Congress.

In my judgment, the United States retains authority to regulate and control all matters connected with foreign policy and foreign relations including such matters which are inherent in business negotiations. Also, the United States retains full veto power over the satellite communications corporation's activities. This veto power is most importantly contained in section 102(d) which expressly excludes from the operation of the act "the creation of additional communications satellite systems, if required to meet unique Government needs or as otherwise required in the national interest."

In short Mr. President, we can take another course, if we desire to do so, in connection with any other communications satellite system, for this one is not a monopoly. Clearly we can do that under the provisions of this bill, and I believe that is perhaps the most important aspect of the bill. Also, a combination of the provisions of section 301 reserving to the United States "the right to repeal, alter, or amend this Act at any time" and section 403(c) requiring compliance by the corporation with all provisions of the act as well as rules and regulations under it subject to judicial sanction, is very effective veto power. If more were required, it may be found in the complete authority—indeed it is the only capability available—of the United States to put the satellite into orbit, section 201(b)(5) and section 305(b)(3).

Let us remember that nothing can be lofted into space from the United States unless the U.S. Government chooses to put it there. So there is a complete veto power by the U.S. Government, because the U.S. Government is completely untrammeled in that regard.

Notwithstanding the doubts of the opponents of the bill, I believe that the interpretation of the powers of the President to control the corporation as its activities relate to the national interest and foreign policy of the United States, section 201(a) has now been established as paramount over the authority of the corporation in business negotiations as set forth in section 402 and elsewhere in the act.

Finally, the complete power of regulation invested in the FCC, including the right to compel stock to be transferred by any authorized carrier to any applicant, section 304(f), is an added and strong safeguard of the public interest.

I have felt that a mixed public-private enterprise plan for the communications satellite system is the most effective and proper one, first as an extension of our existing communications systems which are private, but, even more important, as an appropriate means for developing what I feel must increasingly be the nature of our economic society's future if it is to develop along the national and world lines now envisaged. Such public-private forms of organization are to my mind an extension of our system necessary to cope with the state trading and the monolithic economies of the Communist system. If we follow the path of strictly private enterprise, we will find ourselves speedily at a disadvantage and unable to compete effectively. If we follow the path indicated by the opponents of this bill into strictly Government enterprise where private enterprise is willing and able to operate, we will lose the benefits and strengths of our system and become weaker in the competition with the Communists. The fact is that we have probably the best utility, telegraph, telephone, radio and television systems in the world, in terms of the service to the users, all privately owned, but regulated by the Federal Government.

The next step is Government-business cooperation as attempted in this bill and it is so vital as to be worth trying. It is to be noted that thereby the United States will be relieved of further investment in development which will be undertaken by private financing while the Federal Government will fully participate in management and have the effective benefits of the creation and operation of the system. The U.S. Government will sit in on management through 3 of the 15 directors. It certainly is very important that these directors be subject to confirmation by the Senate, section (302).

I would have preferred some amendments to the bill, among them a 10-percent limitation on ownership of voting stock by any one authorized carrier; and a restriction imposed on stockholders which are not authorized carriers. I would also have preferred some stock ownership by the United States, with the right to sell stock to the public after a period of years, and other amendments. But the heat and tension generated by the debate and cloture vote destroyed the opportunity to perfect the bill, for all practical purposes, although I and others have tried to vote in a selective way even on the guillotine motions to table. We must rely upon the power of the President to recommend additional legislative or other actions under section 404(a) or we must initiate such legislation ourselves to perfect the plan of operation. It may well be that the failure to perfect the bill now is not as serious as it seems for we may be helped in this work by experience.

Mr. President, I should like to have the particular attention of the Senator

from Rhode Island [Mr. PASTORE], when I now state that it is my understanding that the Senators in charge of the bill understand and accept the fact that we may well have to deal with this legislation again early in the next Congress.

The PRESIDING OFFICER. The time the Senator from New York has yielded to himself has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 more minutes.

Mr. JAVITS. Mr. President, I have asked the Senator from Rhode Island whether it is his belief, as the floor manager of the bill, that we may well have to deal with this legislation again early in the next Congress; and he has told me—and he is here now, and can either confirm or deny it—that he understands that perfectly, and that his mind is perfectly open on that subject.

Mr. PASTORE. That is absolutely true.

Mr. JAVITS. And that this bill may not by any means be the final word.

Mr. PASTORE. That is absolutely true, because we really do not know what the future has in store; and in dealing with the 10 percent which the common carriers can purchase, there is provision for divestiture—that is, if another common carrier requests a certain bloc of the stock, under the provision quoted the holder of the stock can be forced to divest. That does not apply to the public ownership. Furthermore, the Space Committee had more or less limited the purchase of the stock to the international communications carriers; but we have broadened it by providing that it shall apply to all the communications carriers who are regulated by the FCC. That might extend it to perhaps be broad enough to include 35 or 40 communications carriers.

Mr. JAVITS. I thank the Senator from Rhode Island.

The PRESIDING OFFICER. The additional time the Senator from New York has yielded to himself has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 more minute.

Mr. JAVITS. Mr. President, the success of the twin Russian cosmonauts should teach us that this is no time to dally in developments in space. It is unnecessary to consider ourselves in a race to recognize that we cannot, in the national interest, be outclassed in space exploration and use. While the Russians may leap ahead in a particular field, as they have with the twin cosmonauts for which they are properly to be congratulated, we can leap ahead in other fields of communications—for example Telstar—and I think also we have an excellent chance to leapfrog them in their own chosen fields, for the very reason of our having started later may mean that the most modern technology will ultimately be ours.

Therefore because it is the best of the alternatives before us, because essential U.S. Government control is inherent in the plan, because there will be an opportunity to perfect the plan of operations hereafter, and because time is of the essence in getting on with this vital national business, I shall vote for the bill.

Mr. GOLDWATER. Mr. President——

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. I will yield myself 8 minutes.

Mr. President, we would all be well advised, I might suggest, to reflect for a moment on the debate we have witnessed over the past 3 weeks. The U.S. economy, regardless of what other systems administrations may toy with, is still one of private enterprise. All of us, at one time or another, may use this phrase in a general way, but we know, when debate arises on a piece of legislation or another Presidential request, that we must think in terms of just how this proposal will fit with our fundamental protections from a centralized government.

The communications satellite bill is an excellent example of a case where free enterprise stands in need of protection. We have delayed too long in acting on the measure before us, but I am sure that when debate time has expired, the Senate will approve the bill and the American people will benefit from our action. It would be foolish indeed for us to take the successful venture Telstar—which was accomplished through initiative and research of American business—and drop it into the maze of Federal bureaucracy. A new Government agency, with all its attendant authority and all its requests for money and power, would be necessary if the Federal Government were to assume ownership and control of our communications in space.

Mr. President, the American people can ill afford another agency, another anthill of bureaucracy, to absorb the taxpayers' dollars. Consider for a moment the current trend in bureaucratic empire building.

There are more Federal civilian employees on the New Frontier's payroll today than at any time in a decade. What is more, the payroll will amount to more than $14 billion, not just the biggest in a decade, but the biggest in history and the biggest civilian peacetime payroll of any country in all history.

In June alone, the Kennedy administration hired 34,921 new employees. Since June a year ago, the New Frontier has obtained 77,351 more employees. Since he took office, the President has hired 139,718 new employees.

These figures do not include the December Christmas help. The figures do include employees of the General Accounting Office and the Government Printing Office, both of which are subject to Civil Service. Also included are the comparatively small handful of advisers or so-called dollar-a-year personnel, who nevertheless require office space, equipment, and secretaries.

And in Mr. Kennedy's budget message this year he estimated a need for 46,000 more civilian employees in the fiscal year which began July 1.

Mr. President, this type of irresponsibility breeds only confusion and waste and it would be irresponsible on our part to place our communications satellite system in the hands of a governmental agency.

In order to get on with the vitally important business of enacting the Communications Satellite Act, I would like to suggest that we recess over the weekend so as to give the President time to call together his Democratic leaders, unite the schizophrenic elements of his party, and, if I may borrow a phrase, "get this country moving again." I think the President would be well advised to invite the leaders of both factions of the Democratic Party up to Hyannis Port, and, by the cooling waters of the bay, instill some sense of responsibility. It is interesting to note that, while the President is out in California this week, he will be preaching one thing about Democrats while, at the same time, he is being contradicted by reactionaries of his own party here in the Senate.

Frankly, the American people deserve better treatment than the farcical display they have witnessed over the past weeks. While the senior Senator from Oregon has been stalling Senate action on the pending bill, his action has also stalled important bills in the field of education. Solely as a result of his prolonged attack on private enterprise, the Senate has been delayed and even kept from debating the administration's own measures which are before his Subcommittee on Education.

Three bills—improving the quality of education, adult literacy, and general university extension—introduced by the senior Senator from Oregon, have been languishing in his subcommittee while he leads his small band of reactionaries in an endless series of time-consuming tactics.

The higher education bill was sent to conference on May 9, but the first meeting was not held for over a month—June 19 to be exact. Two subsequent meetings were held—June 22 and July 18—but since that time there has been no action at all on this administration-sponsored bill.

President Kennedy has an overwhelming majority of Democrats in both the House of Representatives and the Senate. He is charged with leadership. He is charged with guidance and direction. But as an experienced navigator he must realize the dangers inherent in allowing the ship of state to drift aimlessly, subject to the rocks and shoals of liberalism. I would like to suggest that the President drop anchor and take a fix, so to speak, "to get this country moving again."

Mr. PROUTY. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont.

Mr. PROUTY. I yield myself 8 minutes.

I have compiled a series of questions to which I shall give the answers. I think that these exchanges will aid the public in finding out what has been going on in the Senate and in determining whether the pending legislation has been given adequate consideration.

Question 1: Have the Senate Commerce Committee, the Senate Space Committee, and the Senate Foreign Relations Committee all held hearings on the communications satellite bill, and have the Subcommittee on Monopoly of the Small Business Committee and the Subcommittee on Antitrust and Monopoly of the Judiciary Committee also held hearings on the subject matter of this legislation? The answer: "Yes."

Question 2: Is it true that these 5 committees have taken about 3,000 pages of testimony over a period of 34 days of hearings? The answer: "Yes."

Question 3: Is it a fact that the Commerce Committee heard seven administration witnesses, all of whom testified in support of the satellite bill? The answer: "Yes."

Question 4: Who were these administration witnesses? The answer is Frederick W. Ford, Commissioner, Federal Communications Commission; Nicholas Katzenbach, Deputy Attorney General; George C. McGhee, Under Secretary of State for Political Affairs; Newton Minow, Federal Communications Commission; Edward R. Murrow, U.S. Information Agency; James Webb, National Aeronautics and Space Administration; Edward C. Welsh, Executive Secretary, National Aeronautical Space Council.

Question 5: Is it a fact that the Space Committee heard nine administration witnesses, all of whom spoke in favor of the bill before the Senate at the present time? The answer is "Yes."

Question 6: Who were these administration witnesses heard by the Senate Space Committee? The answer is: Commissioner T. A. M. Craven, FCC; Dr. Hugh Dryden, NASA; Nicholas Katzenbach, Assistant Attorney General, now Deputy Attorney General; George McGhee, Under Secretary of State; Newton Minow, Commissioner of FCC; John Rubel, Assistant Secretary of Defense; Martin Stoller, NASA; Bernard Strassburg, Assistant Chief of Common Carrier Bureau, FCC; Dr. Ed Welsh, NASA Counsel.

Question 7: Is it a fact that the Foreign Relations Committee heard six representatives of the administration, all of whom testified in support of the legislation? The answer is "Yes."

Question 8: Who were these administration witnesses? The answers is: Attorney General Robert F. Kennedy; Director of USIA Edward R. Murrow; Chairman of FCC Newton N. Minow; Secretary of State Dean Rusk; Deputy Administrator NASA Dr. Hugh Dryden; Secretary of Defense Robert S. McNamara.

Question 9: Is it a fact that there are 41 different Senators on the three commitees which considered the actual communications satellite bill? The answer is "Yes."

Question 10: Is it true that the Commerce Committee reported the bill by a vote of 15 to 2? The answer is "Yes."

Question 11. Is it true that the Aeronautical and Space Sciences Committee approved the bill with no dissenting vote? The answer is "Yes."

Question 12: Is it true that the Committee on Foreign Relations reported the bill by a vote of 13 to 4? The answer is "Yes."

Question 11: Is it true that there have been 18 or 19 days of debate in the Senate on this proposed legislation, which takes up approximately 600 pages of the CONGRESSIONAL RECORD? The answer is "Yes."

Question 12: Is it a fact that most—perhaps all—of the amendments which have been offered by opponents of the bill in the Senate either were offered or discussed in committee or could have been offered or discussed in committee? I think the answer is "Definitely yes."

Question 13: If major substantive changes were made in the bill on the Senate floor, would not those changes cause great delay and possibly endanger the passage of the bill, even though the membership of both Houses of Congress overwhelmingly favors the adoption of the proposed legislation? The answer is "Yes."

Question 14: Is it true that if the FEPC amendment had been approved it would have caused a major substantive change in the bill and might have resulted in delay or defeat of the bill? I think the answer is "Undeniably yes."

Question 15: Is it true that on 19 key votes on amendments to the satellite bill offered in the Senate an average of about 66 Senators voted against the amendments and an average of about 16 Senators voted for them? The answer is "Definitely yes." I might say that I did not include the vote on cloture in this tabulation because obviously several Senators who voted against cloture favor the bill.

Question 16: Is it true that the House of Representatives supported the communications satellite bill by the overwhelming vote of 354 to 9? The answer is "Yes."

It seems to me, Mr. President, that the approximately 16 Senators who oppose the enactment of the bill have had more than ample time to present their views. I do not question the sincerity of any one of them, but I believe they should recognize that debate has been full and complete both in the committees and in the Senate. I hope that they will gracefully allow the Senate to proceed with the pending business, which is of vital significance to the national welfare.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

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

Mr. HUMPHREY. Mr. President——

Mr. MORSE. I beg the Senator's pardon. I did not know the Senator wished to make a speech. I withdraw my suggestion.

The PRESIDING OFFICER. The suggestion of the absence of a quorum has been withdrawn. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I yield myself whatever time I have remaining within the limitation of the cloture rule to discuss certain aspects of the proposed legislation and why I support the bill which is before the Senate.

Mr. President, as one who supports the bill before us to establish a privately owned communications satellite system, I would like briefly to discuss some of the arguments and charges that have been made in opposition to this measure and, indeed, some of the arguments which should be made for the measure.

First, let me say that I respect the position expressed in all sincerity by opponents of this bill, a position held by some Senators, that it would be preferable for the Government to own and control the communications satellite system rather than a private corporation. A good argument can and has been made for such a position, and while I and the vast majority of the Members of the Congress feel that the pending measure is preferable to one providing for Government ownership and management, this is certainly an issue over which reasonable men can disagree.

It is my own feeling, in view of our traditional private ownership of communications systems, and in the absence of any reason to believe that an effective communications satellite system cannot be built and operated by private industry, that private rather than public ownership is preferable; provided, of course, that there be adequate governmental regulation and supervision of the communications satellite corporation. I am convinced that the bill before us does contain adequate safeguards to protect the public interest and, indeed, to protect our national security. It is my intention to document that position.

There has been a great deal of talk, Mr. President, about the groups who are for and against the bill. It has been said that liberals are opposed to it, which I suppose would imply that conservatives are for it. I am convinced that is far too simplified an explanation either of the opposition or of the support for the measure.

I am a political liberal, and I have supported public ownership in those areas where the job would not otherwise be done or done as well. This is why, for example, I have been a stanch supporter of the Tennessee Valley Authority, and why I have supported on many occasions in this body the development of our hydroelectric power resources under the terms of public power, and why I have supported, of course, reclamation and irrigation projects which have been proposed. These are some of the instances in which I feel the Government has performed a service which the private sector of our economy was simply not in a position to handle or to handle as well, due to the costs involved and the lack of prospects for adequate profit to make such ventures worthwhile for private entrepreneurs, and, indeed, due also to the sharing of the benefits on a more equitable basis than would come when there was private development of the great natural resources.

I am not one of those who would argue that Government cannot perform certain business activities just as well as private industry, depending, of course, on the nature of the project. The TVA is an outstanding example of efficient Government management.

Even the most bitter foes of TVA are forced to concede that TVA does a most outstanding and efficient job.

It is for this reason that I have supported proposed legislation in the Senate to strengthen the TVA, to give it the opportunity to perform the services for which it was designed. But, as a political liberal, I do not take the position that Government ownership is necessarily to be preferred to private ownership.

One of the characteristics of a liberal is that he is not dogmatic or doctrinaire. As a liberal, I desire to see a system that will best serve and benefit all the American people. I prefer to see economic institutions that permit high standards of living, good working standards for employees, excellent services for the consumer, and a constant awareness of the public interest. In making a decision as to the kind of institution we might wish to develop, we must weigh economic, social, and political factors.

I have always been a stanch supporter of the rural electric cooperatives, which have played such a vital role in bringing electricity to many millions of people. Experience has shown that the cooperatives do an efficient and good job for the rural consumers of electricity.

Few, if any, I hope, would suggest that the rural electric co-ops be turned over to Government operation. They are privately operated according to the principles of cooperative economic enterprise. But I repeat that they are privately owned. They are not owned by the Government. In large measure, the success of our economy has been due to the fact that we have recognized that private profitmaking businesses, or, as we call them, free enterprises, cooperative ventures, and government all have an important role to play. Our economy is an admixture of corporate enterprise, private enterprise in terms of individual ownership, cooperative enterprise, and some public ownership.

It is very difficult to find one word that would properly explain or classify that type of system. I would call it the American economic system, which has produced more benefits for the people than any other economic system on the face of the earth.

Governmental operation and ownership of a system do not guarantee that it is fair, just, and equitable, or even serviceable. There are instances in which Government ownership produces all of the desired results, but there are instances in which Government ownership produces nothing but chaos, losses, and trouble. In our private economy, workers in America receive better wages, more benefits, and better working conditions than workers in any other country on the face of the earth, whether that country has public or private ownership. No workers in the world are paid as well and given as good working conditions as those in the United States in the instance of some of our largest businesses. That does not mean that big business is always fair and just, but it does mean that it is possible, not only in theory, but also in fact, for a private corporation to do much more for the people of the Nation and for its workers than any doctrinaire state-owned system. I repeat that one does not need to be dogmatic on that subject. That which works best and produces the greatest good for the greatest number is the system which I think ought to be adopted.

The segments of that admixture of corporations, private businesses, cooperatives, and Government-owned enterprises have not worked in opposition to each other, but really as parts of the economic system we have developed, which is unique to our country. I repeat that it is an economic system unsurpassed in world history.

The development of the regulatory bodies and agencies on the part of the Federal Government, the State government, and the local government have done much to bring a quality of justice, fairplay, and public service into the private sector of our economy. The tax laws of our Nation have done much to assure a more equitable sharing of the economic rewards of industry and labor. The laws we have enacted relating to social security, in the States, laws concerning workmen's compensation, and other matters, have so conditioned our economic system that we call it a humanitarian system. As one American, I am proud of the fact that we have developed one of the most efficient, just, and humanitarian political and economic systems that the world has ever known. I do not intend to classify it under any name, as either capitalism or socialism. I prefer to classify it as a working operating system which produces great benefits and rewards for those who invest their capital, for those who invest their labor, for those who invest their talent and their skill, and for the consumers—the general public.

To my mind the pending measure is a good example of Government and private business working together for the express purpose of developing a global communications system.

Unless the United States of America, with its system of private enterprise and representative government, is able to pool the resources of Government and industry, unless we are able to bind these two great forces together in a common purpose, we shall suffer an ignominious defeat in every sector, in every area, at the hands of the totalitarian powers that use dictatorship, force, planning, and coercion to mobilize every human resource they have for an objective.

The task today is so to plan the proper use of our resources, physical and human, governmental and economic, without coercion, and through cooperation, in a free country and in a free society so we can realize the objectives and goals we have envisioned.

I have heard on the floor of the Senate the charge that the communications satellite proposal sets a bad example for America in the world. To the contrary, I am not trying to encourage the whole world to have state ownership. There are areas in every economy in which state ownership may be preferable. But I do not think it is the purpose of the United States to demonstrate to the world that the only way the resources of an economy can be mobilized is through Government ownership, direction, and control. I believe that we ought to demonstrate to the world that a free people, through their free institutions of Government and through their free economic institutions, can pool their resources without the loss of identity of either Government or private enterprise in the fulfillment of a common objective.

I wish to afford the world an example of what can happen in this country when the Government works with the private sector of our economy and when Government and industry walk arm in arm toward a common purpose and with a common goal. Rather than be ashamed of what we are doing, we ought to proclaim it.

If the proposed legislation needs modification, there are days yet to come, I trust, for the institution of representative government. It is well known that this is a pioneering effort. It is well known that next year we may have to take another look at the legislation after we have had some experience with it. The law relating to TVA has been modified. The law relating to the Atomic Energy Commission has been modified.

I hope we will learn from experience. I trust we are not going to close our eyes to the realities and the needs of the time. Therefore, I, for one, am not here to apologize for my support of this proposed legislation, H.R. 11040, the communications satellite proposal; nor am I here to say that this is perfect legislation; nor am I here to say that it cannot be improved. I am here to say that it is a reasonable and acceptable beginning in the field of global communications, in the field of communications satellite development. I am here to say that we are making a right beginning. With some reason and sense, instead of passion and emotion and stubbornness, we can perfect this legislation, if not now, because of the climate of opinion in this body, at a later date.

I know one of the reasons why the President sent the bill here as he did. Let us face up to it. If we are going to move ahead in the field of communications satellites, we must have legislation. It could be legislation which simply stated that a private communications carrier should operate under existing law, under the Federal Communications Act. That would really have been a monopoly. That would have failed to take into consideration the existence of global communications development. Or, the President could have sent here a bill which said we will make it Government owned. So the President of the United States, who has responsibility, not for political theory but for the operation of this country, and for political reality, sent here a proposal which combines public and private responsibilities, public and private resources, a proposal which he believes would, as I shall demonstrate, protect the public interest and further the national interest. If we wish to have merely an academic debate on the theoretical premises about communications satellites, we can do that, but we ought to do it at universities, not in the U.S. Senate. We are here as legislators. Every Member of the Senate

knows deep down in his heart that it would not even be possible under the existing climate of political opinion in America to adopt a publicly owned communications satellite system.

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

Mr. HUMPHREY. I cannot yield at this time, I say most respectfully. If I have a few minutes left later, I shall be glad to yield.

Second, every Senator knows that if this proposal or one like it is not adopted, the telephone company, which has been bandied back and forth here again and again, A.T. & T., can go to the Federal Communications Commission and can apply for a license; and if it can demonstrate that it has the capacity to do the job and to serve the public interest, that license will have to be granted. Then we will have a full-scale monopoly.

What President Kennedy has tried to do is to avert that possibility. What President Kennedy has tried to do is to harness the governmental and private resources of America, so that America can lead in space development.

Let me make this crystal clear. Our foreign aid program will be a complete flop if it is going to depend only on the Government, as good as the Government activities may be. Our foreign aid program will require private participation in a degree that far exceeds Federal commitment if it is to succeed, and it will require private participation far beyond what it is today if we ever hope to compete with the Russians. The Russians have an economic structure in which the Government is everything, in which it is all power. We have a system in which the Government represents only a little of the power of America. Thank God for that. I do not want to turn America over to the Government, under which every aspect of our economy, every candy store, every machine shop, every laundry, every telephone, would be turned over to the Government. I like my country. I believe in its system. I believe that we have a system that can promote the greatest industrial development of any country on the face of the earth with justice, with equity, with rewards to workers and consumers and investors, and preserve individual freedom.

I see in this proposal an honest effort, although not a perfect one. It accommodates both private and public interests. Instead of being critical of it we ought to say that it is a great beginning, just as we had other beginnings.

The pending measure is a good example of Government and private business working together to develop a global communications system. It is a good example for the world. I do not believe our Government needs to demonstrate to the world that we can put up something that is just as good as the Russians can put up. I am sure that we can. When it comes to Government operations, they are experts in it. We are pretty good when it comes to private industry.

I say with all respect to the opposition that the licensing proposal which was made has considerable merit. I do not want my remarks to be misinterpreted. I know that those who oppose this system have not asked that the private sector be kept out. It is a matter of who would have the ultimate say. I would like to say further to those who oppose this matter that many of their arguments have great merit. I believe that the legislative history which has developed here will put every agency of the Government on guard to make sure that none of the abuses develop that have been outlined here as possibilities under the proposal that is before us.

Let us not think for a minute that the United States can maintain superiority in the communication field without the wholehearted cooperation and effort of both public and private sectors of the economy. This is what the bill before us would provide.

I am convinced that this privately owned communications satellite system, working in close cooperation with the Federal Government and under supervision and regulation of our Government, provides the best means of obtaining our desired goal of getting on with the job of developing a first-rate communications satellite system.

I must be frank to say that I have been disturbed by some of the charges that have been made—on and off the Senate floor—that the pending bill is a "reactionary measure," a sell-out to big business, a giveaway bill, the building of a giant predatory private monopoly.

For example, it has been indicated to the public that the only way that this satellite system can be put into orbit is through the Federal Government's activity. That is true. However, has it also been pointed out that the costs are reimbursable? It has been said that the original research has been done by the Federal Government. That is true. I might add that that is not the only thing that has been done by the Federal Government. The same thing has been true with respect to airports for communities, and airplanes for airplane manufacturers, and drugs for drug companies, and clothing for clothing manufacturers. The Government of the United States has made vast efforts in research.

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

Mr. HUMPHREY. I will yield at the conclusion of my remarks.

Mr. President, such emotion-laden charges make for great headlines in newspapers, but I am afraid that they throw more heat than light on any rational discussion of the measure before the Senate.

This is no giveaway. As a matter of fact, the taxpayers of this country should know that the cost of this communications satellite system will be privately financed rather than have it come out of the Federal budget, which is already running at a $6 billion deficit. What we are attempting to do is to adapt the resources of the country and to bring in the capital through other means than taxation. We are seeking to develop and improve a communications system. I see nothing wrong in that—not a thing.

As one who has been rather proud through his political life of being called a liberal, and sometimes a radical, I categorically take issue with any assertion that this is a bill that liberals cannot support. I remind such critics that the bill which the Senate is considering is one proposed by the present administration—a liberal administration—indeed, one, if you please, that the business community says is too liberal, one that it does not like. Some of our conservative colleagues have charged that this administration is unmindful of the business community. In fact, some have even charged the administration with being antibusiness.

Does any Senator really believe that President John F. Kennedy would propose to Congress the creation of a private communications satellite corporation, based upon cooperation between Government and private enterprise, if he did not believe it was in the best interests of the country and in line with his overall policies as President of the United States?

President Kennedy has read the bill. He has read it line for line. He has reviewed the bill with his top advisers. When people say the President would not support the bill if he knew what was in it, I suggest they ask the President of the United States, as I did, "Mr. President, are you familiar with the details of the proposed legislation?" His answer to me was, unequivocally, "Yes." President Kennedy has as good a mind as anyone I know, as that of any man I have ever met, and he has studied the bill. I suppose one of the reasons why much study has gone into it is the controversy over it. But I do not think it dignifies the President to indicate that he may not have read the bill. He has read it and has studied it.

Does anyone seriously believe that the President of the United States would propose a giveaway measure? I do not know what is being given away. Any satellite system which is developed will have to be paid for by investors. In fact, if there was any real giveaway, it would be if the Government owned the system and then leased it to a private enterprise, because in the leasing of the system surely the Government would not make any money. The Federal Government has not had very good results in leasing things.

Does anyone seriously believe that our President and this administration, which have taken the lead in the fight against monopoly, would permit a proposition or a proposal that would violate this administration's basic tenets and principles?

I know, and the American people know, that our President would not have submitted this proposal to Congress unless he was convinced that it was in the best interest of the country, and, as I have already said, unless he was convinced that it was needed now in order to begin to move on the creation of a global communications satellite system.

This is what the President said in his letter accompanying the transmittal to Congress of this communications satellite bill:

> Within the policy framework, particular attention has been given to the question of the ownership of the entity that will operate this system. Throughout our history this country's national communication systems

have been privately owned and operated, subject to governmental regulation of rates and service. In the case of the communications satellite operation, our studies have convinced us that the national objectives outlined above can best be achieved in the framework of a privately owned corporation, properly chartered by the Congress. The attached bill authorizes the establishment of such a corporation, financed through the sale of stock to the public.

Those are the words of the President of the United States—a Democrat, a liberal, a man who ran on a liberal platform, and a man who is adhering to that platform.

The Communication Workers of America, AFL–CIO, the union most involved in the communication field, employed two eminent outside experts in the field of communications satellite development to examine into the merits of public ownership and private ownership under governmental regulation. What was the result of that study? Unequivocally, it was that if it was desired to move ahead, to tap the resources of the country, to move forward in the field of communications satellites, a proposal which embodied private ownership with public control and regulation was desirable.

I believe the Senator from Missouri [Mr. SYMINGTON] read into the RECORD yesterday a letter from Mr. Joseph A. Beirne, president of the Communication Workers of America, AFL–CIO, so it will not be necessary for me to read Mr. Beirne's letter again.

Joseph Beirne is a liberal. He has supported many liberal measures which were before the Senate. His organization is a good, substantial one. Why does that organization support the pending proposal? I will tell the Senate why. It is because trade unions have trouble negotiating with the Government for fair and decent wages. If one wants good working conditions, he works with private enterprise. Every year Government employees come before Congress, begging on bended knee that Congress give them a little better deal. Only this year, in 1962, did the Government of the United States accord unions recognition.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield on that point?

Mr. HUMPHREY. I will yield at the end of my remarks.

Only in the year 1962 did the Government accord unions recognition.

I do not equate the public interest always with private business interests and liberal interests, but I say that this is one of the factors that ought to be taken into consideration.

Mr. Beirne appeared before the Committee on Aeronautical and Space Sciences on March 7 of this year to testify on the bill. Since then, Mr. Beirne has answered the letters of Senators, and I have seen copies of those letters. He has not backtracked one inch. He has answered the charges that have been made. He has not yielded at all in his position.

Testifying before the committee, Mr. Beirne said:

> Not long ago we had a study made by a Dr. Williams of the University of Tennessee, and by a Dr. O'Brien of the University of Toronto, wherein public owned communication companies and privately owned communication companies were studied both as to the rates they charged, as to the wages they paid, as to the conditions of employment that existed, and as to the service which the public received.

That is a pretty big prescription.

> The finding of those two eminent professors are conclusive in that the privately owned and operated and managed company (a) give better service to the public, which is really why we have a communication system; (b) provide wages, working conditions, and working practices which are superior to those in the public sector.

Mr. President, anyone who has traveled knows very well that the telephone system in America is superior to any other system in the world. Try to make a telephone call in Paris. Try to make a telephone call in London. One soon realizes that the American telephone system is the most efficient telephone communication system in the world. I know it makes money. What is wrong with that? The Federal Government alone taxes 52 percent of the profits. I am not opposed to people making a legitimate profit.

By the way, the telephone system is a regulated entity. But the charge is made, "Oh, yes, but did you ever hear of anybody regulating A.T. & T.?" If the Government cannot regulate A.T. & T.—if it is not big enough to regulate A.T. & T.—then I do not think it is big enough to run a communications satellite system. The same people who, in the Government, are called upon to regulate the telephone companies are being advocated, in a sense, to establish a new communications system.

Robert Kennedy, the Attorney General of the United States, said in his testimony before the Committee on Foreign Relations that ultimately it was necessary to depend upon the integrity of the people in the Government—their ability, their competence, their integrity in enforcing the laws under which they operate.

Mr. President, the Federal Communications Commission can regulate. Certainly Congress has been derelict in the performance of its duty in not giving the FCC the tools it needs in order to do a proper job of regulation. I suggest that rather than condemn the FCC, we might very well look into our own activities.

MONOPOLY CHARGES

The charge has been made that this bill would hand over lock, stock, and barrel the control of this corporation to A.T. & T. It is charged that we are furthering a giant monopoly which is going to own and run this corporation as it pleases, free of effective controls and unmindful of the national interest.

Now, Mr. President, just what does the bill provide?

Instead of concerning ourselves with what some people say the bill provides, let us find out exactly what the bill itself does provide.

First of all, the communication common carriers may not own more than 50 percent of the voting stock of the corporation.

Mr. President, I am not an expert in this field, although I am about as much of an expert in it as are some of those who are opposing the bill. But I wish to say that one who holds only 50 percent of the stock of any corporation and has only three of its fifteen directors cannot run it. In our family we have a little corporation, but I do not have 50 percent of the stock. So I cannot run the corporation. I have a brother who has 51 percent of the stock, and he runs the corporation. He is interested in having the corporation make money; and I am not opposed to having it make a little money, either.

A.T. & T. is only one of a number of common carriers that would be eligible to purchase stock in the corporation. Testimony indicated that there are something like 8 to 10 common carriers who would be in a position to buy such stock.

Furthermore, of the 15 directors of the corporation, no one common carrier can elect more than 3. This means that A.T. & T. could have at the most only 20 percent of the membership of the board of directors of the corporation. Mr. President, if 3 members of a board of 15 can dominate the board, they really will be powerful. How anyone can say that having 3 members out of 15 on the board of directors can give one company control is beyond my grasp.

But in addition to these safeguards in the bill, it is also provided in section 304(f) that the Federal Communications Commission upon application of any authorized carrier and after notice and hearing "may compel any other authorized carrier which owns shares of stock in the corporation to transfer to the applicant, for a fair and reasonable consideration, a number of shares as the Commission determines will advance the public interest and purposes of the act."

Mr. President, I should like to have any Member of the Senate point out even one private corporation which is subject to such a requirement. This provision of the bill certainly provides protection of the public interest. If Senators wish to state that the FCC will not do its job, then I suggest that Senators introduce a bill to abolish the FCC. After all, if the FCC is incompetent, why pay its members? However, I think the FCC will do a proper job.

And the section goes on to provide:

> In its determination with respect to ownership of shares of stock in the corporation, the Commission, whenever consistent with the public interest shall promote the widest possible distribution of stock among the authorized carriers.

That includes all of them. It includes Western Union, International Telephone & Telegraph, Radio Corp. of America—all of them.

So we see that under the terms of the bill before us, A.T. & T. is not going to hold the majority of the voting stock, and even the stock which it does hold is subject to sale to another competing common carrier at the direction of the FCC. And we see that A.T. & T. is not going to control the board of directors, but it is specifically limited to only three out of the fifteen board members. I would hardly call this monopoly control

of the corporation, as has been charged by some.

PROTECTION OF THE PUBLIC INTEREST

Now, Mr. President, I turn to the charge that this bill does not adequately protect the public interest. This is a serious charge; and, if true and valid, it would be reason enough for rejecting the bill.

Mr. President, I suggest that every Senator carefully examine every line of the bill, and determine whether the public interest is protected. I have done so, and I can testify that I have read this bill—not just once, but several times; and I have read much of the testimony; and I have read the reports—because, as every Senator knows, I have gone through a good deal of soul-searching in connection with this measure. I have not been happy about some of the procedures which have been proposed. This is no secret. I think some of the amendments were good ones which should have been adopted. But I think this body got itself into a position where reason went out the door, and stubbornness remained within. So we had to deal with the situation as it developed before us; and the majority leader has had to oppose some amendments which I favored. I tried to be a peacemaker, but my only reward for that was woe and trouble, for it seemed that among some there was little interest in peace-making attempts.

Mr. President, I am frank to state that the bill is not perfect. But I am convinced, as is the President of the United States, the Secretary of Defense, Mr. McNamara, the Secretary of State, Mr. Rusk, the Chairman of the Federal Communications Commission, Mr. Minow, the Attorney General of the United States, Mr. Kennedy, the overwhelming majority of the Members of the House of Representatives, the Senate Space Committee, the Senate Commerce Committee, and the Senate Foreign Relations Committee that this bill does adequately protect the public interest.

Mr. President, Senators trust the President of the United States with the very life of the Nation; and they trust the Secretary of Defense and the Secretary of State. Senators take the word of the Secretary of Defense about the country's defense needs. But will Senators refuse to trust him when it comes to dealing with a communications satellite? That sounds rather ridiculous, Mr. President. The Secretary of State can, by one word or one statement or one act, put our country into an impossible international situation. We trust him to go to Berlin and to southeast Asia and to South America. We trust our Secretary of State with our Nation's very life. Yet there are some who say that when the Secretary of State says this bill adequately protects the public intrest, he cannot be believed; he is wrong.

Mr. President, I disagree. I think the weight of the evidence is on the side of the proponents of this legislation.

First of all, although this is to be a privately owned and operated corporation, the bill provides that the President of the United States shall appoint three members of the corporation's board. It has been charged that the members of the board appointed by the President will owe their allegiance to the corporation rather than to the public. Understandably, the board members appointed by the President will desire to see the corporation succeed and be a profitable enterprise, but I cannot believe that they as Presidential appointees would be the type of people who would act contrary to the public interest. The nominations of these members will have to be confirmed by the Senate; and if Senators do not believe the nominees will protect the public interest, Senators should not vote for confirmation of their nominations. After all, the three directors who will be appointed by the President will be as many as the number to be appointed by A.T. & T.; and, Mr. President, I think the President of the United States is stronger, more powerful, and more important than the president of A.T. & T.—a great deal more important.

In this bill the powers and duties of the President in regard to the communication satellite system are spelled out in very specific and all-encompassing terms.

Here is what the act provides in section 201:

The President shall—and the word "shall" is a directive—"aid in the planning and development and foster the execution of a national program for the establishment and operation, as expeditiously as possible, of a commercial communications satellite system."

The President shall "provide for continuous review of all phases of the development and operation of such a system, including the activities of a communications satellite corporation authorized under title III of this act."

The President shall "coordinate the activities of governmental agencies with responsibilities in the field of telecommunications, so as to insure that there is full and effective compliance at all times with the policies set forth in this act."

The President shall "exercise such supervision over relationships of the corporation with foreign governments or entities or with international bodies as may be appropriate to assure that such relationships shall be consistent with the national interest and foreign policy of the United States."

The President shall "insure that timely arrangements are made under which there can be foreign participation in the establishment and use of a communications satellites system."

The President shall "take all necessary steps to insure the availability and appropriate utilization of the communications satellite system for such general governmental purposes as do not require a separate communications satellite system to meet unique governmental needs or if otherwise required in the national interest."

The President shall "so exercise his authority as to help attain coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the system with existing communications facilities both in the United States and abroad."

The corporation will, of course, be subject to close regulatory controls by the Federal Communications Commission. The corporation is not given a free hand to do simply as it wishes. The FCC has adequate powers of regulation and supervision.

Section 401 of the bill states that the corporation shall be deemed a common carrier within the meaning of the Communications Act of 1934 and as such shall be fully subject to the provisions of titles II and III of that act. In addition section 201 of the pending bill states specifically:

The FCC shall "insure effective competition, including the use of competitive bidding where appropriate, in the procurement by the corporation and communications common carriers of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations; and the Commission shall consult with the Small Business Administration and solicit its recommendations on measures and procedures which will insure that small business concerns are given an equitable opportunity to share in the procurement program of the corporation for property and services, including but not limited to research, development, construction, maintenance, and repair."

The FCC shall "insure that all present and future authorized carriers shall have nondiscriminatory use of, and equitable access to, the communications satellite system and satellite terminal stations under just and reasonable charges, classifications, practices, regulations, and other terms and conditions and regulate the manner in which available facilities of the system and stations are allocated among such users thereof."

The FCC shall "in any case where the Secretary of State, after obtaining the advice of the administration as to technical feasibility, has advised that commercial communication to a particular foreign point by means of the communications satellite system and satellite terminal stations should be established in the national interest, institute forthwith appropriate proceedings under section 214(d) of the Communications Act of 1934, as amended, to require the establishment of such communication by the corporation and the appropriate common carrier or carriers."

The FCC shall "prescribe such accounting regulations and systems and engage in such ratemaking procedures as will insure that any economies made possible by a communications satellite system are appropriately reflected in rates for public communication services."

The FCC shall "grant appropriate authorizations for the construction and operation of each satellite terminal station, either to the corporation or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, conveniences, and necessity. In determining the public interest, convenience, and necessity the Commission shall authorize the construction and operation of such stations by communications common carriers or the corporation, without preference to either."

The FCC shall "insure that no substantial additions are made by the corporation or carriers with respect to facilities of the system or satellite terminal stations unless such additions are required by the public interest, convenience, and necessity."

The FCC shall "require that additions be made by the corporation or carriers with respect to facilities of the system or satellite terminal stations where such additions would serve the public interest, convenience, and necessity."

I also call attention to section 403 of the bill which grants authority to the Attorney General of the United States to go into Federal court to obtain such equitable relief as may be necessary or appropriate to prevent any action or practices on the part of the corporation which are inconsistent with the policy and purposes set forth in the declaration of policy of the act or which are in violation of any sections of the act.

But it has been argued by some opponents of this measure that they do not believe the Federal Government will adequately supervise this corporation even though it has such powers under the act. One of the best answers to this argument is the one made by Attorney General Kennedy in his appearance before the Committee on Foreign Relations when he said:

> In the last analysis you are going to have to be dependent upon individuals, and if we do not have people of honesty and integrity and people who are performing their duties and meeting their responsibilities running the Government, whether they are Senators of the United States or the executive branch of the Government, then we might as well all dig a little trench and crawl in.

I, for one, have faith that our Government will meet its responsibilities in seeing that this corporation is adequately supervised and regulated so as to protect the public interest. I have faith in the President of the United States that he will see that this law is enforced. I have faith in our Attorney General that he will take appropriate action to safeguard the public interest. I have faith that the Federal Communications Commission under the outstanding chairmanship of Newton Minow will adequately supervise and regulate the corporation.

And now, last, but not least, I want to briefly discuss the foreign policy implications of the pending measure.

FOREIGN POLICY ASPECTS

Some critics have charged that the bill would permit a delegation to the corporation of the President's authority to negotiate international agreements affecting foreign policy. The executive branch states emphatically that no such delegation of authority is contained or contemplated. Moreover, as Secretary Rusk observed:

> There would be a constitutional question whether Congress could by legislation deprive the President of any such authority.

Secretary Rusk pointed out that—

> Section 201(a)(4) confirms the authority of the President to control international negotiations * * * in any way he deems appropriate, where the foreign policy interests of the United States are involved. Where he considers it necessary for the executive branch to conduct the negotiations himself he will be able to direct this.

And the Department of State's Legal Adviser, Mr. Abram Chayes, told the Foreign Relations Committee that—

> The Supreme Court has said over and over again that the President says what the foreign policy interests of the United States are in those areas such as this. * * * That has been true in case after case * * * the Court takes the foreign policy of the United States from the President.

In its declaration of policy, the bill reflects an awareness of our foreign policy and national objectives. It proposes that—

> Our efforts will be made in conjunction and cooperation with other countries as part of an improved global communications network which will be responsive to public needs and national objectives * * * which will contribute to world peace and understanding * * * to provide global coverage at the earliest practicable date. * * * Care and attention will be directed toward providing such services to economically less developed countries and areas as well as those more highly developed.

In this connection let me direct attention to section 403 of the act, which states specifically:

> If the corporation created pursuant to this act shall engage in or adhere to any action, practices or policies inconsistent with the policy and purposes declared in section 102 (declaration of policy section) of this act, or if the corporation or any other person shall violate any provision of this act, or shall obstruct or interfere with any activities authorized by this act, or shall refuse, fail, or neglect to discharge his duties and responsibilities under this act, or shall threaten any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which such corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States, to grant such equitable relief as may be necessary or appropriate to prevent or terminate such conduct or threat.

Mr. President, as I read this section, it gives the Attorney General of the United States ample power to see that the corporation carries out the intent of the act. If the corporation does not act in accordance with the intent of the Congress, the Attorney General can go into Federal court to obtain whatever equitable relief is necessary.

What broader authority can we give to the Attorney General in this regard? I do not see how we could possibly strengthen the language I have just read.

Section 201(a)(4) explicitly provides that—

> The President shall exercise such supervision over relationships of the corporation with foreign * * * bodies as may be appropriate to assure that such relationships shall be consistent with the national interest and foreign policy of the United States.

The next subparagraph (5) states that the President shall "insure that timely arrangements are made under which there can be foreign participation in the establishment and use of a communications satellite system."

Furthermore, all agreements entered into between a U.S. international carrier and a foreign agency are required to be filed with the Federal Communications Commission to insure that they are in keeping with established policy and the terms of outstanding licenses and authorizations issued by the Commission. Also, according to FCC rules, each common carrier involved in foreign telegraph or telephone traffic must file with the Commission a report "covering all negotiations, written or oral, initiated or conducted during the preceding calendar month with any foreign administration, agency, or carrier for (a) the establishment of a direct or indirect circuit between the United States and any foreign or oversea point, other than temporary arrangements for emergency routing of traffic; (b) any new foreign traffic contract, agreement, concession, license, or authorization; or (c) any change or modification in any existing arrangement."

For nearly a century our international carriers have negotiated agreements with foreign agencies involving reciprocal communications rights and the use of transoceanic cables and other facilities. Although some of these agreements may have touched on foreign policy, the vast majority have been routine business arrangements. However, without exception all such agreements made pursuant to this legislation will have to be made known to the Department of State under section 402.

The foreign policy aspects of this matter have been given careful consideration.

There has been some talk about what Mr. Stevenson thinks about the bill. I got in touch with him, as did others. I insisted on at least a letter. He wrote a letter to me dated today, August 16, which reads as follows:

U.S. REPRESENTATIVE TO THE UNITED NATIONS,
August 16, 1962.

Hon. HUBERT H. HUMPHREY,
U.S. Senate.

DEAR HUBERT: I am glad to respond to your request for my views on the implications of the satellite communications bill for our policies and objectives in the United Nations.

I assure you that if I had any serious concern about this I would somehow have made my views heard long before this.

At the risk of repeating the obvious, let me emphasize that any satellite communications system in which the United States would be interested must be international in scope.

It follows that the corporation envisaged in the bill could not possibly develop a rational communications satellite system without entering into numerous bilateral and multilateral international agreements. Anything else would be a technological and political impossibility. So we start with this fact of life: Any system of communication via satellites that makes any sense depends for its existence on international cooperation and agreement. This is the heart of the whole matter.

But for what purpose do we want international cooperation and agreement in developing a workable and useful system of communications via satellites? On this, it seems to me that the language of the bill befor the Senate is clear. In the declaration of policy and purpose it is stated:

That our purpose is to establish a global communications network;

That our aim is global coverage at the earliest possible date;

That our policy is to do this in conjunction and cooperation with other countries;

That our purpose is to serve the communications needs of the United States and other countries;

That in doing so care and attention will be directed toward providing such services to economically less developed countries and areas; and

That the system herein envisaged should be so designed as to contribute to world peace and understanding.

It therefore seems to me that the bill explicitly recognizes that the system is to be global in scope, including expressly the less developed areas; that it ties this scientific wonder directly to the basic aim of U.S. foreign policy which, of course, is to "contribute to world peace and understanding;" and that international cooperation and agreement is the sine qua non of the system.

These clear commitments to policy and purpose are given teeth in section 201 where the President is directed to insure the realization of these policies and the FCC is directed, among other things, to "insure that all present and future authorized carriers shall have nondiscriminatory use of and equitable access to, the communications satellite system."

While I think the bill should have made precise reference to the United Nations, its language and intent are consistent with the relevant part of Resolution 1721 adopted by the General Assembly of the United Nations last December. Included in that long and detailed resolution are these words:

"Communication by means of satellites should be available to the nations of the world as soon as practicable on a global and nondiscriminatory basis."

That the policy set forth in the bill and the policy enunciated by the General Assembly fit each other so neatly is not entirely coincidental. The U.S. delegation played the leading role in drafting this resolution and supporting its adoption by the assembled nations of the world. Speaking to the General Assembly on December 4, 1961, I stated:

"The United States wishes to see this facility made available to all states on a global and nondiscriminatory basis. We conceive of this as an international service. We would like to see United Nations members not only use this service, but also participate in its ownership and operation if they so desire."

The similarity of purpose—and of language—is again clear.

I understand that some doubts have been expressed as to whether, however clear the language may be, the proposed corporation can be required to give effect to national policy, especially as it bears on foreign participation in an ultimate international system. Once again, it seems to me that the language of section 201 is adequate when it directs the President to "insure that timely arrangements are made under which there can be foreign participation in the establishment and use of a communications satellite system."

While, as I say, specific reference to the United Nations has been omitted, section 201(a)(4) refers to the authority of the President to supervise relations of the corporation with "foreign governments or entities or with international bodies." The United Nations and its family of agencies are, of course, "international bodies."

The role of one of those international bodies—the International Telecommunications Union—is at least tacitly recognized in the bill itself in section 201(a)(7) which directs the President to "so exercise his authority as to help attain coordinated and efficient use of the electromagnetic spectrum"—which is something that can be done only through the ITU. And the hearings have been replete with specific references to the primary role in store for the ITU.

So I am satisfied that the role of the United Nations in a satellite communications system is explicitly intended by the language and legislative history of the bill.

Let me add that in the United Nations General Assembly and its Outer Space Committee, in the International Telecommunications Union, and in bilateral conversations with the Soviet Union and other interested countries, the United States has and will promote the objective which it successfully advocated in the General Assembly—that "communications by means of satellites should be available to the nations of the world as soon as practicable on a global and nondiscriminatory basis."

The record seems clear that the United States has been committed—since year 1 of the space age—to a policy of seeking the maximum amount of cooperation in outer space for which we can obtain international agreement, and that policy guides our actions on space matters before the United Nations and its family of agencies. I believe that the progress that has been made in the United Nations on this complex and delicate subject is quite hopeful, and I repeat that the United States will continue to press forward in line with our own policy and in the spirit of the United Nations resolution I have just been describing.

I conclude that the legislation before you provides the President and the executive branch of this Government with adequate control and influence to insure that the instrument proposed here can be fitted or adapted to an international system when we learn enough to design one.

Sincerely yours,

ADLAI E. STEVENSON.

Mr. President, this legislation is in the public interest. This legislation is designed to pool the resources of America and put us into orbit, so to speak, in a communications satellite system.

Mr. MORSE. Mr. President, does the Senator from Minnesota still refuse to yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. It is very interesting that Mr. Stevenson was not brought by the administration down here to take his examination in regard to his position on this bill or to square it with the statement made before the United Nations on December 21, 1961, when he offered the U.S. declaration resolution before the United Nations; and the senior Senator from Oregon asked that he be produced for examination, and I want to say he could not come.

Mr. HUMPHREY. Mr. Stevenson works under the authority of the President of the United States and the Secretary of State. When the President has testified by letter, and the Secretary has testified by the hour, I do not think it is necessary to bring him here also.

Mr. MORSE. I could not disagree with the Senator more.

Mr. HUMPHREY. He says it is in the interest of the United States and its requirements in the United Nations. Any arguments to the contrary are spurious and have no foundation in fact.

Mr. MORSE. The Senator may say they are, but that does not make them spurious.

Mr. HUMPHREY. Mr. President, in conclusion, I submit that this measure as proposed by the President of the United States, reviewed, studied, and debated by four separate standing committees of the House and Senate, passed overwhelmingly by the House, and supported without reservation in its present form by the administration, is in the national interest and will make it possible for the United States to move ahead to participate in a global communications system.

I am convinced that this bill gives the President ample authority to supervise and control any and all dealings of the corporation which affect our Nation's foreign policy, that adequate safeguards are written into the bill to prevent any single company from gaining monopolistic control over the satellite corporation, and that the public interest is protected by the powers given to the Federal Communications Commission and to the Attorney General of the United States.

Convinced, as I am, that the national interest will be promoted by such a communication satellite system and that private industry has the means and capability of doing the job that has to be done under adequate governmental supervision and regulation, I support this bill as a major step forward in mankind's advancement in the field of communications.

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

Mr. MORSE. He has used all of his time, without question, let the RECORD show.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. KEFAUVER. Mr. President, the Senator from Minnesota would not yield to me, but I challenge the Senator from Minnesota to point out one place in this bill where the taxpayers or the Government get back anything whatsoever for the investment they have made in research and development, both in rockets and satellites. There is not even a provision for preferential rates to the Government of the United States.

This is a giveaway bill with no compensation back to the Government even in a reduction of rates.

The Senator from Minnesota has spent much time talking about research and development and what has been done in other fields, such as fertilizer, seeds, jet planes, but those have been made available to everybody. One does not have to join a monopoly in order to get to use it. The result of research in this field is being exclusively giver to a private monopoly, which we have demonstrated, in my opinion, will be dominated by A.T. & T.

In order to try to prevent a little of that domination, I have an amendment which I send to the desk and ask to have read. It is a very important one. I refer to my amendment identified as "8–11–62—WW."

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed on page 38, following line 14, insert the following and renumber the succeeding sections accordingly.

SEC. 403. The Communications Act of 1934, as amended, is amended as follows:

(1) paragraph (2) of subsection (c) of section 222 of said Act is hereby repealed.

(2) Notwithstanding any provision, in any consolidation or merger of domestic telegraph carriers heretofore approved by the Federal Communications Commission pur-

suant to said section 222 for the divestment of the international telegraph operations theretofore carried on by any party to the consolidation or merger and notwithstanding any order heretofore made by said Commission with respect to such divestment the consolidated or merged carrier resulting from any such consolidation or merger shall not be under any requirement for the divestment of its international telegraph operations.

Mr. KEFAUVER. Mr. President, this is a most important amendment, as are all the amendments we have offered, even though they have been stricken down by motions to table. In order that some Senators may be present, since they may be interested in the amendment, to which every Senator ought to agree, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PELL in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 193 Leg.]

Aiken	Goldwater	Miller
Allott	Gore	Monroney
Bartlett	Gruening	Morse
Beall	Hart	Morton
Bennett	Hartke	Mundt
Boggs	Hickenlooper	Muskie
Bottum	Hickey	Neuberger
Burdick	Hill	Pastore
Bush	Holland	Pearson
Byrd, Va.	Hruska	Pell
Byrd, W. Va.	Humphrey	Prouty
Cannon	Jackson	Proxmire
Capehart	Javits	Randolph
Carlson	Johnston	Robertson
Carroll	Jordan, N.C.	Russell
Case	Jordan, Idaho	Saltonstall
Chavez	Keating	Scott
Church	Kefauver	Smathers
Clark	Kerr	Smith, Mass.
Cooper	Kuchel	Smith, Maine
Cotton	Lausche	Sparkman
Curtis	Long, Mo.	Stennis
Dirksen	Long, Hawaii	Talmadge
Dodd	Long, La.	Thurmond
Douglas	Magnuson	Tower
Eastland	Mansfield	Wiley
Ellender	McCarthy	Williams, N.J.
Engle	McClellan	Williams, Del.
Ervin	McGee	Yarborough
Fong	McNamara	Young, N. Dak.
Fulbright	Metcalf	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. KEFAUVER. Mr. President, I ask for order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEFAUVER. Mr. President, I hope that Senators will listen to me for only a few minutes. The amendment is an important one. I think it is an amendment that every Senator ought to be glad to agree to. I testified in support of the amendment before the Committee on Commerce and submitted the amendment for the consideration and judgment of the Committee on Commerce.

The amendment was proposed by Mr. Barr, the vice president of Western Union, before the Committee on Commerce, before the Small Business Committee, and before the Antitrust and Monopoly Subcommittee. Senators who were present then will remember that in 1943——

Mr. PASTORE. Mr. President, may we have order so that we may hear the speaker?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEFAUVER. In 1943 there were two telegraph companies in the United States. A.T. & T. had not entered the private line telex field at that time. Postal Telegraph was in bad shape. Western Union agreed to take it over and merge the two companies. But in order to make possible the merger of the companies, it was necessary to enact a law to get around the antitrust laws.

Public Law 4 of the 78th Congress was then passed authorizing the merger of Western Union and Postal Telegraph. But over the objection of Western Union, there was forced into the bill at that time a second section which required, as a condition of the merger, that Western Union give up its international operations. Western Union at that time, as now, had some international telegraph operations.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEFAUVER. Mr. President, for 19 years Western Union has been under the ax of divestiture. They have not been able to find anyone who would be able to take over the business, and who would be satisfactory. They make very little money out of their oversea business, but they would like to keep it.

It is true, as Mr. Barr has pointed out before the committees, that A.T. & T. has no restriction on it for voice or telegraph business in the United States. Since 1945 A.T. & T.'s telegraph business in the United States has increased from 19 to 45 percent of all the telegraph business in the United States. A.T. & T. has no restrictions upon it for telegraph business overseas or for voice business overseas. It is the only company that sends voice messages overseas from the United States. As Mr. Barr has pointed out, it is utterly unfair to allow a large company to have no restrictions on it for voice or telegraph domestically or overseas, and at the same time to require a small company, Western Union, which is offering a little competition on telegraph business—none on voice business—to go through with this divestiture. They have made a genuine effort to dispose of their oversea business, but they have not been able to do so.

Western Union is the oldest telegraph company in the world. It was formed 103 years ago. It is a good company. It has fine management. It has done much in research and development. It has pioneered in the telegraph business.

Western Union cannot and would not be interested in going into the satellite corporation if it has to be divested of its oversea business, as is required by the second section of the act of 1943.

A.T. & T. has assets amounting to $27 billion. Western Union has assets amounting to $315 million. Are we going to impose no restrictions on the giant with respect to voice and telegraph business domestically and overseas, and at the same time require a small competitor, one one-hundredth, approximately, the size of A.T. & T., to divest itself of its oversea business? This amendment would provide a little competition. That is what we need to have. Western Union could then go into the voice business, if they could do oversea business and use the satellite. They cannot at the present time, because they do not have the facility. A.T. & T. will not let them use their cables. Therefore, by direction of Congress, they will have to go out of the oversea business. It is not fair. It is not right. We need a little competition in this field.

I was looking in the Fortune directory this morning for the comparable sizes of these two corporations. I find under utilities that A.T. & T. is No. 1 in everything. It is No. 1 in income, No. 1 in the business it does. It earns a net profit on investment, after taxes, of more than 9 percent. I looked down the list to try to find Western Union. It is not listed in Fortune's 500 large corporations. However, I have an annual report by Western Union. This little company has spent more than $200 million in the last few years in modernizing its plants and its operations, getting in a position to do better business.

It will have to give up its oversea business. A little competitor will have gone by the wayside. It cannot get into the satellite corporation, because it would have no business there. Mr. Barr says they want to, but there would be no use of their getting into the satellite corporation if they could not send messages from here to Europe or somewhere else.

So I say that in the name of competition, in the name of fairness between these companies, in the name of trying to help the little company have some advantages that the larger company has, this restriction in the 1943 law ought to be removed. That is the purpose of the amendment.

Mr. MAGNUSON. Mr. President, what the Senator from Tennessee says with regard to the history of the restrictions on Western Union is entirely correct. My committee has had this matter before it on three or four and maybe on five or six occasions. In fact, I introduced a bill by request on three or four occasions. Every time when we had a hearing on this matter we found that the Attorney General's office opposed us, on the ground that this might have some semblance of monopoly.

Western Union has tried, as the Senator from Tennessee has said, to live up to the divestiture clause for many years. They honestly and conscientiously have tried to sell or lease or get rid of their oversea communications system. They have never been able to do so. It must be said, however, that A.T. & T. at one time, about 1½ or 2 years ago, made an offer, under which A.T. & T. would lease some of its cables. I do not know what happened. I do not know whether they came to a meeting of minds.

There is no opposition to Western Union within the common carriers to proceed to use their oversea system. However, there is this order of divestiture. The Attorney General always opposes the kind of proposal I have in mind. They regularly oppose it, because this law was stuck in some years ago at a time when the circumstances were quite different. I am familiar with the situation.

I suggest to the Senator from Tennessee, since there is the rule of germaneness when cloture is invoked, there

might possibly be a point of order made against the amendment for germaneness, and therefore, because I am wholeheartedly in favor of what he is trying to do, would suggest that the Senator from Tennessee—and I will join him—introduce his amendment as a bill. It will be promptly referred to the Senate Committee on Commerce.

I wish to assure him, and I know I can give the assurance of the distinguished Senator from Rhode Island also, that we will hold hearings on the bill. We do not need many hearings. I am sure that a majority of the committee members are in favor of it. We will have our next meeting on Tuesday, and I hope we can get it out of committee promptly at the next meeting. I will make that promise. I would ask the Senator if he does not wish to introduce the bill as such and ask for its appropriate reference, regardless of the action on his amendment.

Mr. KEFAUVER. Let me ask the Senator from Washington if this is not true——

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

Mr. MAGNUSON. Mr. President, will the Senator from Tennessee first let me introduce the bill?

Mr. KEFAUVER. Very well.

Mr. MAGNUSON. I introduce the bill for appropriate reference.

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

The bill (S. 3646) to amend the Communications Act of 1934, as amended, relative to mergers of domestic telegraph carriers, introduced by Mr. MAGNUSON (for himself, and Senators KEFAUVER and LAUSCHE), was received, read twice by its title, and referred to the Committee on Commerce.

Mr. KEFAUVER. I ask the Senator from Washington if this is not the case: There has been ample testimony in the present hearing in connection with the satellite communications measure, in addition to all the other testimony that the Committee on Commerce has taken. I call attention to the fact that the hearings of the Subcommittee on Monopoly contain some 35 or 40 pages.

The representatives of Western Union testified at great length before the Committee on Commerce. So the question has been discussed in connection with the bill now before the Senate. The amendment is entirely germane, because the Federal Communications Commission, under the act, has the obligation to determine who will be a carrier entitled to belong to the corporation. There are sections which deal with the Federal Communications Act, and this is simply another amendment relating to the eligibility of who can participate in the satellite system.

There is no reason for futher delay. However expeditious the handling of such a bill might be, it would not be passed in this Congress. What would that do to Western Union? Western Union is under the ax right now to divest. It is important that Western Union have an opportunity to invest money in the satellite corporation, if the corporation is to be formed. Otherwise, Western Union could not invest money; it would have no incentive to invest money, so as to become a part of the corporation, because it would have no international business. That is not fair, when a little company is trying to plan for the future, not knowing whether next month it will be in operation or will have its oversea business taken away from it.

I think the time to act on the amendment is today. The record before us is clear. We have waited 19 years. We have a bill before us to which the amendment would be germane. Western Union will be needed as a member of the corporation, if the corporation is to be formed. I think we should take such action in the name of competition—and believe me, I would not be for anything unless it would promote competition, and this arrangement would. I do not want to see a little competitor pushed out of the picture. I think the amendment ought to be adopted now.

Mr. MAGNUSON. I do not think Western Union is a little company. It may be small in comparison with A.T. & T., but Western Union is a very healthy, large American company.

Mr. KEFAUVER. It is one one-hundredth the size of A.T. & T.

Mr. MAGNUSON. I have known of this situation for many years—all the years I have been a member of the Committee on Commerce. The members of the FCC have been very sensible and wise about this proposal, although at any time they could have moved in on Western Union to ascertain what had been done. They have not done so, because they know that Western Union has honestly tried to divest itself. I do not believe the present FCC will do anything about the situation until Congress has settled the question.

Actually, one of the reasons why the Committee on Commerce did not approve the proposal after the Attorney General had appeared before us was that we believed—perhaps wrongly so—that the Subcommittee on Antitrust and Monopoly, of which the Senator from Tennessee is the chairman, would positively differ with us and say it was monopoly.

Mr. KEFAUVER. I went before the Committee on Commerce and testified for the amendment. So I would never have jumped down the committee's throat.

Mr. MAGNUSON. The Senator from Tennessee, after examining into the question, has discovered what I have long believed; namely, that this proposal will work all right. But it is a piece of proposed legislation that is somewhat foreign to the bill. I am glad that this colloquy has taken place, because I believe the members of the Committee on Commerce who are present will understand and go along with the proposal.

I am sure it will be favorable to the Western Union people. I do not know how many discussions I have had with them. I have observed that all the other common carriers have tried to be helpful in this situation. I think the Committee on Commerce would be glad to proceed with the proposal forthwith. There has been no House action on it. There would not be any if we put it on this bill. The House would have to act on it, too. I think Chairman HARRIS would like to have a look at it, but I would almost be willing to wager that with the Subcommittee on Antitrust and Monopoly agreeing—I do not know whether the Attorney General would still agree or not—we could have this action taken. It is a worthy thing to do.

Mr. LAUSCHE. Mr. President, I should like to join as a cosponsor with the Senator from Washington of the bill which he introduced a moment ago.

Mr. MAGNUSON. I thank the Senator from Ohio.

Mr. LAUSCHE. It seems to me that the Attorney General and others who are in a position to compel divestiture would give recognition to the purpose of the Committee on Commerce to act on the bill.

Mr. MAGNUSON. I thank the Senator from Ohio.

Mr. KEFAUVER. Mr. President, I should like to have the floor for 1 minute.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. KEFAUVER. It is right, it is proper that this amendment be taken up at this time. There is legislative background in the Senate. I see no reason, while we are dealing with who are to be eligible, why we cannot make it clear that Western Union will have an opportunity to be a part of the corporation so far as its oversea business is concerned. I see no reason why the amendment should not be agreed to right away, while the bill is before the Senate for consideration.

Mr. PASTORE. Mr. President, I subscribe to everything that has been said by the Senator from Washington (Mr. MAGNUSON]. I was one of those who participated in most of the hearings which had to do with the question of divestiture. There is a little opposition. I would not say it is widespread or substantial, but there is some. There is opposition on the part of the Attorney General. The question was discussed in an informal way, not as a result of any proposed legislation having been introduced. I am glad that the bill has been introduced today. This matter has not been cleared by the House. I do not believe we can act on this amendment at this time. I do not think we will be doing a disservice to Western Union, which I think needs a lot of consideration; but we will be doing a greater disservice to the bill. If the amendment were to go to conference, it would kill the bill.

Therefore, I move to table the amendment.

Mr. KEFAUVER. Mr. President, will the Senator withhold his motion to table?

Mr. PASTORE. I withhold my motion to table.

Mr. KEFAUVER. I simply wish to say that the House is familiar with the proposal. There was testimony before the House about it, and Western Union apparently does not believe it will hurt their chances, because their representatives appeared before House and Senate

committees and asked to be included; to have the limitation removed.

Mr. PASTORE. Mr. President, I move to lay the amendment on the table.

Mr. KEFAUVER. 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 amendment of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Colorado [Mr. CARROLL], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from California [Mr. ENGLE], the Senator from Wyoming [Mr. McGEE], and the Senator from Utah [Mr. Moss] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Arizona [Mr. HAYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE] and the Senator from Mississippi [Mr. EASTLAND] would each vote "yea."

On this vote, the Senator from Colorado [Mr. CARROLL] is paired with the Senator from Arizona [Mr. HAYDEN]. If present and voting, the Senator from Colorado would vote "nay," and the Senator from Arizona would vote "yea."

On this vote, the Senator from Wyoming [Mr. McGEE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from California would vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BUTLER], the Senator from New Hampshire [Mr. MURPHY] and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent and, if present and voting, would each vote "yea."

The Senator from Kentucky [Mr. MORTON] is detained on official committee business.

The result was announced—yeas 67, nays 20, as follows:

[No. 194 Leg.]

YEAS—67

Aiken	Ervin	Mansfield
Allott	Fong	McCarthy
Beall	Fulbright	McClellan
Bennett	Hartke	Metcalf
Boggs	Hickenlooper	Miller
Bottum	Hickey	Monroney
Bush	Hill	Mundt
Byrd, Va.	Holland	Muskie
Byrd, W. Va.	Hruska	Pastore
Cannon	Humphrey	Pearson
Capehart	Jackson	Pell
Carlson	Johnston	Prouty
Case	Jordan, N.C.	Proxmire
Chavez	Jordan, Idaho	Robertson
Church	Kerr	Russell
Cotton	Kuchel	Scott
Curtis	Lausche	Smathers
Dirksen	Long, Mo.	Smith, Mass.
Ellender	Magnuson	Smith, Maine
Sparkman	Tower	Young, N. Dak.
Stennis	Wiley	Young, Ohio
Symington	Williams, N.J.	
Thurmond	Williams, Del.	

NAYS—20

Bartlett	Gruening	McNamara
Burdick	Hart	Morse
Cooper	Javits	Neuberger
Dodd	Keating	Randolph
Douglas	Kefauver	Talmadge
Goldwater	Long, Hawaii	Yarborough
Gore	Long, La.	

NOT VOTING—13

Anderson	Eastland	Moss
Bible	Engle	Murphy
Butler	Hayden	Saltonstall
Carroll	McGee	
Clark	Morton	

So the motion to lay on the table was agreed to.

Mr. YARBOROUGH. Mr. President, I call up my amendment identified as "8–13–62—IIII," and ask that it be stated. It is the first amendment of mine which I have called up.

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

The LEGISLATIVE CLERK. On page 25, beginning with line 21, it is proposed to strike out all to and including line 26, and insert in lieu thereof the following:

(6) take all necessary steps to insure the availability of the communications satellite system for use by any department or agency of the United States whenever that department or agency determines such use to be necessary or desirable for the performance of any of its functions; and.

Mr. YARBOROUGH. Mr. President, I think this is a very important amendment. I shall take only a few minutes to present it.

This amendment strikes at the heart of the matter. For days we have heard much debate about whether the bill is a giveaway or is not a giveaway. The bill as drawn is an enforced giveaway, by the Government of the United States, of billions of dollars.

My amendment would not impede one whit the operations of the corporation. I have no objection to having NASA shoot up satellites for A.T. & T. or to having A.T. & T. operate the satellites. My objection to the bill, as drawn, is that it forces the Government to give to the corporation billions of dollars.

The proposed amendment would leave it optional with the U.S. Government as to the extent that it wanted to use the space satellite system.

As the bill is drawn, section 201(a)(6) provides that the President shall "take all necessary steps to insure the availability and appropriate utilization of the communications satellite system for such general governmental purposes as do not require a separate communications satellite system to meet unique governmental needs."

It was testified that unique governmental needs do not include even military needs; that, under the bill as drawn, the U.S. Government would be forced to utilize the satellite system for its U.S. Information Service, and for anything else the Government used except something like secret coded messages, and that, if they were not secret, even the military messages would have to be sent over this system.

Attention has been called to the fact that Mr. Edward Murrow, of USIA, before the Commerce Committee on April 24, and before the Foreign Relations Committee last week, testified that to use this satellite system for 1½ hours a day for a year would cost $900 million to the people of the United States under existing tariffs.

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

Mr. YARBOROUGH. Not in my time.

Mr. LAUSCHE. In my time?

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry. May I yield in the Senator's time without losing the floor?

The PRESIDING OFFICER. The Senator from Texas may yield, but he would have to be re-recognized afterward.

Mr. YARBOROUGH. I would rather proceed.

Mr. LAUSCHE. The question is very simple.

Mr. YARBOROUGH. I did not vote for this guillotine. The Senate voted it, and I am under a ruling under which, if I yield, I would lose the floor. I decline to yield.

Mr. President, as the amendment is drawn, it provides that the President shall:

(6) take all necessary steps to insure the availability of the communications satellite system for use by any department or agency of the United States whenever that department or agency determines such use to be necessary or desirable for the performance of any of its functions.

Under the language of the amendment as drawn, the U.S. Government could still use the satellite system. The difference between the bill and this amendment is that the amendment would not mandatorily require that the President use this system to the exclusion of any other system.

The meat in the coconut was shown again today when the senior Senator from Rhode Island [Mr. PASTORE] engaged in a colloquy with another Senator and he qualified the statement as to what the satellite could or would do. Finally the Senator from Rhode Island said, "If they do not do it, we can shoot our own satellite up." He admitted that, under the language of the bill, the U.S. Government could not shoot up and use its own satellite.

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

Mr. YARBOROUGH. I wrote down what the Senator from Rhode Island said. The Senator from Rhode Island said, "If they do not do it, we can shoot our own." It is an admission that the Government put up its own satellite under the terms of the bill as drawn.

Mr. PASTORE. Will the Senator yield?

Mr. YARBOROUGH. No. I cannot yield without losing the floor, under the ruling of the Chair.

Mr. PASTORE. Of course the Senator can.

Mr. YARBOROUGH. That is the statement the Senator from Rhode Island made. It will be in the RECORD tomorrow, if it is still there as spoken this morning.

That is the vice of the language of the proposed bill. I am not opposed to private enterprise. I am opposed to shackling the hands of the Government in this gigantic giveaway of the property of the American people.

I hold in my hand a letter from the Library of Congress, dated June 22, 1962. I asked the Library for a tabulation of the U.S. Government land grants to the railroads and canal companies. The total to the railroads was 132,803,493 acres. The total to the canal companies was something over 4½ million acres of Government grants of land to private companies.

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

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

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., June 22, 1962.

To: Hon. RALPH YARBOROUGH.
From: Economics Division.
Subject: Land grants to railroads and canals.

As requested by Miss Weiser of your office by telephone June 21, 1962, we are listing herein, in partial response to your request, a summary of the acreage received by railroads as a result of Federal land grants. The information is based on reports of the railroads and on records of the General Land Office, compiled by the U.S. Coordinator of Transportation and reported in "Public Aids to Transportation," volume 2. The net acreage received up to June 30, 1933, as found in Government records and to December 31, 1927, as reported by the railroads, after deduction of acreage lost by forfeiture, conflicting title or error in patenting, is given for railroad systems as they existed in 1938. The original recipients of the grants can be included in the more detailed data on which we are working and which we will complete as soon as possible.

Railroad systems	Acreage based on Federal records	Acreage based on railroad reports
Atlantic Coast Line	1,843,922	3,957,986
Chicago & North Western	7,302,238	7,429,902
Chicago, Burlington & Quincy	3,292,749	3,293,443
Chicago, Milwaukee, St. Paul & Pacific	1,453,565	1,453,565
Chicago, Rock Island & Pacific	538,882	538,882
Chesapeake & Ohio	513,152	513,472
Canadian Pacific (Duluth, South Shore & Atlantic, etc.)	1,273,960	1,322,519
Canadian National (Port Huron & Lake Michigan RR. Co., etc.)	6,468	6,468
Illinois Central	4,630,453	4,625,072
Missouri Pacific	954,958	1,001,783
Missouri-Kansas-Texas	576,683	572,081
New York Central	741,131	744,827
Pennsylvania	846,679	850,960
Seaboard Airline	1,318,913	1,346,533
Southern Ry	2,263,931	2,263,931
Southern Pacific	761,681	761,681
St. Louis-San Francisco	1,540,394	1,546,828
Union Pacific	18,492,850	18,560,578
St. Joseph & Grand Island Ry. Co	486,809	455,764
(Following are unadjusted amounts)		
Atchison, Topeka & Santa Fe	14,886,795	16,242,842
Chicago, Rock Island & Pacific (branch)	184,658	184,658
Great Northern	2,823,145	2,861,034
Missouri Pacific	2,794,199	2,185,291
Northern Pacific	39,843,053	41,076,749
Southern Pacific (western division)	11,432,039	11,350,811
Southern Pacific RR. Co	6,793,144	6,899,605
Total, Federal grants	127,337,284	132,803,493
(Total, unadjusted grants)	(78,452,466)	(81,512,218)

Canals were built and owned by the States for the most part from the beginning of canal building. New York and New Jersey provided State aid as did others later. However, there were some grants for internal improvements made to the States by the Federal Government, some of which were used for canal building, and some grants were designated by the Federal Government for the purposes of specified canals. Some of the canal land grants by the Federal Government between 1824 and 1866 provided for 90 feet of land on either side of a proposed canal but the States determined the routes, etc., for the most part. Distribution of grants for canal building is summarized by Benjamin H. Hibbard in "A History of the Public Land Policies," published in 1924, as follows:

	Acres
Indiana	1,480,408.87
Ohio	1,204,113.90
Michigan	1,251,235.85
Wisconsin	338,626.97
Illinois	324,282.74
Total	4,598,688.32

ESTHER J. DUDGEON,
Analyst in Transportation and Communications.

Mr. YARBOROUGH. And the Government in return for these land grants got lower rates. It received the right to haul its troops free of charge over the roads and to fix the rates for carrying the mail. Both were later revised. But the present giveaway bill has absolutely no provision for reduced rates for Government use for these space satellites. The Government must pay through the nose the rates fixed by the monopoly corporation.

Mr. President, a parliamentary inquiry. How much time have I left?

Mr. President, a further parliamentary inquiry. Is the time consumed in finding out how much time I have left taken from my time?

The PRESIDING OFFICER. The answer is "No." The Senator from Texas has 10 minutes left.

Mr. YARBOROUGH. I yield myself 3 minutes.

The examples of giveaways by this Government have fallen into three categories. I am reading only a few sentences from research I have had done by the Library of Congress. I have given the example of one kind of giveaways, those involving the public domain, or the natural wealth of America, such as land grants to railroads. Land grants to two of them involved over 50 million acres, nearly half of the total, and they were made under laws passed in 1862 and 1864, when the country was at war, and the legislation was slipped through. We are not at war now. We have time to study the legislation. We ought to carefully consider and deliberate it.

The second category of giveaways include those involving public investment, or the monetary wealth of America. The third category of giveaways include those involving the monopoly power, or the use of public authority to promote private gain.

In this case we do not have a giveaway involving the monopoly power only; in this type of giveaway we take the public investment, of the monetary wealth of the people, taken from them in the form of taxes to be given to the corporation by this section 201(a)(6) of the act.

We are taking billions of dollars a year from the taxpayers of the country and saying in this bill that the Government cannot shoot up its own satellites and cannot use such satellites. If we put up a satellite at 22,000 miles, we cannot use it. It could only be used by the Government if shot up by NASA, the use given to the private corporation, then sold back to the Government.

I want to read a couple or more sentences from the study by the Library of Congress:

> In the instances I have cited, before the War Between the States, at the beginning, these giveaways numbered the dollars involved in the thousands, then in the tens of thousands, and in the hundreds of thousands. More recently the amounts asked for began in the millions of dollars and extended to the tens of millions and hundreds of millions. However, this has been a process of relatively long growth, extending over decades. It is only when we come to the matter now before us that we begin a giveaway program with amounts of Federal money running into billions of dollars.

Look at the value of the land that was granted to the railroad companies—a dollar and a half an acre—peanuts as compared to this giveaway.

I continue from the report of the Library of Congress:

> If the money which we obtain from all of the people is to be expended, let it be expended in the interests of all of the people, and not given away to satisfy the desires of private interests motivated primarily by a desire for private gains. Let us stop this giveaway here, and keep the control of the satellite program in the hands of the Federal Government, and the hands of the people.

If the bill passes, at least this giveaway should be stopped, and my amendment will help. Mr. President, it is claimed by the bill's advocates that no giveaway is involved. Not only have the bill's opponents stated, on their own research, that this bill was a gigantic giveaway; now, I have proven, by a research paper from the Library of Congress, that this is the first billion- or multibillion-dollar giveaway in the history of the U.S. Government. It dwarfs all other giveaways; it is larger than all others combined.

Mr. President, a parliamentary inquiry. How much time have I left?

The PRESIDING OFFICER. The Senator from Texas now has 15 minutes.

Mr. YARBOROUGH. Mr. President, I yield myself 3 more minutes.

I referred briefly a moment ago to the fact that two big railroad grants were made in time of war, when people could not devote their attention to proposed legislation.

The first of the really major land grants for railroad purposes came with the passage of the Pacific Railroad bill in 1862. This bill gave to the Union and Central Pacific Railroads 10 alternate sections per mile of track within 10 miles of either side of the right-of-way. This allotment was subsequently increased in 1864 to double the acreage of the grant, extending the limits from 10 to 20 miles on each side of the track. In both cases

the railroad company was granted a 400-foot right-of-way and allowed the use of Government timber along the right-of-way for use in the construction of the railroad.

The largest land grant of 41 million acres was made to the Northern Pacific Railroad in 1864. It allowed 10 sections per mile in the States and 20 in the territories along a route from Lake Superior to Puget Sound. Other important grants were one to the Union Pacific Railroad which was chartered to build a railroad from Missouri and California following the route of the Santa Fe Trail, and a grant to the Southern Pacific in 1871 for a railroad from New Orleans to California. In all, approximately 131 million acres of land was transferred from the ownership of the Federal Government to that of the railroad companies. In return the United States only stipulated that it should be allowed to ship troops over the railroads built free of charge and retain the right to fix the rates for the U.S. mails to be carried by the railroads. In actual practice, because the land-grant railroads protested even those modest requirements, the Government paid 80 percent of the commercial price for the carriage of the mails and 50 percent of that price for the carriage of Government troops and property.

Mr. President, the amendment I offer would not impede private development. It would not impede the chartering of the corporation. It would not impede free enterprise. It is not an amendment for Government ownership. It would merely make unnecessary the mandatory giving away by the United States of billions of dollars, under this bill to the private corporation.

The pending bill without my amendment will restrict free enterprise by putting shackles on the Government and on the hands of the people of the United States. It represents an impediment to national progress, because it would shackle our scientific effort, and the efforts of our Government and of our people, thereby making it impossible to go forward as rapidly as necessary in competition with the Russians, with the Soviet Union.

If ever there was a time in history when we needed to stop to appraise our objectives, that time is now, since the Russians have put into orbit two spacemen, two astronauts or cosmonauts, as they call them. One has gone a million and a half miles. The other has gone a million and a quarter miles. The trip of 1½ million miles is equal to a trip to the moon three times and back.

Despite this scientific breakthrough, we have before us a bill which would shackle the U.S. Government in its attempt to improve its communications in space.

I submit that my amendment is reasonable, clear, and easy to understand. I hope it will be adopted in the interest of the Government and of the people of the United States. I yield the floor.

Mr. LAUSCHE. Mr. President, I wanted to ask the Senator from Texas a question. Is it not a fact that last Saturday an amendment was adopted to the bill which changed the language and rendered what was read by the Senator from Texas inaccurate?

The original language in the bill provided that "the President shall" see to it that the Government would have available the satellite services and would use them except when "unique governmental needs" required a separate system. Last Saturday that language was amended to provide that the Government should use the facilities except when a separate communications satellite system was required "to meet unique governmental needs," and then we added "or if otherwise required in the national interest."

Mr. YARBOROUGH. Yes.

Mr. LAUSCHE. The addition of the language "or if otherwise required in the national interest" contemplated that if conditions should occur that the Government should need this service for other than unique purposes it could set up its own system. I submit that since the premise upon which the Senator from Texas has built his argument is different from the one he related his whole argument falls to the ground.

Mr. YARBOROUGH. Mr. President, I ask the floor on my own time, to answer this inquiry.

Mr. KERR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma will state it.

Mr. KERR. How much time does the Senator from Texas have remaining?

The PRESIDING OFFICER. The Senator from Texas has 16 minutes remaining. [Laughter.]

Mr. KERR. Mr. President, a parliamentary inquiry. How could the Senator have 16 minutes remaining, after he has used 15 minutes of his last 12 minutes. [Laughter.]

Mr. YARBOROUGH. Mr. President, in fairness to those who are at the desk, I think I should state that I asked how much time I had before I started to speak the first time, and I was informed I had 30 minutes. I feel certain that the first answer by the Presiding Officer, that I had 10 minutes remaining, was in error. When I began I checked at the desk and I was told I had 30 minutes, before I started to present the amendment.

Mr. President, I yield myself 1 minute, to answer the distinguished Senator from Ohio.

We have considered that point. It was discussed in the colloquy a few days ago with the Senator from Idaho. The clause referred to by the distinguished Senator from Ohio was added to the end. It made no real or material change in the provisions of section 6. The provision still would require the President of the United States to "take all necessary steps to insure the availability and appropriate utilization" of the system. Those are the key words. The little clause, on the end, relating to "otherwise required," would not detract from the previous words. The mere fact that the service would be useful would not be sufficient. It would have to be required. In other words, it would have to be stated that a message could not be obtained over the low-orbit satellite system before the Government could use its own facilities. There would have to be a situation in which one could not get messages over the high-priced system before there could be brought into play the restricted language.

The language is so restricted as to mean little. That is why we have offered language which will mean something.

This provision would require that the President take all necessary steps to insure the availability of the communications satellite system for use by any department or agency of the United States. It still would require that the President "shall" use the system, but would not permit him to put up one of the Government's own, nor could put up a different one if the Hughes or some other company should get a satellite in orbit at 22,300 miles, or if I.T. & T. or some other company should develop a better one.

My amendment would permit the U.S. Government to buy the best service available, instead of being limited, as the proposed legislation would provide, to buying from A.T. & T. regardless of price, whether for official use or not.

Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I respectfully move to lay the amendment on the table.

Mr. GORE. Mr. President, will the Senator withhold his motion?

Mr. PASTORE. I withhold, Mr. President.

Mr. GORE. Mr. President, I yield myself 1 minute.

If Members of the Senate will carefully read subsection (6) of section 201, on page 25 of the bill, they will find the key words in line 24, "as do not require a separate communications satellite system."

I submit that the amendment adopted helps a little, but only a little. It would only apply to uses which require a separate satellite communications system in the national interest.

Mr. PASTORE. Mr. President, I move to lay on the table the amendment offered by the Senator from Texas to the committee amendment.

Mr. YARBOROUGH. Mr. President, I ask for the yeas and nays.

Mr. KEFAUVER. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the amendment offered by the Senator from Texas to the committee amendment. 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. METCALF (when his name was called). On this vote I have a pair with the junior Senator from Oregon [Mrs. NEUBERGER]. If she were present, she 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 Nevada [Mr. BIBLE], the Senator from Colorado [Mr. CARROLL], the Senator from Pennsylvania

[Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Hawaii [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Utah [Mr. Moss], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Arizona [Mr. HAYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Hawaii [Mr. LONG], and the Senator from Arkansas [Mr. MCCLELLAN] would each vote "yea."

On this vote, the Senator from Nevada [Mr. BIBLE] is paired with the Senator from Colorado [Mr. CARROLL]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Colorado would vote "nay."

On this vote, the Senator from Arizona [Mr. HAYDEN] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from Arizona would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from Mississippi would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BUTLER], the Senator from New Hampshire [Mr. MURPHY] and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent and, if present and voting, would each vote "yea."

The Senator from Connecticut [Mr. BUSH] is detained on official committee business and, if present and voting, would vote "yea."

The result was announced—yeas 68, nays 15, as follows:

[No. 195 Leg.]

YEAS—68

Aiken	Hartke	Pastore
Beall	Hickenlooper	Pearson
Bennett	Hickey	Prouty
Boggs	Holland	Proxmire
Bottum	Hruska	Randolph
Byrd, Va.	Humphrey	Robertson
Byrd, W. Va.	Jackson	Russell
Cannon	Jordan, N.C.	Scott
Capehart	Jordan, Idaho	Smathers
Carlson	Keating	Smith, Mass.
Case	Kerr	Smith, Maine
Chavez	Kuchel	Sparkman
Cooper	Lausche	Stennis
Cotton	Long, Mo.	Symington
Curtis	Magnuson	Talmadge
Dirksen	Mansfield	Thurmond
Dodd	McCarthy	Tower
Ellender	McGee	Wiley
Engle	Miller	Williams, N.J.
Ervin	Monroney	Williams, Del.
Fong	Morton	Young, N. Dak.
Fulbright	Mundt	Young, Ohio
Goldwater	Muskie	

NAYS—15

Bartlett	Gruening	Long, La.
Burdick	Hart	McNamara
Church	Hill	Morse
Douglas	Javits	Pell
Gore	Kefauver	Yarborough

NOT VOTING—17

Allott	Clark	Metcalf
Anderson	Eastland	Moss
Bible	Hayden	Murphy
Bush	Johnston	Neuberger
Butler	Long, Hawaii	Saltonstall
Carroll	McClellan	

So Mr. PASTORE's motion, to lay on the table Mr. YARBOROUGH's amendment to the committee amendment, was agreed to.

Mr. PASTORE. I ask for the yeas and nays on the committee amendment.

Mr. LONG of Louisiana. Mr. President——

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. Is the request sufficiently seconded?

The yeas and nays are ordered.

Mr. DIRKSEN. Mr. President, in my own time I have——

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry.

Mr. DIRKSEN. Mr. President, I should like to inquire of the distinguished majority leader as to what the program will be for the balance of the day and also what he envisions for tomorrow.

Mr. MANSFIELD. Frankly, I cannot give the minority leader much of an answer. We must play this matter by ear.

Mr. GORE. Mr. President, Members in the rear of the Chamber cannot hear. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. It is the intention of the leadership to stay in session until 10 o'clock or thereabouts tonight, depending on conditions, and to come in at 10 o'clock tomorrow morning and to stay with this matter until it is concluded, and then turn to the farm bill, and following the farm bill to turn to the drug bill.

Mr. DIRKSEN. Mr. President, in my own time I should like to ask the distinguished senior Senator from Oregon if he can enlighten the Senate as to whether there will be a continuation of these amendments and if he anticipates quorum calls and yea-and-nay votes, as has been the case thus far? The basis for my inquiry is—and I do not vouch for it at all—that I understood there was afoot a plan to take perhaps another four or five or six major amendments out of the entire heap, and offer them, and let it go at that.

Mr. MORSE. I appreciate very much the fairness of the Senator from Illinois in offering to do this in his own time. I should like to answer at great length, but in fairness to the Senator, I believe we should have unanimous consent that the colloquy which will take place will be charged to no one's time.

Mr. DIRKSEN. That is all right. I have some time left. I am asking the question.

Mr. MORSE. I have already told the Senator from Illinois, the Senator from Florida, and the Senator from North Dakota that I thought it only fair that the Senate know what the plans are, so far as the senior Senator from Oregon is concerned, with regard to the rest of the amendments.

I have 4 minutes left on the bill. I wish to use those 4 minutes to answer the Senator from Minnesota [Mr. HUMPHREY]. I will use the time for that purpose.

However, my position on the amendments which I have submitted is this: I have submitted every one of them in good faith. In my judgment each one, without exception, is an important amendment and would, if adopted, improve the bill. I believe that each should be adopted.

I have been placed in the position where I cannot discuss these amendments at any length. To cover this situation, if I can, I shall propose a unanimous-consent agreement.

The amendments will have to be set forth, and all I can do is to call them up and have them read. I shall ask unanimous consent that I be allowed to file in the RECORD a memorandum about each one of them which will set forth my position upon it.

I do not expect to obtain agreement, but I want to set forth my reasons for following the course of action I have outlined in fulfilling my obligation. I have an obligation to present these amendments for the RECORD. I have an obligation to give the Senate an opportunity to vote on them one way or another. I do not intend, because the die has been cast, to call for a yea-and-nay vote on very many of the amendments. I believe there may be two or three on which I do wish to have a yea-and-nay vote. However, I intend to call up every amendment that I have submitted which has not already been considered by the Senate.

I intend to call up every amendment of which I am a cosponsor. I did not lend my name to a single amendment on the desk which in my judgment should not be adopted. Each one of them were designed to protect the public interest against the provisions of this monstrous bill which the Senate is about to pass.

This process will take time. Senators may not believe it, but the Senator from Oregon regrets that it is going to take time. It is, however, necessary, in view of what has developed in the Senate. It is necessary in view of the fact that the Senator from Oregon recognizes that he has no chance at all of getting any of these amendments adopted.

However, I do owe an obligation to my position in the Senate and to the people I represent.

I do not wish the debate on this issue to close without a complete history of it being made so far as the amendments which ought to be offered to the bill are concerned. I believe in each amendment that I will offer tonight and tomorrow morning. I assure the Senate, however, that I will not call for a yea-and-nay vote on every amendment. I may not get a yea-and-nay vote on all of those on which I desire to obtain it but it is my hope that I will.

I have long since been convinced that I must vigorously protect my rights in this session of the Senate.

I shall offer my amendments, and the Senate can dispose of them as rapidly as the clerk can get through reading them and the Senate's guillotine can dispatch to them to the table. However, the amendments which bear the name of the senior Senator from Oregon will be offered before we dispose of the pending bill.

Mr. DIRKSEN. If I could get from the Senator from Oregon a slightly more explicit answer——

Mr. MORSE. I believe there are approximately 30 amendments.

Mr. DIRKSEN. I was about to ask the Senator how many there were. How many amendments will we have the pleasure of guillotining tonight?

Mr. MORSE. I believe that in the course of this evening the Senator may be able to drop the guillotine on half of them or more. Of course, I am fit as a fiddle, and if the Senate wishes to stay here all night, I shall be delighted to have the Senator from Illinois remain.

Mr. DIRKSEN. Mr. President, still in my own time, I see my affable friend, the distinguished Senator from Tennessee [Mr. KEFAUVER], on the floor, whom I regard as the grand captain. I should like to ask the grand captain whether on his amendments he expects to follow the same course of procedure. He has submitted quite a number of amendments. I believe on one occasion he dropped 70 amendments on the desk, as my list indicates. I am wondering whether he is going to call up a very substantial number of them and attempt to secure yea-and-nay votes on them or suggest the absence of a quorum.

Mr. GORE. Mr. President, I make a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. The rules of the Senate do not permit one Senator who has the floor to propound questions to a Senator who does not have the floor.

The PRESIDING OFFICER. The point of order is sustained.

Mr. DIRKSEN. I have the floor. I believe I can ask a question.

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

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. What was the ruling of the Chair?

The PRESIDING OFFICER. The point of order of the Senator from Tennessee was sustained.

Mr. DIRKSEN. I yield to the distinguished Senator from Tennessee to ask me a question.

Mr. KEFAUVER. In the Senator's time?

Mr. DIRKSEN. Yes.

Mr. KEFAUVER. Is the time for answering the question limited or unlimited?

Mr. DIRKSEN. Unlimited.

Mr. KEFAUVER. Does the Senator not know that I have stated to him on the floor of the Senate that if this type of bill is going to be passed, I and others have an obligation at least to call the attention of the Senate to some improvements that might be made in it? I am sure the Senator knows that I have offered, I believe, up to this time, three amendments, all of which were important amendments.

I offered an amendment to let the public participate in all the issues of voting stock, not merely the initial issues. That amendment was defeated. I offered an amendment to prevent an investor like A.T. & T. from getting a double return, a return from the users of the telephone and a return from interest on bonds. That was a serious amendment. That was defeated.

I am sure the Senator from Illinois knows that I offered an amendment to try to let Western Union rid itself of its divestiture order so that it could participate in the satellite program. I believe everyone agreed. The chairman of the Commerce Committee agreed, I am sure. The Senator handling the bill on the floor agreed. Apparently everyone agreed, but almost no one voted in line with their agreement.

So far as my position is concerned, I believe that those who have the feeling that they should at least give the Senate a chance to vote on amendments should have the opportunity of offering them. May I ask another question?

Mr. DIRKSEN. Let me ask the Senator another question.

Mr. KEFAUVER. I expect to offer about two more amendments.

Mr. DIRKSEN. The Senator from Tennessee submitted 46 amendments. Action was taken on five. The Senator has 41 amendments remaining at the desk. Does he propose to call up all of them? I desire only an answer to that question.

Mr. KEFAUVER. The Senator from Illinois yielded for an unlimited time; I took him up on his proposal.

Does the Senator know that when the cloture petition was filed unexpectedly on Saturday morning, without notice to many Senators, a number of the opponents of the bill were absent from the city; that we who were here feared that Senators who were out of the city might not have an opportunity to submit amendments and have them printed in the RECORD; that the Senator from Louisiana [Mr. LONG] and I, in order to try to protect the rights of Senators who were absent, submitted a number of other amendments; that when the absent Senators returned and found they could submit their amendments and have them printed in the RECORD, they did so, and that many of them were duplicates of those which had been submitted on Saturday; that in many cases the amendments are in triplicate, exactly like those which had first been filed?

For my part, I shall ask for the consideration of only the amendments which I believe ought to be adopted.

Mr. DIRKSEN. That is, two?

Mr. KEFAUVER. I have many more that I think ought to be adopted; but out of deference to the distinguished minority leader, knowing what will happen by way of motions to table some of the amendments which I think should be adopted, I may not offer them. But I do not want to make any binding agreement.

Mr. MORSE. Mr. President, will the Senator from Illinois yield for 30 seconds on his time, so that I may propound a unanimous-consent request?

Mr. DIRKSEN. I yield.

Mr. MORSE. My unanimous-consent request is that I be permitted to file in the RECORD, following each amendment I offer, each of which I expect to be shot down by the tabling procedure, a memorandum explaining the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, reserving the right to object, does that query come in the form of a request merely to file an amendment and a memorandum in connection with it?

Mr. MORSE. No; it comes in the form of a request that as I offer an amendment and it is read by the clerk and submitted to the Senate for action, there may be printed in the RECORD a memorandum explaining the amendment and setting forth a brief argument in favor of it.

Mr. DIRKSEN. I would be glad not to object, if the request involved only an insertion of the amendment in the RECORD or that it be read by title.

Mr. MORSE. I withdraw the request.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. DIRKSEN. If I may.

Mr. LONG of Louisiana. Is the Senate operating under a unanimous-consent agreement at this time?

Mr. DIRKSEN. Wait. First let me yield to the Senator from Louisiana for a parliamentary inquiry. Then everyone can hear and understand it. Now I yield.

Mr. LONG of Louisiana. Mr. President, is the Senate operating at this time under a unanimous-consent arrangement, or is it still operating under the cloture rule?

The PRESIDING OFFICER. The Senate is operating under the cloture rule.

Mr. DIRKSEN. On my time.

The PRESIDING OFFICEP. On the time of the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I yield the floor.

POSTAL RATES FOR THE BENEFIT OF BLIND PERSONS

Mr. CURTIS. Mr. President, I send a bill to the desk in behalf of the senior Senator from Kansas [Mr. CARLSON], the senior Senator from West Virginia [Mr. RANDOLPH], and myself. I ask that the bill remain at the desk for a week to enable other Senators to join as cosponsors.

This bill is for the benefit of the blind and particularly for the benefit of blind children. For some time I have been interested in their welfare. I have been particularly interested in the work of the Christian Record Benevolent Association of Lincoln, Nebr. They have

done so much in printing and distributing the scriptures and religious books for the blind. Through them I have been in contact with many other fine groups over the country who are likewise doing a very worthwhile work.

Mr. President, the bill relates to the assistance by the Post Office Department to blind persons. At the present time sound recordings on disks can be mailed without charge but the more modern device of tapes does not qualify. This is one of the items taken care of in the bill being introduced today.

Braille material is likewise handled without charge, however, many people are legally blind, and this is particularly true of children who, with the aid of new lenses being developed, can read a large script prepared for them. Such script is not used by persons other than the blind. This proposal would cause that type of printing to be handled free as braille is now handled.

At the present time books for the blind are sent at a special rate of 1 cent per pound. The revenue the Post Office Department receives from this is negligible and it is burdensome from the standpoint of bookkeeping. This charge is removed and, in addition, the scope of what can be sent in the way of supplies for the blind is enlarged.

Mr. President, I ask unanimous consent to have printed in the RECORD portions of a letter I have received from Mr. George E. Keane, chairman of the legislative committee of the American Association of Workers for the Blind, which further explains these changes.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the excerpts from the letter will be printed in the RECORD; and, without objection, the bill will lie on the desk, as requested by the Senator from Nebraska.

The bill (S. 3467) to amend sections 4653 and 4654 of title 39, United States Code, with respect to the mailing of certain reading and other materials for the use of blind persons, introduced by Mr. CURTIS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The excerpts presented by Mr. CURTIS are as follows:

THE INDUSTRIAL HOME FOR THE BLIND,
Brooklyn, N.Y., July 31, 1962.

Hon. CARL T. CURTIS,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR CURTIS: * * * A brief explanation of the background and reason for the proposed changes may be useful here. I know that you are familiar with most of these reasons, but put in a brief memorandum form, they may be useful.

First, we are suggesting two separate proposals. In the amendments to section 4653 we are asking for the inclusion of sound recordings other than those on discs, and in addition, matter in sightsaving-size type. The first addition is self-explanatory, since research and development in the field of recordings for the blind seem to indicate that ultimately more and more of the material prepared in sound recordings for blind persons may be on tape as a more economical method both in terms of cost and in terms of space needed. The inclusion of sightsaving-size type material, however, is new, and it should be said here that such material will probably be confined exclusively to the use of blind children with some remaining vision, as it will never be practical to try to publish extensive lists of titles in large type for the adult population. The reason for its importance for the child is that practically all of the material prepared in large type for blind children is hand transcribed by volunteers. There are very few titles available through the American Printing House for the Blind or any other agency, and the local volunteer will probably have the burden of completing texts for blind children in this type for many years to come. The preparation of these texts is conducted for the most part by private, voluntary agencies which provide large-type typewriters, the paper, and other materials essential for preparing the books. Much of this is mailed to the volunteer and thereafter returned by mail to a central bindery for preparation for use by the child.

The present rate of 1 cent per pound has not applied to this material in the past, nor to the finished books which are then mailed to the child, and it would be a valuable contribution if these could be mailed free, as braille material and sound recordings are now mailed. The probabilities are that this will never be in the aggregate a very substantial addition to the burden on the Post Office Department, but it can be a real saving to the local agency for the blind handling the problem.

You will note that another minor change is that we have suggested rewording the phrase, "for the blind," to read, "for blind persons."

The amendments proposed to section 4654 are self-explanatory insofar as they suggest the abandonment of the 1 cent per pound rate for the mailing of sound reproducers or parts thereof, braille writers, and other appliances. You will note, however, that we have included the phrase, "and paper, records, tapes, and other raw materials necessary for the production, etc." in subsection (b) of section 4654. We have included this phrase so that the local agency or a central agency, hopefully the American Printing House for the Blind at a later date, may be able to provide paper and production material to volunteers throughout the country for the transcribing of large-type books for blind persons. You will recall that Mr. Duffield, in his review of his discussions with the Post Office Department and others, found a willingness to consider the abandonment of the 1 cent per pound rate in the mailing of such machines and appliances as are described in the law—first, because the aggregate income to the Post Office Department in such mailing is negligible; and, second, because as a bookkeeping item it becomes burdensome.

Work for the blind in the United States, however, which is always confronted with the problem of raising funds to carry its work forward, would find the saving substantial enough to warrant requesting the change in the law, particularly those agencies, whether public or private, which carry forward extensive programs of volunteer transcription for blind children. Very often the geographic area covered by such an agency may be quite large, and there may be several agencies for the blind in the area which do not carry forward a transcription program. The major burden, therefore, for a large population may fall on one agency, and the mailing costs may become significant. We feel very strongly that it is a sound plan for one central agency to do as much of this work as is possible, and we feel that the elimination of costs such as the penny a pound mailing charge may encourage such agencies to extend their services. Very often the mailing of paper to the volunteer transcriber and its return to the library is more expensive because of the frequency of such mailing. Some agencies, for example, have as many as 1,000 volunteer transcribers who must be provided with the materials for producing books, all of which are sent by mail and returned by the transcriber to the library by mail. Under present conditions costs for such mailing are borne by the local agencies. We believe sincerely that the Postmaster General will have no objection to the inclusion of this material once he understands the problem.

* * * * *

Faithfully yours,
GEORGE E. KEANE,
Chairman, Legislative Committee.

Mr. CURTIS. Mr. President, we have in the very good judgment of our people and of the Congress made very special provisions for the blind of the United States by law and by unanimous consent. We have had for many years one special provision concerned with the mailing of reading matter for the blind, creating very liberal provisions so that no hardship shall arise in seeing to it that reading matter is brought directly to the blind person, and beyond this, that equipment and facilities for reading are made available to him.

In the past quarter century there have been many changes in our life, in our sciences, in our economy, which make the provisions which have been available just a little archaic and ready for change.

Because I have always had an interest in the welfare of our blind citizens, I have been particularly aware of this problem of the preparation and distribution of reading matter for blind persons. It has been brought to my attention by a number of leaders in the field of work for the blind through the representative of an organization in my own State, the Christian Record Benevolent Association, Mr. Dean C. Duffield, who has brought the problem specifically to my attention, representing the American Association of Workers for the Blind, the National Federation of the Blind, the American Association of Instructors of the Blind, the American Printing House for the Blind, the American Foundation for the Blind, the Library of Congress, and others who have a particular knowledge and interest in the cultural and educational opportunities for blind persons in our country.

We have in the past been primarily concerned with producing and distributing reading matter for an adult population of blind persons. However, in the past 20 years we have been more and more concerned with reading matter for blind children, and it has been the pressure to produce and distribute such reading matter for these children that has brought to the attention of the field of work for the blind and of Congress some of the inadequacies of the law concerned with the mailing of this material.

With the advent of scientific discoveries which made it possible to preserve life in very small children who were born prematurely, and with the inadequacy of the knowledge of the use of oxygen in conjunction with their incubation, an eye condition known as retrolental fibroplasia increased the numbers of blind children substantially in the United

States. Fortunately, the problem surrounding the use of oxygen has been conquered and this is no longer a serious problem, but there are now literally thousands of blind children going through the schools for the blind and the public schools who need and must have substantial quantities of reading matter to carry forward their studies in the community.

In earlier days braille material produced by the American Printing House for the Blind was adequate because much of the educational program available to blind children was carried forward in residential schools. Now, however, more than 50 percent of all of these children are educated in their home communities in public schools where it may be necessary to provide a complete set of texts for a child which may be the only ones needed by any blind child. Most of these books are produced and distributed by local voluntary agencies for the blind using volunteer transcribers who produce the books by hand, return them to libraries operated by such local agencies, who in turn bind them and send them to the blind children who need them.

During the same period of time there were other significant developments which affected this group of children and adults substantially. Beginning with a small installation at The Industrial Home for the Blind of Brooklyn in 1953, and since spreading to all parts of the United States, experiments were carried forward in the use of telescopic and microscopic lenses to assist these children and adults who were classified as legally blind but who had some remaining vision, to use this vision to its utmost. It was possible with these lenses for persons classified as blind persons to read special sightsaving-size type, usually a type face in the area of 14- to 24 point type, as described by printers. Here again, it was necessary to have special texts and reading matter prepared in such type, almost exclusively by volunteer transcribers, although there is a limited number of printed volumes in these type sizes, sometimes called "clear-type."

The problem immediately arose as to the distribution of this material which, of course, was neither transcribed in embossed or raised type such as braille, or on records such as the talking book, and with the best will in the world the postmasters of the various communities were unable to accept this material as free reading matter for the blind, in terms of cost of mailing, yet this material was just as important to the blind child who could see with these lenses to read, although he might not be able to see to do anything else, as the braille material was to him prior to the use of the lenses.

Another important development over the years has been the effort on the part of the Library of Congress and others concerned with reading matter for the blind to find a more economical method of producing reading matter for blind persons than that now available either on sound recordings or in raised type, and it has become increasingly clear that it would be far more economical to produce reading matter on tape recordings than on disks, not only because of the cost of producing disks as compared with the cost of producing tapes, but in even greater measure in the space required both for the production and storage of disks as compared to tapes, and the weight in mailing to and from the libraries and agencies handling these tapes and records.

In order to resolve some of the problems which are apparent in these new developments, there have been innumerable meetings between the representatives of various associations and agencies concerned with the education and rehabilitation of blind persons over the past several years, and the proposals contained in the two sets of amendments to Codes Nos. 4653 and 4654 are an effort to correct some of the problems that have arisen in the simple matter of mailing reading matter for blind persons. In the consultations that have preceded this proposal the publishers, private agencies, the Library of Congress, and the associations of workers for and of the blind have been deeply involved, and the proposals suggested here are the result of these discussions.

Conferences have been held with the Post Office Department, and I myself have had some correspondence with all of these parties. It would appear that the proposals we make here, which I am very glad to say are cosponsored by my distinguished colleagues, Mr. RANDOLPH, Mr. CARLSON, and others, will, in effect, facilitate the movement of reading matter for the blind in the United States and will make it more effective and more useful to the blind reader.

We feel very strongly that while the immediate problem relates to the movement of books to blind children and consists of a very substantial program of mailing, that over the years this phase of the problem will be reduced by the fact that the numbers of blind children grow steadily less, despite the fact that the numbers of older blind persons continue to increase. The masses of mail now required are related to the children's programs and should, therefore, over the next 10 or 20 years mean a very big reduction in the burden on the postal services. It is entirely probable that when the present large numbers of children have completed their education the problem of mailing sightsaving-size type will be negligible, indeed, for as most of the older blind persons use the sound recordings for reading matter, there will undoubtedly be a reversion to the more extensive use of embossed type and sound recordings, and less use of the sightsaving-size type.

We should have the privilege, however, of extending to our blind citizens the most complete opportunity for reading that is possible for them. We have asked, too, in this proposal that materials which need to be used by volunteer transcribers to produce the books required by blind readers be included in this free mailing program. This is an effort to reduce the cost of the production of reading matter for blind readers. Most of this cost is now being borne by voluntary agencies for the blind, and it seems an unjust burden to place upon them.

We sincerely believe that the proposals we have made here will resolve many of the developing problems in the mailing of reading matter for the blind which have been coming to our attention over the past decade, and we respectfully urge favorable action by the Senate.

CONSTITUTION DAY — PROPOSAL FOR LEGAL HOLIDAY

Mr. DIRKSEN. Mr. President, I ask unanimous consent, out of order, to introduce a joint resolution to make September 17 a national legal holiday, to be known as Constitution Day.

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

The joint resolution (S.J. Res. 217) making the 17th day of September in each year a legal holiday to be known as Constitution Day, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. DIRKSEN. Mr. President, for many years we have celebrated that day in 1776, the 4th day of July, when the people of the colonies declared their independence, absolved themselves from their former allegiance and dissolved their former political connections, declaring that the colonies were free and independent States.

In that declaration, which has become one of the historic documents by which men have set out the self-evident truths and the principles of government, they also set out for all mankind to know the causes which impelled them to their determination.

But that declaration rending asunder the bonds of a former allegiance was only the first step in creating this great Nation that now comprises 50 States which reach from the Gulf of Mexico to the Arctic Circle and beyond and span from the Atlantic Ocean to our island State in the Pacific.

The next task of those patriots, our forebears, was to establish the authority by which they were to be governed because they knew that revolution rightly conceived in justice is not anarchy. In the beginning they used the means at hand. Each colony became a free and independent State; all were bound together in a firm league of friendship by Articles of Confederation for their common defense and the security of their liberties and their mutual and general welfare.

So, bound together, they fought a war. It was a common war of independence against a common oppressor, and, in the adversity of that war, the people put aside their provincial thoughts in order to achieve a common victory. By the fire of war they were welded into one Nation. The bond has never since been broken, though it has been severely tried by issues which have from time to time divided different parts of this great country.

So it was, Mr. President, that the people of those free and independent

States, having fought this common war, sent their representatives to Philadelphia in February of 1787 to devise such further provisions as should appear necessary to provide a Federal Government adequate for this Union. Among this group of 42 men assembled in the statehouse in Philadelphia were some of the most famous in our history. George Washington, Benjamin Franklin, James Madison, and Alexander Hamilton were there. So were Gunning Bedford and Robert Morris. Two of these men were to become Presidents of the United States, three Cabinet officers. Fifteen became U.S. Senators, eight more became Governors, one became Chief Justice of the U.S. Supreme Court, and three became Associate Justices. George Washington, who had led the people in their common war, was unanimously elected President of this convention.

Mr. President, it was a convention which was to prepare the greatest document of government the world has yet seen—a document of a government which would be of the people, by the people, and for the people. The task was not an easy one. For 124 days they labored, as they discussed the provisions that were proposed. So carefully was their work considered. But all this care and attention was not for naught. One-hundred and seventy-five years later that Constitution, which those wise and foresighted men prepared, has been amended only 23 times. The first 10 amendments, as every schoolboy knows, were called the Bill of Rights and were adopted almost as this Nation came into being; and since then only 13 amendments have been made.

This Constitution which was established for a nation with a population of less than 4 million persons today governs more than 186 million persons. One might think that such a document of government would be long and involved but such is not the case. It is exactly 89 sentences long; can be contained on 4 sheets of paper and can be read by anyone in 15 minutes. But it has stood the test of time. It has seen a continent transformed from a wilderness to the greatest economic power in the world. It has seen the surface of the globe transformed. Empires have risen and fallen. Communication around the world has become a matter of seconds instead of weeks and months. Men fly through the upper regions of the heavens and travel deep under the sea. The moon, the planets, and the very cosmos are growing close. Yet, the form of government as set out in that Constitution 175 years ago has endured and has been adopted by the people throughout this planet.

And so, Mr. President, I think it is only fitting that we should do honor to those men and to the Constitution of our country which has been engrossed upon the records of history through their efforts. The day upon which they duly affixed their signatures to that document they had so carefully prepared was September 17, 1787, 175 years ago. To that end Mr. President, I now introduce a joint resolution that this significant day become recognized as part of our national traditions and I ask that this resolution be referred to the appropriate committee.

NEWSLETTER OF SENATOR COTTON

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a most compelling document in the form of a newsletter by the distinguished senior Senator from New Hampshire [Mr. COTTON].

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

NORRIS COTTON REPORTS TO YOU FROM THE U.S. SENATE

"I have sworn eternal hostility against every form of tyranny over the mind of man," declared Thomas Jefferson. Never did these words ring more true than in this space age. The cold war we wage is to unshackle the minds of men. It is a battle of ideas—and ideas cannot be blasted by missiles or smothered by fallout. Faith and freedom are our weapons and the world will survive if we can beam them to those behind the Iron Curtain, and to new and underdeveloped countries.

With full knowledge of this and a vision for which we honor him, President Kennedy 1 year ago marshaled the departments and resources of Government in a drive to put a communications satellite in orbit: "I am anxious that development of this new technology to bring the farthest corner of the globe within reach by voice and visual communication, proceed with all possible promptness." One month ago the almost fantastic dream came true. Some of us who serve on the Communications Committee had the chance to witness the first sound and pictures sent into space and bounced back from the Telstar satellite. Next day messages and television were relayed to and from Europe. The United States had scored its greatest "first"—and our firsts in space are few these days. We have led the world in putting space science to a practical, peaceful use. If we act quickly, we can hold that lead and provide a world satellite system handling more than a thousand messages at a time, meeting the fast-growing needs for oversea communications. With it we can project the picture of freedom, clear and unmistakable, to all peoples everywhere.

But, in the midst of our jubilation, we came to earth with a thud. Our eyes may have been on the stars but our feet were dragging in the mire. We are in danger of letting the fruits of victory slip away from us. Here are some facts you should know:

For years Government and private enterprise have worked side by side, pacing each other, in space research and development. Government, largely through NASA (National Aeronautics and Space Administration), has sought many goals including weather, navigation, and surveillance (spy) satellites. Government research contributed to Telstar and Air Force's Thor rocket launched it.

Meanwhile, Bell Telephone has spent a billion dollars producing the transistor, the solar battery, the traveling wave tube, the maser, the waveguide, and the horn antenna—all essential to Telstar, but most of them required for Government's other purpose satellites. The telephone company spent $35 million preparing six Telstars, $15 million on the ground station in Maine and paid $2.7 million to NASA for the launching and the use of its tracking system. Thus, Government and industry have been working partners.

President Kennedy, wisely I believe, seeks to continue this partnership. His bill provides for a special corporation owned equally by the public and the telephone companies, six directors named by each group and three by the President. As a private corporation it will have the profit incentive which has always put the surge into America's free competitive system—and it will pay taxes. On the other hand, it will be subject to carefully spelled out controls by the President, NASA, and the FCC. I think it's a workable combination.

Congress thinks so too. The bill passed the House almost unanimously. Approved by both the Senate Space Committee and my own Commerce Committee, it came into the Senate with almost complete bipartisan backing. Then followed one of the worst debacles in American history. A few Senators, bound and determined to send America into the space race under the red banner of Government ownership, are defying the President and the Senate. For 2 weeks they filibustered. Then, to appease them, the bill was sent to the Foreign Relations Committee to determine if the corporate setup is adapted to our foreign policy. The Secretary of State and other high officials testified that it is, so this committee, like the other two, reported it favorably.

As I write this report the filibuster is on again. Actually, representative government is on trial. What a stimulus for dictatorships if, in a national emergency, a handful of Senators can paralyze our entire Congress. I shall vote for cloture. This is one time we should clamp down on needless debate. The scientific triumph of the century must not be erased by a foolish filibuster.

In the words of Franklin Roosevelt, "This generation of Americans has a rendezvous with destiny."

That rendezvous must be kept.

COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM

The Senate resumed the consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island will state it.

Mr. PASTORE. Has action been taken on my request for a yea-and-nay vote on the committee amendment?

The PRESIDING OFFICER. The Chair is informed that a yea-and-nay vote has been ordered.

Mr. PASTORE. I thank the Chair.

Mr. MORSE. Mr. President, I call up my amendment designated "8–13–62—LLLL," and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 28, line 14, it is proposed to strike out the following: "institute forthwith appropriate proceedings under section 214(d) of the Communications Act of 1934, as amended, to".

On page 30, line 11, strike out the following: ", in accordance with the procedural requirements of section 214 of the Communications Act of 1934, as amended,".

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 196 Leg.]

Aiken	Gruening	Miller
Bartlett	Hart	Monroney
Beall	Hartke	Morse
Bennett	Hickenlooper	Morton
Boggs	Hickey	Mundt
Bottum	Hill	Muskie
Burdick	Holland	Pastore
Bush	Hruska	Pearson
Byrd, Va.	Humphrey	Pell
Byrd, W. Va.	Jackson	Prouty
Cannon	Javits	Proxmire
Capehart	Johnston	Randolph
Carlson	Jordan, N.C.	Russell
Case	Jordan, Idaho	Scott
Chavez	Keating	Smathers
Church	Kefauver	Smith, Mass.
Cooper	Kerr	Smith, Maine
Cotton	Kuchel	Sparkman
Curtis	Lausche	Stennis
Dirksen	Long, Mo.	Symington
Dodd	Long, Hawaii	Talmadge
Douglas	Long, La.	Thurmond
Ellender	Magnuson	Tower
Engle	Mansfield	Wiley
Ervin	McCarthy	Williams, N.J.
Fong	McClellan	Williams, Del.
Fulbright	McGee	Yarborough
Goldwater	McNamara	Young, N. Dak.
Gore	Metcalf	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Oregon to the committee amendment.

Mr. PASTORE. Mr. President, does the Senator from Oregon desire to have printed in the RECORD an explanation of his amendment, before I move that the amendment be laid on the table? I am perfectly willing to agree to a unanimous-consent request to have an explanation printed in the RECORD.

Mr. ERVIN. Mr. President, I shall object to a request for unanimous consent.

Mr. LONG of Louisiana. Mr. President, all that the Senator from Oregon wishes to do is to have an explanation of the amendment printed in the RECORD—in cooperation with the leadership.

Mr. ERVIN. I will go along with the leadership.

Mr. LONG of Louisiana. But if we are to reach the point where an explanation cannot be printed in the RECORD——

Mr. PASTORE. Mr. President, I have no objection to having an explanation of the amendment printed in the RECORD.

Mr. ERVIN. Then, Mr. President, I have no objection.

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

STATEMENT BY SENATOR MORSE ON AMENDMENT LLLL

1. The clauses that this amendment would strike out provide the procedures which H.R. 11040 imposes as a precondition of compelling the proposed corporation to render service to underdeveloped nations and areas.

2. These procedures are spelled out not in the present act but in the Communications Act of 1934. They provide for an adversary proceeding at which the U.S. Government would be forced to litigate against the corporation.

3. The penalty for noncompliance with section 214D of the Communications Act is a fine of $100 a day, which would be a slap on the wrist to this corporation which may gross $33 billion a year in a decade.

In support of this point I ask unanimous consent that the portion of Senator KERR's Senate Space Committee Report of February 25, 1962, dealing with attractiveness of space communications as an economic venture be included at this point in my remarks.

4. The act presently provides that the Secretary of State make a determination that communication with a particular foreign point, i.e., India or Ghana or Argentina, is in the national interest. If this amendment is not passed the corporation can refuse to comply with the Secretary's decision. The only recourse of our great Government—which may have discerned that such communication may be crucial during a certain period—for instance—immediately following independence—the only recourse is to engage in an adversary proceeding with the corporation.

5. This proceeding would be lengthy, expensive, and the results would by no means be certain. Section 214D provides "full opportunity for hearing" giving the corporation well defined legal rights.

6. We can avoid placing our Government in this inferior position and avoid thwarting foreign policy aims in this area by requiring that the corporation, as a condition of gaining the privileges of this act and the $33 billion annual income, be required to comply with the determination of the Secretary of State without a § 214D hearing.

7. I ask my colloquy with Commissioner Minow in the Foreign Relations Committee hearing on this point be here included.

Mr. PASTORE. Mr. President, if the Senator from Oregon has nothing further to say——

Mr. MORSE. I do not have available time in which to speak.

Mr. PASTORE. Then, Mr. President, I move that the amendment of the Senator from Oregon be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Oregon to the committee amendment. [Putting the question.]

The motion to lay on the table was agreed to.

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

Mr. MORSE. Mr. President, I ask that the clerk call up my amendment identified as "MMMM," and I ask that the amendment be read.

The PRESIDING OFFICER. The amendment submitted by the Senator from Oregon to the committee amendment will be stated.

The LEGISLATIVE CLERK. On page 34, in line 12, it is proposed to insert the following before the period: "and no such communications common carrier shall at any time own more than 12 per centum of such shares issued and outstanding".

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

Mr. KEFAUVER. Mr. President, in my own time, let me state that this is a very important amendment. It restricts the ownership of the stock set aside for the communications carriers, by providing that no one of them may own more than 12 percent of the stock.

As I recall, as the bill was before the House of Representatives, it provided that any one of the common carriers would be limited to 10 percent of the stock, and in the original administration bill the limitation was 10 percent of the stock.

This provision gives the carriers an opportunity to own some stock, but, as the committee amendment is now written, A.T. & T. could legally own up to 50 percent of the voting stock.

Mr. President, this amendment is a most important one. The administration originally recommended 10 percent; and the amendment of the Senator from Oregon, as I heard it read, provides for 12 percent.

Therefore, Mr. President, this amendment should be given very serious consideration.

When a motion to lay the amendment on the table is made, I think a yea-and-nay vote should be taken.

I point out this inequity in the bill: No noncarrier—for example, General Electric, or the Senator from North Carolina, myself, or anyone else who might wish to buy some of the 50 percent of the stock set aside for the public—may own more than 10 percent. Yet in the committee amendment there is no limitation as to the amount which a communications carrier could own of the 50 percent set aside for them. Certainly that provision is not fair or equitable. Why should the public be limited to 10 percent, whereas the communications carriers are not limited at all, other than to the total of 50 percent to be available for all of them.

Mr. PASTORE. Mr. President, if the Senator from Oregon desires to have an explanation of the amendment printed in the RECORD, I have no objection.

The PRESIDING OFFICER. Without objection, an explanation of the amendment may be printed in the RECORD.

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

STATEMENT BY SENATOR MORSE ON AMENDMENT MMMM

1. The substance of this amendment is to take the limitation applicable to ownership of stock imposed by noncarriers under section 304(6)(3), and to apply a similar limitation to the 10 international communications carriers, which may now own up to 50 percent of the voting stock and unlimited amounts of other securities.

2. Testimony before the Foreign Relations Committee by Joseph Rauh established that pursuant to the Public Utility Holding Company Act and the investigations upon which it was based, back in the 1930's, there is a presumption that about 10 percent of stock ownership in a large, publicly held corporation, is controlling.

3. If there were time, these hearings would have been studied and digested for inclusion in this RECORD. It is clear that this material, which contains the accumulated experience and wisdom of this Nation with monopoly in the utilities industry should have received close study and consideration by the committees of the Senate before which the measure was brought.

4. In the absence of the provision, it is clear that A.T. & T. will own 35 percent to 45 percent of the stock in the proposed corporation. This conclusion is justified by the position taken by A.T. & T. in the ad hoc carrier conference sponsored by the

FCC in 1961 during which A.T. & T. indicated a willingness to invest some $65 million out of $75–80 million which all carriers would have invested.

This estimate was confirmed by the testimony of Deputy Attorney General Katzenbach before the Senate Antitrust and Monopoly Subcommittee and FCC Chairman Newton Minow before the Senate Foreign Relations Committee.

5. The Supreme Court in the case of *U.S. v. E. I. du Pont,* 313 U.S. 586 (1957), held that a 23 percent stock interest inhibited competition and therefore violated section 7 of the Clayton Antitrust Act. Another case in this area involved a 24 percent stock interest which a Federal Court enjoined from being voted, *Hamilton Watch Co. v. Benrus Watch Co.,* 206 F. 2d 738 (2d Cir., 1953). This line of cases should have been given a full airing and thorough consideration both in the Senate Commerce Committee and on the Senate floor.

6. In light of the standards set by both the Public Utilities Holding Company Act and the Supreme Court regarding the relationship of stock ownership to control, it is clear and certain that passage of H.R. 11040 in its present form, and without such an amendment as this, will result in a dominance of the proposed corporation by the American Telephone & Telegraph Co. that will rise to haunt the Senate and the Nation for decades to come.

Mr. PASTORE. Mr. President, I move that the amendment of the Senator from Oregon to the committee amendment be laid on the table.

Mr. KEFAUVER. Mr. President, on this motion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METCALF (when his name was called). On this vote I have a live pair with the Senator from Oregon [Mrs. NEUBERGER]. If she were present and voting, she 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 Colorado [Mr. CARROLL], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Utah [Mr. Moss], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Arizona [Mr. HAYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. HAYDEN] and the Senator from Virginia [Mr. ROBERTSON] would each vote "yea."

On this vote the Senator from Nevada [Mr. BIBLE] is paired with the Senator from Colorado [Mr. CARROLL]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Colorado would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from Mississippi would vote "yea."

On this vote, the Senator from New Mexico [Mr. ANDERSON] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Utah would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BUTLER], the Senator from New Hampshire [Mr. MURPHY], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent and, if present and voting, would each vote "yea."

The result was announced—yeas 73, nays 13, as follows:

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YEAS—73

Aiken	Hartke	Muskie
Beall	Hickenlooper	Pastore
Bennett	Hickey	Pearson
Boggs	Hill	Pell
Bottum	Holland	Prouty
Bush	Hruska	Proxmire
Byrd, Va.	Humphrey	Randolph
Byrd, W. Va.	Jackson	Russell
Cannon	Johnston	Scott
Capehart	Jordan, N.C.	Smathers
Carlson	Jordan, Idaho	Smith, Mass.
Case	Keating	Smith, Maine
Chavez	Kerr	Sparkman
Church	Kuchel	Stennis
Cooper	Lausche	Symington
Cotton	Long, Mo.	Talmadge
Curtis	Magnuson	Thurmond
Dirksen	Mansfield	Tower
Dodd	McCarthy	Wiley
Ellender	McClellan	Williams, N.J.
Engle	McGee	Williams, Del.
Ervin	Miller	Young, N. Dak.
Fong	Monroney	Young, Ohio
Fulbright	Morton	
Goldwater	Mundt	

NAYS—13

Bartlett	Hart	McNamara
Burdick	Javits	Morse
Douglas	Kefauver	Yarborough
Gore	Long, Hawaii	
Gruening	Long, La.	

NOT VOTING—14

Allott	Clark	Murphy
Anderson	Eastland	Neuberger
Bible	Hayden	Robertson
Butler	Metcalf	Saltonstall
Carroll	Moss	

So Mr. PASTORE's motion to table Mr. MORSE's amendment was agreed to.

Mr. PASTORE. Mr. President, I should like to state to the Members of the Senate as respectfully as I can, that we are moving along rather rapidly now. If Senators will remain in the Chamber, they will be accommodating themselves as well as the Senate. I ask their indulgence.

Mr. KEFAUVER. Mr. President, I could not hear what the Senator said.

The PRESIDING OFFICER. The Chair apologizes.

Mr. PASTORE. May I repeat it, on the Senator's time?

Mr. YARBOROUGH. Mr. President, I will yield some of my time to the Senator.

Mr. PASTORE. What the Senator said, using the time of the Senator from Texas, is that we are moving along rather rapidly now, and if Senators will remain in the Chamber, they will not only be accommodating themselves but also accommodating the Senate. I asked for their indulgence.

Mr. BURDICK. Mr. President, I invite the attention of my colleagues to a very important telegram I have received from my home State of North Dakota, as follows:

Re A.T. & T. satellite bill, please vote against any bill that would give the telephone companies 50 percent control of communications satellites. The Government has perpetrated A.T. & T. into a monstrous monopoly. Existing tariffs for landlines and service by microwave systems is 400 percent greater than that private systems can be operated for, and I can prove it. I am against Government control and/or ownership, but in this instance I feel that control of this system should be widespread through public and industry with A.T. & T. allowed only a minority interest.

JOHN W. BOLER,
North Dakota Broadcasting Co.

The reason this is important is that the North Dakota Broadcasting Co. owns a chain of television stations covering practically the entire State of North Dakota, part of South Dakota, and the eastern part of Minnesota.

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

Mr. BURDICK. I yield.

Mr. KEFAUVER. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. HICKEY in the chair). The Senate will be in order.

The Senator may proceed.

Mr. MORSE. Does the Senator from North Dakota interpret the telegram which he received from the representative of the North Dakota Broadcasting Co. as indicating a protest against the communications monopoly aspects of A.T. & T.?

Mr. BURDICK. The telegram is signed by John W. Boler, who is president of the company. It certainly speaks for itself. That is the conclusion I draw.

Mr. MORSE. Does the Senator agree with me that monopoly cannot be reconciled with competition?

Mr. BURDICK. I was under the impression that free enterprise connoted competition.

Mr. MORSE. Is the Senator familiar with an article written by J. Robert Moskin entitled "The Surprising Story of 'Ma Bell,'" which appeared in the August 28, 1962 issue of Look magazine, and in which there is much discussion of the activities of A.T. & T.?

Mr. BURDICK. I regret that I have not read the article.

Mr. MORSE. Has the Senator been informed that the article quotes Mr. Frederick R. Kappel, chairman of the board of A.T. & T., as follows:

The company flies in the face of the American faith in competition. Kappel says, "If you get what the breaker-uppers want, you get competition, and if you get competition, you get waste."

Is the Senator familiar with that quotation?

Mr. BURDICK. I am not familiar with it.

Mr. MORSE. Does the Senator agree with me that this quotation from the president of A.T. & T. makes perfectly clear what we, who are opposing this monopolistic bill, feel will happen against the best interests of the American people, if the satellite communications bill is not amended; namely, that competition will be killed?

Mr. BURDICK. There is certainly a basis for that assumption.

Mr. MORSE. Is the Senator aware that in the Look magazine article the author points out that:

A.T. & T. officials confess that they sympathize with these complaints and worry about their customers' anger. But they also admit that, in the distant future, it is conceivable that everybody will be given a personal telephone number at birth to carry around all his life. In that futuristic day, telephones will be freed from cords and fixed locations, and every customer will be able to call any other from a telephone in his pocket. Then automation will be complete.

Is the Senator familiar with the stated attitude of the president of A.T. & T.?

Mr. BURDICK. I was not familiar with it until now.

Mr. MORSE. Did the Senator hear the Senator from Minnesota [Mr. HUMPHREY] this afternoon point out, and I paraphrase his comment, that Joe Beirne, the head of the Communications Workers of America, is for this bill?

Mr. BURDICK. I believe I heard that statement.

Mr. MORSE. But is the Senator aware that another great communications union, the Independent Telephone Workers Union, is against the bill?

Mr. BURDICK. I understand that is correct. I also understand that some official action has been taken by the AFL–CIO itself against the bill.

Mr. MORSE. Does the Senator know that Joe Beirne of the Communications Workers is a member of the executive council of the AFL–CIO?

Mr. BURDICK. I think that is correct.

Mr. MORSE. Is the Senator from North Dakota aware of the fact that, although Joe Beirne is a member of the AFL–CIO executive council, the AFL–CIO executive council at its meeting in Chicago, recently held, announced its opposition to this monopolistic bill?

Mr. BURDICK. That is what I understand.

Mr. MORSE. Is the Senator aware that in the Look magazine article Mr. Kappel, president of A.T. & T., speaking about the A.T. & T. investment policy, is quoted as saying:

Only management can judge that—not a sharp-penciled economist. It's the one-legged ex-motorcycle cop and the ex-drugstore clerk who got to be a commissioner, who know all about it.

He was speaking of the FCC.

Is the Senator aware that such is the attitude of the president of the A.T. & T. toward the Federal Communications Commission?

Mr. BURDICK. I was not previously aware of it, no.

Mr. KEFAUVER. Mr. President, I did not hear the last statement read by the Senator.

Mr. MORSE. The article quotes the President of the A.T. & T., showing his complete disrespect for the FCC by saying, with respect to the investment policies of A.T. & T., that:

Only management can judge that—not a sharp-penciled economist. It's the one-legged ex-motorcycle cop and the ex-drugstore clerk who got to be a commissioner, who know all about it.

Does the Senator agree with me that this is a shocking statement for the president of the A.T. & T. to make and demonstrates clearly the kind of attitude we will have on the part of A.T. & T. when and if the Senate tomorrow gives away the public interest by passing this monopolistic bill? Does the Senator further agree that such a Senate action will strengthen the tentacles around the throats of the American taxpayers so that A.T. & T. can squeeze the last dollar of profit and the highest rate that it can extract from the taxpayers and ratepayers of America? Does the Senator agree with the Senator from Oregon on these points?

Mr. BURDICK. I would say that I am very surprised at the statement.

Mr. MORSE. Does the Senator now have better understanding why the senior Senator from Oregon has opposed so vigorously entrenching deeper the A.T. & T. into an even stronger monopolistic position than it now occupies in the American economy?

Mr. BURDICK. Apparently my friend from North Dakota, Mr. Boler, who is president of the North Dakota Broadcasting Co. thinks so, too.

Mr. MORSE. Does the Senator think that Mr. Minow, the head of the FCC ought to have called to his attention the published attitude of Mr. Kappel, the president of A.T. & T., regarding the qualifications of members of the FCC?

Mr. BURDICK. It seems so.

Mr. MORSE. Does the Senator from North Dakota agree with me that the telegram he has received from the broadcasting and TV company official from his State ought to make the Senator from North Dakota and the rest of us in this little willful band of Senators more determined, once the outrageous bill is passed, to carry the story across America to the American taxpayers as to what has happened to their interests by Senate passage?

Mr. BURDICK. In view of the vote on the last amendment, by which the Senate refused to limit stock ownership in carriers to 10 percent, it would appear that Mr. Boler of the North Dakota Broadcasting Co. would be opposed to the bill, too.

Mr. MORSE. Did the Senator from North Dakota hear the Senator from Minnesota [Mr. HUMPHREY] argue this afternoon, and I believe I paraphrase his language correctly in sense if not verbatim, that which those of us who oppose the bill point out that the FCC has never successfully completed a single general rate hearing on A.T. & T., and his answer to that argument was that if the FCC cannot regulate the A.T. & T., what makes us think that the Federal Government could operate a satellite system?

Mr. BURDICK. It is my recollection of the record that the FCC has never held a formal hearing on telephone rates.

Mr. MORSE. Does the Senator agree with me that if the FCC has never been able successfully to regulate the A.T. & T., that fact certainly could not justify entrenching A.T. & T. even more firmly into the economy by providing it with a stronger monopoly than it now possesses? Does not the Senator agree further that in place of an A.T. & T. monopoly we ought to keep our satellites, American-flag satellites, owned by all the people of the United States, and that in keeping with our private enterprise traditions, we should carry out the recommendation of Ambassador Gross and that great international lawyer, Ben Cohen, by entering into contracts on a competitive basis with all communication companies in the country which wish to join on a basis of equality to help operate our satellite communications system? Does the Senator agree?

Mr. BURDICK. I agree that one has apprehension about effective regulation of the carriers in space when there has been little activity on the ground.

Mr. MORSE. Did the Senator from North Dakota hear the Senator from Minnesota argue this afternoon, and again I must paraphrase, that because A.T. & T. will be able to select only three of the members of the board of directors, since three of the board of directors are named by the other carriers and an additional six by the general public stockholders, and another three will be appointed by the President, that therefore A.T. & T. could not possibly control the board of directors. Did the Senator hear that argument?

Mr. BURDICK. I heard it.

Mr. MORSE. Does the Senator agree with the Senator from Oregon that A.T. & T. has already shown its powerful control, and its ability to control. Its control is pretty well recognized across our country, and has been for years gone by. Time and time again it has been able to invoke its will on State legislatures. Time and time again its great lobbying power has permitted it to have its way. As I speak here in the Senate, its lobbyists are scattered throughout the galleries of the Senate Chamber. If A.T. & T. can exercise the type of control it has always been able to exercise over legislation across the country, does the Senator have any doubt about the ability of A.T. & T. also to dominate a board of directors set up under the monopolistic combine in the bill?

Mr. BURDICK. I would say they would be in a very powerful position to do so.

Mr. MORSE. Does the Senator agree with the Senator from Oregon that all we have to go on is our experience with A.T. & T.? Has not our experience with A.T. & T. in this country been one which has demonstrated that it has always functioned as a monopoly and as such against the best interests of the American people?

Mr. BURDICK. I will say that they are large, powerful, and influential.

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

Mr. BURDICK. I yield.

Mr. KEFAUVER. I was just looking at the article in Look magazine to which the Senator referred. Does the Senator know that the article states that A.T. & T. spent $51,400,000 on advertising and public relations last year?

Mr. BURDICK. I did not know that until the Senator read it.

Mr. KEFAUVER. Does the Senator think that that is a mighty large amount to spend?

Mr. BURDICK. That is a great deal of money in our part of the country.

Mr. KEFAUVER. Speaking about the FCC—and I have not seen any denial of the statement—Mr. Kappel stated in the article:

> It's the one-legged ex-motorcycle cop and the ex-drugstore clerk who got to be a commissioner, who know all about it.

While I know the FCC has not regulated A.T. & T., I do not know of any one-legged motorcycle cop or ex-drugstore clerk who is a commissioner. Does the Senator?

Mr. BURDICK. Not to my recollection.

Mr. MORSE. Does the Senator think that the quoted statement connotes an arbitrary and disrespectful attitude toward a Commissioner of the Federal Government?

Mr. BURDICK. I would think so.

Mr. KEFAUVER. I think the Senator from Oregon has done a mighty good public service in pointing out that article. It is shocking to me that we should want to place our destiny in the hands of a company whose chairman of the board has that attitude toward Federal employees.

Mr. MORSE. Mr. President, does the Senator yield for a question?

Mr. BURDICK. I yield.

Mr. MORSE. Did the Senator hear the Senator from Minnesota [Mr. HUMPHREY] this afternoon argue to the effect that there is no giveaway in the bill?

Mr. BURDICK. I do not recall whether I heard that remark or not.

Mr. MORSE. Will the Senator advise the Senator from Oregon as to whether the bill proposes to turn over the satellite communications system to the monopoly set up in the bill for profitmaking purposes?

Mr. BURDICK. I had that apprehension.

Mr. MORSE. Does the Senator agree with me that if we maintain a system of American-flag satellites we are in a better position to guarantee the American taxpayers a return to the Treasury of a far greater amount than the taxes the Senator from Minnesota was talking about, for the use of satellites?

Mr. BURDICK. Certainly there is a better chance for a recoupment under that system.

Mr. MORSE. Does the Senator agree with me, in rebuttal to the statements made by the Senator from Minnesota, that it is true that when we enter into a lease or contract relationship the taxpayers will benefit to a greater degree from the standpoint of economic return than if we establish a monopoly, where the taxpayers will benefit only to the extent of the taxes that are collected from the monopoly?

Mr. BURDICK. In any event, if a business makes a profit, there will be a corporation tax, whether it is given anything or not.

Mr. MORSE. Does the Senator agree with me that if the Senate had adopted the amendment which the Senator from Oregon offered, an amendment which was recommended by Ambassador Gross, recommended by Ben Cohen, and recommended by the AFL–CIO Executive Council in Chicago, and an amendment consistent with the opposition to the bill by former President Harry Truman, the Federal Government could have entered into contracts whereby all communications corporations in this country would have an equal competitive opportunity to enter into business arrangements with the Federal Government for the development of the satellite system and that the consideration for such contracts could very well have—and undoubtedly would have—returned to the taxpayers money in excess of the taxes which the monopoly would pay under the bill?

Mr. BURDICK. I do not know what it would return, but it would certainly return more. I have not heard a Senator who is opposed to the bill recommend operation. They have all recommended either lease, contract, or license. Government ownership and control does not necessarily mean operation. As for myself, for a long period of time I have recommended and sponsored the theory that the system should be owned by the Government but operated by private carriers.

Mr. MORSE. What does the Senator think of the argument as I recall it in substance, made by the Senator from Minnesota this afternoon, to the effect that because the President of the United States, the Secretary of Defense, the Secretary of State, the head of FCC, and the overwhelming majority of congressional committees which have conducted hearings on the bill are in favor of the bill, therefore the Senator from North Dakota, the Senator from Oregon, and other Members of the so-called little willful band of Senators opposed to the bill should subside? Does he feel we should agree to function as rubberstamps in the Senate even though our study convinces us that the proponents of this bill are dead wrong insofar as the public interest is concerned?

Mr. BURDICK. The Senator and I, as lawyers, know that the greater number of witnesses does not necessarily mean the greater weight of the evidence.

Mr. MORSE. Does the Senator agree with me that the trust we owe to our people in our States is to study every bill on the basis of the facts and to exercise an honest independence of judgment on the merits of the legislation before coming to a decision on the basis of the public interest involved?

Mr. BURDICK. That is the only way we should decide it.

Mr. MORSE. Does the Senator agree with me that since, as a result of our study, we believe that this bill is decidedly against the public interest, that we ought to continue to insist that the public be informed of our position and that of the proponents of the bill with respect to the public interest aspects of the bill?

Mr. BURDICK. That is right. I yield the floor.

Mr. KEFAUVER. Mr. President, I call up my amendment identified as "8–14–62—D," and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

The PRESIDING OFFICER. Does the Senator wish to have the amendment read?

Mr. KEFAUVER. A part of it. After it has been read in part, I will ask that the further reading be suspended.

Mr. MORSE. Mr. President, I should like to have the whole amendment read. I want to hear it.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: "That this Act may be cited as the 'Space Communications Act'.

"TITLE I—DECLARATION OF POLICY AND DEFINITIONS

"Declaration of policy and purpose

"SEC. 101. (a) The Congress hereby declares that it is the policy of the United States to establish, in conjunction and in cooperation with other countries, as expeditiously as practicable a commercial communications satellite system, as part of an improved global communications network, which will be responsive to public needs and national objectives, which will serve the communication needs of the United States and other countries, and which will contribute to world peace and understanding.

"(b) The new and expanded space communications services are to be made available as promptly as possible and are to be extended to provide global coverage at the earliest practicable date. In effectuating this program, care and attention will be directed toward providing such services to economically less developed countries and areas as well as those more highly developed, toward efficient and economical use of the electromagnetic frequency spectrum, and toward the reflection of the benefits of this new technology in both quality of services and charges for such services.

"(c) In order to facilitate this development, United States participation in the global system shall be the responsibility of the Space Communications Commission established by this Act. It is the intent of the Congress that such Commission, acting in cooperation with other departments and agencies of the Government under policies approved by the President, shall provide facilities for the rendition of space communication service, and shall provde for the operation of such facilities by authorized communications carriers. It is further the intent of the Congress that such operation shall be conducted under terms and conditions effective to insure nondiscriminatory access to such facilities and the rendition of effective and economical service to the Government for its requirements and to the public.

"(d) It is the intent of the Congress that insofar as practicable the communications satellite system shall be used for domestic as well as for international communication service. It is not the intention of the Congress to preclude the creation of additional communications satellite systems which may be required for communications needs.

"Definitions

"SEC. 102. As used in this Act—

"(1) the term 'communications satellite system' means a system of communications satellites in space whose purpose is to relay telecommunications information between satellite terminal stations, including communications satellites, satellite terminal stations, and associated equipment and facilities required for launching, tracking, guid-

ing, controlling, commanding, and utilizing communications satellites for space communications purposes;

"(2) the term 'satellite terminal station' means a complex of communication equipment located on the earth's surface, operationally connected with one or more terrestrial communications systems, which is capable of transmitting telecommunications to or receiving telecommunications from a communications satellite system;

"(3) the term 'communications satellite' means an earth satellite which is intentionally used to relay telecommunication information;

"(4) the term 'associated equipment and facilities' means all facilities (other than satellite terminal stations and communications satellites) required for the primary purpose of establishing and operating a communications satellite system, whether for administration and management, for research and development, or for direct support of the space operations incident to the rendition of space communications service;

"(5) the term 'space communications service' means the rendition or furnishing of telecommunication service through the use in whole or in part of a communications satellite system;

"(6) the term 'telecommunication' means any transmission, emission, or reception of signs, signals, writings, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems;

"(7) the term 'research and development' means the conception, design, and first creation of experimental or prototype operational devices for the operation of a communications satellite system, including the assembly of separate components into a working whole, but does not include the construction of such devices through repetitive duplication to fixed specifications compatible for operational applications; and

"(8) the term 'communications common carrier' has the same meaning as the term 'common carrier' has when used in the Communications Act of 1934, as amended;

"(9) the term 'authorized carrier' means a communications common carrier which has been authorized by the Federal Communications Commission under the Communications Act of 1934, as amended, to provide services by means of communications satellites;

"(10) the term 'Commission' means the Space Communications Commission established by this Act;

"(11) the term 'Administration' means the National Aeronautics and Space Administration; and

"(12) the term 'Communications Commission' means the Federal Communications Commission.

"TITLE II—FEDERAL PLANNING, COORDINATION, AND REGULATION

"The President

"SEC. 201. In order to achieve the objectives and to carry out the purposes of this Act the President shall—

"(1) plan, develop, supervise, and foster the execution of a national program for the establishment by the Commission and the operation, as expeditiously as possible, of a communications satellite system;

"(2) provide through the National Aeronautics and Space Council for the continuous review and coordination of the activities of all Government departments and agencies in all phases of the development and operation of such a system;

"(3) supervise relationships of the Commission with foreign governments, other foreign entities, and international organizations as may be necessary to assure that such relationships shall be consistent with the national interest and the foreign policy of the United States;

"(4) insure that timely arrangements are made under which there can be foreign participation in the establishment and use of a worldwide communications satellite system;

"(5) take all necessary steps to insure the availability of the communications satellite system for general governmental purposes; and

"(6) take appropriate action for the attainment of coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the system with communications facilities in the United States and abroad.

"National Aeronautics and Space Administration

"SEC. 202. To carry out the purposes of this Act, the National Aeronautics and Space Administration, under policies approved by the President shall—

"(1) advise and consult with the Commission and the Communications Commission as to the technical characteristics and requirements of the communications satellite system;

"(2) cooperate with the Commission in research and development activities required for the establishment and operation of the communications satellite system;

"(3) assist the Commission in the conduct of its research and development program by furnishing to the Commission, on a reimbursable basis, such satellite launching and associated services as may be necessary for the most expeditious and economical establishment and development of a communications satellite system;

"(4) furnish to the Commission, on request and on a reimbursable basis, satellite launching and associated services required for the establishment, operation, and maintenance of the communications satellite system; and

"(5) furnish to the Commission, on a reimbursable basis, such other services as it may require in connection with the establishment and operation of the system.

"Federal Communications Commission

"SEC. 203. (a) To carry out the purposes of this Act, the Federal Communications Commission, in its administration of the provisions of the Communications Act of 1934, as amended, and as supplemented by this Act, shall—

"(1) upon application made by any communications common carrier which is obligated by lease, contract, or other arrangement with the Commission to render space communications service through the use of facilities of the Commission, grant authorization to such carrier for the rendition of that service under such terms and conditions as the Federal Communications Commission shall determine to be required for compliance with the provisions of this Act;

"(2) insure effective competition, including the use of competitive bidding where appropriate, in the procurement by authorized communications common carriers of apparatus, equipment, and services required for the rendition of space communications service;

"(3) insure that all departments and agencies of the United States shall have full and adequate space communication service, and that all present and future authorized carriers shall have nondiscriminatory use of, and equitable access to, space communication service;

"(4) insure that all space communication service is rendered under just and reasonable charges, classifications, practices, and regulations; such services rendered to the United States Government and agencies thereof shall be at preferential rates;

"(5) prescribe such other terms and conditions as may be required to regulate in the public interest the manner in which available facilities of the communications satellite system are allocated among users of space communications service;

"(6) render such advice and assistance to the Commission as may be required to insure that facilities of the communications satellite system and satellite terminal stations are technically compatible and interconnected operationally with each other and with existing communications facilities;

"(7) prescribe such accounting regulations and systems, and initiate such ratemaking proceedings, as will insure that any economies to communications common carriers made possible through the use of the communications satellite system are appropriately reflected in reductions in rates charged by such carriers for communication services; and

"(8) make such rules and regulations as the Federal Communications Commission shall determine to be necessary to carry out the provisions of this title.

"(b) In order to insure that small business concerns are given an equitable opportunity to share in the procurement programs of the Commission and communications common carriers for property and services (including but not limited to research, development, construction, maintenance, and repair), the Federal Communications Commission shall cooperatively develop with the Small Business Administration within four months after the effective date of this Act a small business contracting program which shall contain such provisions as may be necessary to (A) enable small business concerns to receive, either directly or as subcontractors, a fair proportion of the contracts and procurements for property and services (including but not limited to research, development, construction, maintenance, and repair) awarded in the implementation and effectuation of the purposes of this Act, and (B) enable the Small Business Administration to obtain from the Commission and communications common carriers such reasonably obtainable information concerning contracts and procurements, including subcontracts thereunder, awarded in the implementation and effectuation of the purposes of this Act. In the event the Federal Communications Commission and the Small Business Administration cannot reach agreement on any matter with regard to the development of the small business contracting program, the matter in disagreement shall be submitted to the President who shall make the final determination.

"Secretary of State

"SEC. 204. Under the direction of the President, the Secretary of State shall conduct or supervise such negotiations with foreign governments and international bodies as may be required for the attainment of the objectives described in section 101 of this Act.

"TITLE III—ESTABLISHMENT OF THE SPACE COMMUNICATIONS COMMISSION

"Space Communications Commission

"SEC. 301. (a) There is established a Space Communications Commission, which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member of the Commission as Chairman thereof to serve as such during the pleasure of the President.

"(b) The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present.

"(c) Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions

and actions of the Commission, shall have full access to all information relating to the performance of his duties or responsibilities, and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons or the public, and on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct.

"(d) The Commission shall have an official seal which shall be judicially noticed.

"Appointment, terms, and compensation of members

"SEC. 302. (a) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and qualifications of the nominee. Each member, except the Chairman, shall receive compensation at the rate of $22,000 per annum. The member designated as Chairman shall receive compensation at the rate of $22,500 per annum.

"(b) The term of office of each member of the Commission taking office after June 30, 1962, shall be five years, except (1) the terms of office of the members first taking office after June 30, 1962, shall expire as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after June 30, 1962; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

"(c) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(d) No individual who is affiliated with any communications common carrier may serve as a member of the Commission. As used in this subsection—

"(1) the term 'person affiliated with a communications common carrier' means any individual who is an officer or a director, or who holds legal title to or any beneficial interest in more than two hundred shares of the stock of any class, of any corporation which is a communications common carrier or a parent or subsidiary corporation of any such common carrier;

"(2) the term 'parent corporation' means a corporation which has control over another corporation;

"(3) the term 'subsidiary corporation' means a corporation which is subject to control by another corporation; and

"(4) the term 'control', when used with respect to any corporation, means (A) the beneficial ownership of more than 25 per centum of the share capital of any class of that corporation, or (B) the exercise in fact of control over the policies or activities of that corporation by contract or otherwise.

"Principal office

"SEC. 303. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

"(b) The Commission shall maintain an office for the service of process and papers within the District of Columbia.

"General manager, deputy, and assistant general managers

"SEC. 304. There is established within the Commission—

"(a) A General Manager, who shall be the chief executive officer of the Commission, and who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate determined by the Commission, but not in excess of $22,000 per annum.

"(b) A Deputy General Manager, who shall act in the place of the General Manager during his absence when so directed by the General Manager, and who shall perform such other administrative and executive functions as the General Manager shall direct. The Deputy General Manager shall be appointed by the General Manager with the approval of the Commission, shall serve at the pleasure of the General Manager, shall be removable by the General Manager, and shall receive compensation at a rate determined by the General Manager, but not in excess of $20,500 per annum.

"(c) Assistant General Managers, or their equivalents (not to exceed a total of three positions), who shall perform such administrative and executive functions as the General Manager shall direct. They shall be appointed by the General Manager with the approval of the Commission, shall serve at the pleasure of the General Manager, shall be removable by the General Manager, and shall receive compensation at a rate determined by the General Manager, but not in excess of $20,000 per annum.

"Other officers

"SEC. 305. There shall be established within the Commission—

"(a) such program divisions (not to exceed ten in number) as the Commission may determine to be necessary for the discharge of its responsibilities. Each such division shall be under the direction of a Director who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission but not in excess of $19,000 per annum. The Commission shall require each such division to exercise such of the Commission's administrative and executive powers as the Commission may determine;

"(b) an Office of the General Counsel, which shall be under the direction of a General Counsel, who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of $19,500 per annum;

"(c) an Inspection Division, which shall be under a Director, who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of $19,500 per annum. The Inspection Division shall be responsible for gathering information to ascertain whether the contractors, licensees, and officers and employees of the Commission are complying with the provisions of this Act and applicable rules and regulations of the Commission; and

"(d) such other executive management positions (not to exceed six in number) as the Commission may determine to be necessary to be discharged of its responsibilities. Such positions shall be established by the General Manager with the approval of the Commission. They shall be appointed by the General Manager with the approval of the Commission, shall be removable by the General Manager, and shall receive compensation at a rate determined by the General Manager, but not in excess of $18,500 per annum.

"Employees of the Commission

"SEC. 306. In the performance of its functions the Commission may appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, as amended, except that, to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws. No officer or employee (except such officers and employees whose compensation is fixed by law, and scientific and technical personnel) whose position would be subject to the Classification Act of 1949, as amended, if such Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under such Act for positions of equivalent difficulty or responsibility. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee.

"Space Communication Advisory Committee

"SEC. 307. (a) There shall be a Space Communication Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development required for the establishment and operation of the communications satellite system. The Committee shall be composed of nine members, who shall be appointed from civilian life by the President from individuals specially qualified by training and experience to render such advice.

"(b) Each member of the Committee shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and (2) the terms of office of the members first taking office after September 1, 1962, shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after September 1, 1962.

"(c) The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year.

"(d) Members of the Committee shall receive a per diem compensation not exceeding $100 for each day spent in meetings or conferences, and shall be reimbursed for necessary traveling and other expenses incurred while engaged in the work of the Committee.

"TITLE IV—POWERS AND DUTIES OF THE COMMISSION

"Duties of the Commission

"SEC. 401. (a) In order to achieve the objectives and to carry out the purposes of this Act, the Commission, through the exercise of powers conferred upon it by section 402, shall—

"(1) plan, initiate, construct, own, manage, and maintain the communications satellites, satellite terminal stations, and associated equipment and facilities which comprise the contribution of facilities of the United States to the establishment and maintenance of the communications satellite system in conformity with international agreements entered into with the approval of the President; and

"(2) provide, by contract, lease, or other arrangement, for the rendition by communications common carriers of space communication service for the public and for departments and agencies of the United States, through the use of the facilities of the Commission, in compliance with the provisions of this Act. Communications services utilizing satellite communication facilities shall be provided to departments and agencies of the United States at special preferential rates.

"(b) Each contract, lease, or other arrangement entered into by the Commission for the rendition of space communications

service by any communications common carrier through the use of facilities of the Commission shall contain such provisions as the Commission, with the approval of the Attorney General, shall determine to be effective to insure—

"(1) the rendition by that carrier of adequate, efficient, nondiscriminatory and economical space communications service to the public and to departments and agencies of the Government;

"(2) compliance by that carrier with the provisions of this Act and with applicable orders, rules, and determinations made by the Commission and by the Federal Communications Commission with respect to the rendition of such service;

"(3) compliance by that carrier with the provisions of applicable treaties and agreements in effect between the United States and foreign governments with respect to the operation of the communications satellite system;

"(4) payment by that carrier to the Commission for the use of facilities of the Commission of compensation at rates adequate to reimburse the Commission for all costs incurred by the United States in providing those facilities; and

"(5) compliance by that carrier with such terms and conditions, consistent with policies prescribed by the President, as the Commission shall include in that contract, lease, or other arrangement to carry into effect the provisions of this Act.

"General powers of the Commission

"SEC. 402. In the performance of its functions, the Commission is authorized—

"(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law;

"(2) to acquire in conformity with the provisions of the Federal Property and Administrative Services Act of 1949 (by purchase, lease, condemnation, or otherwise) real and personal property (including patents), or any interest therein within and outside the continental United States;

"(3) to acquire by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia for the use of the Administration for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(4) to dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal Property and Administrative Services Act of 1949;

"(5) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

"(6) to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution;

"(7) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Commission in making its services, equipment, personnel, and facilities available to the Commission, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Commission, without reimbursement, equipment, facilities, and supplies (other than administrative supplies or equipment) required for the performance of the duties of the Commission;

"(8) to obtain 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;

"(9) when determined by the Commission to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens; and

"(10)(A) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for $5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the functions of the Commission if such claim is presented to the Commission in writing within two years after the accident or incident out of which the claim arises; and

"(B) if the Commission considers that a claim in excess of $5,000 is meritorious and would otherwise be covered by this paragraph, to report the facts and circumstances thereof to the Congress for its consideration.

"Property rights in inventions

"SEC. 403. (a) Whenever any invention is made in the course of or incident to the performance of any contract entered into by or on behalf of the Commission, such invention shall be the exclusive property of the Commission, and if such invention is patentable, a patent therefor shall be issued to the Commission notwithstanding any other provision of law upon application made by the Commission unless the Commission waives all or any part of its rights to such invention in compliance with the provisions of this section. No patent may be issued to any applicant other than the Commission for any invention which appears to the Commissioner of Patents to have significant utility in the development or operation of a communications satellite system, a satellite terminal station, or associated equipment and facilities unless—

"(1) the applicant files with the Commissioner of Patents, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any contract of the Commission; and

"(2) the Commission transmits to the Commissioner of Patents a written certification to the effect that such invention is not subject to the provisions of this section.

Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner of Patents to the Commission.

"(b) Whenever application is made by the Commission under subsection (a) for the issuance of any patent to the Commission, determination of any question arising with respect to its entitlement under that subsection to receive that patent shall be made in conformity with the provisions of subsections (d) and (e) of section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

"(c) Each contract entered into by the Commission with any party for the performance of any scientific, technological, or developmental activity shall contain effective provisions under which such party shall furnish promptly to the Commission a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of such activity.

"(d) Under such regulations as the Commission shall adopt in compliance with the provisions of this section the Commission may waive all or any part of its proprietary rights under this section with respect to any invention or class of inventions made, or which may be made, by any person or class of persons in the performance of any activity required by any contract of the Commission if the Commission determines that the fulfillment of the purposes of this Act will be facilitated thereby. Any such waiver may be made upon such terms and under such conditions as the Commission shall determine to be required for the protection of the public interest. Each such waiver made with respect to any invention shall include provisions effective to reserve an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States Government or any department, agency, or instrumentality thereof, or any foreign government pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions Board which the Commission shall establish. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Commission its findings of fact with respect to each such proposal and its recommendations for action to be taken with respect thereto.

"(e) The Commission shall determine, and promulgate regulations specifying, the terms and conditions upon which licenses will be granted by the Commission for the practice by any nongovernmental person of any invention for which the Commission holds a patent.

"(f) The Commission shall take suitable and necessary action to protect any invention or discovery in which it has any proprietary interest. The Commission shall take appropriate action to insure that any nongovernmental person who acquires any proprietary interest in any invention or discovery under this section will take appropriate action to protect that invention or discovery.

"(g) As used in this section—

"(1) the term 'person' means any individual, partnership, corporation, association, institution, or other entity;

"(2) the term 'contract' means any actual or proposed contract, agreement, understanding, or other arrangement, including any assignment, substitution of parties, or subcontract executed or entered into thereunder; and

"(3) the term 'made', when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

"Control in time of war

"SEC. 404. Each contract, lease, or other arrangement entered into by the Commission for the use, by any communications common carrier, of any property of the Commission shall contain provisions effective to insure that in time of war or national emergency declared by the President or by the Congress, the Commission may take possession and assume control of all or any part of such property for the use of the Government of the United States or any of the Armed Forces thereof.

"TITLE V—MISCELLANEOUS

"Applicability of Communications Act of 1934

"SEC. 501. The provision of space communication service by one communications common carrier to one or more other communications common carriers shall be deemed to be a common carrier activity fully subject to the Communications Act of 1934, as amended. Whenever the application of the provisions of this Act is determined to be inconsistent with the application of the provisions of the Communications Act of 1934, the provisions of this Act shall govern.

"National Aeronautics and Space Council

"SEC. 502. Section 201(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2471(a)), is amended by—

"(1) striking out the word 'and' where it appears following the semicolon in paragraph (4) thereof;

"(2) striking out the period at the end thereof, and inserting in lieu thereof a semicolon and the word 'and'; and

"(3) adding at the end thereof the following new paragraph:

"'(6) the Chairman of the Space Communications Commission.'

"Reports to the Congress

"SEC. 503. (a) The President shall transmit to the Congress in January of each year a report which shall include (1) a comprehensive description of the activities and accomplishments of departments and agencies of the Government during the preceding calendar year under the provisions of this Act; (2) an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act; and (3) any recommendations for additional legislative or other action which the President may consider necessary or desirable for the attainment of such objectives.

"(b) The Commission shall transmit to the President and the Congress, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

"(c) The Federal Communications Commission shall transmit to the Congress, annually and at such other times as it deems desirable, a report concerning (1) its activities and actions pursuant to the provisions of this Act; (2) an evaluation of such activities and actions taken by communications common carriers engaged in activities authorized by this Act; and (3) its recommendations for such additional legislation as it may consider to be necessary in the public interest for the effectuation of the purposes of this Act.

"Appropriations

"SEC. 504. There are hereby authorized to be appropriated to each department and agency of the United States charged with any responsibility under this Act such sums as may be required for the performance of its duties under this Act."

Mr. KEFAUVER. Mr. President, a great deal of care has been taken by the members of the staff, by me, and by others in the preparation of the proposed measure.

The substitute would establish an AEC type of direction for space satellite communications. That is, the President of the United States would appoint a Commission composed of five members, whose nominations would be approved by the Senate.

It is envisioned that the Commission itself, or the Government, would actually own the satellite, and that that would be all the Government would own directly, except by lease and contract, as I shall explain.

Of course, channels would have to be assigned, on a nondiscriminatory basis to those who wished to use the satellite, and it would have to be in accordance with international agreement.

The proposal does not envision that the Government would get into the telephone business. It envisions that the ground stations would be built, under contract, by private industry; and that telephone companies and other communications carriers would have the right to use, by lease or otherwise, the ground stations, as provided on page 20.

This would not contemplate that the Government would have any part to play except as to the making of policy. According to the bill everything else would be operated in about the same way as operations are conducted under the Atomic Energy Commission Act, which has been so successful.

I wish to make it clear that all the talk about having either a private corporation or a Government corporation does not relate to the intent of most of the opponents of the bill.

This proposal represents an AEC-type control over the radio and television operations, all to be done by private industry, but it would give the Government control over the satellites and the policies as to operations.

This is a reasonable alternative. It is a good one. It is one which has proved out in the Atomic Energy Commission operations. This is the type recommended by the Rand Corp. study in the report to NASA. This is the type of operation which it was thought would be most efficient.

Mr. President, most of my time has expired, so I yield the floor.

Mr. MANSFIELD and Mr. KEATING addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I move to lay on the table the amendment to the committee amendment offered by the Senator from Tennessee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

Mr. MANSFIELD. Mr. President, I object.

Mr. KEFAUVER. Mr. President——

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The Chief Clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 198 Leg.]

Aiken	Hickey	Morton
Bartlett	Hill	Mundt
Beall	Holland	Muskie
Bennett	Hruska	Pastore
Boggs	Humphrey	Pell
Bottum	Jackson	Prouty
Burdick	Javits	Proxmire
Bush	Johnston	Randolph
Byrd, W. Va.	Jordan, N.C.	Russell
Cannon	Jordan, Idaho	Scott
Carlson	Keating	Smathers
Carroll	Kefauver	Smith, Mass.
Case	Kerr	Smith, Maine
Church	Kuchel	Sparkman
Cooper	Long, Hawaii	Stennis
Cotton	Long, La.	Symington
Dodd	Magnuson	Talmadge
Douglas	Mansfield	Thurmond
Ervin	McCarthy	Tower
Fong	McClellan	Williams, N.J.
Fulbright	McGee	Williams, Del.
Goldwater	McNamara	Yarborough
Gore	Metcalf	Young, N. Dak.
Hart	Miller	Young, Ohio
Hartke	Monroney	
Hickenlooper	Morse	

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. Mr. President, at the request of the Senator from Colorado [Mr. CARROLL], who I understand wishes to make a brief statement on the pending substitute amendment, I withhold my motion to table for the time being.

The PRESIDING OFFICER. The motion is withheld.

Mr. CARROLL. Mr. President, I express my thanks to the majority leader.

My statement will be brief, requiring 5 minutes or less.

The agreement, as I understand it is that after my statement, the motion to table the amendment will again become the order of business, and there will then be a yea-and-nay vote on the amendment.

The amendment we have before us is similar to one considered by the Foreign Relations Committee which would have expanded the role of NASA——

Mr. DOUGLAS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate is not yet in order.

The Senator from Colorado is recognized.

Mr. CARROLL. Mr. President, I had two reasons for voting against the motion for cloture.

First, I thought, in the national interest, we ought to bring about greater control of the corporation proposed in the bill through the so-called NASA amendment offered in the Foreign Relations Committee by the able Senator from Oregon [Mr. MORSE], which would have enlarged the powers of NASA itself in connection with space communications.

My second reason was the amendment now pending before the Senate. In the past week I have studied the amendment very seriously to determine whether I would offer it.

I wish the RECORD to show that out of the 1 hour allotted to the junior Senator from Colorado under the cloture rules, this is the first time he has had the opportunity to speak on the bill.

I wish the RECORD to show further that at no time has the junior Senator from Colorado participated in what might be known as a filibuster nor has he spoken on the bill more than 10 or 15 minutes.

The amendment we are now considering proposes the creation of a space communications commission, which might be comparable in legislative history to the creation of the AEC at the close of World War II.

I have discussed this proposal with lawyers, and experts, and asked them to examine the history of how the Atomic Energy Commission was created by the Congress. I have before me a book entitled "The New World—1939–1946," in which the story of the creation of the U.S. Atomic Energy Commission is documented. I have spent several days studying that story. The junior Senator from Colorado was not a Member of Congress when the AEC was formed. But, as I recall, there was then a serious

dispute between the military and civilians for supremacy in the future development and control of nuclear energy. That debate endured for months and was participated in by some of the most distinguished men who have ever sat in the Senate. Brien McMahon was one. Arthur Vandenburg was another. Months passed before that complicated policy question could be resolved. It was eventually resolved by the creation of a Commission that directed the progress of this new scientific development.

It is said by some that the AEC was really the greatest Government socialistic monopoly created in the history of our Nation; that if established, the AEC, it was certain that the Nation was on the road to socialism; I say—nonsense. Now, I have reservations about some of the provisions of the amendment before us.

For example, while it would extend necessary control in the public interest, the amendment may go beyond that control alone and may include the concept of public ownership. I said the other day in debate that I did not favor public ownership. However, I do think that a Space Communications Commission, or an enlargement of the power of NASA in this field, could be developed that would be entirely compatible with our free enterprise system.

I would prefer debating the amendment previously offered by the senior Senator from Oregon, which would have enlarged the power of NASA, and thus have given greater control of this new scientific development, without Government ownership, to the Federal Government, in the national interest.

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

Mr. CARROLL. I yield.

Mr. MORSE. Mr. President, does the Senator agree with me that the Morse-NASA amendment would have kept the American-flag satellite under the jurisdiction of the Federal Government through NASA and would have given every communication corporation in America that wanted to come in on the ground floor in developing the communications satellite system an equal chance on the basis of the precious private enterprise system of competition?

Mr. CARROLL. It is my understanding that it was intended to achieve that result. I believe I am correct when I say that we have appropriated approximately $25 billion for development of the rocket programs. I believe I am correct when I say that almost $500 million has gone into the development of a communication satellite program. This being true, it would seem to me that in consideration of the national interest, the question is how we can control and develop it and make it more successful. This is not a question of public ownership. This is not a Fabian philosophy. But it must be a question of serious and extensive debate in the Senate.

Many Members of the other body have come to me and said, "We really did not understand what this issue was." I can understand why they did not understand it. It is a very complex issue. I have spent days examining the background of the Atomic Energy Commission, in an effort to determine if there was a useful analogy between it and a possible Space Communications Commission.

I will not labor this point any further, except to say that I sincerely appreciate the courtesy of the majority leader. He could have insisted upon making his motion to table, and I would have been shut off again. I say "again" because I want the able senior Senator from Oregon to know that when he brought up his NASA amendment I did not realize that I would not have the opportunity to speak on that amendment. I was having lunch at that time, but I thought there would be ample time for me to use a part of my hour in that debate. However, a motion to table was offered before I returned. That is one of the reasons why I have continued to vote against the tabling motions, because I believe the use of this device violates the principle of rule XXII.

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

Mr. CARROLL. I yield.

Mr. MORSE. Did I correctly understand the Senator to say that Members of the House have come to him and said that they did not understand the complexities of the bill when they voted for it?

Mr. CARROLL. They have been on the floor of the Senate, and discussed it with me. They stated they were not fully aware of its complexities.

Mr. MORSE. Does the Senator believe that perhaps one reason for the lack of understanding in the House was that they labored for 2 days under a 2-hour rule, which means that in 2 days they had a total of 4 hours of debate on the bill?

Mr. CARROLL. It seems to be a reasonable explanation as to why they might not have understood it.

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

Mr. CARROLL. I yield.

Mr. MORSE. Does the Senator agree with me that we in the Senate ought to protect the right of Members of the Senate to have full debate on each of the amendments, so that we will not find ourselves in the position in which Members of the House found themselves?

Mr. CARROLL. I agree with the Senator. However, I wish to say to the Senator from Oregon—he asked my opinion and I will give him my frank opinion—that I believe too many amendments have been filed to this bill. I believe we might have limited ourselves to four or five basic amendments, which we could have debated thoroughly and deliberately. I believe that should have been done at the outset. I have no desire to be a part of obstructionist efforts and I accuse no one else of such tactics. I contend there must be ample opportunity for intelligent debate on a most complex bill involving a new scientific discovery. I have said previously that I was not present in Washington when the debate began. I missed a full week of it due to illness. In my opinion it would have been far better to have four or five key amendments offered and debated in the beginning.

The majority leader has been very courteous to me. I said I would take about 5 minutes. My time is up. I thank the majority leader for giving me an opportunity to express my thoughts. This is a very important amendment, and I will vote against the motion to table.

Mr. MANSFIELD. It is always a pleasure to yield to the Senator from Colorado.

Mr. President, I move to table the amendment, and ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METCALF (when his name was called). On this vote I have a live pair with the junior Senator from Oregon [Mrs. NEUBERGER]. If she were present and voting, she 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 Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Virginia [Mr. ROBERTSON], are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON], and the Senator from Arizona [Mr. HAYDEN], are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Missouri [Mr. LONG], would each vote "yea."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Arizona [Mr. HAYDEN]. If present and voting, the Senator from Alaska would vote "nay" and the Senator from Arizona would vote "yea."

On this vote, the Senator from Utah [Mr. Moss] is paired with the Senator from Virginia [Mr. ROBERTSON]. If present and voting, the Senator from Utah

would vote "nay" and the Senator from Virginia would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BUTLER], the Senator from Illinois [Mr. DIRKSEN], the Senator from New Hampshire [Mr. MURPHY], and the Senator from Massachusetts [Mr. SALTONSTALL], are necessarily absent and, if present and voting, would each vote "yea."

The Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from Kansas [Mr. PEARSON], and the Senator from Wisconsin [Mr. WILEY], are detained on official business and, if present and voting, would vote "yea."

The result was announced—yeas 64, nays 11, as follows:

[No. 199 Leg.]

YEAS—64

Aiken	Hill	Pastore
Beall	Holland	Pell
Bennett	Hruska	Prouty
Boggs	Humphrey	Proxmire
Bottum	Jackson	Randolph
Bush	Javits	Russell
Byrd, W. Va.	Johnston	Scott
Cannon	Jordan, N.C.	Smathers
Carlson	Jordan, Idaho	Smith, Mass.
Case	Keating	Smith, Maine
Church	Kerr	Sparkman
Cooper	Kuchel	Stennis
Cotton	Magnuson	Symington
Dodd	Mansfield	Talmadge
Ervin	McCarthy	Thurmond
Fong	McClellan	Tower
Fulbright	McGee	Williams, N.J.
Goldwater	Miller	Williams, Del.
Hart	Monroney	Young, N. Dak.
Hartke	Morton	Young, Ohio
Hickenlooper	Mundt	
Hickey	Muskie	

NAYS—11

Bartlett	Gore	McNamara
Burdick	Kefauver	Morse
Carroll	Long, Hawaii	Yarborough
Douglas	Long, La.	

NOT VOTING—25

Allott	Dirksen	Moss
Anderson	Eastland	Murphy
Bible	Ellender	Neuberger
Butler	Engle	Pearson
Byrd, Va.	Gruening	Robertson
Capehart	Hayden	Saltonstall
Chavez	Lausche	Wiley
Clark	Long, Mo.	
Curtis	Metcalf	

So the motion to lay on the table was agreed to.

ORDER OF BUSINESS—ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I should like to have the attention of the Senate. After a discussion of the subject with many Members of the Senate on both sides of the aisle, it has been decided that there will be only one more amendment before the Senate for consideration tonight, and that then, with the concurrence of the Senate, a recess will be taken until 10 o'clock tomorrow morning.

Mr. President, I ask unanimous consent that when the business for today has been concluded, the Senate take a recess until 10 o'clock tomorrow morning.

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

Mr. MANSFIELD. Mr. President, it is further the understanding of the leadership and other Senators that there may be as many as six or seven yea-and-nay votes tomorrow. It is anticipated that the vote on the passage of the bill may occur at about 3 o'clock.

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

Mr. MANSFIELD. I am glad to yield.

Mr. KEATING. Is it the intention of the leadership to call up the farm bill following the conclusion of the consideration of the measure now before the Senate?

Mr. MANSFIELD. It is, and that was stated at the time the original agreement was reached to refer the communications satellite bill to the Committee on Foreign Relations. That intention has been reiterated several times since then, and the leadership feels bound by the statements and pledges it has made. I am sure the Senator from New York understands that position.

Mr. KEATING. I thoroughly understand the problems which the leadership faces. Some of us are violently opposed to the farm bill; and in the allotment of our time, it is very important for us to know the intention of the leadership.

Mr. MANSFIELD. The Senator from Montana understands.

Mr. MUNDT. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. MUNDT. Is it the plan of the majority to hold a session of the Senate on Saturday for the consideration of the farm bill, or to call up the farm bill on Friday with the expectation that the voting will take place sometime in the following week?

Mr. MANSFIELD. My guess is that the vote on the farm bill might occur some time in the following week; but I believe, due to the lateness of the session, the Senate should anticipate the possibility of being in session practically every Saturday, beginning with this Saturday, to take up other measures as well, because the calendar is becoming a little heavy.

Mr. MUNDT. I take it, then, that the majority leader is not pressing for a vote on the passage of the farm bill on Saturday and is not anticipating that?

Mr. MANSFIELD. No.

Mr. LONG of Louisiana. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. LONG of Louisiana. Does the Senator from Montana understand that he does not have a unanimous-consent agreement?

Mr. MANSFIELD. Absolutely.

Mr. LONG of Louisiana. He has nothing more than a gentleman's agreement with a number of Senators.

Mr. MANSFIELD. That is correct. In turn, those Senators have my word. I am sure the understanding is mutually acceptable to both sides and will be honored by both sides.

Mr. LONG of Louisiana. But the Senator from Montana understands very well that a number of Senators are not bound by the agreement. That is understood, is it not?

Mr. MANSFIELD. I understand that. I am sure the Senate understands it. I have not made a unanimous-consent agreement. I would not, under the circumstances. If I could, I would not. It is a gentleman's agreement. I fully expect it to be honored by both sides.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Government Operations may sit tomorrow morning during the session of the Senate.

Mr. KEFAUVER. I have no objection.

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

Mr. HRUSKA. Mr. President, tomorrow the Judiciary Committee expects to hear from a number of witnesses who are scheduled to appear there in connection with the nominations of Mr. Crary and Mr. Curtis, to be district judges for the State of California, and also in connection with the nomination of Judge Thurgood Marshall.

Mr. MANSFIELD. Mr. President, permission for the committee to meet during the session of the Senate tomorrow morning has previously been granted.

COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM

The Senate resumed the consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

Mr. KEFAUVER. Mr. President, earlier today the Senate granted unanimous consent that the distinguished Senator from Oregon [Mr. MORSE] might file brief statements of explanation of various amendments. A number of Senators are running out of time. In order to save time and expedite the procedure, I ask unanimous consent or suggest that the majority leader ask unanimous consent that any Senator may file a brief statement in explanation of his amendment, the explanation to be printed at the place in the RECORD where the amendment is read.

Mr. MANSFIELD. That is perfectly agreeable. I hope the unanimous-consent agreement requested by the Senator from Tennessee will be granted.

The PRESIDING OFFICER. Is there objection?

Mr. KERR. Mr. President, reserving the right to object, let me say that I understand that the Senator from Tennessee is requesting the privilege of filing a statement explaining the amendments, and to have the statement printed in the RECORD without being read, although the amendments may or may not be read.

Mr. KEFAUVER. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. KUCHEL. Mr. President, reserving the right to object, do I correctly understand that the proposed agreement would apply only to amendments offered by the Senator from Tennessee?

Mr. KEFAUVER. It would apply to amendments offered by any Senator.

Mr. HICKENLOOPER. Mr. President, reserving the right to object, I should like to know whether the explanations will be offered in the time of the Senators who submit the amendments; or would the time required for that purpose be in addition to the time otherwise available?

The PRESIDING OFFICER. The Chair understands that the regular procedure would be followed.

Is there objection to the request of the Senator from Tennessee? Without objection, it is so ordered.

Mr. PASTORE. Mr. President, a parliamentary inquiry: What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the committee amendment, as amended.

Mr. MORSE. Mr. President, I call up my amendment identified as "8–13–62—NNNN," and ask that it be read. The statement I placed in the RECORD regarding amendment MMMM also applies to this amendment, the first portion of which is identical to MMMM. The second portion would extend the stock limitation to nonvoting and debt securities, which may far exceed the voting securities in financing the corporation.

The PRESIDING OFFICER. The amendment to the committee amendment, as amended, will be stated.

The LEGISLATIVE CLERK. On page 34, in line 12, it is proposed to insert the following before the period: ", and no such communications common carrier shall at any time own more than 12 per centum of such shares issued and outstanding".

On page 36, between lines 3 and 4, insert the following:

(g) The limitations applicable to voting stock in the above sections shall also be applicable to all other securities of the corporation.

Mr. MORSE. Mr. President, I submit the amendment.

Mr. PASTORE. Mr. President, I move that the amendment of the Senator from Oregon to the committee amendment, as amended, be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Oregon to the committee amendment, as amended. (Putting the question.)

The "ayes" appear to have it; and the "ayes" have it, and the motion to lay on the table is agreed to.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess——

Mr. KEATING. Mr. President——

Mr. MANSFIELD. Mr. President, I withhold my motion.

Mr. KEATING. Mr. President, it had been my purpose today to explain my reasons for supporting the satellite bill, as a member of one of the committees from which it came. However, since it is the intention of the leadership to have the session tonight concluded, I shall withhold my statement until tomorrow.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. MANSFIELD. Let me state that I did not know of this situation, and I apologize to the Senator from New York.

Mr. KEATING. Oh, no; the distinguished majority leader is always most considerate.

I shall frankly explain my purpose: I am very much opposed to the farm bill, which is about to come up. I deem it to be in the interest of the people of the State of New York, and also in the interest of other Senators who likewise are opposed to that measure, to use the balance of my time on the pending satellite bill tomorrow, rather than tonight, so as to defer action on the farm bill. I have already made public my reasons for supporting the satellite bill. I shall explain them more fully tomorrow.

The distinguished Senator from Montana is always most considerate and gracious; and certainly under no circumstances would I do anything to add to the burdens which are placed upon him. I merely state at this time that I still want the farm bill to be defeated, and shall do my utmost to persuade my colleagues to defeat it when it comes up.

ANTISEMITISM IN ARGENTINA

Mr. JAVITS. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I submit, for printing in the RECORD, a letter from the State Department.

Mr. President, there is justified concern over the threat of anti-Semitism that has been growing in the Argentine over the past 2 years. This development is marked by a constantly increasing number of anti-Jewish incidents, culminating in the shocking kidnapping of, and assault upon, a young Jewish girl.

It is generally acknowledged that the Argentine Government entertains no anti-Semitic feelings; but its promises to "crack down hard" on extremist groups, in order to halt the anti-Semitic incidents, have not been followed by arrest of the culprits and restoration of order. In part, the uneasy political situation there is to blame; but what is not generally reported is the existence of an unhappy native Nazi movement, nurtured originally by German and other European Nazi emigrees.

I have expressed to the Department of State my concern over this developing situation. I ask unanimous consent to have printed at this point in the RECORD the reply I received on August 13 from Assistant Secretary of State Dutton.

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

DEPARTMENT OF STATE,
Washington, D.C., August 13, 1962.

Hon. JACOB K. JAVITS,
U.S. Senate.

DEAR SENATOR JAVITS: I want to thank you for your letter to the Secretary expressing concern about reports of anti-Semitism in Argentina and Uruguay.

The Department of State with the assistance of our Embassy at Buenos Aires has for a period of 2 years been following closely the manifestations of anti-Semitism in Argentina. Our information regarding these manifestations has been supplimented by periodic receipt of data from organizations in the United States directly concerned both with threats to human rights and the welfare of Jewish communities throughout the world.

On the basis of the information available to us, it seems that most if not all of the anti-Semitic activities are attributable to small, largely covert and somewhat amorphous groups which appear to be ultranationalist in nature and to have chosen anti-Semitism as one vehicle for the expression of their personal and social hostilities. The groups construe themselves as quasi-political but it cannot be said that general public opinion in Argentina dignifies them as such. We are advised by our Embassy that the Argentine populace seems genuinely horrified by the recent violent acts and deplores the activities of those responsible for them.

Officers of the Embassy were apprised some time ago of the importance of the evidence of anti-Semitism in Argentina and were instructed to make use of suitable opportunities to point out to responsible Argentines the unfavorable world reaction to be expected from pronounced anti-Semitic activities. Following the attacks in June, our Ambassador discussed the matter with Rabbi Israel Goldstein, of New York, a member of the World Jewish Congress.

You will appreciate that since no American citizens have been involved the Ambassador was not in a position to make formal representations to the Government of Argentina. However, he reports subsequent conversations with officials of the Government who recognized that the activities of the anti-Semitic groups do not accrue to the credit of the nation and expressed the intent of the Government to cope vigorously with the outbreaks.

On June 25, 1962, a statement was issued by the Presidency of the Argentine Republic expressing the "executive power's forceful repudiation" of the acts and pledged its decision to "suppress with the full force of the law incidents of this nature which do grave injury to the social structure of the nation." This sentiment is shared, we are informed, by the Minister of Interior who is responsible for police forces in the nation. It would thus appear that Argentine authorities are fully aware of the need to take firm measures in the present circumstances. Our officers in Buenos Aires will continue to press with members of the Argentine Government the concern of all decent men whenever minority groups are subject to unlawful acts.

Our Embassy at Montevideo has provided us with the following information respecting the incidents that have occurred in Uruguay:

"The Uruguayan Minister of the Interior informed the Uruguayan House of Representatives on July 31 that measures have been taken to prevent recurrence of incidents. These included establishment of street patrols by the police reinforced by Uruguayan Army troops, highway patrols, and 100 police normally assigned to the interior of the country, as well as police raids against the headquarters of organizations suspected of involvement in the incidents.

"The Uruguayan public and press have become very concerned at these unfortunate incidents, which are thought to be the work of a very few extremist members of a society. It would appear this concern is reflected in a vigorous effort on the part of their governmental authorities to halt this series of criminal acts."

If I may be of any further assistance to you, please do not hesitate to call on me.

Sincerely yours,

FREDERICK G. DUTTON.

TRIBUTE TO SENATOR BYRD OF VIRGINIA

Mr. THURMOND. Mr. President, I take pleasure in calling to the attention of the Senate the cover story in the

August 17, 1962, issue of Time, the weekly news magazine, on one of the most respected and popular Members ever to serve in the U.S. Senate, the distinguished senior Senator from Virginia [Mr. BYRD]. On the index page of the magazine there is a letter from the publisher, Mr. Bernhard M. Auer, which explains that a photograph of Senator BYRD has twice previously appeared on the cover of Time magazine, in conjunction with a special story on some aspect of his public service. The publisher makes the point that it has been 27 years since Senator BYRD's photograph last appeared on Time's cover, and in his comments seems to apologize for not having brought this great fiscal expert of the Senate and outstanding newsmaker to public attention with other cover stories in the intervening years.

The people of Virginia evidently appreciate the long and distinguished record of public service which Senator BYRD has rendered in their behalf during the past 37 years, dating back to his election as a State senator, and then Governor, and then his election and reelection so many times to the U.S. Senate. I am sure the members of this body recall, Mr. President, that Senator BYRD tried to retire in 1958; but the Virginia General Assembly passed a resolution urging that he offer for another term in the Senate, and similar expressions were made by many Members of this body and by the large number of his friends all across this country who have been attracted to him because of their respect and admiration for his integrity, his intelligence, his industry, and his dedication to constitutional government and sound economic policies.

I ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of these remarks the cover story and the letter from the publisher of Time magazine.

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

A LETTER FROM THE PUBLISHER

Some people reach the cover of Time on the spur of a sudden event; others are chosen at the capstoning moment of a long career. Still others belong to a category of cover-worthy candidates whose familiar names are continually under consideration, but for one reason or another in the random play of the news, never make our cover.

Senator HARRY BYRD's case is an unusual one. It has been 27 years since he last appeared on Time's cover, and yet in the intervening years he has been continually in the news and rarely out of consideration as a cover possibility. It may well be that no other man has had such intervals between appearances.

In Time's earlier days, before the cover story became a thoroughly researched documentary, the man out front was often someone with a timely but transient surfacing in the news, and the story inside was only a column or two long. Those earlier stories read like period pieces now—but have a carefree and pleasing chattiness about them. The first BYRD cover, October 25, 1928, is mostly about a Governor's Ball in Richmond, and talks almost as much about Lady Astor's homecoming to Virginia as it does about the hero. ("Governor BYRD's widest claim to fame is his brotherhood with Richard Evelyn Byrd, famed flyer over far poles.") The May 13, 1935, BYRD cover story is devoted to the New Deal farm program, with some references to Senator BYRD's attack on it—and is illustrated by eight snapshots of Agriculture Secretary Henry A. Wallace and his aids, but no picture of BYRD.

Much of the reporting for this week's cover story was done by Loye Miller, Jr., 32, who came back huffing and puffing from a brisk, 75-minute early morning walk with the 75-year-old Senator BYRD. They got along fine: Miller comes from the South (his father is editor of the Knoxville News-Sentinel and he himself broke in on the Charlotte Observer). Reporter Miller, one of Time's two congressional correspondents, got well adjusted to the ways of Senators in the months he spent whistle-stopping across the United States with LYNDON JOHNSON, and tagging along with him to such outposts as India and Berlin.

GIVING THEM FITS

It is 7 a.m. in Washington, D.C. Through the deserted lobby of the Shoreham Hotel moves an elderly man with a brown cane. He sets out at a brisk pace into the morning mist that still mantles Rock Creek Park. His shoes are scuffed, his trousers baggy, his shirt frayed. He is alone, and he is happy.

Not many people know this side of the man. He is perhaps most content while walking through a park—or climbing to the top of Old Rag, his favorite mountain in the Blue Ridge chain. Up there he may be alone—as he often is—but in a political and philosophical sense, he will be master of all he surveys. "I love these mountains," says Virginia's Senator HARRY FLOOD BYRD. "I like to look out over the ridges and valleys and watch the changing shadows."

SYMBOL OF REBELLION

The shadows are changing for HARRY BYRD. He is 75. His Senate career spans the New Deal and the New Frontier. "I am," he says in wry pride, "the only man left in the Senate who voted against the Wagner Act and the TVA." Throughout his career, he has been fighting against burgeoning bureaucracy and bloating budgets. It galls him that during his three decades in the Senate the public debt has swelled from $23 billion to $298 billion, and the number of Federal employees has grown from 580,000 to 2,500,000. This is an issue about which BYRD, far from being resigned with the passing of the years, is still expertly indignant. Last week he jabbed a finger at a sheet of statistics on his cluttered desk and complained: "The civilian employment in Government went up 35,000 in just the last month." Jab, jab, jab went the finger. "Just think of that—35,000 in the last month."

It is an irony that, as he nears the end of his political life (BYRD says nothing about the subject, but friends give odds that he will not run for reelection in 1964), HARRY BYRD has arrived at a crest of effective power and influence. He has, in fact, become a symbol of the Capitol Hill rebellion against the young activist who lives at 1600 Pennsylvania Avenue.

Old HARRY BYRD is rather fond of young Jack Kennedy. "He's a very attractive person," says the Senator from Virginia. "He's got ability, no doubt about that." The President of the United States returns the compliment—in a way. "You know," he has said, "HARRY BYRD is the most gracious person you'd want to meet. But does he give us fits."

"Fits" is the word for what BYRD is giving the New Frontier. Items:

The President's medicare bill theoretically had to go through the Senate Finance Committee—and Chairman BYRD was characteristically against the measure. BYRD does not like to simply pigeonhole a bill, no matter how much he may dislike it. That would be politically crude. But first things come first, and BYRD scheduled lengthy hearings on tax revision before medicare. Desperate to get medicare through the Senate and thus pressure the House (where the measure faced a savage fight), the administration decreed that medicare be tacked onto a less important bill and be brought to a Senate vote without ever being considered by BYRD's committee. But in the gentleman's club that is the U.S. Senate, it is very risky for anyone to try an end run around such senior Members as BYRD. By a Senate vote of 52 to 48, medicare died a premature death and the administration suffered a sobering defeat.

In the controversial area of tax policy, BYRD is playing a key role. Before going to the Senate floor, the New Frontier's tax-revision program was butchered by BYRD's Finance Committee. Sliced away was the administration's scheme to require financial and business firms to withhold taxes due on interest and dividends. Says BYRD: "I'm firmly opposed to the idea of the Government using the businesses of the country as collection agencies for taxes."

As for a quick 1962 tax cut, BYRD is stubbornly negative. His opposition is one of the reasons why President Kennedy, except at the cost of gallons of political blood, could not hope to get such a tax slash through. BYRD's position: he would like a tax cut as much as anyone—but not if it means running the United States deeper and deeper into debt. His implacable stand won support in a recent Gallup poll which reported that 72 percent of the people opposed a tax cut if it meant increasing the national deficit.

The administration's foreign trade bill—the boldest and best program the New Frontier has yet put forth—is still up for consideration by BYRD's committee. Scores of protectionist witnesses have testified or are still waiting in line. On the basis of BYRD's record, the White House supposes that he favors the bill. But there is still a gnawing at administration innards about what BYRD may finally decide to do. It should come as considerable comfort to New Frontiersmen to know that BYRD privately says: "I'm going to support the President on the trade bill."

The CONGRESSIONAL RECORD for 1962 is proof enough of BYRD's present influence. But how and why, in the twilight of his political life, has BYRD come into his most effective political period?

The answer, of course, lies in the political climate of the day. President Kennedy has so far shown himself to be much more adept at activity than at achievement, to think in terms of politics rather than principles. Despite his personal popularity, the President has yet to win popular support for his programs. As no one else can, the veterans of the House and Senate sense this gap between promise and performance.

WANDERERS AND WONDERERS

Thus, there has clearly been a failure in leadership at the White House level. On the floors of the Senate and the House, the Democratic leadership has been equally ineffectual. Many Members of the lopsided Democratic majorities in the Senate and the House have therefore felt free to vote according to their own, local political interests.

In such an atmosphere, leadership must inevitably be taken over by the few legislators who really know what they stand for. BYRD knows what he stands for. So does everyone else. BYRD believes that a dollar should be worth a dollar. This is still a popular notion in the United States. And so, in one of the most crucial of all areas, BYRD has become a kind of unwavering banner around which the wanderers and the wonderers of Capitol Hill can rally.

ONE OF THE LAST

In many ways, BYRD seems a complex of contradictions. To his critics, he is the symbol of public stinginess; to his friends, he is the soul of private generosity. In Washington he walks alone; but at the en-

trance to his magnificent Rosemont estate in Berryville, Va., is a sign saying "Visitors Welcome"—and the Senator has been known to spend entire afternoons escorting unknown callers around the vast premises. In the Senate Club, BYRD stands in the center of the innermost circle, but he is far from being one of the boys. He dislikes and avoids cloakroom politics; but many of the cloakroom politicians are nowadays holding his coat.

Democrat BYRD has declined to actively support the Democratic nominees in the last six Presidential elections; yet he is the active leader and patron saint of the most enduring State Democratic organization in the United States. He was one of the several Democrats that Franklin Roosevelt would have liked to purge from the Congress. But BYRD considers himself a sort of charter member of the Roosevelt club. "I'm one of the last of the old New Dealers," he says, with only the tiniest twinkle of humor. "I campaigned for the New Deal platform in 1932—and I'm still standing on it." It takes a moment or so for a listener to recall that Roosevelt's 1932 campaign program promised Federal frugality—including a cut of 25 percent in the cost of Federal Government.

While these political positions may seem inconsistent, BYRD's complete consistency is the secret of his increasing political strength. Democrat HARRY BYRD is stronger if only because Democrat John F. Kennedy's administration, for all its brave words, seems weaker.

A BUNCH OF BILLS

The most famous family name in the United States today is Kennedy. But the Byrds can overwhelm the Kennedys with escutcheons. HARRY BYRD is an authentic—as opposed to a working—aristocrat. He is of the eighth generation of the Byrds of Virginia. William Byrd I, sailed up the James River in 1670 from his native England at the age of 18. He acquired 26,000 acres, grew wealthy as a tobacco planter, slave dealer, importer, and exporter. He also fused the Byrd blood with another famed line: that of Mary Horsemanden, a 21-year-old widow who traced her ancestry clear back to Charlemagne.

The Byrd lands grew to 179,000 acres under William Byrd II, who, like his father, served in the Virginia House of Burgesses. Bill II, built Westover, an elegant Georgian mansion with a fine library. He also founded the city of Richmond—but he remains best remembered for his spicy diaries. Sample entries: "I went to the Capitol where I sent for the wench to clean my room and I kissed her, for which God forgive me." "I had wicked inclinations to Mistress Sarah Taylor." "When I returned I had a great quarrel with my wife, in which she was to blame altogether; however, I made the first step to a reconciliation."

The next Byrd, William III, committed sins far graver, in the family's view, than the mere stealing of kisses. He blew the family fortune through gambling and wild spending, lost Westover, committed suicide on New Year's Day, 1777. As a French and Indian War colonel, however, he had fought so gallantly that his portrait hangs today in the restored colonial capitol in Williamsburg. Most tourists are happily unaware that in the Revolutionary War his sympathies were with George III.

By 1887, when HARRY FLOOD BYRD was born in Martinsburg, W. Va., the intervening Byrds had made money, mainly as talented lawyers, built some fine mansions in Winchester, Va. HARRY's father Richard, was perhaps the most brilliant of the lot, a spectacular courtroom figure with black hair that seemed electrified, steel-rimmed glasses and a flair for oratory. Richard was a colorful politician—he was elected speaker of the Virginia House after just one term. With offbeat humor, he named his three sons Tom, Dick, and Harry (they arrived in reverse order), was to take great pleasure in their later success: Tom in business, Dick as the world-famed polar explorer Adm. Richard E. Byrd, who died in 1957; Harry in politics. But old Dick was also a most convivial fellow, who loved a social sip and was so totally lacking in financial sense that he rapidly took his family toward bankruptcy.

SAVING THE STAR

That was where young HARRY came into his own. He had been bored by his lessons at Winchester's Shenandoah Valley Academy. His father had purchased a small daily newspaper, the Winchester Star, for use as a personal political vehicle. When the paper seemed about to go under, 15-year-old HARRY saw a chance to quit school. He persuaded his father to let him try to save the Star. Save it he did—by scrimping on expenses and contributing a remarkable amount of journalistic ingenuity. Today, the Winchester Star and the Harrisonburg News-Record are prosperous papers operated by the Senator's oldest son, Harry F. Byrd, Jr.

But running a paper was not enough for teenager BYRD. He bought a patch of land at the edge of the city, planted a few apple trees with his own hands. Then he began leasing orchards. "I had a kind of a big house on wheels from which we sprayed the trees," he recalls. "The people who did the spraying lived in it. I'd get the spraying done, and the picking and the selling, and then the owner of the orchard and I would divide the profits." HARRY BYRD has since become the world's largest individual apple orchard owner, with some 4,000 acres and 200,000 trees in rows up to 2 miles long. Harry Jr. is the general supervisor of the multimillion-dollar business; another son, Dick, runs the cannery; and another son, Beverley, is in charge of planting and picking.

ROAD TO RICHMOND

After marrying Anne Douglas Beverley, a lovely girl whose family name was every bit as important in Virginia as Byrd's, HARRY turned serious toward politics. At that time, he had about as many kinsmen as there were voters in Virginia; HARRY, at 28, easily won election to the State senate. His service there was lackluster—until in 1923 he found an issue that outraged his hard-earned sense of economic propriety and jolted him into angry action. He was chairman of the senate roads committee when a $50 million bond issue was proposed to improve the State's roads. There was no question about the condition of those Virginia roads. "There was even a bunch of farmers who'd stay by the road with their mules down there around Fredericksburg," BYRD recalls. "Everybody would get stuck and they'd charge $10 a car to pull 'em out. Ten dollars was plenty in those days. Used to make 'em mad as hell." But BYRD was also dead certain that bonds were not the way to fix things up. It had taken Virginia taxpayers some 30 years after the Civil War to pay off more than $45 million worth of bonded debt incurred before the war. The memory was painful. Says BYRD: "That's the big reason I have always been so opposed to bond issues."

BYRD slogged across those awful roads by horse and buggy and model T to stump the State for a pay-as-you-go gasoline tax instead of the bond plan. The bonds were rejected by 46,000 votes, and HARRY BYRD was a statewide hero who rode the road issue straight to the Governor's chair in Richmond.

As Governor, he was quite a Byrd. Besides streamlining the State constitution with 80 amendments, he pulled the State from a $1.3 million budget deficit into a $4.2 million surplus, drove through a tough anti-lynching law, lured new industry, supervised the State's takeover of every road, even farm-to-market, in Virginia. He also became the chieftain of the longest lasting Democratic State machine in America; it's members call it the Organization; political scholars have described it as a true oligarchy. In any event, it has dominated the statehouse since the turn of the century.

FADING GLOW

In March 1933, 3 years after he left the statehouse, BYRD was appointed to the Senate in place of Claude Swanson, who had been named Navy Secretary by F.D.R. BYRD had campaigned for Roosevelt, was all aglow at the moneysaving promises of the New Deal platform. The glow quickly faded. BYRD recalls the disenchantment: "The first bill I voted for was to preserve the Federal solvency, to cut Federal expenses 15 percent across the board. That was the way to do things, and I was all for Roosevelt on things like that. But then this fellow Keynes got hold of him." Soon BYRD was leading the Senate opposition to the AAA, TVA, NRA—and when Roosevelt tried to pack the Supreme Court, BYRD knew that his dissent was total.

Their feud became so fierce that Roosevelt tried to funnel patronage through BYRD enemies in Virginia. Says BYRD: "Not controlling patronage turned out to be a damn good thing for me, because the depression was still on and everybody was wanting a job. There weren't enough to hand out."

BYRD has been at odds with every subsequent President. He considered Harry Truman just another big spender. Irritated by BYRD's opposition, Truman made his famed offhand remark: There were, he told a White House visitor, "too many BYRDS in Congress." Predictably, BYRD liked Ike—but the pair came to a parting of the political ways when Eisenhower ran up that whopping $12.4 billion budget deficit in 1959. "I didn't like that thing about sending those troops down to Arkansas either," recalls BYRD. BYRD has inflamed the segregation issue in Virginia with his demand for massive resistance to school integration. He has denounced the NAACP and "the Warren Supreme Court," and pleaded in 1958: "Let the laws be enforced by the white people of this country."

Nothing attests to BYRD's influence on the voters of Virginia more convincingly than the fact that in the past three presidential elections HARRY has been too busy "picking apples" to speak out for the Democratic ticket—and the State has gone Republican each time. BYRD did not endorse Ike in 1952, but he did tell Virginians by radio that "I will not, and cannot, in good conscience endorse the national Democratic platform or the Stevenson-Sparkman ticket." In 1956 he said nothing at all. In 1960 he announced only that "I have found at times that silence is golden." Republican Nixon carried Democratic Virginia by more than 42,000 votes.

TART REPLIES

In the Senate, BYRD's power is seldom exhibited before the galleries. Ordinarily, he is a poor speaker. But when his dander is up, his oratory can be blistering. His reply to criticism from Florida's Claude Pepper in 1946 is a Senate legend: "When I became a Member of the Senate, a distinguished colleague said to me that it never paid to get into a contest with a skunk." When HUBERT HUMPHREY, as a freshman Senator, had the temerity to call BYRD's Joint Committee on the Reduction of Nonessential Federal Expenditures an example of "waste and extravagance," BYRD's floor reply covered five pages of acidic language in the CONGRESSIONAL RECORD. HUMPHREY has since told BYRD that this was "the worst mistake I ever made."

When aroused, BYRD is also apt to dash off a letter. U.S. Chamber of Commerce President H. Ladd Plumley received one recently

when the chamber endorsed a tax cut—something which, to BYRD, smacked of conservative heresy. The chamber's statement, wrote BYRD, was "fiscally irresponsible in the highest degree." BYRD dismisses the notion of getting more revenue by a pump-priming tax cut as "a damned absurdity." The only big outlays of which BYRD approves are those for defense, conservation and highways—as long as the last is pay-as-you-go.

BYRD is as conservative personally as he is politically. For years he would buy a Chevrolet and drive it until it was falling apart; he switched to his present habit of getting a new Chevrolet each year only when persuaded that it would save him money (he has a dealer who gives him a new car for $600 and his old one). His wife has been an invalid for several years; but Harry and "Sittie" Byrd were never much for Washington's social merry-go-round. His only social extravagances are a picnic in his orchards each August, which attracts some 3,000 Virginians, and a series of 3 spring parties at Rosemont for Washington's elite and some of his Virginia cronies. Although he neither smokes nor drinks, he serves a man-sized drink, follows it with a billowing buffet of fried chicken, Smithfield ham and strawberry shortcake.

RANGER 777

BYRD's only fiscal soft spot is in his love for national parks. He has visited nearly every one in the United States. The National Park Service, he says, is one agency that "returns $1.20 value for every $1 spent." The Service in turn clearly appreciates BYRD: he is the Service's only honorary ranger, proudly wears his silver badge No. 777 at park ceremonies. He has been climbing in the Blue Ridge—such peaks as Hawks Bill, Naked Top, Roundhead Ridge and his favored Old Rag—for 60 years. He spent his honeymoon in those mountains, got Roosevelt to start the 500-mile-long Blue Ridge Parkway, is mainly responsible for Shenandoah National Park. On each of his past two birthdays he has donated a camping shelter near Skyland; they have been dubbed "BYRD's Nest No. 1" and "BYRD's Nest No. 2." BYRD gallantly danced at the dedication of BYRD's Nest No. 2 this year.

When his Senate duties keep him away from the Blue Ridge, BYRD takes that early morning walk through Rock Creek Park—and his musings are a seminar in political history and practice, well salted with great issues and names of the past. "I've lived here ever since I came to Washington," he says as he sets out from the Shoreham. "It's nearly 30 years ago now. You know, the Shoreham was in bankruptcy when I first came here. I told 'em I didn't have any money, but they said I might as well stay until I could pay, because nobody else had any either."

He swings his cane nonchalantly at a bush, looks back to see if his aging cocker spaniel is still with him. "You know," he says, "they were telling me not too long ago that I couldn't walk any more. One winter they had some ice on those steps back there and it was covered with snow and I didn't see it, so I fell and hurt my knee and it gave me arthritis." He flexes his left knee. "They wanted to take my kneecap off, said it wouldn't cripple me and it would stop the arthritis. But I didn't like that idea much, so I did just the opposite. I went out and climbed Old Rag the next weekend. It hurt *like hell*, but I got up there. Now I've got it built up so I can get around all right. It's built up muscles all around that knee. Look here." He hauls up his left pant leg. "Look at the difference from the other one." He tugs up that pant leg.

ON HIS BELLY

He comes to a high wire fence sealing off the Dumbarton Oaks estate, a public haven filled with dogwood, rhododendron, and massive trees. Since it is not open so early in the morning, BYRD for years used to crawl on his belly through a hole in the fence. Then the hole was patched. BYRD hesitantly asked if he might have his own key to the gate—something the Park Service would have granted long ago at the slightest hint. "I got 'em to put in the Shenandoah Park when I was Governor. It was the depression then, but I got a million dollars out of Congress, and we raised another million. Ickes wouldn't let the mountain people stay in there. He made them all move out. I begged him not to do that. I said just let the old ones stay there and live out their lives. But this Tugwell fellow had just come back from Russia, and he and Ickes got the idea of moving them all in together.

"You know mountain people won't live close to anybody else. But they made 'em get out and burned their houses down and built two settlements for them outside the park—that cost nearly as much as the whole park did. And it didn't last very long either. They were making them all work and put everything they raised in together. One night after they'd been there about a year, one man got in and robbed the smokehouse where all the meat was, and the others got mad and they killed him. That was the end of that Russian business."

BYRD heads back down a bridle path, the Shoreham's sandy-colored brick looming above the trees. "When I was Governor they asked me if Winston Churchill could come down and visit. He wanted to see the battlefields. The only trouble was that when he got there, they told me he drank a quart of brandy a day. It was strict prohibition, and I never had allowed any in the mansion. I called up a fellow who I thought might be able to get it and said, 'John, I'm in a hell of a fix. I need you to deliver a quart of brandy to the kitchen of the Governor's mansion every day this week.'

"Churchill had some fellow with him named Lord so-and-so, and the Lord had a girl in San Francisco and was always calling her up the whole time they were there. After they left, I got a bill for those calls for $250."

HARRY BYRD walks back into the Shoreham to change his clothes and cook his own breakfast. He is ready to do a day's work on the Hill in defense of his idea that a dollar is a dollar and that economics is really a simple, commonsense subject. To a man with reminiscences like his, it does not seem illogical that he should think that he may yet teach quite a few lessons to that attractive young fellow in the White House.

THE JOURNAL

Mr. MANSFIELD. Mr. President, earlier today I had intended to ask unanimous consent that the reading of the Journal of Tuesday, August 14, and the Journal of Wednesday, August 15, be dispensed with. I now make that request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

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, without amendment, the bill (S. 3428) relating to the appointment of judges to the municipal court for the District of Columbia, the municipal court of appeals for the District of Columbia, and the juvenile court of the District of Columbia.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3491) to amend the Atomic Energy Act of 1954, as amended, and for other purposes, and it was signed by the Vice President.

PETITION

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from the Oliver American Trading Co., Inc., of New York, N.Y., signed by Howard T. Oliver, president, relating to an investigation of the claims convention with Mexico, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 11721. An act to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose (Rept. No. 1882); and

S. Con. Res. 84. Concurrent resolution expressing the sense of the Congress that arrangements be made for viewing within the United States of certain films prepared by the U.S. Information Agency (Rept. No. 1883).

REVENUE ACT OF 1962—REPORT OF A COMMITTEE—ADDITIONAL, DISSENTING, SUPPLEMENTAL, AND MINORITY VIEWS (S. REPT. NO. 1881)

Mr. KERR. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H.R. 10650) to amend the Internal Revenue Code of 1954 to provide a credit for investment in certain depreciable property, to eliminate certain defects and inequities, and for other purposes, and I submit a report thereon.

I ask that the report be printed, together with the individual views of Senators BYRD of Virginia, GORE, WILLIAMS of Delaware, and CURTIS; the additional views of Senator MCCARTHY; the dissenting views of Senators CARLSON, BENNETT, BUTLER, CURTIS, and MORTON, and the supplemental and minority views of Senators DOUGLAS and GORE.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Oklahoma.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

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

William R. Tyler, of the District of Columbia, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State;

Charles E. Bohlen, of the District of Columbia, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary to France;

Foy D. Kohler, of Ohio, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Union of Soviet Socialist Republics;

John H. Ferguson, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to the Kingdom of Morocco;

William Leonhart, of West Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Tanganyika; and

Bernard T. Brennan, of New York, to be Deputy Administrator for Administration, Agency for International Development.

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. CLARK:

S. 3645. A bill for the relief of Jean Rosen; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. KEFAUVER, and Mr. LAUSCHE):

S. 3646. A bill to amend the Communications Act of 1934, as amended, relative to merger of domestic telegraph carriers; 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. CURTIS (for himself, Mr. CARLSON, and Mr. RANDOLPH):

S. 3647. A bill to amend sections 4653 and 4654 of title 39, United States Code, with respect to the mailing of certain reading and other materials for the use of blind persons; to the Committee on Post Office and Civil Service.

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

By Mrs. SMITH of Maine:

S. 3648. A bill authorizing the project for Narraguagus River, Maine; to the Committee on Public Works.

By Mr. DIRKSEN:

S.J. Res. 217. Joint resolution making the 17th day of September in each year a legal holiday to be known as "Constitution Day"; to the Committee on the Judiciary.

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

By Mr. RANDOLPH:

S.J. Res. 218. Joint resolution authorizing the President of the United States to issue a proclamation declaring Sir Winston Churchill to be an honorary citizen of the United States of America; to the Committee on the Judiciary.

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

SENATOR RANDOLPH INTRODUCES A RESOLUTION THAT THE UNITED STATES CONVEY ON SIR WINSTON CHURCHILL HONORARY CITIZENSHIP

Mr. RANDOLPH. Mr. President, Winston Churchill represents perhaps better than any man alive, the strong ties of love, honor, and sacrifice which so closely join the United States of America and Great Britain. As a warrior of his country, as a statesman of vision and purpose, and as a gifted leader in letters and literature and law, he will be acclaimed by generations yet unborn for a true hero of his time.

His is a genius of spirit, of character, of conviction,—that urged a battered nation onward to victory over a merciless foe—that lighted a pathway through the gloom of postwar adversity, and spurred a flagging people to superhuman effort and sacrifice—that marshaled hopes and shored up faith, rekindled hope and engendered confidence.

His, the dream of unity among the democratic nations of the Atlantic; his, the idea of a fraternal association between Britain and the United States. I shall never forget that memorable day when, as a Member of the House of Representatives, I listened to his dynamic address in a joint session of the Congress.

And, Winston Churchill's courage and devotion to the cause of freedom and human dignity have served to challenge and inspire our Nation to victory in war, and to achievement in peace. Our debt to him can never be repaid. It exceeds infinity, and increases daily.

However, there is one honor, one token of rare esteem and love which is within this Nation's power to bestow, and which is worthy of Winston Churchill's place of history. The recognition of which I speak is the gift of honorary citizenship of the United States of America. Surely there is no more fitting demonstration of the respect and gratitude which we hold for this champion of mankind than the gift of citizenship—the most highly prized possession of every patriotic American. His mother was Jenny Jerome, a citizen of our Republic.

No more tangible evidence could we offer than that this Nation, through action of the Congress, authorize the President of the United States to issue a proclamation declaring Sir Winston Churchill to be an honorary citizen of our public.

To this purpose I introduce a joint resolution, which I send to the desk and request that it be appropriately referred, for what I hope will be positive action.

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

The joint resolution (S.J. Res. 218) authorizing the President of the United States to issue a proclamation declaring Sir Winston Churchill to be an honorary citizen of the United States of America, introduced by Mr. RANDOLPH, was received, read twice by its title, and referred to the Committee on the Judiciary.

FOOD AND AGRICULTURE ACT OF 1962—AMENDMENT

Mr. McCARTHY. Mr. President, I submit an amendment to H.R. 12391, the farm bill, as reported by the Senate Committee on Agriculture, which I intend to offer at the appropriate time on behalf of myself and the senior Senator from Minnesota [Mr. HUMPHREY], and I ask that it be printed.

The purpose of this amendment is to add a dairy program to the new version of the Senate farm bill. Last spring the administration recommended that a dairy program be enacted. Testimony was given on the rapidly rising dairy surpluses and on the increasing costs of the present dairy program to the Government. Despite these recommendations the Senate committee could not reach agreement on a dairy provision. Attempts by myself and other Senators to add a dairy provision on the floor also failed to carry.

The House of Representatives, however, has provided for a minimum voluntary reduction program in its farm bill. The amendment which I propose to offer strengthens the House provision and offers an opportunity to adopt an effective voluntary program which will improve the income of dairy farmers and at the same time cut down on surpluses and Government costs.

The dairy problem is fast approaching emergency proportions, and I believe there are solid reasons why the Senate should now adopt a temporary program even though it rejected action last spring.

There were some who believed that the drop in price supports from 82 to 75 percent of parity on April 1 would result in a substantial cut in production. This has not been the case, although production is temporarily down in some areas because of a drought condition.

The Department of Agriculture estimates that Government expenditures for dairy purchases will be about $550 million for the current marketing year, approximately the same as for last year. The Commodity Credit Corporation is purchasing dairy products for price-support purposes at the equivalent of an annual rate of 10.5 billion pounds of the annual marketing of 119.3 billion pounds of milk. It is expected that the CCC will have to acquire 400 million pounds of butter, 250 million pounds of cheese, and 1.2 billion pounds of dry milk this year.

I have talked with many dairy farmers and representatives of major producer groups in the past few weeks. Dairy farmers are worried about the mounting surpluses and the drop in income of dairy farmers. I have been told by many dairy leaders that while they believe the majority of dairy farmers would still vote to reject a program with mandatory quotas, they would welcome an effective voluntary program.

The dairy industry is disturbed, likewise, about the possible effects of the Supreme Court decision of June 4, Lehigh Valley Cooperative Farmers, Inc., against United States, which has left the future effectiveness of Federal marketing orders in doubt.

We have a situation, then, in which dairy farmers are losing between $250 and $300 million in income because of the drop in price supports. The Government is acquiring the equivalent of about 10 percent of the milk marketed. Government costs are continuing at about the same rate and Government-held surpluses are rising rapidly.

In my judgment it is clear that the present program is not accomplishing its purpose and that a change is needed.

The House bill has the merit of recognizing the problem and of making an attempt to meet it, but the House measure lacks the potential to reduce the surplus to a significant degree or to improve the income of dairy farmers.

The House dairy provision provides for surplus reduction payments to producers of up to $2.50 per hundredweight for the amount they reduce their 1961 average marketing of milk, within a range of 10 to 25 percent. Provision is also made in the bill to permit producers in Federal order markets to make adjustments in their marketings at the surplus price rather than at the blend price. They will not be penalized in their share of the class I sales because they participate in the program.

The amendment which I intended to propose incorporates the House provision in general. The important addition in my amendment is the provision to permit the Secretary of Agriculture to make supplemental payments to cooperating producers in addition to the surplus reduction payments.

The amount of the supplemental payment would be set by the Secretary at a rate not to exceed the difference between the U.S. average price at wholesale for milk for manufacturing purposes and 90 percent of parity for that quantity of milk the participating producer markets.

The amendment also permits the Secretary to set the general basic price support for milk at between 70 and 75 percent of parity, dependent upon supplies, but this authority would not be effective until the end of the current marketing year, March 31, 1963.

The use of this authority, of course, is confined to the period when the Secretary has the emergency program in operation. It does not replace the provisions of the basic act of 1949 but only provides a temporary exception, to be used at his discretion in order to achieve the purposes of the emergency program.

In effect the proposed dairy program is simply an application of the procedures of the temporary feed grain program to milk. The surplus reduction payments for milk are the equivalent to the payments on acreage diverted from feed grain production. The supplemental payments on the milk marketed by those choosing to enter the reduction program are equivalent to the difference between the support price offered feed grain producers and the market level at which those who do not enter the program sell their feed grains.

Of course in the dairy program it is not possible to maintain different prices in precisely the same manner as in the feed grain program. The loans and purchases used in the feed grain program for supplemental benefits to cooperators cannot be extended in the same way to individual producers on their milk. The effect of the supplemental payments for milk, however, is the same: the supplemental payments would reflect the difference between the market price and special support level, up to 90 percent of parity, as set by the Secretary for those participating.

The proposal is for a temporary program to meet the emergency situation. It would be effective for a year and a half, from October 1 of this year to March 31, 1964. The House provision of surplus reduction payments is limited to 9 months.

The program provided by my amendment gives the Secretary the flexibility to develop an effective reduction program and to improve the net income of those who participate. Because the cost of the program depends upon the level at which the Secretary sets the surplus reduction payments and also the amount of the supplemental payments—and in turn these amounts are related to available supplies—it is not possible to give an exact cost estimate. It can be stated that the program should cost less than the existing program and at the same time accomplish a substantial reduction in surpluses and surplus storage costs. The savings over the existing program would be achieved because it is cheaper to make a surplus reduction payment of $2.50 or less to the producer for not producing a hundred pounds of milk than for the CCC to pay over $4 for the milk after it is produced and processed. The economy of this procedure is estimated to be great enough to permit making the supplemental payments to cooperating producers and still realize a savings in total costs over the existing program.

The program will also improve the income of those who participate. They would receive reduction payments up to $2.50 per hundred for the amount they cut back and supplemental payments on what they market. Taken together, these payments would provide the average dairy producer with a larger net income than he would receive from his present higher production under the existing price support program. It is also clear that the whole dairy industry will be more stable and in a better economic condition if the excessive surpluses are reduced.

We are spending large amounts under the existing program; yet the Government-held supplies are increasing and the income of dairy farmers is declining. This is not the time for drifting and inaction, a policy which can only lead to a crisis in the whole industry with the result that the family-type dairy farmer is certain to be hurt.

The program which I am proposing and which Senator HUMPHREY has joined me in sponsoring is an emergency measure. It is a voluntary program. It imposes no mandatory quotas or controls. Producers who do not wish to enter the program would be free to produce as they choose at the market price. Because the Secretary would be permitted to adjust the basic price support level between 70 and 75 percent of parity, there would be no incentive for those not entering the program to expand their operations. To the extent that the Secretary used his authority to adjust the general price support between 70 and 75 percent of parity, consumer prices for dairy products would be reduced somewhat and consumption stimulated. But the purpose of the program is to establish stability in the industry and to improve farm income. I believe that once the program is in effect the market price would tend to rise above the basic price support level and that the entire dairy industry would benefit.

Mr. President, we are faced with a situation which calls for effective action. The House has approved a dairy program but it is insufficient to reduce the surplus which is now requiring the Government to purchase the equivalent of about 10 percent of the milk marketed. The Senate should act, I believe, to strengthen the House provision and to provide a temporary program to improve the income of the dairy farmer and to reduce Government costs.

I believe we could expect good participation in this type of voluntary program, just as the response to the emergency feed grain program was good and the program effective. Dairy farmers are aware of the problem and greatly concerned about it. They would respond to an opportunity to work out their difficulties, but the present program provides no procedure by which they can make adjustments in an equitable and reasonable manner.

I ask unanimous consent that the amendment I intend to propose in behalf of myself and my colleague, the senior Senator from Minnesota [Mr. HUMPHREY], be printed at this point in the RECORD.

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

The amendment is as follows:

On page 91, between lines 7 and 8, insert the following:

"SUBTITLE C—DAIRY

"SEC. 326. The current rate of production and marketing of milk in the continental United States, excluding Alaska, is such as will result in excessive and burdensome supplies of milk and other dairy products during the period ending March 31, 1964.

"In order to afford producers the opportunity and the means by which they can on a compensated basis voluntarily adjust their marketings of milk during the period ending March 31, 1964, more nearly to equal demand and thus reduce Government purchases under its price support program, the Secretary of Agriculture is hereby authorized, through the Commodity Credit Corporation, to carry out for the period ending March 31, 1964, an emergency dairy surplus reduction payments program as set forth in the following sections of this subtitle.

"SEC. 327. The Commodity Credit Corporation is hereby authorized to make surplus reduction payments to producers in continental United States, excluding Alaska, who agree to reduce, during any one or more quarterly marketing periods starting on or after October 1, 1962, and ending March 31, 1964, their marketings to a level not (1)

less than 10 per centum or (ii) more than the larger of 25 per centum or fifteen thousand pounds of milk below their normal marketing levels established pursuant to section 328 of this Act for each such quarterly marketing period. Such payments shall not exceed (i) $2.50 per hundredweight of milk, basis 3.82 per centum butterfat content, (ii) such rates as the Secretary determines will effectuate voluntary reduction in marketings by producers, or (iii) the cost of acquiring such milk in the form of dairy products had such milk been marketed. A producer who fails to reduce his marketings to the extent required by his agreement shall be eligible to the surplus reduction payment on the quantity by which he actually reduced his marketings below his normal marketing level, provided he reduces by as much as 10 per centum of his normal marketing level, but the amount of such payment shall be reduced by an amount equal to 20 per centum of what would have been the payment on the quantity of milk which he failed to reduce. Agreements entered into hereunder may contain such terms and conditions as the Secretary determines necessary to effectuate the purposes of the emergency dairy surplus reduction payments program and to assure that a producer's reduction in marketings is not offset through a transfer of his milk cows to another producer for the production and marketing of milk.

"SEC. 328. The Secretary shall establish a normal marketing level for each producer in the continental United States, excluding Alaska, who desires to enter into an agreement with Commodity Credit Corporation pursuant to section 327 of this Act. Such normal marketing level shall be the number of pounds of milk, or the number of pounds of milkfat, or such units of dairy products as the Secretary may deem appropriate for the administration of this subtitle which is the lower of (i) the producer's marketing during the marketing year ending March 31, 1962, or (ii) the Secretary's estimate of what would be marketed in a marketing year by the producer based on the rate of his marketings when he enters into the agreement with Commodity Credit Corporation, adjusted for seasonal variation. In establishing a normal marketing level, the Secretary shall make such adjustments in the producer's 1961–62 marketings as he deems necessary for flood, drought, disease of herd, personal health, or other abnormal conditions affecting production or marketing, including the fact that the producer may have commenced production and marketing after April 1, 1961. A producer's normal marketing level for the marketing year shall be apportioned by the Secretary among quarterly marketing periods thereof in accordance with the producer's prior marketing pattern, subject to such adjustments as the Secretary determines necessary to enable the producer to carry out his herd management plans for the marketing year. The quantity thus apportioned to a quarterly marketing period shall be the producer's normal marketing level for such period.

"SEC. 329. The Secretary shall prescribe such conversion factors as he deems necessary for use in determining the quantity of milk marketed by producers who market their milk in the form of farm-separated cream, butterfat, and other dairy products.

"SEC. 330. The quantity of milk reduced by a producer pursuant to his agreement under this Act shall be considered as having been produced and marketed by him for the purpose of determining his production or marketing history under any farm program in which such history may become a factor. A producer who moves from one area to another and there engages in the production and marketing of milk may take with him all or any portion of his normal marketing level.

"SEC. 331. The Commodity Credit Corporation may make supplemental payments to producers of milk for manufacturing who enter into agreements under section 327, which shall be in addition to the surplus reduction payments made to such producers. The amount of such a supplemental payment to be made with respect to the quantity of milk marketed by a producer may not exceed the difference between the United States average price at wholesale of milk for manufacturing and 90 per centum of the parity price for that quantity of such milk.

"SEC. 332. (a) The Secretary shall prescribe such regulations as are necessary for the enforcement and the effective administration of this subtitle.

"(b) Costs incurred in the carrying out of the provisions of this subtitle shall be borne by the Commodity Credit Corporation and shall be considered as nonadministrative expenses of the Corporation.

"SEC. 333. Whenever normal marketing levels are established under this subtitle, notwithstanding any provision of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.), any order issued under section 8c thereof shall in addition to the provisions in section 8c (5) and (7) contain provisions for an adjustment in the uniform price for producers receiving surplus reduction payments for marketings below their normal marketing level. Under such provisions the total payments to such producers under an order shall be equal to (1) the uniform price multiplied by their normal marketing level minus (2) the lowest class price under the order multiplied by the amount by which such producers have reduced marketings below their normal marketing level. In the computation of the uniform price there shall be included, at the lowest class price, the volume of milk upon which producers will be entitled to surplus reduction payments. For the purposes of this section a producer's normal marketing level shall be apportioned on a monthly basis. In the case of a producer, part of whose normal marketing level is based on marketings which were not subject to regulation under the order during the representative period, the Secretary shall apportion such producer's normal marketing level in accordance with his deliveries of milk in such representative period and the reduction in deliveries from the amount apportioned to the marketing area shall be considered in the calculation of the uniform price and payment under such order. The incorporation of provisions in an order hereunder shall be subject to the same procedural requirements of the Act as other provisions under section 8c.

"SEC. 334. No person engaged in the purchase or handling of milk, milk fat, or dairy products shall discriminate against any producer who enters into an agreement with the Commodity Credit Corporation pursuant to this Act. The Commodity Credit Corporation shall not purchase dairy products from any person whom the Secretary determines practices such discrimination. The several district courts of the United States shall have original jurisdiction to hear and determine controversies arising under this section, without regard to the amount in controversy, and to enjoin and restrain any person or persons from discriminating or conspiring to discriminate against any producer in violation of this section.

"SEC. 335. (a) Notwithstanding section 201 (c) of the Agricultural Act of 1949, as amended, the Secretary may, in carrying out the emergency dairy program authorized in this subtitle, establish price supports for milk and butterfat at such level between 70 and 75 per centum of the parity price therefor as he deems appropriate.

"(b) The authority granted by the provisions of subsection (a) of this section shall become effective on April 1, 1963."

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Francis H. Russell, of Maine, a Foreign Service officer of the class of career minister, to be Ambassador to the Republic of Tunisia.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

PRIORITY IN DISTRIBUTION OF ELECTRIC POWER IN THE NORTHWEST

Mr. MUNDT. Mr. President, last Thursday prior to the Senate's final action on S. 3153, the bill granting the Pacific Northwest a first call on power generated at Federal plants in that region, I expressed disappointment with the fact that debate on this far-reaching bill was not heard by many Members of the Senate. I further stated that it was my belief that a goodly number of my colleagues did not fully understand the future effects flowing from adoption of this measure, and I expressed the hope that the House would give careful and deliberate consideration to the record of the debate in the Senate.

Since our final action, I have re-read the Senate debate, and I find that it is ambiguous and perhaps incomplete on one major issue raised in our discussion. I refer to the issue of the Bonneville Power Administration's present capacity to market secondary energy. For the benefit of the Members in the other body, I feel that some supplementary remarks on this issue are in order.

During the Senate debate the statement repeatedly was made by the proponents—CONGRESSIONAL RECORD, pages 15700, 15701, 15707, and 15939—that the Bonneville Power Administration needs S. 3153, the regional priority bill, in order to prevent the waste of $30 million a year in potential secondary energy which now is spilled over the dams bypassing the power generators.

The allegation has some substance but its connotations, as implied by the Senator's argument, are extremely misleading.

In the first place, the $30 million figure is of questionable validity. That amount, according to the Interior Task Force report is $15 million at the highest. That is the largest flow of water in the wettest year—CONGRESSIONAL RECORD, page 15909. In average years it would be a lower amount and in dry years it, of course, would be well below the figure used by the proponents of S. 3153.

It should be noted also that such secondary power is available only at certain times of the year, at certain times of the night, and on weekends and holidays. Whether a market exists anywhere for all of this offpeak power is questionable. Thus the assigned value, which assumes marketability, is certainly subject to challenge.

Second, the allegation is not accurate that this legislation is necessary in order that Bonneville can sell its surplus energy outside the Northwest without giving preference to public agencies outside the Northwest.

Bonneville does not need this legislation to sell such energy. It never has needed it. Bonneville has been selling such energy outside the Northwest for years. It even has a contract to sell U.S. energy to a utility in Canada. For many years a utility operating in Wyoming and another utility in Montana have purchased power from Bonneville under contracts, and the utilities in turn have supplied power to REA cooperatives in Wyoming and eastern Montana, respectively, both outside the defined Northwest region—Senate Interior Committee hearings, May 5, 1960, page 15. This is the fact, and it is at variance with contentions in the Senate debate that "presently there are no such contracts"—CONGRESSIONAL RECORD, page 15911. It has never been claimed that these separate transactions have given the cooperatives any preference right to Bonneville power.

Moreover, the Department of the Interior has expressed the opinion that preference does not attach to Federal power sold to such private utilities which in turn resell it to their customers, both public and private—CONGRESSIONAL RECORD, page 15937.

In fact, Bonneville could have been selling surplus energy in California under just such arrangements as it has with these utilities in other outside areas. In 1959 Bonneville requested the Pacific Gas & Electric Co. to consider purchasing surplus energy from the Northwest—House Appropriations Subcommittee hearings, May 8, 1962, page 146. Early in 1959 the Bonneville Power Administration went to P.G. & E. in an effort to sell surplus power. P.G. & E. agreed to buy on a "when, as, and if available basis," and the two parties negotiated a contract—Senate Interior Subcommittee hearings, April 9, 1959, pages 154, 156. Under the Bonneville proposal to P.G. & E. nearly 1 billion kilowatt-hours a year, on the average, would have been transmitted over existing interconnections between California and Oregon utility companies and a new 230-kilovolt interconnection the companies would have built. Had the contract been executed, Bonneville net revenues would have been increased by $6 million during the intervening 3-year period to June 30, 1962—House Appropriations Subcommittee hearings, May 8, 1962, page 146.

A draft of contract was agreed upon, satisfactory to the United States, and also satisfactory to Bonneville, protecting existing and future customers in the Northwest. In other words, no strings were attached. Bonneville could draw back the power at any time in any amount the Northwest desired—hearings, April 9, 1959, pages 161, 174. There was no protection problem whatever. In fact, Bonneville could cancel the contract at any time—on 30 days' notice.

In spite of this, when the draft of contract was submitted in April of 1959, to the Senate Committee on Interior and Insular Affairs, final action was suspended on the request of the committee, until legislation could be introduced to do the same thing. That is the purpose, allegedly, for S. 3153. The fact is that such protection for the Northwest consumers is the very thing Bonneville now assures the Northwest in selling the same kind of power to the same kind of private utility companies serving the same kind of diversified customers, including public agencies, in other areas, outside the Pacific Northwest as delineated in S. 3153. And, no mistake can be made about it, preference does not attach to that power.

Thus there was no need for this legislation at all. There never was. There never would be—except if a Federal transmission line were built. A regional solicitor in the Portland, Oreg., office of the U.S. Bureau of Reclamation in 1959, held that preference would attach to the power over a Federal line—Senate Interior Subcommittee hearings, May 5, 1960, pages 27–29. In that opinion the regional solicitor made no ruling with respect to a private line. Thus with a Federal line, the Northwest's nonpreference, private customers would have to take a back seat to public agencies up and down the length of the line—a distance of 2,000 miles—or however far advanced technology may make it economic.

The proponents of S. 3153 confused the issue in the Senate debate—CONGRESSIONAL RECORD, page 15938—by implying that the ruling applied to private lines. The fact is, and the record shows, that the Department of the Interior in Washington, D.C., specifically held that "the proposed sale of secondary energy by Bonneville Power Administration to Pacific Gas & Electric Co. for delivery, whether at Yamsay, Oreg., or at the Oregon-California border, will not establish any preference rights in California to power sold under such contract over any customers of the Bonneville Power Administration in the Pacific Northwest"—CONGRESSIONAL RECORD, page 15938, quoting hearings, May 5, 1960, page 29.

Therefore, once again, it is clear that S. 3153 is not needed. It is not needed in order for Bonneville to sell its surplus energy. It is not needed to obviate draining off of power legitimately needed in the Northwest. It is not needed for Bonneville to keep from wasting water over its dams. It is not needed any more today than it ever was or ever would be. The arguments of its proponents appear to indicate the real purpose of the bill is to clear the way so that a Federal transmission line can be built and let the Northwest eat its cake and have it, too.

All the problems this legislation creates for other regions, for other States, for the fundamental principle of customer preference, for equitable treatment of all the people with Federal power paid for by all the people, could have been avoided with the death of S. 3153.

As it is, other regions and other States have every right to introduce similar bills in the quest of equity. Indeed, the majority leader has introduced legislation to provide that his State of Montana will get similar protection by his proposed bill, S. 3558 which would provide Montana with a first priority to Federal power generated in that State.

All of this competition between the various power-production regions in the United States can be avoided if the House will kill S. 3153. I earnestly hope this will be the result. The Federal Power Commission is undertaking a comprehensive study of our national power needs and the optimum methods for integrating and distributing electrical power derived from all sources. I feel Congress should await the results of this study and the FPC's report before enacting such a regional preference law as S. 3153 and thereby jeopardizing preference customers throughout the Nation by walling them away from access to power generated in preference regions.

IMPROVEMENT OF U.S. EDUCATIONAL SYSTEM

Mr. WILEY. Mr. President, for the future, the Nation—to obtain the great reservoir of professional and well-trained individuals essential for progress and security—will depend to a large degree, upon our educational system.

For this reason, we need to continue to improve and expand educational opportunities for the youth of America.

In addition, it requires a renewed effort to prevent dropouts from schools—adversely affecting not only the interest of the individual, but of the Nation.

Earlier this session, I introduced legislation, Senate Resolution 348, for a study of the dropout problem—the objective is to obtain information for a solution. Unfortunately, no action has been taken on it as yet. Although it is getting near the end of the session, the inquiry into this national problem would, I believe, still be well justified, and I urge that it be done.

Today, I was pleased to receive from Charles Wedemeyer, director of the extension division of the University of Wisconsin, a letter endorsing the idea of the dropout study. Director Wedemeyer, too, resoundingly endorsed the objectives of S. 3477—designed to improve and strengthen the extension educational program.

Reflecting thoughtfully upon challenges in the field of education, I request unanimous consent to have the letter from Director Wedemeyer printed at this point in the RECORD.

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

THE UNIVERSITY OF WISCONSIN,
UNIVERSITY EXTENSION DIVISION,
August 9, 1962.

Hon. ALEXANDER WILEY,
The U.S. Senate,
Washington, D.C.

MY DEAR SENATOR WILEY: I was pleased to note (in the CONGRESSIONAL RECORD of June 1, 1962) your concern with the problem of school dropouts. I hope your proposal to carry out a national study of the problem will be accepted.

You know, I am sure, that one of the Nation's strongest bulwarks against dropouts is the university extension system. You may recall that university extension had its origins at the University of Wisconsin and

has now spread throughout the country and the world. The National University Extension Association includes some 85 universities whose educational programs—for youth, college students, and adults—reach out to people wherever they are. Over 50 of these universities (the correspondence study division of NUEA) offer instruction by correspondence, including courses for regular university credit. There are literally thousands of high-quality courses available at low cost through extension. Unfortunately, the universities that offer such instruction are generally unable to advertise the available educational opportunities to those persons who most need them. The bitter complaint we often receive from persons who have just found out about our programs is, "Why didn't I know about these opportunities sooner?"

The answer to the dropout problem, and the need for continuing education throughout adult life, is not the creation of new systems of education, but rather the more extensive use of those systems appropriately designed for these problems which are already in existence. In this connection the general extension bill, S. 3477, is of the utmost importance in helping extension divisions to equalize educational opportunities for citizens who are "out of phase" with local education programs, as well as for other reasons. I am pleased that you are a cosponsor of bill S. 3477, and hope that you will continue to support it strongly and bring about its passage.

* * * * *

Sincerely yours,

CHARLES A. WEDEMEYER,
Director.

Mr. MORSE. Mr. President, I ask unanimous consent that a letter dated August 15, 1962, which I have received from officials of the American Association of University Women, in support of my education amendment, KKKK, together with my supplemental statement on my amendment TTTT be printed at this point in my remarks together with my supplemental statement upon my amendment JJJJ.

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

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN,
Washington, D.C., August 15, 1962.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Through the work of the Washington staff of the American Association of University Women, we have learned of your proposal made during the course of the hearings of the Senate Foreign Relations Committee on the communications satellite bill. We believe that it is essential in the interests of education to comment on two points which have arisen in these hearings. We firmly believe that specific channels should be reserved for educational purposes. We further support your proposal that if any lease arrangement is made with private corporations for the use of the wave lengths of the satellite system, the revenue should be designated for educational purposes.

Respectfully yours,

VETA LEE SMITH,
Chairman, Mass Media Committee.
KATHERINE W. BAIN,
Chairman, Legislative Program Committee.
Dr. MAYCIE K. SOUTHALL,
Chairman, Elementary and Secondary Education Committee.
Dr. R. JEAN BROWNLEE,
Chairman, Higher Education Committee.

SUPPLEMENTAL STATEMENT BY SENATOR MORSE ON AMENDMENT TTTT

I have received the following information concerning the President's Equal Job Opportunity Committee.

The Committee has received in the last year and a half 18 to 20 complaints from the NAACP concerning alleged employment discrimination by A.T. & T. or its subsidiaries (Southern Bell, Southwestern Bell, Western Electric, and C. & P. Co.).

The complaints fall into three categories. There are those in which the Committee has no jurisdiction as the Federal Government has no contract with the facilities in question (for reasons set forth below); second, those in which the allegations have not been resolved; and three, those in which complaints have been satisfactorily resolved (primarily in the case of Western Electric Co.).

Most Government relations with utility companies, including communication utilities companies are not performed on a contract basis. There is a GAO regulation calling for the "permissive nonuse of contracts" where rates and tariffs are regulated by law. Therefore, in the bulk of cases coming to the attention of the President's Committee, it is likely to be found that the Committee does not have jurisdiction under the Executive order which is limited in scope to cases in which employment is performed under Government contract.

SUPPLEMENTARY STATEMENT BY SENATOR MORSE ON AMENDMENT JJJJ PURSUANT TO UNANIMOUS-CONSENT AGREEMENT OBTAINED BY SENATOR KEFAUVER

I have here a very brief memo which cites three cases which support my amendment 8–13–26—JJJJ which was called up at last evening's session, and is found at page 16648 of the CONGRESSIONAL RECORD.

Unfortunately, this memo could not be presented or discussed at that time or this.

Because it sets forth additional legal support for my amendment and stresses the dangers of verticle integration under the antitrust laws, the data should be included in the RECORD.

MEMORANDUM

On Monday, June 25, 1962, the Supreme Court reaffirmed our fundamental belief in competition, in the preservation of the small independent businessman and again pointed to the danger of concentration of economic power. In the Brown Shoe Co. case, the court held that acquisition of the largest independent chain of family shoe stores by the fourth largest shoe manufacturer, itself a leading shoe retailer both directly and indirectly, violated section 7 of the Clayton Act, as amended by the Celler-Kefauver Act of 1950. The considerations which led the Court to this conclusion are directly relevant here, and indicate that the acquisition of powerful stock positions in the corporation would similarly violate section 7.

To start with, the Court stressed that "the dominant theme pervading congressional consideration of the 1950 amendments was a fear of what was considered to be a rising tide of economic concentration in the American economy"[1] (p. 20). And it approvingly quoted a statement by Learned Hand.[2]

It went on to find that the acquisition of the leading independent family shoe chain by one of the leading shoe manufacturers would foreclose a substantial share of the market to small manufacturers.

Exactly the same effect will result from the proposed organization of the satellite—A.T. & T., RCA, GE, Lockheed, and other large equipment manufacturers who will buy most of the stock will certainly try to raise their inside position to allocate the bulk of the corporation's equipment procurement to themselves. It is to prevent this evil of vertical combination that my amendment was introduced.

A.T. & T. presently buys all but a negligible fraction of its equipment from its own subsidiary and, as shown by testimony before my subcommittee, from small businessmen. This Western Electric monopoly has seriously hampered many small businessmen. The passage of this legislation will thus fly directly in the teeth of our professed concern for the small businessman and the reduction of concentration.

And let there be no mistake about the probabilities of this—GE and others clamored for a chance to buy stock in the corporation, because they feared A.T. & T. would funnel all satellite procurement to itself. Obviously, this was because they plan to use this stockownership to get a piece of the pie for themselves.

And one doesn't need full ownership to obtain such power. In the *Du Pont-General Motors* case, *U.S.* v. *E. I. Du Pont de Nemours & Co.*, 313 U.S. 586 (1957), the Supreme Court found that Du Pont's 23-percent stockownership in GM gave it an unfair competitive advantage in the sale of finishes and fabrics, in violation of section 7. In the satellite corporation, A.T. & T. can hold up to 50 percent, and, according to one of the bill's own proponents, Mr. Kazenbagh is likely to take 35 percent. According to the testimony of Mr. Minow in the Foreign Relations Committee, it would be about 40 percent.

And the fallacy that ownership can possible resolve these antitrust problems was exploded in that very decision. In footnote 56 of the majority opinion, the Court stated:

"The potency of the influence of Du Pont's 23 percent stock is greater today (than when just purchased) because of the diffusion of the remaining shares which, in 1947, were held by 436,510 stockholders; 92 percent owned no more than 100 shares each and 60 percent owned no more than 25 shares each."

The fact that there may be a few other large stockholders, none of whom can own more than 10 percent of the voting stock, does nothing to cut down the effect of the 35 to 40 percent or more of the voting stock which A.T. & T. will have.

Moreover, the decision in Du Pont-General Motors did not turn on the number of directors Du Pont had. The fact is that Du Pont had very few—never more than 6 or 7, of board which, between 1925 and 1947 was between 32 and 30, and very frequently less. In 1923, Du Pont just bought this 23-percent stock for the express purpose of getting a share of the General Motors market, it contented itself with only two directors. (Lee 1953 Trade Cases, p. 69,927.)

The Brown Shoe opinion also found that Brown Shoe's retail outlets competed with Kenney and that the merger would eliminate this kind of competition as well in many cities. The same result will flow from the acquisition of huge shares of stock in this satellite corporation by A.T. & T., with whom the satellite will compete. Elimination of such competition will inevitably result and is, indeed, the purpose of permitting the carriers to control the satellite, according to FCC testimony before both the Kefauver antimonopoly committee (pp. 332–333) and other committees of the Congress. Such deliberate suppression of competition could not be more offensive to our system of free enterprise which relies upon and is supposed to foster competition.

Again, as I have pointed out earlier, the fact that 100-percent ownership is not involved is irrelevant—in many cases, merely partial ownership has been held to violate section 7 because of the "reasonable probability—which the Court reaffirmed as the appropriate test—that competition would be

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[1] *U.S.* v. *Aluminum Co. of America* (148 F. 2d 416, 429 (2d Cir. 1945).

[2] Not supplied.

lessened. Strikingly parallel situation, Benrus Watch Co. was enjoined from voting a 24-percent stock interest in Hamilton Watch Co. (*see Hamilton Watch Co.* v. *Benrus Watch Co.*, 114 F. Supp. 307 (D., Conn.), aff'd, 206 F. 2d 738 (2d Cir. 1953).) The requisition of this stock by a competitor was held to result in a danger of a lessening of competition. Benrus right to elect just one director was held to give Benrus an opportunity "to persuade or to compel a relaxation of the full vigor of Hamilton's competitive effort." And that referred to just one director—here, A.T. & T. will be able to have three.

For these reasons I believe my amendment should be considered upon its merits, and be added to the bill.

CALIFORNIA COUNCIL OF GROWERS DENY INTENT TO SUE SECRETARY GOLDBERG

Mr. WILLIAMS of New Jersey. Mr. President, I am very happy to inform the Senate that the California Council of Growers is not contemplating a suit against Secretary of Labor Arthur Goldberg as the Washington Post indicated 3 weeks ago. Many of us were very disturbed 3 weeks ago to read that the growers intended to initiate legal action against the Secretary contending that he had no right to set a minimum wage for braceros in California. Several of us associated ourselves with the Secretary's action; I remember our discussion of the contemplated suit and our support for the Secretary at that time.

I received a letter from the California Council of Growers providing unique evidence that they were not and are not contemplating such a suit. I am pleased to find then that Secretary Goldberg's reputation for fairness and ability has spread all over the country; it is entirely deserved. In what is perhaps an unusual type of tribute to the Secretary, therefore, I ask unanimous consent that the July 17 story in the Washington Post headlined "Goldberg May Face Suit on Farm Wage," together with the Council of California Growers letter to me disclaiming any such intent, be printed at this point in the RECORD.

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

COUNCIL OF CALIFORNIA GROWERS,
San Francisco, Calif., July 23 1962.

Hon. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: On page 13897 of the CONGRESSIONAL RECORD dated July 17, 1962, there appears a statement entered by yourself concerning, "the threatened legal action against Secretary of Labor Arthur J. Goldberg by the Council of California Growers."

On behalf of the council, I wish to advise you that the Council of California Growers is not planning any such legal action against Secretary of Labor Goldberg, nor does the council intend to bring any such legal action against Secretary Goldberg in the future.

The Council of California Growers is strictly a public relations and news reporting organization for California agriculture. As such, it is in no way engaged in the filing or prosecution of legal action as you have stated in the CONGRESSIONAL RECORD. Nor is the Council engaged in any other activity relating to farm labor matters with the single exception of performing a news and information disseminating service to—and on behalf of—California agriculture in general.

I would also like to point out that the council's public relations and news disseminating activities are by no means restricted to the subject of farm labor. The council was established for the express purpose of establishing a two-way communications system to—and from—California agriculture. This communications system was established so that (1) information relating to any and all phases of California agriculture could be made known to individual farmers throughout California, and (2) so that the general public could become better informed on the various matters related to California agriculture—our State's most vital industry.

In view of these facts, we respectfully request that the CONGRESSIONAL RECORD be corrected at the earliest possible opportunity and that said correction make it absolutely clear that the Council of California Growers is not bringing about, nor "threatening" legal action against Secretary of Labor Goldberg as was indicated in your entry of July 17, 1962.

Sincerely,

O. W. FILLERUP,
Executive Vice President.

GOLDBERG MAY FACE SUIT ON FARM WAGE

(By Harry Bernstein)

LOS ANGELES—Secretary of Labor Arthur J. Goldberg may be faced soon with legal action by California growers who charge he has illegally imposed a minimum wage for farm workers.

The planned legal action and other grower activities protesting Government moves in the farm labor situation is regarded as an indication that the growers now regard their key battle as one with the Department of Labor rather than with attempts to unionize agricultural workers.

Two years ago, the growers were spending most of their time and money put into their associations in a fight against unionization.

Now, one grower representative said, the center of the battle has become concentrated in protests against Government actions that have limited the use of imported Mexican farmworkers (braceros) and set minimum wages for braceros that "mean a minimum for domestic (American) too."

A $1 MINIMUM IS SET

Goldberg, last March 29, after a series of hearings around the Nation, said no braceros could be hired at a rate below $1 in California. Rates in other States ranged from 60 cents in Arkansas to the $1 figure for 16 States.

Anything less, he said, would adversely affect the wages and working conditions of domestic farmworkers.

The growers, according to Jack Miller, head of the Agricultural Producers Labor Committee, contend that Goldberg has no legal right to fix the minimum wage rate since Congress has refused to include farmworkers in the Federal minimum-wage law.

While the growers now seem unconcerned about the union organizing campaign, union leaders say the campaign is far from over.

The AFL–CIO in late 1960 established the Agricultural Workers Organizing Committee, which, along with the United Packinghouse Workers, made a major attempt to organize farmworkers in Imperial Valley, near the Mexican border.

IMPROVEMENTS REPORTED

A series of strikes there, union spokesmen contend, helped improve wages and working conditions, but no union contracts were signed.

Officials of both the Eisenhower and Kennedy administrations have decried what is called the "plight of the forgotten Americans," the farmworkers who now average about $900 a year.

The Government has partially supported union contentions that the use of braceros is almost automatically harmful to domestic workers.

A spokesman for the privately run emergency committee to aid farmworkers here, said "the public will not permit any further extensions of Public Law 78 (the bracero program) because as long as braceros are so easily available, growers are doing almost nothing to provide wages and working conditions which would insure a stable domestic work force."

HIGHEST FARM WAGES

The committee, which includes such men as poet Carl Sandburg and author John Steinbeck, "wants the same kind of programing now used to help braceros to be utilized for American workers," the spokesman said.

The Council of California Growers points out that farm wages in this State are the highest in the Nation (averaging $1.25 an hour), and the council emphasized that the law does not permit growers to hire braceros unless there is a shortage of domestic workers.

The Department of Labor says that in the past this provision has been inadequately enforced, but additional appropriations are being sought to make more vigorous enforcement of the law possible.

Miller, speaking for the growers' labor committee, said the $1 minimum in California is resulting in "the creation of a feeling among many domestic workers that they don't have to work as hard, that they will get their $1 even if they don't produce."

RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate this evening, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 8 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Friday, August 17, 1962, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 16 (legislative day of August 14), 1962:

DIPLOMATIC AND FOREIGN SERVICE

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

U.S. CIRCUIT JUDGE

Carl E. McGowan, of Illinois, to be U.S. circuit judge for the District of Columbia circuit, vice Henry W. Edgerton, retiring.

IN THE AIR FORCE

Gen. Lauris Norstad, 25A (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of general, under the provisions of section 8962, title 10, of the United States Code.

Lt. Gen. John P. McConnell, 611A (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President in the rank of general, under the provisions of section 8066, title 10, of the United States Code.

Maj. Gen. Joseph J. Nazzaro, 124A (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President in the rank of lieutenant

general, under the provisions of section 8066, title 10, of the United States Code.

The following-named officers for temporary appointment in the U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code:

To be major generals

Brig. Gen. Jack N. Donohew, 1319A, Regular Air Force.

Brig. Gen. Paul T. Preuss, 1407A, Regular Air Force.

Brig. Gen. Maurice C. Harlan, 18858A (colonel, Regular Air Force, Dental), U.S. Air Force.

Brig. Gen. Robert P. Taylor, 18737A (colonel, Regular Air Force, Chaplain), U.S. Air Force.

To be brigadier generals

Col. Michael J. Ingelido, 4295A, Regular Air Force.

Col. Edwin R. Chess, 55101A (lieutenant colonel, Regular Air Force, Chaplain), U.S. Air Force.

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 16, 1962

The House met at 12 o'clock noon.

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

Psalm 36: 7: *How excellent is Thy loving-kindness, O God; therefore the children of men put their trust under the shadow of Thy wings.*

O God of all grace, Thou knowest how greatly we need a more vivid sense of Thy living presence to keep our minds and hearts aglow with the light of Thy divine wisdom and love.

We humbly acknowledge that we are frequently confused and confounded by conditions and circumstances which are so very dark and difficult.

Grant that Thou wilt manifest Thy loving-kindness to all whose days and nights are a litany of doubt and despondency and show us how we may kindle within them the spirit of heroic faith and hope as they look and wait wistfully for the dawning of a better day.

Hear us in His name who is our shield and shelter both now and forever. Amen.

THE JOURNAL

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

THE REPUBLIC OF CYPRUS—ITS INDEPENDENCE DAY

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. RYAN of New York. Mr. Speaker, the small island of Cyprus in the eastern Mediterranean is one of the oldest inhabited islands in the ancient world. Today it is one of the newest independent and sovereign states in the Middle East.

In ancient and medieval times the clever and enterprising seafaring Greek merchants of the island had enjoyed a considerable measure of freedom. In early modern times, when they became subjects of Ottoman sultans, they lost much of their freedom. In the course of some 300 years of Turkish rule tens of thousands of Turks settled in Cyprus, who since the turn of this century have constituted about one-fourth of its 560,000 inhabitants. Late in the 19th century Cyprus became a British protectorate. They longed for their independence. In August 1960, the Greek and Turkish Cypriots finally, after years of bitter strife, agreed to live together on the island in peace, and with that understanding, Britain granted the inhabitants of Cyprus freedom and independence. On August 16, 2 years ago, the Republic of Cyprus was proclaimed. On the second anniversary of that event I greet the citizens of Cyprus as our friends and allies in our struggle for peace and democracy.

APPOINTMENT OF JUDGES IN THE DISTRICT OF COLUMBIA

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 3428) relating to the appointment of judges to the municipal court for the District of Columbia, the municipal court of appeals for the District of Columbia, and the juvenile court of the District of Columbia and ask unanimous consent that it be considered in the House as in Committee of the Whole.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of the first section of the Act entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia', to create 'The Municipal Court of Appeals for the District of Columbia', and for other purposes", approved April 1, 1942 (56 Stat. 190; D.C. Code, sec. 11–752), as amended, is amended to read as follows: "The court shall consist of a chief judge and fifteen associate judges appointed by the President with the advice and consent of the Senate."

(b) The third sentence of section 6 of such Act, as amended (D.C. Code, sec. 11–771), is amended to read as follows: "The said court shall consist of a chief judge and two associate judges appointed by the President with the advice and consent of the Senate, two of whom shall constitute a quorum."

SEC. 2. (a) Subsection (a) of section 19 of the Juvenile Court Act of the District of Columbia, approved June 1, 1938 (52 Stat. 601; D.C. Code, sec. 11–920), as amended, is amended by striking out "three judges" and inserting in lieu thereof the following: "a chief judge and two associate judges".

(b) Subsection (c) of section 19 of such Act is amended by striking out the first sentence thereof.

SEC. 3. Nothing contained in any amendment made by this Act shall be construed as affecting any appointment or designation as a judge or chief judge of the municipal court for the District of Columbia, the municipal court of appeals for the District of Columbia, or the juvenile court of the District of Columbia made prior to the date of enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a statement of the purposes of the bill and also a letter from Deputy Attorney General Katzenbach relative to the bill.

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

There was no objection.

Mr. DOWDY. Mr. Speaker, the purpose of this bill is to remove any existing ambiguity concerning the power of appointment of chief judges for the municipal court of appeals, for the municipal court, and for the juvenile court of the District of Columbia by amending existing law to provide clearly that such chief judges shall be appointed by the President with the advice and consent of the Senate.

In 1942, the Congress enacted Public Law 512 to establish the present municipal court and the municipal court of appeals for the District of Columbia. This act also provided for a new position of chief judge for each of these courts. The House bill, H.R. 5784, 77th Congress, carried language which clearly provided that such chief judges of those courts were to be appointed by the President with the advice and consent of the Senate.

That bill, as introduced, provided as follows concerning the municipal court:

> The court shall consist of a chief judge and nine associate judges appointed by the President with the advice and consent of the Senate.

In relation to the municipal court of appeals, section 6(a) of the House bill provided as follows:

> The municipal court of appeals shall consist of a chief judge and two associate judges appointed by the President, with the advice and consent of the Senate.

When this bill was considered by the Senate, the text of the bill was revised language provided as to both courts that the judges be "appointed by the President with the advice and consent of the Senate, one of whom shall be designated by the President as chief judge."

During the intervening years, appointments of chief judges have been made "with the advice and consent of the Senate." On October 1, 1961, the Justice Department advised the Senate Committee on the District of Columbia of its intention to depart from the established procedure and to appoint a chief judge for the municipal court of appeals by designating the Honorable Andrew Hood, associate judge of the municipal court of appeals, to be chief judge without submitting the designation to the Senate for approval.

The Senate Committee on the District of Columbia thereafter made a careful study of the existing law and found no legislative intent that the appointment of chief judges be exempt from Senate confirmation. However,